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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15990.3] (Division 3 added by Stats. 1945, Ch. 111.)

PART 2.5. AGENCIES [12800 - 12896] (Part 2.5 added by Stats. 1961, Ch. 2037.)

CHAPTER 1. Administration [12800 - 12838.13] (Chapter 1 added by Stats. 1961, Ch. 2037.)

12800. (a) There are in the state government the following agencies: Business, Consumer Services, and Housing; Transportation; California Environmental Protection; California Health and Human Services; Labor and Workforce Development; Natural Resources; Government Operations; and Corrections and Rehabilitation.

(b) The secretary of an agency shall be generally responsible for the sound fiscal management of each department, office, or other unit within the agency. The secretary shall review and approve the proposed budget of each department, office, or other unit. The secretary shall hold the head of each department, office, or other unit responsible for management control over the administrative, fiscal, and program performance of his or her department, office, or other unit. The secretary shall review the operations and evaluate the performance at appropriate intervals of each department, office, or other unit, and shall seek continually to improve the organization structure, the operating policies, and the management information systems of each department, office, or other unit.

(Amended by Stats. 2012, Ch. 147, Sec. 11. (SB 1039) Effective January 1, 2013. Operative July 1, 2013, by Sec. 23 of Ch. 147.)

12801. Each agency is under the supervision of an executive officer known as the secretary. Each secretary shall be appointed by, and hold office at the pleasure of, the Governor. The appointment of each secretary is subject to confirmation by the Senate. The annual salary of each secretary is provided for by Chapter 6 (commencing with Section 11550) of Part 1.

(Amended by Stats. 1982, Ch. 454, Sec. 44.)

12802. (a) The Natural Resources Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction previously vested in the Resources Agency.

(b) The Secretary of the Natural Resources Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction previously vested in the Secretary of the Resources Agency.

(Added by Stats. 2008, Ch. 205, Sec. 2. Effective January 1, 2009.)

12802.5. The Governor may, with respect to the Resources Agency, appoint an Assistant Secretary for Energy Matters who may serve as Secretary for Resources designee on the Energy Resources Conservation and Development Commission and an Assistant Secretary for Coastal Matters who may serve as Secretary for Resources designee on the State Coastal Commission.

(Added by Stats. 1977, Ch. 660.)

12802.8. (a) The Governor may, with respect to the Transportation Agency, appoint a Deputy Secretary of Housing Coordination, who shall serve as the secretary's primary advisor on housing matters, including, but not limited to, sustainable growth policy matters, and other strategies to achieve the state's greenhouse gas emission reduction objectives as it pertains to those housing matters.

The Deputy Secretary of Housing Coordination shall hold office at the pleasure of the Governor and shall receive a salary as shall be fixed by the Governor with the approval of the Department of Finance.

(b) The Governor, upon the recommendation of the Secretary of Transportation, may appoint up to four deputies for the secretary.

(Amended by Stats. 2013, Ch. 353, Sec. 80. (SB 820) Effective September 26, 2013. Operative July 1, 2013, by Sec. 129 of Ch. 353.)

12802.10. (a) For purposes of this section, the following terms have the following meanings:

(1) "Critically underserved community" has the same meaning as defined in Section 5642 of the Public Resources Code.

(2) "Disadvantaged community" means a community identified pursuant to Section 39711 of the Health and Safety Code or pursuant to Section 75005 of the Public Resources Code.

(3) "Multiple benefits" includes, but is not limited to, a decrease in air and water pollution or a reduction in the consumption of natural resources and energy, including, but not limited to, the establishment and enhancement of projects listed in subdivision (e).

(4) "Secretary" means the Secretary of the Natural Resources Agency.

(5) "Special district" means an agency of the state, formed pursuant to general law or a special act, for the performance of governmental or proprietary functions, with limited geographic boundaries, including, but not limited to, a school district and a community college district.

(b) To support the development of sustainable communities, the secretary shall manage and award financial assistance, for the preparation and implementation of green infrastructure projects that reduce greenhouse gas emissions and provide multiple benefits, to any of the following:

(1) A city.

(2) A county.

(3) A special district.

(4) A nonprofit organization.

(5) An agency or entity formed pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) if at least one of the parties to the joint powers agreement qualifies as an eligible applicant, notwithstanding the Joint Exercise of Powers Act.

(c) Moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8, shall be available, upon appropriation by the Legislature, for allocation by the secretary pursuant to this section.

(d) The secretary shall develop minimum requirements for awarding moneys for eligible projects pursuant to this section. Those requirements shall require a project, in addition to reducing greenhouse gas emissions, to do at least one of the following:

(1) Acquire, create, enhance, or expand community parks and green spaces.

(2) Use natural systems or systems that mimic natural systems to achieve multiple benefits.

(e) The multiple benefits of a project may include, but are not limited to, the establishment or enhancement of at least two of the following:

(1) The greening of existing public lands and structures, including schools.

(2) Multiobjective stormwater projects, including the construction of permeable surfaces and collection basins and barriers.

(3) Green streets and alleys that integrate green infrastructure elements into the street or alley design, including permeable surfaces, bioswales, and trees.

(4) Urban heat island mitigation and energy conservation efforts through greening, including green roof projects.

(5) Nonmotorized urban trails that provide safe routes for both recreation and travel between residences, workplaces, commercial centers, and schools.

(6) Tree canopy.

(7) Wetlands.

(8) Neighborhood, city, regional, or county parks and open space.

(9) Climate resilience and adaptation of urban areas that reduce vulnerability to climate impacts and improve the ability of natural systems to buffer the impacts of climate change.

(10) Economic, social, and health benefits, including, but not limited to, recreational opportunities, workforce education and training, contracting, and job opportunities for disadvantaged communities.

(f) The secretary shall give additional consideration to awarding moneys for a project pursuant to this section that meets at least two of the following criteria:

(1) Provides park or recreational benefits to a critically underserved community or disadvantaged community.

(2) Is proposed by a critically underserved community or disadvantaged community.

(3) Develops partnerships with local community organizations and businesses in order to strengthen outreach to disadvantaged communities, provides access to quality jobs for residents of disadvantaged communities, or provides access to workforce education and training.

(4) Uses interagency cooperation and integration.

(5) Uses existing public lands and facilitates the use of public resources and investments, including schools.

(g) The secretary shall allocate at least 75 percent of the moneys available for the purposes of this section to projects that are located in, and that provide benefits to, disadvantaged communities.

(h) In implementing this section, the secretary shall maximize the expenditure of funds made available pursuant to the Statewide Park Development and Community Revitalization Act of 2008 (Chapter 3.3 (commencing with Section 5640) of Division 5 of the Public Resources Code).

(i) The secretary shall hold at least two public hearings to gather public input on program development before establishing the program guidelines and selection criteria. The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1) does not apply to the development and adoption of guidelines and selection criteria adopted pursuant to this section.

(Amended by Stats. 2022, Ch. 60, Sec. 24. (AB 203) Effective June 30, 2022.)

