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SB-189 State Government. (2021-2022)

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Senate Bill No. 189

CHAPTER 48

An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 189, Committee on Budget and Fiscal Review. State Government.

(1) Existing law, the Horse Racing Law, establishes the California Horse Racing Board within the Business, Consumer Services, and Housing Agency. That law vests the board with all powers necessary and proper to enable it to carry out the Horse Racing Law and makes the board responsible for, among other things, adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering and administration and enforcement of all laws, rules, and regulations affecting horse racing and parimutuel wagering.

Existing federal law, the Horseracing Integrity and Safety Act of 2020, requires the Federal Trade Commission, the Horseracing Integrity and Safety Authority, and a specified antidoping and medication control enforcement agency to implement and enforce a horseracing antidoping and medication control program and a racetrack safety program, as specified.

This bill would authorize the board to enter into agreements with the authority and any other private, state, or federal entity that is responsible for administering the federal act for the purpose of providing services consistent with the enforcement of the horseracing antidoping and medication control program and the racetrack safety program. The bill would authorize the board, on

behalf of the authority, to collect and remit fees assessed by the authority to fund California's proportionate share of the authority's horseracing antidoping and medication control program and racetrack safety program, as specified. The bill would authorize the board to elect to subject breeds other than thoroughbreds to the act.

(2) Existing law, the Gambling Control Act, establishes the California Gambling Control Commission, which is responsible for licensing and regulating various gambling activities and establishments. Existing law requires the Department of Justice to investigate any violations of, and to enforce, the act. Existing law requires a person who deals, operates, carries on, conducts, maintains, or exposes for play any controlled game in this state, or who receives any compensation or reward, or any percentage or share of the money or property played, for keeping, running, or carrying on any controlled game in this state, to apply for and obtain a valid state gambling license, key employee license, or work permit. Existing law also requires the licensure and regulation of any party or entity that provides proposition player services at gambling establishments, known as third-party providers of proposition players.

Existing law requires every application for a license or approval to be accompanied by a nonrefundable fee, in an amount to be adopted by regulation, and prohibits the amount of the fee from exceeding \$1,200. Under existing law, the fee for a renewal of a state gambling license is determined based on specified amounts set forth in 2 schedules and depends on the amount of tables authorized by the license or on the gross revenue of an owner licensee, as specified.

This bill would, among other things, retain the requirement that the application fee for a license or approval shall not exceed \$1,200 but would specify that the amount of the application fee shall be determined by the commission and adopted by regulation. The bill would eliminate the 2 fee schedules referenced above and, instead, would require the fee for the renewal of a state gambling license to be an amount determined by the commission in accordance with regulations adopted pursuant to the act. The bill would require the amount of fees collected pursuant to these provisions to be limited to the reasonable regulatory expenditures of the department and the commission to administer the act. The bill would eliminate an obsolete fee requirement relating to provisional licenses.

(3) Existing law creates in the Business, Consumer Services, and Housing Agency, the Department of Fair Employment and Housing under the direction of an executive officer known as the Director of Fair Employment and Housing. Existing law creates within the department the Fair Employment and Housing Council, and gives the council certain functions, powers, and duties, including, among others, adopting, promulgating, amending, and rescinding suitable rules, regulations, and standards that implement various provisions prohibiting discrimination, as provided.

This bill would change the name of the department to the Civil Rights Department under the direction of an executive officer known as the Director of Civil Rights. The bill would also change the name of the council to the Civil Rights Council and make other conforming and nonsubstantive changes.

Existing law, the California Fair Employment and Housing Act (FEHA), makes certain discriminatory employment and housing practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the department. The FEHA authorizes the director, in their discretion, to bring a civil action in the name of the department on behalf of the person claiming to be aggrieved.

This bill would specify that the department is acting in the public interest in bringing these civil actions.

(4) Existing law, the Administrative Procedure Act, generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act requires every state agency to transmit to the Office of Administrative Law (office) for filing with the Secretary of State a certified copy of every regulation adopted or amended by it, and every order of repeal of a regulation, unless the regulation is a building standard. The act also requires a state agency to deliver to the office, at the time of transmittal for filing a regulation or order of repeal, 6 duplicate copies of the regulation or order of repeal.

This bill would remove the requirement that a state agency deliver 6 duplicate copies of a regulation or order of repeal when transmitting it to the office for filing.

(5) Existing law establishes the Government Operations Agency, which consists of several departments including, but not limited to, the State Personnel Board, the Department of General Services, and the Office of Administrative Law. Under existing law, the Government Operations Agency is under the direction of an executive officer known as the Secretary of Government Operations, who is appointed by, and holds office at the pleasure of, the Governor, subject to confirmation by the Senate.

This bill would create, within the Government Operations Agency, a Chief Equity Officer, to be appointed by, and serve at the pleasure of, the Governor. The Chief Equity Officer would be required to report to the Secretary, or the Secretary's designee, of the Government Operations Agency. The bill would require the Chief Equity Officer's duty to be to improve equity and inclusion throughout state government operations and would authorize the Chief Equity Officer to engage with state entities for these purposes. The bill would authorize the Chief Equity Officer to create, update, or publish, in consultation with the appropriate control agency, policies, standards, and procedures regarding equity and inclusion for state entities in specified state manuals.

(6) Existing law, the Bill of Rights for State Excluded Employees, sets forth various rights and terms and conditions of employment for excluded employees, and defines "excluded employee" for purposes of those provisions to include certain managerial, confidential, and supervisory employees and certain employees of specified state entities.

This bill would include employees of the office of the Secretary of Government Operations within the Government Operations Agency as excluded employees for purposes of the Bill of Rights for State Excluded Employees.

(7) Existing law establishes the California Law Revision Commission to examine the law and recommend necessary reforms for defects, anachronisms, and antiquated or inequitable rules of law. Existing law requires the commission to study any topic that the Legislature, by concurrent resolution or statute, refers to the commission. Existing law establishes within the commission the Committee on Revision of the Penal Code and requires the committee to study and make recommendations related to the Penal Code that achieve various objectives, including simplifying criminal law and procedure.

Existing law requires the California State Library to make its material available to the commission and committee, and requires state agencies and other official state organizations to provide the commission and the committee full information, reasonable assistance in any matters of research, and data within its knowledge or control.

This bill would authorize local governmental entities to give the committee full information and reasonable assistance in any matters of research, or data within their knowledge or control.

(8) The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property, defined as the county assessor's valuation of real property as shown on the 1975–76 tax bill and, thereafter, the appraised value of the property when purchased, newly constructed, or a change in ownership occurs after the 1975 assessment, subject to an annual inflation adjustment not to exceed 2%.

Existing property tax law requires every county assessor to assess all property subject to general property taxation at its full value and on the lien date, as described.

This bill would establish, from July 1, 2022, to June 30, 2025, inclusive, the County Assessors' Grant Program to assist county assessors in performing property assessments with technology investments. The bill would require the Department of Finance to administer the program and would provide program funds for a particular fiscal year only upon appropriation by the Legislature for the program in that fiscal year.

The bill would authorize, for the 2022–23 fiscal year, a county assessor's joint powers authority to apply, in the form and manner specified by the department or in the form of a memorandum of understanding, by October 1, 2022, to the department for program funds. The bill would set forth requirements and standards for the review and approval of an application or memorandum and method of payment of program funds. The bill would also set forth specific procedures for program funds for the 2023–24 and 2024–25 fiscal years.

The bill would require, no later than October 1, 2023, and each October 1 thereafter until October 1, 2025, an authority that receives program funds to report certain information regarding its use of the funds to the department.

(9) Existing law establishes in state government the Office of Tax Appeals and establishes within the office tax appeals panels consisting of 3 administrative law judges that meet certain criteria, including having knowledge and experience with regard to the administration and operation of the tax and fee laws of the United States and California. Existing law also requires the office to establish a process under which a person filing an appeal may request a closed hearing and criteria by which to determine whether to grant a requested closed hearing, as prescribed, and requires the office to establish a process under which a person filing an appeal may opt to appear before one administrative law judge if certain criteria are met.

This bill would instead require the tax appeals panels to consist of 3 members that meet certain criteria, including that the member is a person who either maintained an active membership in the State Bar of California for at least 5 years immediately preceding designation to a tax appeals panel and meets the qualifications for a state employee classification as an administrative law judge, or the member is a person employed under the state employee classifications for either the Business Taxes Specialist, California Department of Tax and Fee Administration series or the Program Specialist, Franchise Tax Board series. The bill would require the office to adopt ethics standards, as specified, including rules governing conflicts of interest and ex parte communication, to which the members on the tax appeals panels would be required to adhere. The bill would instead require the office to establish a process under which a person filing an appeal may opt to appear before one member, who meets the criteria described above for a member on a tax appeals panel, if certain criteria are met. The bill would also repeal those provisions related to closed hearings described above.

(10) Existing law establishes procedural requirements for formal hearings conducted by state boards, commissions, and officers, as prescribed. Existing law requires every hearing under those provisions in a contested case to be presided over by an

administrative law judge. Existing law requires the proceedings at the hearing to be reported by a stenographic reporter except that, upon the consent of all the parties, the proceedings may be reported electronically.

This bill would additionally authorize, if a stenographic reporter is unavailable and upon a finding of good cause by the administrative law judge, the proceedings to be recorded electronically.

(11) Existing law establishes the California Earthquake Authority, administered under the authority of the Insurance Commissioner and governed by a 3-member board, to transact insurance in this state as necessary to sell policies of basic residential earthquake insurance. Under existing law, the California Residential Mitigation Program, also known as the CRMP, is a joint powers authority created in 2012 by agreement between the California Earthquake Authority and the Office of Emergency Services.

Existing law authorizes a city or county to establish, by ordinance, seismic retrofit standards for certain woodframe, multiunit residential buildings, referred to as soft story residential buildings, that the city or county identifies as being potentially hazardous to life in the event of an earthquake.

This bill would establish the Seismic Retrofitting Program for Soft Story Multifamily Housing for the purposes of providing financial assistance to owners of soft story multifamily housing for seismic retrofitting to protect individuals living in multifamily housing that have been determined to be at risk of collapse in earthquakes, as specified. The bill would also establish the Seismic Retrofitting Program for Soft Story Multifamily Housing Fund, and its subsidiary account, the Seismic Retrofitting Account, within the State Treasury. The bill would provide that the Legislature will appropriate \$250,000,000 from the General Fund in the 2023–24 Budget Act to the Seismic Retrofitting Program for Soft Story Multifamily Housing Fund for the purposes of carrying out the program. The bill would require the CRMP to develop and administer the program, as specified. The bill would require the CRMP to submit a specified report to the Legislature by January 1, 2027, and annually thereafter until January 1, 2042, regarding the implementation of the program. The bill would make these provisions inoperative on July 1, 2042, and would repeal them as of January 1, 2043.

(12) Existing law, the Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning, and provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law requires the Office of Planning and Research within the Governor's office to perform various duties, including to develop long-range policies to assist the state and local agencies in meeting the problems presented by the growth and development of urban areas and defining the complementary roles of the state, cities, counties, school districts, and special districts with respect to such growth.

This bill would establish the Office of Community Partnerships and Strategic Communications within the Office of Planning and Research and would state the intent of the Legislature to achieve more inclusive and effective outcomes while preventing equity gaps in statewide outreach by establishing this office. The bill would require the Governor to appoint the Executive Officer of Community Partnerships and Strategic Communication to manage this office, and would require the executive officer to report to the Director of the Office of Planning and Research. The bill would require the executive officer, under the direction of the Director of the Office of Planning and Research, to initiate and execute campaigns related to the state's highest priority public awareness and community outreach effort.

This bill would require the office, among other duties, to work with community-based organizations, as defined, and other partners to engage Californians with culturally competent and relevant information to improve the quality of their lives and livelihoods, as specified. The bill would require the office to develop and support a network of community-based organizations, philanthropic organizations, and other partners to support the office's core mission and goals. The bill would require the office to collaborate with other state agencies to review state contracting options for community-based organizations, philanthropic organizations, and other partners. The bill would require the office to consider specified criteria when selecting its awareness and outreach campaigns and would require the office to post guidelines for an award of funds made under any appropriation of funds to the office.

This bill would require the office to administer, manage, and award grants to support the state's public awareness and community outreach efforts using specified implementation methods, including, providing technical assistance to applicants, contracting with third parties to administer financial assistance, allowing the subgranting of awarded grants, and advancing public-private partnerships that effectively align with the mission of the office.

This bill would require state agencies in collaboration with the office to share data and statistical information regarding outreach efforts upon request.

Existing law requires the Office of Planning and Research to perform various duties, including to assist state departments in formulating, evaluating, and updating long-range goals and policies for land use and other functions that relate to the protection

and enhancement of the state's environment; to coordinate federal grant programs and the development and operation of a statewide environmental monitoring system that assesses the environmental quality of the state; and to encourage the formation and proper functioning of, and provide planning assistance to, city, county, district, and regional planning agencies.

This bill would require the Office of Planning and Research to additionally accept and allocate or expend grants and gifts on behalf of the state and to support community partnerships and strategic communication activities.

Existing law, the California Public Health Act of 2006, establishes the State Department of Public Health. Existing law vests the duties, powers, purposes, functions, responsibilities, and jurisdiction of the former State Department of Health Services in the State Department of Public Health as they relate to public health, licensing, and certification of health facilities, among other things. Under existing law, the State Department of Public Health may perform various activities relating to the protection, preservation, and advancement of public health, including entering into contracts, cooperative agreements, and other agreements.

This bill would transfer to the Office of Community Partnerships and Strategic Communications the various duties and responsibilities of the State Department of Public Health relating to the administration or implementation of the COVID-19 vaccine-related public education and outreach campaigns. The bill would, for these purposes, also provide for the transfer to the Office of Planning and Research of certain books, documents, and records of the department. The bill would prohibit any contract, license, or other agreement related to the administration or implementation of the COVID-19 vaccine-related public education and outreach campaigns and to which the State Department of Public Health is a party from becoming void or voidable by this transfer of power, and would require those contracts, licenses, or other agreements to continue in full force and effect with the Office of Planning and Research assuming all of the rights, obligations, liabilities, and duties relating to overseeing COVID-19 vaccine-related public education and outreach campaigns.

(13) Existing law establishes the California Victim Compensation Board within the Government Operations Agency and authorizes the board to grant certain compensation, paid from the Restitution Fund, a continuously appropriated fund, for pecuniary loss when the board determines it will best aid the person seeking compensation.

Existing law authorizes, as prescribed, the board to grant a cash payment or reimbursement to a victim for expenses incurred in relocating, to an individual who pays, or assumes the obligation to pay, certain funeral and burial expenses, and to an individual who pays, or assumes the obligation to pay, the reasonable costs to clean the scene of a crime. Existing law, with certain exceptions, prohibits the compensation from exceeding certain dollar amounts, which are \$2,000, \$7,500, and \$1,000, respectively.

This bill would increase the compensation limits described above to \$3,418, \$12,818, and \$1,709, respectively.

By authorizing an increase in the amount of expenditures from a continuously appropriated fund, this bill would make an appropriation.

(14) Existing law requires the Controller to install and operate a uniform state payroll system for all state agencies, except as prescribed.

This bill would require, on or before February 1, 2023, the Controller to, in consultation with the Department of Human Resources, submit a report to each of the relevant budget subcommittees of the Legislature on the proposed California State Payroll System information technology project. The bill would require the report to include, among other things, a detailed summary of project planning efforts up to the report's publication, particularly project team outreach to state entities impacted by the future system, to gather business and system requirements and design future business processes.

(15) Existing law requires the Controller to, among other duties, establish and maintain a payroll of all persons employed by every state agency except the University of California. Existing law, the State Civil Service Act, regulates employment with the state and vests in the Department of Human Resources all powers, duties, and authority necessary to operate the state civil service system.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would, commencing January 1, 2024, require the State Controller's Office, to the extent the office has completed the functionality necessary, and the Department of Human Resources, when collecting demographic data as to the ancestry or ethnic origin of Californians hired into state employment, to use additional collection categories and tabulations for specified Black or African American groups. The bill would require inclusion of that data in the Annual Census of Employees in State Civil Service report published or released on or after January 1, 2025, as specified.

(16) Existing law, the Technology Act of 2005, establishes the Department of Technology within the Government Operations Agency, supervised by the Director of Technology. Within the department, existing law established the Office of Technology Services. Existing law requires the director to propose to the Director of Finance rates for the Office of Technology Services' services based on a formal rate methodology. Existing law requires the Director of Finance to approve the proposal based on the reasonableness of the rates and any significant impact on departmental budgets.

This bill would require the department, in consultation with the Department of Finance, to reassess the formal rate methodology and relevant policies and procedures, as specified, for state data center services, as defined. The bill would additionally require the Director of Finance to approve the director's proposal based on certain requirements of the state data center rate reassessment. The bill would require the department to conduct the reassessment between July 1, 2022, and June 30, 2025. Commencing April 1, 2023, and every 12 months thereafter until August 1, 2025, the bill would require the department to submit a report to the Joint Legislative Budget Committee, among other budget committees, on the progress of the completion of the rate reassessment.

Existing law creates the Technology Services Revolving Fund within the State Treasury to receive all revenues from the sale of technology or technology services as provided. Existing law requires the director to administer the fund.

The bill, upon appropriation by the Legislature, would allocate moneys from the General Fund for the administrative costs and revenue losses sustained by the department while conducting the reassessment. The bill would require any remaining allocation of funds to be transferred to the Technology Services Revolving Fund upon completion of the reassessment, no later than June 30, 2025.

(17) Existing law, known as the State Capitol Building Annex Act of 2016 (act), authorizes the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. Existing law authorizes the State Public Works Board (SPWB) to issue lease-revenue bonds, notes, or bond anticipation notes, not exceeding a specified cap, pursuant to specified law to finance the acquisition, design, and construction of the above-described work of construction, restoration, rehabilitation, renovation, or reconstruction under the act and the construction of the above-described state office building. Existing law continuously appropriates funds derived from these financing methods to the SPWB for the authorized projects. Existing law also expresses the intent of the Legislature that available cash sources, including moneys appropriated in the Budget Act of 2018, be used to fund the projects described above. Existing law requires all work performed pursuant to the act to be administered and supervised by the Department of General Services.

This bill would remove the SPWB's authority under the provisions described above to issue lease-revenue bonds, notes, or bond anticipation notes. The bill would also revise the above-described intent statement to instead express the intent of the Legislature that available cash sources, including moneys appropriated in the Budget Acts of 2018, 2021, and 2022, be used to fund the projects described above. The bill would instead require all work performed pursuant to the act to be executed and managed by the Joint Rules Committee, as prescribed, and would require the Department of General Services to provide counsel and advice to the Joint Rules Committee for purposes of the work.

Existing law establishes the State Project Infrastructure Fund and continuously appropriates moneys in the fund for state projects and specified other purposes, including for the capital outlay projects specified in the act, as described above. Existing law defines the term "state project" for these purposes, but excludes from that definition work done to the State Capitol or an office building utilized by or under the control of the Legislature, including, among other things, work done pursuant to the act. Existing law requires the Controller, upon direction of the Director of Finance, to transfer from the fund to the Operating Funds of the Assembly and Senate an amount that is consistent with the budget amount specified in an agreement between the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative that governs the work undertaken pursuant to the act.