12803. (a) The California Health and Human Services Agency consists of the following departments: Aging; Community Services and Development; Developmental Services; Health Care Services; Managed Health Care; Public Health; Rehabilitation; Social Services; and State Hospitals.

(b) The agency also includes the Center for Data Insights and Innovation, the Emergency Medical Services Authority, the Office of Statewide Health Planning and Development, the Office of Technology and Solutions Integration, the Office of Law Enforcement Support, the Office of the Surgeon General, the Office of Youth and Community Restoration, and the State Council on Developmental Disabilities.

(c) The Department of Child Support Services is hereby created within the agency and is the single organizational unit designated as the state's Title IV-D agency with the responsibility for administering the state plan and providing services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations as required by Section 654 of Title 42 of the United States Code. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements.

(d) This section shall become operative on July 1, 2021.

(Amended by Stats. 2023, Ch. 43, Sec. 13. (AB 120) Effective July 10, 2023.)

12803.2. (a) The Government Operations Agency shall consist of all of the following:

(1) The Office of Administrative Law.

(2) The Public Employees' Retirement System.

(3) The State Teachers' Retirement System.

(4) The State Personnel Board.

(5) The California Victim Compensation Board.

(6) The Department of General Services.

(7) The Department of Technology.

(8) The Franchise Tax Board.

(9) The Department of Human Resources.

(10) The California Department of Tax and Fee Administration.

(11) The Office of Data and Innovation, effective July 1, 2023.

(b) The Government Operations Agency shall include the Department of FISCAL upon the acceptance of the Financial Information System for California (FISCAL) by the state, as determined by the Director of Finance, pursuant to Section 11890.

(c) The Government Operations Agency shall be governed by the Secretary of Government Operations pursuant to Section 12801. However, the Director of Human Resources shall report directly to the Governor on issues relating to labor relations.

(d) The Governor, upon the recommendation of the Secretary of Government Operations, may appoint up to three deputies for the secretary.

(Amended by Stats. 2022, Ch. 569, Sec. 30. (AB 156) Effective September 27, 2022.)

12803.3. (a) For purposes of this section, the following definitions shall apply:

(1) "Director" means the Director of the Office of Technology and Solutions Integration.

(2) "Office" means the Office of Technology and Solutions Integration.

(3) "Services" means all functions, responsibilities, and services deemed to be functions, responsibilities, and services of the Systems Integration Division, also known as Systems Management Services, of the California Health and Human Services Agency Data Center, as determined by the Secretary of California Health and Human Services.

(b) (1) The Systems Integration Division of the California Health and Human Services Agency Data Center is hereby transferred to the California Health and Human Services Agency and shall be known as the Office of Technology and Solutions Integration. The Office of Technology and Solutions Integration shall be the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Systems Integration Division of the California Health and Human Services Agency Data Center.

(2) Notwithstanding any other law, all services of the Systems Integration Division of the California Health and Human Services Agency Data Center shall become the services of the Office of Technology and Solutions Integration.

(c) The office shall be under the supervision of a director, known as the Director of the Office of Technology and Solutions Integration, who shall be appointed by, and serve at the pleasure of, the Secretary of California Health and Human Services.

(d) No contract, lease, license, or any other agreement to which the California Health and Human Services Data Center is a party on the date of the transfer as described in paragraph (1) of subdivision (b) shall be void or voidable by reason of this section, but shall continue in full force and effect. The office shall assume from the California Health and Human Services Data Center all of the rights, obligations, and duties of the Systems Integration Division. This assumption of rights, obligations, and duties shall not affect the rights of the parties to the contract, lease, license, or agreement.

(e) All books, documents, records, and property of the Systems Integration Division shall be in the possession and under the control of the office.

(f) All officers and employees of the Systems Integration Division shall be designated as officers and employees of the agency. The status, position, and rights of any officer or employee shall not be affected by this designation and all officers and employees shall be retained by the agency pursuant to the applicable provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to any position that is exempt from civil service.

(g) (1) All contracts, leases, licenses, or any other agreements to which the California Health and Human Services Data Center is a party regarding any of the following are hereby assigned from the California Health and Human Services Data Center to the office:

(A) Statewide Automated Welfare System (SAWS).

(B) Child Welfare Services/Case Management System (CWS/CMS).

(C) Electronic Benefit Transfer (EBT).

(D) Case Management Information Payrolling System (CMIPS).

(2) All other contracts, leases, or agreements necessary or related to the operation of the Systems Integration Division of the California Health and Human Services Data Center are hereby assigned from the California Health and Human Services Data Center to the office.

(h) It is the intent of the Legislature that the transfer of the Systems Integration Division of the California Health and Human Services Agency Data Center pursuant to this section shall be retroactive to the passage and enactment of the Budget Act of 2005 and that

existing employees of the Systems Integration Division of the California Health and Human Services Agency Data Center and the newly established Office of Technology and Solutions Integration shall not be negatively impacted by the reorganization and transfer conducted pursuant to this section.

(i) It is the intent of the Legislature to review fully implemented information technology projects managed by the office to assess the viability of placing the management responsibility for those projects in the respective program department.

(j) On or before April 1, 2006, the Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee the date that the administration shall conduct an assessment for each of the projects managed by the office. The California Health and Human Services Agency, the California Health and Human Services Agency Data Center, or its successor, the State Department of Social Services, and the office shall provide to the Department of Finance all information and analysis the Department of Finance deems necessary to conduct the assessment required by this section. Each assessment shall consider the costs, benefits, and any associated risks of maintaining the project management responsibility in the office and of moving the project management responsibility to its respective program department.

(Amended by Stats. 2023, Ch. 43, Sec. 14. (AB 120) Effective July 10, 2023.)

12803.35. (a) There is hereby established in the State Treasury, the California Health and Human Services Automation Fund. The moneys in the fund shall be available upon appropriation by the Legislature for expenditure by the Office of Technology and Solutions Integration, established pursuant to Section 12803.3, for support of that office.

(b) The fund shall consist of the following:

(1) All moneys appropriated to the fund in accordance with law.

(2) The balance of all moneys available for expenditure by the Systems Integration Division of the Office of Technology Services.

(3) An amount of funding transferred from the Department of Technology Services Revolving Fund to this fund determined by the Department of Finance.

(4) Funds appropriated to the State Department of Social Services in the annual Budget Act for the management, including, as needed, procurement, design, development, testing, implementation, oversight, and maintenance, of the following projects shall be transferred to this fund upon order of the Department of Finance:

(A) Statewide Automated Welfare System (SAWS), including Statewide Project Management, WCDS, C-IV, LEADER, LRS, and the migration of C-IV to LRS pursuant to Section 10823 of the Welfare and Institutions Code, as amended by Section 9 of Chapter 13 of the First Extraordinary Session of the Statutes of 2011.

(B) Child Welfare Services/Case Management System (CWS/CMS).

(C) Child Welfare Services/Case Management System (CWS/CMS) new system project.

(D) Electronic Benefit Transfer (EBT).

(E) Case Management Information Payrolling System (CMIPS) Reprourement.

(F) Welfare Data Tracking Implementation Project (WDTIP).

(5) Funds appropriated to the Department of Health Care Services and the Managed Risk Medical Insurance Board in the annual Budget Act for the management, including procurement, design, development, testing, implementation, oversight, and maintenance, of the California Healthcare Eligibility, Enrollment, and Retention System shall be transferred to the fund from the Department of Finance.

(6) Funds from the California Health Benefit Exchange may be transferred upon order of the Department of Finance pursuant to an interagency agreement between the California Health Benefit Exchange and the Office of Technology and Solutions Integration to support the California Healthcare Eligibility, Enrollment, and Retention System.

(c) Notwithstanding any other law, the Director of Finance may authorize a loan from the General Fund to the California Health and Human Services Automation Fund, in an amount not to exceed two hundred million dollars (\$200,000,000), if all of the following requirements are met:

(1) The loan is to meet cash needs resulting from the delay in receipt of reimbursements for services provided.

(2) The loan is short term and is repaid by October 31 of the fiscal year following the year in which the loan was authorized.

(3) The Office of Technology and Solutions Integration frontloads payments from contracts to the extent possible to minimize need for General Fund loans.

(4) Interest charges may be waived pursuant to subdivision (e) of Section 16314.

(5) The Director of Finance shall not approve the loan unless the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the committees in each house of the Legislature that consider appropriations not later than 30 days prior to the effective date of the approval, or not later than whatever lesser time prior to that effective date that the chairperson of the joint committee, or the chairperson's designee, may determine.

(Amended by Stats. 2023, Ch. 43, Sec. 15. (AB 120) Effective July 10, 2023.)

12803.4. The Secretary of the California Health and Human Services Agency shall evaluate, on or before April 1, 2006, how the use of established state and federal programs and databases may be optimized in order to facilitate the automatic enrollment of eligible customers into the California Alternate Rates for Energy or CARE program established pursuant to Section 739.1 of the Public Utilities Code, while complying with state and federal privacy laws.

(Added by Stats. 2005, Ch. 662, Sec. 2. Effective January 1, 2006.)

12803.5. The Governor, upon recommendation of the Secretary of the Health and Welfare Agency, may appoint not to exceed two deputies for the secretary.

(Amended by Stats. 1978, Ch. 432.)

12803.6. (a) The Governor shall authorize the Secretary of the Labor and Workforce Development Agency, in collaboration with the secretary of the California Health and Human Services Agency, to make available the expertise of state employees and programs to support the employment-related needs of individuals with disabilities. Using existing resources, the agencies shall develop a sustainable, comprehensive strategy to do all of the following:

(1) Bring individuals with disabilities into gainful employment at a rate that is as close as possible to that of the general population.

(2) Support the goals of equality of opportunity, full participation, independent living, and economic self-sufficiency for these individuals.

(3) Ensure that state government is a model employer of individuals with disabilities.

(4) Support state coordination with, and participation in, benefits planning training and information dissemination projects supported by private foundations and federal grants.

(b) The Labor and Workforce Development Agency shall monitor and enforce implementation of Section 188 of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2938).

(Amended by Stats. 2011, Ch. 31, Sec. 4. (AB 119) Effective June 29, 2011. Operative January 1, 2012, by Sec. 20 of Ch. 31.)

12803.65. (a) The Governor shall rename and establish, in the California Health and Human Services Agency, Department of Rehabilitation, the existing "California Governor's Committee on Employment of People with Disabilities" as the "California Committee on Employment of People with Disabilities."

(b) (1) The California Committee on Employment of People with Disabilities shall include, but not be limited to, the following:

(A) Four individuals with disabilities representing disabled persons, one each appointed by the Senate Committee on Rules and the Speaker of the Assembly and two appointed by the Secretary of California Health and Human Services, each for a three-year term.

(B) The Directors of the Employment Development Department, State Department of Health Care Services, State Department of Developmental Services, State Department of Social Services, and Department of Rehabilitation, and the Chair of the State Independent Living Council.

(C) A representative from the California Health Incentive Improvement Project.

(D) A representative from the California Workforce Investment Board who is nominated by that board.

(E) At the discretion of the Secretary of California Health and Human Services, representatives from any other department or program that may have a role in increasing the capacity of state programs to support the employment-related needs of individuals with disabilities.

(F) A representative from a local one-stop or local workforce investment board, to be nominated by the California Workforce Investment Board.

(G) Three business representatives with experience in employing persons with disabilities, to be appointed by the Secretary of California Health and Human Services.

(2) The members of the California Committee on Employment of People with Disabilities shall select a chair from among the members, and shall hold open meetings no less than four times a year.

(c) The California Committee on Employment of People with Disabilities shall consult with and advise the Labor and Workforce Development Agency and the California Health and Human Services Agency on all issues related to full inclusion in the workforce of persons with disabilities, including development of the comprehensive strategy required pursuant to Section 12803.6.

(d) The California Committee on Employment of People with Disabilities shall coordinate and provide leadership, as necessary, with regard to efforts to increase inclusion in the workforce of persons with disabilities, including, but not limited to, one annual event for youth with disabilities, to the extent funding is available.

(e) The California Committee on Employment of People with Disabilities shall meet four times a year with the California Health Incentive Improvement Project and the project's steering committee, to the extent funding for the project continues and the activities of the California Committee on Employment of People with Disabilities are not inconsistent with the charge of the California Health Incentive Improvement Project.

(f) Using existing funding, the California Committee on Employment of People with Disabilities shall facilitate, promote, and coordinate collaborative dissemination of information on employment supports and benefits, which shall include the Ticket to Work program and health benefits, to individuals with disabilities, consumers of public services, employers, service providers, and state and local agency staff.

(g) Using existing funding, the California Committee on Employment of People with Disabilities shall receive primary administrative and staff support from the Department of Rehabilitation, subject to funding from the Employment Development Department.

(Amended by Stats. 2012, Ch. 438, Sec. 3. (AB 1468) Effective September 22, 2012.)

12803.8. The secretary shall provide all possible assistance to any county desiring to integrate or otherwise unify services administered by one or more departments in the Health and Welfare Agency. This assistance shall include, but not be limited to, the provision of technical assistance, modification or waiving of administrative regulations, and supporting legislation to modify statutory requirements impeding the integration of services.

The directors of departments within the Health and Welfare Agency shall cooperate with the secretary in assisting the counties to achieve the integration of health, social service, and other programs. At the request of the secretary, the directors of departments shall make available all reasonable resources necessary to meet the legislative intent of integrating these services at the local level.

(Added by Stats. 1977, Ch. 1252.)

12804. (a) There is in the state government the Business, Consumer Services, and Housing Agency.