This bill would recast these provisions to instead require, upon amending the agreement described above, the Director of Finance to direct the Controller to transfer from the fund to the Operating Funds of the Assembly and Senate an amount that is specified within a specified budget appropriation schedule, thereby making an appropriation. The bill would also require, upon direction of the Director of Finance, the Controller to transfer from the fund to the Operating Funds of the Assembly and Senate an amount up to \$80,000,000 for pre-construction activities for the capital outlay projects, as prescribed.

Existing law requires the State Historic Preservation Officer (officer) to maintain a master list composed of all inventoried structures submitted and determined significant, as specified, and all state-owned historical resources currently listed in the National Register of Historic Places or registered as a state historical landmark under state agency jurisdiction. Existing law prohibits a state agency from altering the original or significant historical features or fabric, or transferring, relocating, or demolishing historical resources on that master list without first giving notice and a summary of the proposed action to the officer for review and comment, as specified. Existing law requires the head of the state agency having jurisdiction over the historical resource and the officer to adopt certain measures to eliminate or mitigate any adverse effects that the officer determines the proposed action will have. Existing law also requires, among other things, a state agency to submit to the officer for comment

documentation for any project having the potential to affect historical resources listed in or potentially eligible for inclusion in the National Register of Historic Places or registered as or eligible for registration as a state historical landmark.

This bill would exempt work performed under the act from the provisions referenced above, as prescribed.

(18) Existing law establishes the Court Reporters Board of California to license and regulate shorthand reporters, and prohibits a person or entity from engaging in specified acts relating to shorthand reporting unless the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one of specified other persons or entities not subject to those provisions. Existing law, on and after July 1, 2022, authorizes an entity that is not a shorthand reporting corporation, wherever incorporated in the United States, to engage in specified acts relating to shorthand reporting if the entity, among other things, pays an annual registration fee in an amount determined by the board, not to exceed \$500 and not to exceed the board's cost of administering those provisions. Existing law authorizes the board to adopt regulations to implement those provisions, and repeals those provisions on January 1, 2024.

This bill would instead authorize those entities, wherever headquartered in the United States, to engage in the specified shorthand reporting activities. The bill would require an entity to pay an initial annual registration fee to the board of \$500 until January 1, 2025, and, on and after January 1, 2025, a fee not to exceed \$500 or the board's cost of administering the provisions, whichever is less. The bill would authorize the board to adopt emergency regulations in 2022 and 2023.

Existing law charges the board with the executive functions necessary for effectuating the purposes of the provisions regulating shorthand reporters.

This bill would state that those executive functions include the discretion to inform the public of information that would be or is a public record regarding shorthand reporting corporations operating in this state.

(19) The California Constitution generally prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of government for the prior fiscal year, adjusted for the change in the cost of living and the change in population, and prescribes procedures for making adjustments to the appropriations limit. The California Constitution defines "appropriations subject to limitation" of the state to mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for the state, exclusive of, among other things, state subventions for the use and operation of local government, except as specified. The California Constitution defines "appropriations subject to limitation" of an entity of local government to mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity, except as specified, exclusive of refunds of taxes.

Existing statutory provisions implementing these constitutional provisions establish the procedure for establishing the appropriations limit of the state and of each local jurisdiction for each fiscal year. Under existing law, revenues and appropriations for a local jurisdiction include subventions and with respect to the state, revenues and appropriations exclude those subventions. Existing law defines, for those purposes, "state subventions" as only including money received by a local agency from the state, the use of which is unrestricted by the statute providing the subvention.

This bill, for fiscal years commencing with the 2020–21 fiscal year, would define "state subventions" to additionally include money provided to a local agency pursuant to certain state programs and would require any money received by a local agency pursuant to that provision to be included within the appropriations limit of the local agency, up to the full appropriations limit of the local agency, as prescribed.

(20) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge

state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

(21) The California Constitution provides that the Legislature may make no law except by statute and may enact no statute except by bill. The California Constitution requires the Legislature to pass a budget bill making appropriations for the ensuing fiscal year by midnight on June 15 of each year.

This bill would add a section to the Government Code that identifies the bills that constitute the Budget Act for each fiscal year from 2011–12 through 2020–21.

(22) Existing law establishes the Office of Broadband and Digital Literacy within the Department of Technology. Existing law requires the office to oversee the acquisition and management of contracts for the development and construction of a statewide open-access middle-mile broadband network, as defined.

The bill would make a statement of the Legislature's goals, as part of the 2022 Budget agreement, to provide for the development, construction, and acquisition of a statewide open-access middle-mile broadband network, and for the maintenance and operation of the resulting infrastructure. The bill would specify, in this regard, appropriations to be made in the future and would prescribe requirements to be satisfied before the funds would be available for encumbrance or expenditure.

(23) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(24) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8051 of the Business and Professions Code is amended to read:

8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever headquartered in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

(1) The entity pays an initial annual registration fee to the board. Until January 1, 2025, the fee shall be five hundred dollars (\$500). On and after January 1, 2025, the fee shall not exceed five hundred dollars (\$500) or the board's cost of administering this section, whichever is less.

(2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified shorthand reporter where the certificate holder has no restrictions on their license and is not subject to a pending board accusation or investigation at the time of the entity's application for registration. The reporter-in-charge shall be responsible to the board for an entity's compliance with all state laws and regulations pertaining to and within the scope of the practice of certified shorthand reporting and any acts of the entity pertaining to and within the scope of the practice of a certificate holder shall be deemed acts of the reporter-in-charge. Nothing in this paragraph shall be construed as permitting the board to restrict, suspend, or revoke the license of a reporter-in-charge for conduct committed or directed by another person unless the reporter-in-charge had knowledge of or knowingly participated in such conduct.

(3) The entity agrees in the registration to abide by the laws, regulations, and standards of practice applicable to businesses that render shorthand reporting services pursuant to Section 13401 of the Corporations Code, except for the requirements of Sections 8040 and 8044.

(b) An entity shall provide the board with all of the following information for consideration of initial registration pursuant to subdivision (a):

(1) The name and certificate number of the entity's certified reporter-in-charge.

(2) Whether the entity, a controlling officer or parent corporation of the entity, the entity's reporter-in-charge, or any of its officers, employees, or independent contractors, has been subject to any enforcement action, relating to the provision of court

reporting services, by a state or federal agency within five years before submitting the initial registration. If so, the entity shall provide the board a copy of the operative complaint with the initial registration.

(3) Whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter-in-charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).

(4) Any additional documentation the board reasonably deems necessary for consideration in the initial registration process.

(c) Within 90 days of receiving a completed application for initial registration, including any disclosures made pursuant to subdivision (b), the board shall either approve the entity's registration or deny the application upon a finding that a substantial risk would be posed to the public, which shall be subsequently provided to the applicant in writing with specificity as to the basis of that finding.

(d) A registration issued by the board pursuant to this section shall be valid for one year, at which time it may be approved for renewal by the board upon meeting the requirements of subdivision (a).

(e) A registered entity shall notify the board in writing within 30 days of the date when a reporter-in-charge ceases to act as the reporter-in-charge and propose another certificate holder to take over as the reporter-in-charge. The proposed replacement reporter-in-charge shall be subject to approval by the board. If disapproved, the entity shall propose another replacement within 15 days of the date of disapproval and shall continue to name proposed replacements until a reporter-in-charge is approved by the board.

(f) The board shall revoke the registration of an entity if the board determines the entity:

(1) Engaged, in whole or in part, through officers, employees, or independent contractors that are not certificate holders, in acts that are within the scope of practice of a certificate holder, unless otherwise permitted by law.

(2) Directed or authorized the reporter-in-charge to violate state laws or regulations pertaining to shorthand reporting or offering financial incentives to the reporter-in-charge for engaging in acts that violate state law.

(g) In addition to revoking an entity's registration as required by subdivision (f), a registration issued under this section may be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the board deems fit for violations of the laws or regulations pertaining to shorthand reporting by the entity's officers, employees, or independent contractors, including the issuance of citations and fines.

(h) The board shall consider suspending the registration of an entity for a minimum of one year if the license of its reporter-in-charge is suspended or revoked for violating this section more than twice in a consecutive five-year period.

(i) An entity shall have the right to reasonable notice and opportunity to comment to and before the board regarding any determination to deny or revoke registration before that determination becomes final. An entity may seek review of a board decision to deny or revoke registration under this section either in an administrative hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or through an action brought pursuant to Section 1085 of the Code of Civil Procedure.

(j) A certificate holder shall not engage in the practice of shorthand reporting on behalf of an entity that the reporter knows or should know is not registered with the board and shall verify whether a person or entity is registered with the board before engaging in the practice of shorthand reporting on behalf of that person or entity.

(k) The board shall create and make available on its internet website a directory of registered entities. The board shall not take action against a certificate holder solely for a violation of subdivision (j) if the certificate holder reasonably relied on the board's directory stating that the entity was registered at the time.

(l) The board may adopt regulations to implement this section, including emergency regulations during the years 2022 and 2023. The executive functions delegated to the board pursuant to Section 8005 include the discretion to inform the public of information that would be or is a public record regarding shorthand reporting corporations operating in this state.

(m) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 2. Section 19440.1 is added to the Business and Professions Code, to read:

19440.1. (a) (1) Notwithstanding any other law, the board may enter into agreements with the authority and any other private, state, or federal entity that is responsible for administering the federal Horseracing Integrity and Safety Act of 2020 (15 U.S.C. Sec. 3051 et seq.) for the purpose of providing services consistent with the enforcement of the horseracing antidoping and

medication control program and the racetrack safety program, as authorized by Section 3054(e)(2) of Title 15 of the United States Code.

(2) Upon entering into an agreement pursuant to paragraph (1), the board's employees and contractors are authorized to provide all services contracted for under the agreement, including, but not limited to, representation in any administrative adjudicative enforcement proceeding, and general enforcement of the authority's horseracing antidoping and medication control program and racetrack safety program.

(3) An agreement entered into pursuant to paragraph (1) shall not be subject to state contracting laws or Department of General Services review or approval.