(b) The Business, Consumer Services, and Housing Agency shall consist of the following: the Department of Consumer Affairs, the Department of Real Estate, the Department of Housing and Community Development, the California Housing Finance Agency, the Civil Rights Department, the Department of Financial Protection and Innovation, the Department of Alcoholic Beverage Control, the Alcoholic Beverage Control Appeals Board, the California Horse Racing Board, the Department of Cannabis Control, and the Cannabis Control Appeals Panel.

(c) This section shall become operative on July 1, 2018.

(Amended by Stats. 2023, Ch. 40, Sec. 1. (AB 129) Effective July 10, 2023.)

12804.5. The Secretary of Business, Consumer Services, and Housing is hereby authorized to develop programs for technical and fiscal assistance to facilitate nonprofit, self-help community vegetable gardens and related supporting activities.

(Amended by Stats. 2012, Ch. 147, Sec. 13. (SB 1039) Effective January 1, 2013. Operative July 1, 2013, by Sec. 23 of Ch. 147.)

12804.7. The Natural Resources Agency succeeds to and is vested with all the duties, powers, purposes, and responsibilities, and jurisdiction vested in the Department of Food and Agriculture by Part 3 (commencing with Section 3801) of Division 3 of the Food and Agricultural Code with respect to the Exposition Park.

12805. (a) The Resources Agency is hereby renamed the Natural Resources Agency. The Natural Resources Agency consists of the departments of Forestry and Fire Protection, Conservation, Fish and Wildlife, Parks and Recreation, and Water Resources; the State Lands Commission; the Colorado River Board; the San Francisco Bay Conservation and Development Commission; the Central Valley Flood Protection Board; the Energy Resources Conservation and Development Commission; the Wildlife Conservation Board; the Delta Protection Commission; Exposition Park; the California Science Center; the California African American Museum; the Native American Heritage Commission; the California Conservation Corps; the California Coastal Commission; the State Coastal Conservancy; the California Tahoe Conservancy; the Santa Monica Mountains Conservancy; the Coachella Valley Mountains Conservancy; the San Joaquin River Conservancy; the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy; the Baldwin Hills Conservancy; the San Diego River Conservancy; and the Sierra Nevada Conservancy.

(b) Existing supplies, forms, insignias, signs, or logos shall not be destroyed or changed as a result of changing the name of the Resources Agency to the Natural Resources Agency, and those materials shall continue to be used until exhausted or unserviceable.

(Amended by Stats. 2018, Ch. 37, Sec. 15. (AB 1817) Effective June 27, 2018.)

12805.1. The Secretary of the Resources Agency shall facilitate coordination between the Department of Fish and Game and the California Coastal Commission in a manner consistent with, and in furtherance of, the goals and policies of Division 20 (commencing with Section 30000) of the Public Resources Code (the California Coastal Act of 1976) and of Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code (the Natural Community Conservation Planning Act).

(Added by Stats. 2000, Ch. 87, Sec. 6. Effective July 5, 2000.)

12805.2. (a) The Resources Agency, in consultation with each department, board, conservancy, and commission within the agency, shall develop and maintain a database of lands and easements that have been acquired by the departments and boards within the Resources Agency. The database shall include, but need not be limited to, all of the following:

- (1) The name of the owner of the land or easement.
- (2) The location of the land or easement.
- (3) The statutory authority for the acquisition of the land or easement.

(b) In conjunction with the database described in subdivision (a), the Resources Agency shall do all of the following:

- (1) On or before September 1, 2002, and each year thereafter, request that all departments, boards, commissions, and conservancies within the Resources Agency provide the Secretary of the Resources Agency with information on any acquisitions of land or funding that was directed to the acquisition of land, undertaken by the department, board, commission, or conservancy.
- (2) To the extent that the information is available, on or before January 10, 2003, and each year thereafter, require that all departments, boards, commissions, and conservancies within the Resources Agency provide the Secretary of the Resources Agency with general information, including a general geographic description of land acquisition priorities and potential funding sources during the next fiscal year.
- (3) To the extent feasible, review and evaluate any available information from federal agencies pertaining to its land acquisition activities to coordinate and better understand the impact on California state proposals.
- (4) Provide a report to the Governor and the Legislature on or before December 31, 2003, and each year thereafter, that does both of the following:
 - (A) Describes the amount of land acquired by each department, board, commission, and conservancy within the Resources Agency during the past year and the amount of money spent for the acquisition.
 - (B) Projects the approximate amount of land that will be acquired by the Resources Agency during the following year.
- (5) Provide the report described in paragraph (4) to the Secretary of Food and Agriculture and the Director of Conservation.
- (6) Establish a uniform open process to ensure that information is readily available to the general public, local, state, and federal agencies, adjacent landowners, and other interested parties of record regarding any state hearings to approve proposed state land acquisitions.

(7) Develop strategies with local, state, and federal agencies so that a revenue stream is established to ensure management plans are adequately funded for all new acquisitions.

(c) This section shall be implemented only during those fiscal years for which funding is provided for the purposes of this section in the annual Budget Act or in another measure.

(Added by Stats. 2002, Ch. 8, Sec. 3. Effective January 1, 2003.)

12805.3. (a) The Secretary of the Natural Resources Agency shall convene a committee to develop and submit to the Governor and the Legislature, before July 1, 2012, a strategic vision for the Department of Fish and Game and the Fish and Game Commission.

(b) The committee members shall include all of the following:

(1) The Secretary of the Natural Resources Agency.

(2) The Director of Fish and Game.

(3) The president of the Fish and Game Commission.

(4) The chair of the State Energy Resources Conservation and Development Commission.

(5) A representative of the University of California.

(6) Representatives of the United States Fish and Wildlife Service and the National Marine Fisheries Service, if they choose to participate.

(c) The strategic vision shall address all of the following matters:

(1) Improving and enhancing capacity of the department and the commission to fulfill their public trust responsibilities to protect and manage the state's fish and wildlife for their ecological values and for the use and benefit of the people of the state.

(2) Comprehensive biodiversity management, including conservation planning and monitoring.

(3) Sustainable ecosystem functions, including terrestrial, freshwater, and marine habitat.

(4) Opportunities for sustainable recreational and commercial harvest of fish and wildlife.

(5) Permitting, regulatory, and enforcement functions.

(6) Science capacity and academic relationships, including strategies to protect and enhance the independence and integrity of the science that forms the basis for department and commission policies and decisions.

(7) Education, communication, and relations with the public, landowners, nonprofit entities, and land management agencies.

(8) Reforms necessary to take on the challenges of the 21st century, including, but not necessarily limited to:

(A) Climate change and adaptation.

(B) Meeting California's future renewable energy needs while protecting sensitive habitat.

(C) The restoration of the state's native fish species.

(D) Implementing and updating the state's Wildlife Action Plan.

(9) The development and deployment of technology to meet the department's mission, including data modeling, collection, and online reporting.

(10) Budget and fiscal development, accounting, and management.

(11) Coordination among state agencies.

(12) Recommendations for institutional or governance changes, including clarification of the roles of the commission and the department.

(13) Strategies for identifying stable funding options to fulfill the mission of the department while reducing dependency on the General Fund.

(14) Other recommendations deemed desirable by the committee.

(d) The committee shall seek input from elected officials, governmental agencies, and interested parties, and shall review existing reports and studies on the functioning of the department and other state models for fish and wildlife governance.

(e) For the purposes of carrying out this section, the committee may also seek input from other policy and resource leaders.

(f) (1) The committee, its members, and state agencies represented on the committee may contract for consultants to assist in the preparation of the strategic vision.

(2) Contracts entered into pursuant to paragraph (1) shall terminate no later than December 31, 2011.

(3) Contracts entered into pursuant to paragraph (1) shall be exempt from Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

(g) The Governor or the committee shall appoint a "blue ribbon" citizen commission or task force, a stakeholder advisory group, and any other group that the Governor or the committee deems necessary or desirable to assist in carrying out this section. A stakeholder advisory group appointed pursuant to this section shall be broadly constructed to represent a diverse range of interests affected by state policies that govern fish and wildlife, including, but not necessarily limited to, persons representing fishing and hunting interests, nonprofit conservation organizations, nonconsumptive recreational users, landowners, scientific and educational interests, and other interests or entities dedicated to habitat conservation and protection of public trust resources. The committee convened pursuant to subdivision (a), in developing the strategic vision, shall take into account the recommendations of any group appointed pursuant to this subdivision.

(h) (1) The requirement for submitting the strategic vision imposed under subdivision (a) is inoperative on January 1, 2015, pursuant to Section 10231.5 of the Government Code, or on the date that the strategic vision is submitted, whichever date is later.

(2) The strategic vision shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2010, Ch. 424, Sec. 1. (AB 2376) Effective January 1, 2011.)

12805.5. (a) The Governor, utilizing the staff and resources of state agencies, shall transmit to the Legislature, not later than March 15 of each year, an environmental report designated as the "Environmental Report of the Governor" setting forth all of the following:

(1) A review of environmental developments during the preceding calendar year, including trends in air quality, water quality, solid waste, the generation and disposal of hazardous waste, population growth, the growth in number of vehicles, depletion of natural resources, and other indicators of environmental quality and pollution.

(2) Forecasts of trends in major indicators of environmental quality, resource depletion, and pollution.

(3) Insofar as possible within existing resources, an evaluation of the economic and human health costs of resource depletion, pollution, and changes in environmental quality.

(4) Additional material on the California environment that is pertinent and of interest, with historical analysis and future projections whenever possible.

(5) Summaries of state policies and actions that relate to environmental developments and trends.

(6) A status update on the California Environmental Technology Program established pursuant to Section 12812.5.

(b) In conjunction with the environmental report, the Governor shall present an environmental message reviewing significant environmental achievements of the past year, outlining problem areas, and defining environmental policy, and shall make recommendations as may be appropriate for programs to decrease pollution, improve environmental quality, and protect natural resources.

(Amended by Stats. 1993, Ch. 1306, Sec. 2. Effective October 11, 1993.)

12805.6. The Resources Agency shall identify, for future conservation, key buffer properties adjacent to large ecologically valuable working landscapes that provide significant economic benefits to the state, such as active military or National Guard properties,

whose future viability could be threatened by encroachment of incompatible land use activities. An acquisition of a land or conservation easement on property identified pursuant to this section shall occur with a willing seller.

(Added by Stats. 2006, Ch. 77, Sec. 6. Effective July 18, 2006.)

12805.9. (a) On or before April 1, 2022, and annually thereafter on April 1 of each year until April 1, 2026, the Natural Resources Agency shall develop a report on all programs related to wildfires and forest resilience funded pursuant to the Budget Act of 2020 and the Budget Act of 2021 for the purpose of informing the Legislature and the public on the agency's implementation of the funded programs.

(b) In developing the report required pursuant to subdivision (a), the Natural Resources Agency shall consult with the departments, boards, conservancies, and commissions within the agency, as well as any other state government entities the agency deems appropriate.

(c) The Natural Resources Agency shall include in the report required pursuant to subdivision (a), for each program funded pursuant to the Budget Act of 2020 and the Budget Act of 2021, all of the following:

(1) The amount of funding committed to the program and the amount of funding spent on the program from the Budget Act of 2020 and the Budget Act of 2021 for the prior fiscal year.

(2) The total amount of funding committed to the program and the total amount of funding spent on the program from the Budget Act of 2020 and the Budget Act of 2021 through the current fiscal year.

(3) A summary of the projects implemented by the program, including all of the following:

(A) The number of projects for which funding has been committed, as well as the number of projects completed.

(B) The geographic distribution of projects funded by county and region, including the number of projects and the average project cost per county and region. The Natural Resources Agency shall establish regions, as appropriate, for purposes of the report.

(C) The criteria used to prioritize and select the projects that received funding.

(d) The Natural Resources Agency shall, on or before April 1, 2022, and annually thereafter on April 1 of each year until April 1, 2026, do all of the following:

(1) Publish the report required pursuant to subdivision (a) on its internet website.

(2) Submit the report required pursuant to subdivision (a) to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget.

(3) Submit the report required pursuant to subdivision (a) to the Legislative Analyst's Office.

(e) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Added by Stats. 2021, Ch. 258, Sec. 3. (SB 155) Effective September 23, 2021. Repealed as of January 1, 2027, by its own provisions.)

12806. (a) The California Health and Human Services Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Health and Welfare Agency.

(b) The Secretary of the California Health and Human Services Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Secretary of the Health and Welfare Agency.

(Repealed and added by Stats. 1998, Ch. 817, Sec. 4. Effective January 1, 1999.)

12807. (a) The Resources Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Health and Welfare Agency in respect to the Office of Atomic Energy Development and Radiation Protection, which, by Section 12803, is renamed the Office of Nuclear Energy and transferred to the Resources Agency.

The Secretary of the Resources Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Administrator of the Health and Welfare Agency in respect to the Office of Atomic Energy Development and Radiation Protection.

(b) Any reference to the Health and Welfare Agency or to the administrator of that agency in any law pertaining to the Office of Atomic Energy Development and Radiation Protection or the Office of Nuclear Energy shall be considered a reference to the Resources Agency or to the Secretary of the Resources Agency, as the case may be, unless the context otherwise requires.

(Added by Stats. 1969, Ch. 138.)

12807.5. The Secretary of the Resources Agency, in reviewing projects pursuant to Sections 5096.87 and 5096.128 of the Public Resources Code, shall consider the arborescent prototype park project of the Southgate Recreation and Park District in Sacramento County.

It is the intent of the Legislature that, if the secretary deems that project to be among projects of highest priority and there are insufficient moneys available under the Z'berg-Collier Park Bond Act and the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 to fund a one hundred seventy-two thousand dollar (\$172,000) grant to the district for that project, any deficiency in that grant be made from other available sources.

(Amended by Stats. 2006, Ch. 538, Sec. 253. Effective January 1, 2007.)