(b) On behalf of the authority, the board may collect and remit fees assessed by the authority to fund California's proportionate share of the authority's horseracing antidoping and medication control program and racetrack safety program, as authorized by Section 3052(f) of Title 15 of the United States Code. If the board elects to collect and remit fees on behalf of the authority, the board shall allocate, assess, and collect the fees assessed by the authority from those associations and fairs subject to the authority's jurisdiction in either of the following manners:

(1) From the remaining market access fees addressed by paragraph (5) of subdivision (f) of Section 19604, pursuant to the process described in subparagraph (E) of that paragraph.

(2) As part of the license fee established by Section 19616.51 using the methodology described in that section.

(c) Notwithstanding any other law, the board may elect to subject breeds other than thoroughbreds to the federal Horseracing Integrity and Safety Act of 2020 (15 U.S.C. Sec. 3051 et seq.), as authorized by Section 3054(l) of Title 15 of the United States Code.

(d) For purposes of this section, "the authority" has the same meaning as defined in Section 3051 of Title 15 of the United States Code.

SEC. 3. Section 19951 of the Business and Professions Code is amended to read:

19951. (a) Every application for a license or approval shall be accompanied by a fee as determined by the commission and adopted by regulation. The adopted fee shall not exceed one thousand two hundred dollars (\$1,200).

(b) (1) Any fee paid pursuant to this section, including all licenses issued to key employees and other persons whose names are endorsed upon the license, shall be assessed against the gambling license issued to the owner of the gambling establishment. This paragraph shall not apply to key employee licenses issued on and after January 1, 2009, or the implementation of regulations establishing a personal key employee license adopted pursuant to Section 19854, whichever is sooner.

(2) (A) The fee for initial issuance of a state gambling license shall be an amount determined by the commission in accordance with regulations adopted pursuant to this chapter.

(B) The fee for the renewal of a state gambling license shall be an amount determined by the commission in accordance with regulations adopted pursuant to this chapter.

(c) The department may provide for payment of the annual gambling license fee on an annual or installment basis.

(d) It is the intent of the Legislature that the fees paid pursuant to this section are sufficient to enable the department and the commission to fully carry out their duties and responsibilities under this chapter.

(e) The amount of fees collected pursuant to this section shall be limited to the reasonable regulatory expenditures of the department and the commission to administer this chapter.

(f) (1) Beginning January 1, 2023, and every two years thereafter, the commission shall provide a report to the appropriate budget and policy committees of the Legislature detailing the fee levels established by the commission through regulations.

(2) The report required by this subdivision shall describe how fees for each licensing category were calculated, including how licensee gross revenues and state regulatory costs were used in the calculation. If a workload-based methodology is used to establish fees, the commission shall include in its report a breakdown of the personnel cost, operating cost, and overhead cost figures used to determine fee levels.

SEC. 4. Section 51.7 of the Civil Code is amended to read:

51.7. (a) This section shall be known, and may be cited, as the Ralph Civil Rights Act of 1976.

(b) (1) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

(2) For purposes of this subdivision, "intimidation by threat of violence" includes, but is not limited to, making or threatening to make a claim or report to a peace officer or law enforcement agency that falsely alleges that another person has engaged in unlawful activity or in an activity that requires law enforcement intervention, knowing that the claim or report is false, or with reckless disregard for the truth or falsity of the claim or report.

(c) (1) A person shall not require another person to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, as a condition of entering into a contract for goods or services, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any court or other governmental entity.

(2) A person shall not refuse to enter into a contract with, or refuse to provide goods or services to, another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any other governmental entity.

(3) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any other governmental entity shall be knowing and voluntary, in writing, and expressly not made as a condition of entering into a contract for goods or services or as a condition of providing or receiving goods and services.

(4) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section that is required as a condition of entering into a contract for goods or services shall be deemed involuntary, unconscionable, against public policy, and unenforceable. This subdivision does not affect the enforceability or validity of any other provision of the contract.

(5) A person who seeks to enforce a waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section has the burden of proving that the waiver was knowing and voluntary and not made as a condition of the contract or of providing or receiving the goods or services.

(6) The exercise of a person's right to refuse to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including a rejection of a contract requiring a waiver, does not affect any otherwise legal terms of a contract or an agreement.

(7) This subdivision does not apply to an agreement to waive any legal rights, penalties, remedies, forums, or procedures for a violation of this section after a legal claim has arisen.

(8) This subdivision applies to an agreement to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including an agreement to accept private arbitration, entered into, altered, modified, renewed, or extended on or after January 1, 2015.

(d) This section does not apply to statements concerning positions in a labor dispute that are made during otherwise lawful labor picketing.

(e) The Legislature finds and declares that this section was enacted as part of the Ralph Civil Rights Act of 1976, in Chapter 1293 of the Statutes of 1976.

(f) This section does not negate or otherwise abrogate the provisions of Sections 1668, 1953, and 3513.

SEC. 5. Section 52 of the Civil Code is amended to read:

52. (a) Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorney's fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51, 51.5, or 51.6.

(b) Whoever denies the right provided by Section 51.7 or 51.9, or aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, the following:

(1) An amount to be determined by a jury, or a court sitting without a jury, for exemplary damages.

(2) A civil penalty of twenty-five thousand dollars (\$25,000) to be awarded to the person denied the right provided by Section 51.7 in any action brought by the person denied the right, or by the Attorney General, a district attorney, or a city attorney. An action for that penalty brought pursuant to Section 51.7 shall be commenced within three years of the alleged practice.

(3) Attorney's fees as may be determined by the court.

(c) Whenever there is reasonable cause to believe that any person or group of persons is engaged in conduct of resistance to the full enjoyment of any of the rights described in this section, and that conduct is of that nature and is intended to deny the full exercise of those rights, the Attorney General, any district attorney or city attorney, or any person aggrieved by the conduct may bring a civil action in the appropriate court by filing with it a complaint. The complaint shall contain the following:

(1) The signature of the officer, or, in the officer's absence, the individual acting on behalf of the officer, or the signature of the person aggrieved.

(2) The facts pertaining to the conduct.

(3) A request for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for the conduct, as the complainant deems necessary to ensure the full enjoyment of the rights described in this section.

(d) Whenever an action has been commenced in any court seeking relief from the denial of equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States on account of race, color, religion, sex, national origin, or disability, the Attorney General or any district attorney or city attorney for or in the name of the people of the State of California may intervene in the action upon timely application if the Attorney General or any district attorney or city attorney certifies that the case is of general public importance. In that action, the people of the State of California shall be entitled to the same relief as if it had instituted the action.

(e) Actions brought pursuant to this section are independent of any other actions, remedies, or procedures that may be available to an aggrieved party pursuant to any other law.

(f) Any person claiming to be aggrieved by an alleged unlawful practice in violation of Section 51 or 51.7 may also file a verified complaint with the Civil Rights Department pursuant to Section 12948 of the Government Code.

(g) This section does not require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor does this section augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(h) For the purposes of this section, "actual damages" means special and general damages. This subdivision is declaratory of existing law.

(i) Subdivisions (b) to (f), inclusive, shall not be waived by contract except as provided in Section 51.7.

SEC. 6. Section 54.3 of the Civil Code is amended to read:

54.3. (a) Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages and any amount as may be determined by a jury, or the court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000), and attorney's fees as may be determined by the court in addition thereto, suffered by any person denied any of the rights provided in Sections 54, 54.1, and 54.2. "Interfere," for purposes of this section, includes, but is not limited to, preventing or causing the prevention of a guide dog, signal dog, or service dog from carrying out its functions in assisting a disabled person.

(b) Any person who claims to be aggrieved by an alleged unlawful practice in violation of Section 54, 54.1, or 54.2 may also file a verified complaint with the Civil Rights Department pursuant to Section 12948 of the Government Code. The remedies in this section are nonexclusive and are in addition to any other remedy provided by law, including, but not limited to, any action for injunctive or other equitable relief available to the aggrieved party or brought in the name of the people of this state or of the United States.

(c) A person may not be held liable for damages pursuant to both this section and Section 52 for the same act or failure to act.

SEC. 7. Section 4225 of the Civil Code is amended to read:

4225. (a) No declaration or other governing document shall include a restrictive covenant in violation of Section 12955 of the Government Code.

(b) Notwithstanding any other provision of law or provision of the governing documents, the board, without approval of the members, shall amend any declaration or other governing document that includes a restrictive covenant prohibited by this section to delete the restrictive covenant, and shall restate the declaration or other governing document without the restrictive covenant but with no other change to the declaration or governing document.

(c) If the declaration is amended under this section, the board shall record the restated declaration in each county in which the common interest development is located. If the articles of incorporation are amended under this section, the board shall file a certificate of amendment with the Secretary of State pursuant to Section 7814 of the Corporations Code.

(d) If after providing written notice to an association, pursuant to Section 4035, requesting that the association delete a restrictive covenant that violates subdivision (a), and the association fails to delete the restrictive covenant within 30 days of receiving the notice, the Civil Rights Department, a city or county in which a common interest development is located, or any person may bring an action against the association for injunctive relief to enforce subdivision (a). The court may award attorney's fees to the prevailing party.

SEC. 8. Section 6606 of the Civil Code is amended to read:

6606. (a) No declaration or other governing document shall include a restrictive covenant in violation of Section 12955 of the Government Code.

(b) Notwithstanding any other provision of law or provision of the governing documents, the board, without approval of the members, shall amend any declaration or other governing document that includes a restrictive covenant prohibited by this section to delete the restrictive covenant, and shall restate the declaration or other governing document without the restrictive covenant but with no other change to the declaration or governing document.

(c) If the declaration is amended under this section, the board shall record the restated declaration in each county in which the common interest development is located. If the articles of incorporation are amended under this section, the board shall file a certificate of amendment with the Secretary of State pursuant to Section 7814 of the Corporations Code.