12807.6. (a) The Resources Agency shall establish a revolving low-interest loan program and a grant program for commercial fishing vessel owners, operators, and crew members whose primary source of income for each of the last five years has been derived from commercial fishing. The purpose of the low-interest loan program and the grant program is to provide financial assistance to these commercial fishermen who have suffered devastating economic losses from the drought.

(b) Commercial fishing vessel owners, operators, and crew members may apply for a loan under the program at an interest rate not to exceed 3 percent per annum in order to assist them in rescheduling their debts for commercial fishing vessels, homes, and motor vehicles. Applicants shall demonstrate to the Resources Agency the necessity to reschedule these loans.

(c) The Resources Agency may provide grants, not to exceed three months' payment or five thousand dollars (\$5,000), whichever is less, to commercial fishermen for the purpose of making payments on commercial fishing vessels, homes, and motor vehicles. Applicants for these grants shall have previously submitted applications for low-interest loans pursuant to subdivision (b). Checks for the amount of the grant shall be issued to the lender who holds title to the property.

(Added by Stats. 1991, 1st Ex. Sess., Ch. 11, Sec. 3. Effective October 7, 1991.)

12808. The Health and Welfare Agency and the Resources Agency may use the unexpended balances of funds available for use by the Human Relations Agency in connection with the functions of the Human Relations Agency that are transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12806, or 12807, as the case may be. Such funds shall be used by the Health and Welfare Agency and the Resources Agency only for the purposes for which they were originally appropriated or otherwise made available to the Human Relations Agency.

(Amended by Stats. 1982, Ch. 624, Sec. 6.)

12809. All officers and employees of the Human Relations Agency who, on the effective date of the 1972 amendment of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12806, or 12807 shall be transferred to the Health and Welfare Agency or the Resources Agency, as the case may be. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Health and Welfare Agency or the Resources Agency pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Human Relations Agency.

(Amended by Stats. 1982, Ch. 624, Sec. 7.)

12810. The Health and Welfare Agency and the Resources Agency shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Human Relations Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Human Relations Agency that are transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12806, or 12807.

(Amended by Stats. 1982, Ch. 624, Sec. 8.)

12811.2. Any reference in any law in effect on June 30, 1979, to the Health and Welfare Agency or to the secretary of that agency, with respect to the Department of Corrections or the Department of the Youth Authority shall be considered a reference to the Youth and Adult Correctional Agency or to the Secretary of the Youth and Adult Correctional Agency, as the case may be, unless the context otherwise requires.

(Added by Stats. 1982, Ch. 624, Sec. 11.)

12811.3. (a) Notwithstanding any other provision of law and subject to the provisions of subdivision (i), any employee of a department, board, or commission under the jurisdiction of the Department of Corrections and Rehabilitation, who is designated as a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may transfer from the

employee's current position to another department, board, or commission under the jurisdiction of the Department of Corrections and Rehabilitation.

(b) Any peace officer who desires to transfer to another department, board, or commission pursuant to subdivision (a), and who is prohibited from carrying a firearm pursuant to state or federal law shall not transfer to a department, board, or commission that requires the use of a firearm.

(c) Any peace officer who desires to transfer to another department, board, or commission pursuant to subdivision (a) to a position requiring the ability to carry a firearm, as determined by the department, board, or commission, and who has not completed the required training pursuant to Section 832 of the Penal Code, shall successfully complete the required training before appointment to a new peace officer position.

(d) (1) Any peace officer who desires to transfer shall not be required to undergo a psychological screening pursuant to subdivision (f) of Section 1031 of this code or subdivision (a) of Section 13601 of the Penal Code, unless the Secretary of the Department of Corrections and Rehabilitation, or the secretary's designee, makes a determination that a peace officer is required to undergo all or a portion of a psychological screening as described in subdivision (f) of Section 1031 of this code or subdivision (a) of Section 13601 of the Penal Code.

(2) The Secretary of the Department of Corrections and Rehabilitation shall promulgate emergency regulations in order to implement paragraph (1). Notwithstanding subdivision (b) of Section 11346.1, no showing of an emergency shall be necessary in order to adopt, amend, or repeal the emergency regulations required by this paragraph.

(e) Any peace officer who has successfully completed a course of training pursuant to Section 13602 of the Penal Code and who transfers to another department, board, or commission pursuant to subdivision (a) shall not be required to complete a new course of training pursuant to Section 13602 of the Penal Code. However, each department, board, or commission may prescribe additional training to be provided to an employee who transfers pursuant to subdivision (a) and shall provide that training within the first six months of appointment to a new peace officer position.

(f) Any peace officer who desires to transfer to another department, board, or commission pursuant to subdivision (a) shall not be required to undergo a new background investigation pursuant to Section 1029.1.

(g) Nothing in this section shall affect an employee's seniority calculation as provided for under current law or any memorandum of understanding between the state and any applicable bargaining unit agreement in effect upon the effective date of this section.

(h) The provisions of the Unit 6 Memorandum of Understanding, which expires July 2, 2006, as modified by the ratified addendum dated June 30, 2004, relating to the release of copies of video recorded incidents, shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).

(i) This section shall become operative only when the Secretary of the Department of Corrections and Rehabilitation certifies in writing that it is necessary to prevent or minimize employment actions, including, but not limited to, layoffs, demotions, reductions in time base, or involuntary transfers of employees. In addition, the Secretary of the Department of Corrections and Rehabilitation shall have the sole authority to designate any or all departments, boards, or commissions eligible to have its peace officer employees transfer pursuant to subdivision (a) and any or all departments, boards, or commissions that shall accept peace officer employees under this section.

(Amended by Stats. 2021, Ch. 615, Sec. 176. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615. Section conditionally operative as provided in subd. (i).)

12812.2. (a) One of the deputies to the Secretary for Environmental Protection shall be a deputy secretary for law enforcement and counsel, who, subject to the direction and supervision of the secretary, shall have the responsibility and authority to do all of the following:

(1) Develop a program to ensure that the boards, departments, offices, and other agencies that implement laws or regulations within the jurisdiction of the California Environmental Protection Agency take consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment. The program shall include training and cross-training of inspection and enforcement personnel of those boards, departments, offices, or other agencies to ensure consistent, effective, and coordinated enforcement.

(2) (A) In consultation with the Attorney General, establish a cross-media enforcement unit to assist a board, department, office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency, to investigate and prepare matters for enforcement action in order to protect public health and the environment. The unit may inspect and investigate a violation of a law or regulation within the jurisdiction of the board, department, office, or other agency, including a violation involving more than one environmental medium and a violation involving the jurisdiction of more than one board, department, office, or agency. The unit shall exercise its authority consistent with the authority granted to the head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1.

(B) Each board, department, or office within the California Environmental Protection Agency shall participate and have representatives in the cross-media enforcement unit established pursuant to this section. The unit, including those representatives, shall undertake activities consistent with Section 71110 of the Public Resources Code and shall give priority to activities in disadvantaged communities identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(3) Refer a violation of a law or regulation within the jurisdiction of a board, department, office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency to the Attorney General, a district attorney, or city attorney for the filing of a civil or criminal action.