(d) If after providing written notice to an association, pursuant to Section 6512, requesting that the association delete a restrictive covenant that violates subdivision (a), and the association fails to delete the restrictive covenant within 30 days of receiving the notice, Civil Rights Department, a city or county in which a common interest development is located, or any person may bring an action against the association for injunctive relief to enforce subdivision (a). The court may award attorney's fees to the prevailing party.

SEC. 9. Section 67380 of the Education Code, as amended by Section 15 of Chapter 423 of the Statutes of 2018, is amended to read:

67380. (a) Except as provided in subparagraph (C) of paragraph (6), the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance shall do all of the following:

(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(B) All occurrences of noncriminal acts of hate violence reported to, and for which a written report is prepared by, designated campus authorities.

(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:

(A) A description of the act of hate violence.

(B) Victim characteristics.

(C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, the name or any other personally identifying information of a victim of any crime defined by Section 243.4, 261, 264, 264.1, 273a, 273d, 273.5, 286, 287, 288, 289, 422.6, 422.7, or 422.75 of, or former Section 288a of, the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or local police agency" and "state and local law enforcement agency," as those terms are used in Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request, a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, make a report containing a compilation of that information available to the general public on the internet website of each respective institution. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the Civil Rights Department and the California Association of Human Relations Organizations.

(6) (A) Notwithstanding Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of their right to have their personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.

(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

(B) The requirements of this paragraph shall not constitute a waiver of, or exception to, any law providing for the confidentiality of information.

(C) This paragraph applies only as a condition for participation in the Cal Grant Program established pursuant to Chapter 1.7 (commencing with Section 69430) of Part 42.

(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against any institution that refuses to provide the information, and the court shall award that person an amount not to exceed one thousand dollars (\$1,000) if the court finds that the institution refused to provide the information.

(c) For purposes of this section:

(1) "Hate violence" means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.

(2) "Part 1 violent crime" means willful homicide, forcible rape, robbery, or aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

(3) "Sexual assault" includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.

(d) This section does not apply to the governing board of a private postsecondary educational institution receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students.

(e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

(f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 10. Section 67380 of the Education Code, as amended by Section 74 of Chapter 615 of the Statutes of 2021, is amended to read:

67380. (a) Except as provided in subparagraph (C) of paragraph (6), the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance shall do all of the following:

(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(B) All occurrences of noncriminal acts of hate violence reported to, and for which a written report is prepared by, designated campus authorities.

(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:

(A) A description of the act of hate violence.

(B) Victim characteristics.

(C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, the name or any other personally identifying information of a victim of any crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 287, 288, 289, 422.6, 422.7, or 422.75 of, or former Section 288a of, the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or local police agency" and "state and local law enforcement agency," as those terms are used in Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request, a campus safety plan that sets forth all of the following: the availability and location of security

personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, make a report containing a compilation of that information available to the general public on the internet website of each respective institution. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the Civil Rights Department and the California Association of Human Relations Organizations.

(6) (A) Notwithstanding Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.

(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

(B) The requirements of this paragraph shall not constitute a waiver of, or exception to, any law providing for the confidentiality of information.

(C) This paragraph applies only as a condition for participation in the Cal Grant Program established pursuant to Chapter 1.7 (commencing with Section 69430) of Part 42.

(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against any institution that refuses to provide the information, and the court shall award that person an amount not to exceed one thousand dollars (\$1,000) if the court finds that the institution refused to provide the information.

(c) For purposes of this section:

(1) "Hate violence" means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.

(2) "Part 1 violent crime" means willful homicide, forcible rape, robbery, or aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

(3) "Sexual assault" includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.

(d) This section does not apply to the governing board of a private postsecondary educational institution receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students.

(e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

(f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 11. Section 3527 of the Government Code is amended to read:

3527. As used in this chapter:

(a) "Employee" means a civil service employee of the State of California. The "State of California" as used in this chapter includes those state agencies, boards, and commissions as may be designated by law that employ civil service employees, except the University of California, Hastings College of the Law, and the California State University.

(b) "Excluded employee," means all managerial employees, as defined in subdivision (e) of Section 3513, all confidential employees, as defined in subdivision (f) of Section 3513, and all supervisory employees, as defined in subdivision (g) of Section 3513, and all civil service employees of the Department of Human Resources, professional employees of the Department of Finance engaged in technical or analytical state budget preparation other than the auditing staff, professional employees in the Personnel/Payroll Services Division of the Controller's office engaged in technical or analytical duties in support of the state's personnel and payroll systems other than the training staff, employees of the Legislative Counsel Bureau, employees of the Bureau of State Audits, employees of the Public Employment Relations Board, conciliators employed by the California State Mediation and Conciliation Service, employees of the office of the State Chief Information Officer except as provided in Section 11546.5, employees of the office of the Secretary of Government Operations within the Government Operations Agency, and intermittent athletic inspectors who are employees of the State Athletic Commission.

(c) "Supervisory employee organization" means an organization that represents members who are supervisory employees under subdivision (g) of Section 3513.

(d) "Excluded employee organization" means an organization that includes excluded employees of the state, as defined in subdivision (b), and that has as one of its primary purposes representing its members in employer-employee relations. Excluded employee organization includes supervisory employee organizations.

(e) "State employer" or "employer," for purposes of meeting and conferring on matters relating to supervisory employer-employee relations, means the Governor or the Governor's designated representatives.

SEC. 12. Section 7903 of the Government Code is amended to read:

7903. (a) "State subventions" shall, except as provided in subdivision (b), include only money received by a local agency from the state, the use of which is unrestricted by the statute providing the subvention.

(b) (1) Commencing with the 2021-22 fiscal year and each fiscal year thereafter, "state subventions" shall also include any money provided to a local agency pursuant to any of the following:

(A) Child support administration relating to local child support agencies (Sections 17306, subdivision (b) of Section 17704, and subdivision (a) of Section 17710 of the Family Code).

(B) Black Infant Health Program (Section 123255 of the Health and Safety Code).

(C) California Home Visiting Program (Section 123255 of the Health and Safety Code).

(D) End the Epidemics-Sexually Transmitted Infections: Sexually Transmitted Disease Prevention and Collaboration Grants to Local Health Jurisdictions (Section 120511 of the Health and Safety Code).

(E) Foundation for Future of Public Health (Item 4265-111-0001 of the Budget Action of 2022).

(F) County Administration for Medi-Cal Eligibility (Section 14154 of the Welfare and Institutions Code).

(G) Optional Targeted Low Income Children's Program (Section 14005.27 of the Welfare and Institutions Code).

(H) California Children's Services Case Management (Section 123850 of the Health and Safety Code).

(I) Child Health and Disability Prevention Program (Section 124035 of the Health and Safety Code).

(J) Specialty Mental Health Services (Chapter 8.9 (commencing with Section 14700) of Part 3 of Division 9 of the Welfare and Institutions Code).

(K) Specified Pre and Post Care Services for Individuals Treated in Short-Term Residential Therapeutic Programs (Article 5 (commencing with Section 14680) of Chapter 8.8 of Part 3 of Division 9 of the Welfare and Institutions Code).

(L) Behavioral Health Quality Improvement Program (Section 14184.405 of the Welfare and Institutions Code).

(M) Mental Health Plan Costs for Continuum of Care Reform, (paragraph (4) of subdivision (c) of Section 36 of Article XIII of the California Constitution).

(N) Mobile Crisis Services (Chapter 1 (commencing with Section 5960) of Part 7 of Division 5 of the Welfare and Institutions Code).

(O) Los Angeles County Justice-Involved Population Services and Supports (Item 4260-101-0001 of the Budget Act of 2022).

(P) Provision 18, Mental Health Services Act (Section 5892 of the Welfare and Institutions Code).

(Q) Drug Medi-Cal Organized Delivery System (Section [] of the Welfare and Institutions Code)

(R) Specialty Mental Health Services, Drug Medi-Cal, excluding Narcotic Treatment Program services, and Drug Medi-Cal Organized Delivery System, excluding Narcotic Treatment Program service (Section 14124.12 of the Welfare and Institutions Code).

(S) Behavioral Health Bridge Housing Program, (Item 4260-101-0001 of the Budget Act of 2022 Provision 17).

(T) Mental Health Services Oversight and Accountability Commission, Mental Health Student Services Act Partnership Grant Program (Section 5886 of the Welfare and Institutions Code).

(U) CalFresh (Section 18906.55 of the Welfare and Institutions Code).

(V) In-Home Supportive Services (Sections 12306.16 and [] of the Welfare and Institutions Code).

(W) Community Care Expansion Program (Section 18999.97 of the Welfare and Institutions Code).

(X) Housing and Disability Advocacy Program, (Assembly Bill 1603 (Ch. 25, Stats. 2016)).

(Y) Project Roomkey, (EO N-32-20 (Item [] of the Budget Act of 2019 and Item [] of the Budget Act of 2021)).

(Z) Bringing Families Home Program (Section 16523.1 of the Welfare and Institutions Code).

(AA) Home Safe Program (Section 15771 of the Welfare and Institutions Code).

(AB) CalWORKs Housing Support Program (Section 11330.5 of the Welfare and Institutions Code).

(AC) CalWORKs (Section 15204.3 of the Welfare and Institutions Code).

(AD) Automation (Section 10823 of the Welfare and Institutions Code and Item 5180-141-0001 of the Budget Act of []).

(AE) Adult Protective Services (Item [] of the Budget Act of 2021).

(AF) Adult Corrections and Rehabilitation Operations-Institution Administration (Sections 1228 to 1233.11, inclusive, of, and Sections 1557 and 4750 of, the Penal Code, and Section 26747 of the Government Code).

(AG) Corrections Planning and Grant Programs (The Safe Neighborhoods and Schools Act (Proposition 47 approved at the November 5, 2002 general election), The Public Safety and Rehabilitation Act of 2016 (Proposition 57 approved at the November 8, 2016, general election), The Control, Regulate, and Tax Adult Use of Marijuana Act (Proposition 64 approved at the November 8, 2016, general election), Section 7599.1 of the Government Code, Sections 14130 to 14132, inclusive, of the Penal Code, Senate Bill 823 (Ch. 337, Stats 2020), Items 5227-123-0001, 5227-117-0001, 5227-118-0001, 5227-120-0001, 5227-121-0001, 5227-125-0001, of the Budget Act of 2022, Items 5227-115-0001 and 5227-116-0001 of the Budget Act of 2021).

(AH) Office of the Small Business Advocate (Item 0509-103-0001 of the Budget Act of 2021).

(AI) Elections (SB 119 (Ch. 9, Stats. 2022), Item 0890-101-0001 of the Budget Act of []).

(AJ) County Subvention (Items 8955-101-0001 and 8955-101-3085 of the Budget Act of []).

(AK) Department of Cannabis Control, Grant 2021, (Item 1115-101-0001 of the Budget Act of [] and Item 1115-102-0001 of the Budget Act of 2022).

(AL) Agricultural Land Burning in San Joaquin Valley (Item 3900-101-0001 Provision 1 of the Budget Act of 2021).

(AM) Carl Moyer Air Quality Standards Attainment Program (Item 3970-101-0001 Provision 2g of the Budget Act of 2021).

(AN) Pre-positioning for Fire and Rescue, (Item 0690-101-0001 Provision 3 of the Budget Act of 2021 and the Budget Act of 2022).

(AO) Prepare California (Item 0690-106-0001 of the Budget Act of 2021).

(AP) Law Enforcement Mutual Aid (Item 0690-101-0001 Provision 6 of Budget Act of 2022).

(AQ) Los Angeles Regional Interoperable Communication Systems (Item 0690-101-0001 Provision 9 of the Budget Act of 2022).

(AR) Homeless Housing, Assistance, and Prevention program grants (Sections 50216 to 50223, inclusive, of the Health and Safety Code).

(AS) Encampment Resolution Grants (Sections 50250 to 50254, inclusive, and Sections 50255 to 50259, inclusive, of the Health and Safety Code).

(AT) Operating subsidies for Homekey facilities (Section 50675.1.1 and the following of the Health and Safety Code).

(AU) Various programs (Control Sections 19.56 and 19.57 of the Budget Act of 2021).

(2) State subventions pursuant to programs listed in paragraph (1) shall be included within the appropriations limit of the local agency, up to the full appropriations limit of the local agency, as determined pursuant to Section 7902.

(c) (1) Any portion of state subventions pursuant to programs listed in paragraph (1) of subdivision (b) that exceeds the appropriations limit of the local agency shall be identified and reported to the Director of Finance by November 1, 2022, and by that date annually thereafter.

(2) The Director of Finance shall calculate the total amounts reported by local agencies pursuant to this subdivision and shall include those amounts within the state appropriations limit determined pursuant to Section 7902.

SEC. 13. Section 8286.5 is added to the Government Code, to read:

8286.5. A local governmental entity may give the committee full information and reasonable assistance in any matters of research requiring recourse to them, or data within their knowledge or control.

SEC. 14. Section 8310.6 is added to the Government Code, to read:

8310.6. (a) On or after January 1, 2024, the State Controller's Office, to the extent the State Controller's Office has completed the functionality necessary, and the Department of Human Resources, when collecting demographic data as to the ancestry or ethnic origin of persons hired into state employment, shall include the following additional collection categories and tabulations for Black or African American groups, including, but not limited to, all of the following:

(1) African Americans who are descendants of persons who were enslaved in the United States.

(2) Blacks who are not descendants of persons who were enslaved in the United States, including, but not limited to, African Blacks, Caribbean Blacks, and other Blacks.

(3) Unknown or choose not to identify.

(b) The data collected pursuant to the collection categories and tabulations described in subdivision (a) shall be included in the Annual Census of Employees in State Civil Service report published or released on or after January 1, 2025. The data shall be made available to the public in accordance with state and federal law, except for personally identifiable information, which shall be deemed confidential.

(c) For the purposes of this section:

(1) "African Americans who are descendants of persons who were enslaved in the United States" means individuals who self-identify as Black, African American, or American Freedman who have at least one ancestor who was enslaved in the United States.

(2) "African Blacks" means individuals who self-identify as Black and who either immigrated directly from Africa to the United States or who are descendants of such a person and who have no ancestors who were enslaved in the United States.

(3) "American Freedmen" means persons who gained freedom from slavery in the United States or their descendants.

(4) "Caribbean Blacks" means individuals who self-identify as Black and who either left Africa for a Caribbean country before immigrating to the United States or who are descendants of such a person and who have no ancestors who were enslaved in

the United States.

(5) "Other Blacks" means individuals who self-identify as Black and who either left Africa to a country not in the Caribbean before immigrating to the United States or who are descendants of a such a person and who have no ancestors who were enslaved in the United States.

SEC. 15. Section 8310.7 of the Government Code is amended to read:

8310.7. (a) This section shall only apply to the following state agencies:

(1) The Department of Industrial Relations.

(2) The Civil Rights Department.

(3) To the extent funding is specifically appropriated for this purpose, the State Department of Public Health, on or after July 1, 2022, whenever collecting demographic data as to the ancestry or ethnic origin of persons for a report that includes rates for major diseases, leading causes of death per demographic, subcategories for leading causes of death in California overall, pregnancy rates, or housing numbers.

(b) In addition to the duties imposed under Section 8310.5, the state agencies described in subdivision (a), in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of California residents, shall collect and tabulate data for the following:

(1) Additional major Asian groups, including, but not limited to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.

(2) Additional major Native Hawaiian and other Pacific Islander groups, including, but not limited to, Fijian and Tongan.

(c) (1) The state agencies identified in subdivision (a) shall make any data collected pursuant to subdivision (b) publicly available, except as described in paragraph (2) for the department identified in paragraph (3) of subdivision (a), and except for personal identifying information, which shall be deemed confidential, by posting the data on the internet website of the agency on or before July 1, 2012, and annually thereafter. This subdivision shall not be construed to prevent any other state agency from posting data collected pursuant to subdivision (b) on the agency's internet website, in the manner prescribed by this section.

(2) The state department identified in paragraph (3) of subdivision (a) shall not report demographic data that would permit identification of individuals. The department may, to prevent identification of individuals, aggregate data categories at a state, county, city, census tract, or ZIP Code level to facilitate comparisons and identify disparities.

(d) The state agencies identified in subdivision (a) shall, within 18 months after a decennial United States Census is released to the public, update their data collection to reflect the additional Asian groups and additional Native Hawaiian and Pacific Islander groups as they are reported by the United States Census Bureau.

(e) The state department identified in paragraph (3) of subdivision (a) shall not report demographic data that would result in statistical unreliability.

(f) The state department identified in paragraph (3) of subdivision (a) may continue to collect and report demographic data in the form that the data was submitted if the data was collected under either of the following circumstances:

(1) Pursuant to federal programs or surveys, whereby the guidelines for demographic data collection categories are defined by the federal program or survey.

(2) Demographic data collected by other entities, including either of the following:

(A) State offices, departments, and agencies not included in subdivision (a).

(B) Third-party entity administered surveys not solely funded by the state department.

SEC. 16. Section 8310.8 of the Government Code is amended to read:

8310.8. (a) (1) This section shall only apply to the following state entities:

(A) The State Department of Health Care Services.

(B) The State Department of Public Health.

(C) The State Department of Social Services.

(D) The California Department of Aging.

(E) The State Department of Education and the Superintendent of Public Instruction, except this section shall not apply to the California Longitudinal Pupil Achievement Data System (CALPADS).

(F) The Commission on Teacher Credentialing.

(G) The Civil Rights Department.

(H) The Labor and Workforce Development Agency.

(I) The Department of Industrial Relations.

(J) The Employment Training Panel.

(K) The Employment Development Department, except this section shall not apply to the unemployment insurance program within the department.

(2) This section shall be known and may be cited as the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.

(b) (1) Except as specified in paragraph (2), in addition to the duties imposed by Section 8310.5 and to the extent permissible by federal law, the state entities identified in subdivision (a), in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, shall collect voluntary self-identification information pertaining to sexual orientation and gender identity.

(2) The state entities identified in subdivision (a) may, but are not required to, collect demographic data pursuant to this section under either of the following circumstances:

(A) Pursuant to federal programs or surveys, whereby the guidelines for demographic data collection categories are defined by the federal program or survey.

(B) Demographic data is collected by other entities including:

(i) State offices, departments, and agencies not included in subdivision (a).

(ii) Surveys administered by third-party entities and the state department is not the sole funder.

(iii) Third-party entities, including, but not limited to, private employers, that provide aggregated data to a state department.

(c) (1) The state entities identified in subdivision (a) shall report to the Legislature the data collected pursuant to this section and the method used to collect that data, and make the data available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential and shall not be disclosed.

(2) The state entities identified in subdivision (a) shall not report demographic data that would permit identification of individuals or would result in statistical unreliability. Demographic reports on data collected pursuant to this section, to prevent identification of individuals, may aggregate categories at a state, county, city, census tract, or ZIP Code level to facilitate comparisons and identify disparities.

(3) The state entities identified in subdivision (a) may use information voluntarily provided about sexual orientation and gender identity only for demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, and guiding policy or funding decisions. All information about sexual orientation and gender identity collected pursuant to this section shall be used only for purposes specified in this section.

(d) The state entities identified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (a) shall comply with the requirements of this section as early as possible following the effective date of this section, but no later than July 1, 2018.

(e) The state entities identified in subparagraphs (E) to (K), inclusive, of paragraph (1) of subdivision (a) shall comply with the requirements of this section as early as possible following the effective date of this section, but no later than July 1, 2019.