(4) Exercise the authority granted pursuant to paragraph (3) only after providing notice to the board, department, office, or other agency unless the secretary determines that notice would compromise an investigation or enforcement action.

(b) Nothing in this section shall authorize the deputy secretary for law enforcement and counsel to duplicate, overlap, compromise, or otherwise interfere with an investigation or enforcement action undertaken by a board, department, office, or other agency that implements a law or regulation subject to the jurisdiction of the California Environmental Protection Agency.

(c) The Environmental Protection Agency shall post on its Web site, updated no later than December 1 of each year, the status of the implementation of this section.

(Amended by Stats. 2016, Ch. 340, Sec. 15. (SB 839) Effective September 13, 2016.)

12812.3. One of the deputies to the Secretary for Environmental Protection authorized pursuant to Section 12812.1 shall be a deputy secretary for external affairs who shall provide public outreach, communication to individuals and communities impacted by permitted activities, and technical support to businesses subject to regulation by one or more boards, departments, or offices within the California Environmental Protection Agency.

(Added by Stats. 1999, Ch. 65, Sec. 2. Effective January 1, 2000.)

12812.5. On or before March 1, 1994, the California Environmental Protection Agency, using existing resources and in consultation with other relevant agencies in state and local government, shall do all of the following:

(a) Establish an environmental technologies clearinghouse, which shall include, but not be limited to, maintaining information on California-based environmental technology companies and information on funding sources for environmental technology endeavors and making this information available to interested parties.

(b) Make available technical assistance within the California Environmental Protection Agency to assist California-based environmental technology companies to improve export opportunities, and to enhance foreign buyers' awareness of, and access to, environmental technologies and services offered by California-based companies. The technical assistance may include, but is not limited to, organizing and leading trade missions, receiving reverse trade missions, referral services, reviewing project opportunities, and notifying California-based companies of export opportunities and trade shows.

(c) Perform research studies and solicit technical advice to identify international market opportunities for California-based environmental technology companies.

(d) Participate in federally and other nonstate funded technical exchange programs, when appropriate, to increase foreign buyers' interest in California's environmental technologies.

(e) Coordinate activities in state government, and with the federal government and other countries' governments, to take advantage of trade promotion and financial assistance opportunities available to California-based environmental technology companies.

(Amended by Stats. 2004, Ch. 644, Sec. 6. Effective January 1, 2005.)

12812.6. The Secretary for Environmental Protection shall coordinate greenhouse gas emission reductions and climate-change activities in state government.

(Added by Stats. 2004, Ch. 230, Sec. 4. Effective August 16, 2004.)

12813. The Labor and Workforce Development Agency consists of the following:

(a) Office of the Secretary of Labor and Workforce Development.

(b) Agricultural Labor Relations Board.

(c) California Workforce Development Board.

(d) Department of Industrial Relations, including the California Apprenticeship Council, California Occupational Safety and Health Appeals Board, California Occupational Safety and Health Standards Board, Commission on Health and Safety and Workers'

Compensation, Industrial Welfare Commission, Interagency Advisory Committee on Apprenticeship, State Compensation Insurance Fund, and Workers' Compensation Appeals Board.

(e) Employment Development Department, including the California Unemployment Insurance Appeals Board, and the Employment Training Panel.

(Amended by Stats. 2018, Ch. 704, Sec. 15. (AB 235) Effective September 22, 2018.)

12813.5. The Public Employment Relations Board is in the Labor and Workforce Development Agency.

(Added by Stats. 2013, Ch. 352, Sec. 246. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

12814. (a) Notwithstanding any other provision of law, each state agency or department or political subdivision of the state may isolate any of its automated applications, computer hardware, or networking devices from nonproprietary networks, input streams, power sources, or other devices at any time and for any duration from 3 a.m. on December 31, 1999, to 12 p.m. on January 1, 2000, inclusive, if the Governor, the Chief Information Officer, upon designation of the Governor, or the Governor's Year 2000 Problem Executive Council, as established in Executive Order D-3-99, grants a written authorization for the proposed isolation.

(b) For the purposes of this section, the term "Year 2000 Problem" has the same meaning as that set forth in subdivision (a) of Section 3269 of the Civil Code.

(Added by Stats. 1999, Ch. 784, Sec. 19. Effective October 10, 1999.)

12815. (a) The Office of Data and Innovation is hereby established within the Government Operations Agency. Effective July 1, 2023, the Office of Data and Innovation shall operate as a standalone entity that reports to the Government Operations Agency consistent with other state entities listed in Section 12803.2.

(b) There shall be a Director of the Office of Data and Innovation.

The director shall be appointed by, and serve at the pleasure of, the Governor. The appointment of the director shall be subject to confirmation by the Senate. The director shall report to the Secretary of Government Operations. The director shall be responsible for managing the affairs of the office and shall perform all duties, exercise all powers and jurisdiction, and assume and discharge all responsibilities necessary to carry out the purposes of this section. The Governor may appoint people to the office who are exempt from civil service. The total number of exempt positions in the office shall not exceed 22.

(c) There shall be a Chief Data Officer in the Office of Data and Innovation who shall be appointed by, and serve at the pleasure of, the Governor. The Chief Data Officer shall report to the Director of the Office of Data and Innovation. The Chief Data Officer shall be responsible for data practices within the state with an overarching goal to improve government data use.

(d) For the purposes of this section:

(1) "Director" means the Director of the Office of Data and Innovation.

(2) "CDO" means Chief Data Officer of the Office of Data and Innovation.

(3) "Fund" means the Data and Innovation Services Revolving Fund.

(4) "Office" means the Office of Data and Innovation.

(5) "Open data" means a dataset that is available as a whole to all at no cost, discoverable and accessible on the internet, published to minimize the time between the creation and dissemination of the data or documents, provided under terms that permit reuse, redistribution, and mixing with other datasets, and provided in an open format that is machine-readable on data.ca.gov or its successor internet website.

(6) "Service delivery" means the provision of a service or services, product or products, by a state entity or state entities to persons, other state entities, constitutional state entities, independent state entities, local government entities, federal entities, private entities, or nonprofit entities.

(7) "State entity" means an entity within the executive branch that is under the direct authority of the Governor, including, but not limited to, all departments, boards, bureaus, commissions, councils, and agencies.

(e) The office's mission shall be to deliver better government services to the people of California through technology and service innovation, data, and design. The office shall fulfill this mission by:

(1) Collaborating with state entities to transform government services. The office shall focus on measurably improving services using a deliberate, user-focused approach and data-informed practices.

(2) Investing in state capabilities to put users first, build iteratively, and let data drive decisions.

(3) Empowering the use of data by ensuring that the state has the infrastructure, processes, and people to manage, access, and use data ethically, efficiently, effectively, securely, responsibly, and in a manner that respects privacy.