SEC. 17. Article 5.10 (commencing with Section 8590.15) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

Article 5.10. Seismic Retrofitting Program for Soft Story Multifamily Housing

8590.15. For purposes of this article, the following definitions apply:

(a) "California Residential Mitigation Program" or "CRMP" means the joint powers authority created in 2012 by agreement between the California Earthquake Authority and the Office of Emergency Services.

(b) "Fund" means the Seismic Retrofitting Program for Soft Story Multifamily Housing Fund.

(c) "Multifamily housing" means a multistory building containing 2 to 20 residential units.

(d) "Program" means the Seismic Retrofitting Program for Soft Story Multifamily Housing.

(e) "Seismic retrofitting" means making a structure more resistant to earthquake shaking and damage.

(f) "Soft story" means a multiunit, wood-frame building with a weak first story that has a high collapse potential due primarily to its soft or weak first-story walls.

8590.16. (a) The Legislature finds and declares that there exists the California Residential Mitigation Program, also known as the CRMP, a joint powers authority created in 2012 by agreement between the California Earthquake Authority and the Office of Emergency Services.

(b) The Seismic Retrofitting Program for Soft Story Multifamily Housing is hereby established, to be developed and administered as provided in this article, for the purposes of providing financial assistance to owners of soft story multifamily housing for seismic retrofitting to protect individuals living in multifamily housing that have been determined to be at risk of collapse in earthquakes.

(c) The Seismic Retrofitting Program for Soft Story Multifamily Housing Fund, and its subsidiary account, the Seismic Retrofitting Account, are hereby created within the State Treasury. The Legislature shall appropriate two hundred fifty million dollars (\$250,000,000) from the General Fund in the 2023–24 Budget Act to the fund for the purposes of carrying out this article.

(d) Funds appropriated for purposes of the program shall be available for a 10-year performance period. The performance period may be extended by the CRMP on an annual basis until July 1, 2042.

8590.17. (a) The CRMP shall develop and administer the program in accordance with this article.

(b) The program shall do all of the following:

(1) Encourage cost-effective seismic retrofitting for existing affordable multifamily housing in California.

(2) Provide financial assistance to owners of multifamily housing that have been determined to be at risk of collapse in earthquakes for seismic retrofitting to protect individuals living in multifamily housing.

(3) Prioritize financial assistance to benefit communities with high social vulnerability.

(4) Prioritize financial assistance to owners of multifamily housing in communities with high concentrations of soft story multifamily housing or in areas of high seismicity.

(c) The CRMP shall receive a reasonable amount not to exceed 10 percent of funding under this program to provide technical assistance to cities and local building departments to develop inventories and seismic retrofit programs for multifamily housing in high seismic areas.

(d) The CRMP shall receive reasonable funds, as required, to offset administrative, operational, information technology, and finance costs to administer the program and is prohibited from using funds from policyholders to offset any costs associated with this program.

(e) The CRMP may use up to 5 percent of funds appropriated pursuant to this article to provide technical assistance to municipalities for developing inventories of multifamily housing in high seismic areas to increase eligibility for participation in the program.

8590.18. (a) The CRMP shall develop criteria and a scoring methodology to prioritize financial assistance provided under the program that consider, but are not limited to considering, all of the following:

(1) An area's and community's vulnerability to earthquakes.

(2) The number of low- and moderate-income households residing in the area.

(3) Other factors that lead some populations to experience a greater risk from earthquakes, including socioeconomic characteristics of an area or community such as poverty levels, residents with disabilities, residents experiencing language barriers, residents over 65 or under 5 years of age, and households without a car.

(b) The CRMP shall develop eligibility criteria for communities and property owners who may receive financial assistance under the seismic retrofitting program in accordance with this article.

(c) The CRMP may make grants to provide incentives for the completion of existing seismic retrofitting projects that qualify under the program.

8590.19. (a) The CRMP may accept any federal funds granted by an act of Congress or by executive order for any of the purposes of this article.

(b) Administrative expenses of developing and administering the program shall not be paid from a source other than the funds appropriated pursuant to this article.

(c) Moneys in the California Earthquake Authority Fund created under subdivision (b) of Section 10089.22 of the Insurance Code and moneys appropriated to the Office of Emergency Services for purposes unrelated to the program shall not be used for the program.

(d) The CRMP may establish financial assistance limits and matching funding or other recipient contribution requirements, as necessary, to ensure the viability and efficient operation of the program and to maximize the program's impact on reducing earthquake risk in California.

8590.20. (a) By January 1, 2027, and annually thereafter until January 1, 2042, the CRMP shall submit a report to the Legislature pursuant to Section 9795 regarding the implementation of the program. The report shall include, but is not limited to, all of the following:

(1) An evaluation of the cost-effectiveness of the program.

(2) An evaluation of the overall earthquake risk reduction achieved statewide through awards of financial assistance under the program.

(3) Detailed information about the quantity, monetary value, geographic distribution, and categories of awards of financial assistance made under the program.

(4) Detailed information about the sources and amounts of funds appropriated or granted to the program.

(b) The requirement for submitting a report imposed by this section is inoperative on January 1, 2043, pursuant to Section 10231.5.

8590.21. This article shall become inoperative on July 1, 2042, and, as of January 1, 2043, is repealed.

SEC. 18. Section 9112 of the Government Code is amended to read:

9112. (a) (1) Notwithstanding any other law, including Section 9108, the Joint Rules Committee may pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex described in Section 9105 and any other ancillary improvements to effectuate the purposes of this article.

(2) Projects authorized pursuant to this section may be pursued in phases and may include a visitor center, a relocated and expanded underground parking facility, and any related or necessary deconstruction and infrastructure work.

(b) (1) All work performed pursuant to this article shall be executed and managed by the Joint Rules Committee pursuant to its authority described in subdivision (a). The Department of General Services shall provide counsel and advice to the Joint Rules Committee for purposes of the work. The work shall be undertaken pursuant to an agreement between the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative.

(2) The agreement entered into pursuant to paragraph (1) shall establish the scope, budget, delivery method, and schedule for any work undertaken pursuant to this article.

(3) (A) Notwithstanding any other law, the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative, pursuant to the agreement entered into pursuant to paragraph (1), may agree to utilize any delivery method deemed appropriate and advantageous for the work performed pursuant to this article.

(B) Notwithstanding any other law, any changes to the scope of the projects authorized by this section shall be agreed upon by the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative, pursuant to the agreement entered into pursuant to paragraph (1).

(c) Notwithstanding any other law, any action or proceeding alleging that a public agency has approved or is undertaking work pursuant to this article in violation of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall be subject to Chapter 6.7 (commencing with Section 21189.50) of Division 13 of the Public Resources Code.

(d) (1) Notwithstanding any other law, all work performed pursuant to this article shall be exempt from all of the following:

(A) The State Contract Act (Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code).

(B) Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3.

(C) Chapter 2.1 (commencing with Section 15813) of Part 10b of Division 3.

(D) Section 2807 of the Penal Code.

(E) Sections 5024 and 5024.5 of the Public Resources Code.

(2) Notwithstanding any other law, the inclusion of office space for or an emergency dispatch center of the Department of the California Highway Patrol, including any associated telecommunications or radio equipment, in the state capitol building annex constructed or the existing State Capitol Building Annex described in Section 9105 restored, rehabilitated, renovated, or reconstructed pursuant to this article shall not subject any part of the projects authorized by this article, including that office space or emergency dispatch center, to any of the following:

(A) The Essential Services Buildings Seismic Safety Act of 1986 (Chapter 2 (commencing with Section 16000) of Division 12.5 of the Health and Safety Code).

(B) Any other law that would not otherwise apply to the projects authorized by this article but for the inclusion of the office space for or emergency dispatch center of the Department of the California Highway Patrol

(C) Any rule, regulation, standard, or requirement promulgated or enforced by the Division of the State Architect or the Office of the State Fire Marshal pursuant to the laws described in subparagraphs (A) and (B).

(3) Notwithstanding any other law, for purposes of work performed pursuant to this article involving the Department of General Services, the department may enter into negotiations directly with any firm for the provision of services described in Section 4525.

(e) Prevailing wages shall be paid to all workers employed on a project that is subject to this article, in accordance with Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

SEC. 19. Section 9112.5 of the Government Code is amended to read:

9112.5. It is the intent of the Legislature that available cash sources, including, but not limited to, an allocation of the moneys deposited into the State Project Infrastructure Fund prior to 2018 and moneys appropriated in the Budget Acts of 2018, 2021, and 2022, be used to fund the projects authorized by Section 9112.

SEC. 20. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 21. Section 11136 of the Government Code is amended to read:

11136. Whenever a state agency that administers a program or activity that is funded directly by the state or receives any financial assistance from the state has reasonable cause to believe that a contractor, grantee, or local agency has violated the provisions of Section 11135, Part 2.8 (commencing with Section 12900) of this code, Section 51, 51.5, 51.7, 54, 54.1, or 54.2 of the Civil Code, or any regulation adopted to implement these sections or Article 1 (commencing with Section 12960) of Chapter 7 of this code, the head of the state agency, or that person's designee, shall notify the contractor, grantee, or local agency of such violation and shall submit a complaint detailing the alleged violations to the Civil Rights Department for investigation and determination pursuant to Article 1 (commencing with Section 12960) of Chapter 7 of this code.

SEC. 22. Section 11343 of the Government Code is amended to read:

11343. Every state agency shall:

(a) Transmit to the office for filing with the Secretary of State a certified copy of every regulation adopted or amended by it except one that is a building standard.

(b) Transmit to the office for filing with the Secretary of State a certified copy of every order of repeal of a regulation required to be filed under subdivision (a).

(c) (1) Within 15 days of the office filing a state agency's regulation with the Secretary of State, post the regulation on its internet website in an easily marked and identifiable location. The state agency shall keep the regulation on its internet website for at least six months from the date the regulation is filed with the Secretary of State.

(2) Within five days of posting, the state agency shall send to the office the internet website link of each regulation that the agency posts on its internet website pursuant to paragraph (1).

(3) This subdivision shall not apply to a state agency that does not maintain an internet website.

(d) Deliver to the office, at the time of transmittal for filing a regulation or order of repeal, a citation of the authority pursuant to which it or any part thereof was adopted.

(e) Deliver to the office a copy of the notice of proposed action required by Section 11346.4.

(f) Transmit to the California Building Standards Commission for approval a certified copy of every regulation, or order of repeal of a regulation, that is a building standard, together with a citation of authority pursuant to which it or any part thereof was adopted, a copy of the notice of proposed action required by Section 11346.4, and any other records prescribed by the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).

(g) Whenever a certification is required by this section, it shall be made by the head of the state agency that is adopting, amending, or repealing the regulation, or by a designee of the agency head, and the certification and delegation shall be in writing.

SEC. 23. Section 11512 of the Government Code is amended to read:

11512. (a) Every hearing in a contested case shall be presided over by an administrative law judge. The agency itself shall determine whether the administrative law judge is to hear the case alone or whether the agency itself is to hear the case with the administrative law judge.

(b) When the agency itself hears the case, the administrative law judge shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the administrative law judge. When the administrative law judge alone hears a case, the judge shall exercise all powers relating to the conduct of the hearing. A ruling of the administrative law judge admitting or excluding evidence is subject to review in the same manner and to the same extent as the administrative law judge's proposed decision in the proceeding.

(c) An administrative law judge or agency member shall voluntarily disqualify themselves and withdraw from any case in which there are grounds for disqualification, including disqualification under Section 11425.40. The parties may waive the disqualification by a writing that recites the grounds for disqualification. A waiver is effective only when signed by all parties, accepted by the administrative law judge or agency member, and included in the record. Any party may request the disqualification of any administrative law judge or agency member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that the administrative law judge or agency member is disqualified. Where the request concerns an agency member, the issue shall be determined by the other members of the agency. Where the request concerns the administrative law judge, the issue shall be determined by the agency itself if the agency itself hears the case with the administrative law judge, otherwise the issue shall be determined by the administrative law judge. No agency member shall withdraw voluntarily or be subject to disqualification if their disqualification would prevent the existence of a quorum qualified to act in the particular case, except that a substitute qualified to act may be appointed by the appointing authority.

(d) The proceedings at the hearing shall be reported by a stenographic reporter. However, upon the consent of all the parties, or if a stenographic reporter is unavailable and upon finding of good cause by the administrative law judge, the proceedings may be recorded electronically.

(e) Whenever, after the agency itself has commenced to hear the case with an administrative law judge presiding, a quorum no longer exists, the administrative law judge who is presiding shall complete the hearing as if sitting alone and shall render a proposed decision in accordance with subdivision (b) of Section 11517.

SEC. 24. Section 11540 of the Government Code is amended to read:

11540. The Director of Technology shall propose to the Director of Finance rates for Office of Technology Services' services based on a formal rate methodology. The Director of Finance shall approve the proposal based on the reasonableness of the rates, any significant impact on departmental budgets, and all other requirements of the rate reassessment required under Section 11540.5. The Director of Technology and the Director of Finance shall coordinate to develop policies and procedures to implement this section, including, but not limited to, the format and timeframe of the rate proposal and any changes recommended as part of the rate reassessment pursuant to subdivision (e) of Section 11540.5.

SEC. 25. Section 11540.5 is added to the Government Code, to read:

11540.5. (a) The department, in consultation with the Department of Finance, shall reassess the formal rate methodology and relevant policies and procedures for state data center services.

(b) Upon appropriation by the Legislature, moneys to support the administrative costs or revenue losses sustained by the department during the rate reassessment shall be allocated to the department from the General Fund.

(c) The department shall conduct the rate reassessment commencing July 1, 2022, and shall complete the rate reassessment no later than June 30, 2025.

(d) Upon completion of the rate reassessment, any remaining funds transferred from the General Fund for the purposes of administrative costs or revenue losses sustained by the department shall be transferred to the Technology Services Revolving Fund created by Section 11544 no later than June 30, 2025.

(e) To complete the rate reassessment, the department, in consultation with the Department of Finance, shall do all of the following:

(1) Develop a rate structure that would allow a state entity or other customer of a state data center to compare services offered by state data centers with comparable services offered by major private vendors, including, but not limited to, features, levels of service, rates, and service options for all offered services.

(2) Determine and designate which state data center services are either cost inefficient or mandatory.

(3) Evaluate the potential elimination of both cost-inefficient state data center services and nonmandatory state data center services.

(4) (A) Recommend revision of policies, procedures, and strategies for the provision of state data center services, including, but not limited to, all of the following:

(i) Creating centralized contracts for shared information technology services to replace state data center services, including, but not limited to, contracts pursuant to subdivision (b) of Section 11546.45.

(ii) Requiring state entities to use specific state data center services needed to maintain a certain level of service for critical programs.

(iii) Instating term agreements for state data center services to improve revenue and expenditure forecasting.

(B) The recommendations shall consider how to revise the policies, procedures, and strategies, including, but not limited to, those in subparagraph (A), to provide state data center services in a cost-effective, efficient, and strategic manner.

(f) Commencing April 1, 2023, and every twelve months thereafter until August 1, 2025, the department shall submit a written report to relevant budget subcommittees of both houses and to the Joint Legislative Budget Committee on progress toward the state data center rate reassessment requirements in subdivision (e); its consideration of changes to current policies, procedures, and strategies pursuant to paragraph (4) of subdivision (e); and on all of the following outcome metrics:

(1) The total number of services offered by state data centers.

(2) The total number of services identified for elimination from state data centers.

(3) An explanation and timeline for the elimination of services identified in paragraph (2).

(4) The amount and percentage change in rates, if any, for state data center services.

(5) An explanation for the change in rates, if any, calculated pursuant to paragraph (4).

(6) The estimated difference in rates by service between state data centers and major private vendors based on the total cost of ownership, which include, but are not limited to, migration costs, managed service support, comparable features, levels of service, and service options.

(7) An explanation for the difference in service rates calculated pursuant to paragraph (6).

(8) The forecasted change in state data center service subscriptions over the current fiscal year and next two fiscal years.

(9) The forecasted change in state data center revenues and expenditures over the current fiscal year and next two fiscal years based on the change in subscriptions forecasted in paragraph (8).

(g) For purposes of this section, the following definitions have the following meanings:

(1) "Cost-inefficient services" means services for which state data center service rates are higher than major private vendor service rates once the state data center service rates are reduced to cover only direct costs.

(2) "Department," unless otherwise stated, refers to the Department of Technology.

(3) "Major private vendors" shall be designated pursuant to specific criteria.

(4) "Mandatory services" means state data center services that must be used by all state entities to achieve greater cost efficiency, improved security, or other comparable reasons identified by the department.

(5) "State data center" means a Tier III or equivalent data center, as designated by the department.

SEC. 26. Section 12482 is added to the Government Code, immediately following Section 12481, to read:

12482. (a) On or before February 1, 2023, the Controller, in consultation with the Department of Human Resources, shall submit a report to each of the relevant budget subcommittees of the Legislature on the proposed California State Payroll System information technology project. The report shall include all of the following:

(1) A detailed summary of project planning efforts up to the report's publication, particularly project team outreach to state entities impacted by the future system to gather business and system requirements and design future business processes.

(2) A complete governance plan for the project and future system, including all of the roles and responsibilities for each state entity in the governance plan. The plan shall identify all state entities in the governance plan with decisionmaking authority. Any state entity that is not included in the governance structure, but that is significantly affected by the development and implementation of the system, shall also be identified. The plan shall provide further detail on the project's outreach to each of these affected state entities, including all training conducted with executive leadership or employees.

(3) A comprehensive list of each state entity engaged by the project's Department Agency Readiness Team (DART) up to the report's publication, including the total number of DART engagements by state entity and a detailed summary for each engagement. Each engagement summary shall describe any resistance from state entity leadership or employees and outline the project's next steps to mitigate resistance during development and implementation of the project.

(4) A detailed summary of the activities of the Business Process Owners (BPO) Group up to the report's publication. The summary shall include any business process modifications identified by the BPO Group as a result of new system requirements.

(5) An updated version of the project's risk register and issue log as of the report's publication.

(b) Any confidential procurement information that cannot be shared with the Legislature until the primary system integrator contract is awarded is exempt from the reporting requirements of this section.

SEC. 27. Section 12804 of the Government Code is amended to read:

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 Civil Rights Department, the Department of Business Oversight, the Department of Alcoholic Beverage Control, the Alcoholic Beverage Control Appeals Board, the California Horse Racing Board, and the Alfred E. Alquist Seismic Safety Commission.

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

SEC. 28. Section 12816.5 is added to the Government Code, to read:

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.

SEC. 29. The heading of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code is amended to read:

PART 2.8. CIVIL RIGHTS DEPARTMENT

SEC. 30. Section 12901 of the Government Code is amended to read:

12901. There is in the state government, in the Business, Consumer Services, and Housing Agency, the Civil Rights Department. The department is under the direction of an executive officer known as the Director of Civil Rights, who is appointed by the Governor, subject to confirmation by the Senate, and who holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2.

SEC. 31. Section 12903 of the Government Code is amended to read:

12903. There is in the Civil Rights Department the Civil Rights Council. The council shall consist of seven members, to be known as council members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated as chairperson by the Governor. The Director of the Civil Rights Department shall serve as a nonvoting ex-officio member of the council.

(a) Appointments made to the council on and after January 1, 2017, shall be for the following terms:

(1) Four of the members appointed shall serve terms of four years.

(2) Three of the members appointed shall serve terms of two years.

(b) Each member appointed after the expiration of the initial terms set forth in paragraphs (1) and (2) of subdivision (a) shall serve a term of four years.

(c) Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

SEC. 32. Section 12907 of the Government