(4) Rethinking and improving how the state buys digital services and datasets.

(5) Expanding the use of common platforms, services, and tools.

(f) The director shall hire staff to assist in the fulfillment of the duties and responsibilities of the office.

(g) The director shall establish a program to improve the state's service delivery and data functions, guided by service delivery and data best practices.

(1) The director is hereby authorized to engage with state entities for the purpose of improving the service and data delivery functions of those state entities.

(2) Engagements shall be formalized in writing and shall identify, at minimum, the roles and responsibilities of both the office and the state entity being engaged by the office.

(h) The director and the CDO may create, update, or publish, in consultation with the appropriate control agency, policies, standards, and procedures for state entities in the State Administrative Manual or Statewide Information Management Manual regarding:

(1) Service delivery design, implementation, maintenance, and operations.

(2) Service delivery assessments.

(3) Service delivery improvement and problem mitigation.

(4) Data governance and management, including, but not limited to, policies, standards, and procedures related to data sharing, data inventory, and open data, data standards for consistency and interoperability of data across the state, and methodological and evidence standards, including ethical data use, for performance management, analytics, and evaluation.

(i) The director shall train state supervisors, managers, executives, and other staff in leadership positions regarding service delivery and data best practices. The director may require state entity staff to attend training deemed necessary by the director. The director may consult or contract with the Department of Human Resources or the Department of Technology for assistance or delivery of training as needed to fulfill the purposes of this section.

(j) Datasets available as open data on data.ca.gov or its successor internet website or other state-managed open data portals are provided for informational purposes only. The state does not warrant the completeness, accuracy, content, or fitness for any particular purpose or use of data made available on the data portal. No warranties may be implied or inferred with respect to the publishable data made available on the data portal. The state is not liable for any deficiencies in the completeness, accuracy, content, or fitness for any particular purpose or use of publishable data made available on the data portal or by any third-party application utilizing publishable data.

(k) No later than January 31, 2024, and every two years thereafter, the CDO shall create and publish a report detailing a state data strategy to empower the use of data by ensuring that the state has the infrastructure, processes, and personnel to manage access and use data ethically, efficiently, effectively, securely, responsibly, and in a manner that respects privacy. The report may also include recommendations to improve data management across state departments, however, those recommendations shall not require those agencies to act. The report shall be submitted to the legislative and judicial branches.

(l) Any funds appropriated to the office for the purpose of funding various statewide data and innovation activities are to be administered by the director for the implementation, support, or assessment of state entities' existing or proposed service delivery functions.

(m) While engaged with a state entity, office staff shall, in the performance of their duties related to the improvement of service delivery and data functions, have access to, and the authority to examine or reproduce, any and all records, data, information technology systems or other functionality, or any other document or component related to the service delivery function being improved by the office.

(1) The office shall maintain the confidentiality of, and protect from unauthorized access or disclosure, all records, data, information technology systems or other functionality, or any other document or component received from, or otherwise accessed from, any state entity engaged with the office in accordance with state law, including, but not limited to, the Information Practices Act of 1977.

(2) The director, any employee or former employee of the office, any person or business entity that is contracting with or has contracted with the office and the employees and former employees of that person or business entity shall not divulge or make known to any person not employed by the office in any manner not expressly permitted by law any particulars of any record, data,

information technology systems or other functionality, or any other document or component, the disclosure of which is restricted by law from release to the public. This subdivision shall also apply to the officers and employees of, and any person or business entity that is contracting with, or has contracted with, any state or local governmental agency or publicly created entity, that has assisted the office in the course of any engagement.

(3) Any officer, employee, or person who discloses the particulars of any record, data, information technology systems or other functionality, or any other document or component in violation of this section shall be subject to a civil penalty not to exceed five thousand dollars (\$5,000), including the release of any information received pursuant to Section 10850 of the Welfare and Institutions Code, or that is otherwise prohibited by law to be disclosed.

(4) Upon the completion of each engagement, the office shall dispose of all records, data, and other documentation received, copied, or otherwise in the possession of the office as a result of the engagement that contains personally identifiable information in accordance with state law.

(n) The adoption, amendment, or repeal of the policies, procedures, guidelines, or other directives consistent with this chapter are exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1).

(o) (1) Effective July 1, 2020, the Data and Innovation Services Revolving Fund is hereby created within the State Treasury. The fund shall be administered by the director to receive all moneys properly credited to the office. Notwithstanding Section 13340, until July 1, 2024, moneys in the fund are continuously appropriated to the office without regard to fiscal year to pay all costs arising from this section and rendering of services to state entities, including, but not limited to, employment and compensation of necessary personnel and expenses, such as operating and other expenses of the office, and to establish reserves. On and after July 1, 2024, moneys in the fund shall be available upon appropriation of the Legislature. At the discretion of the director, segregated, dedicated accounts within the fund may be established.

(2) On or before February 1, 2021, and each February 1 thereafter, the director shall submit a report to the Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, that includes a summary of the activities of the office and a listing and descriptions of all expenditures made from the fund, as well as all revenues received by the fund, for the prior fiscal year. The report shall also include all of the following:

(A) A list of past and current engagements organized by state entity.

(B) A list of proposed and approved information technology projects that received funding from the fund.

(C) Measurable outcomes from changes in business processes, program design, and service delivery associated with engagements receiving funding from the fund.

(3) The fund shall consist of all of the following:

(A) Moneys appropriated and made available by the Legislature for the purposes of this section.

(B) Donations, endowments, or grants of funds from private or public sources that commit to the office's mission of the ethical, efficient, effective, secure, and responsible use of data in a manner that respects privacy. The office and the Controller may establish separate accounts in the fund for the purpose of separating deposits according to their origin or intended purpose.

(C) Any other moneys that may be made available to the office from any other source, including the return from investments of moneys by the Treasurer.

(p) Notwithstanding any other law, the Controller may use the moneys in the fund for cashflow loans to the General Fund, as provided in Sections 16310 and 16381.

(Amended by Stats. 2022, Ch. 569, Sec. 31. (AB 156) Effective September 27, 2022.)

12816.5. (a) Within the Government Operations Agency there shall be a Chief Equity Officer. The Chief Equity Officer shall be appointed by, and serve at the pleasure of, the Governor. The Chief Equity Officer shall report to the Secretary, or the Secretary's designee, of the Government Operations Agency.

(b) The Chief Equity Officer's duty shall be to improve equity and inclusion throughout state government operations. The Chief Equity Officer is hereby authorized to engage with state entities for the purpose of improving equity and inclusion practices within state entities.

(c) The Chief Equity Officer may create, update, or publish, in consultation with the appropriate control agency, policies, standards, and procedures for state entities in the State Administrative Manual, Human Resources Manual, or State Contracting Manual regarding equity and inclusion policies, processes, and procedures.

(Added by Stats. 2022, Ch. 48, Sec. 28. (SB 189) Effective June 30, 2022.)

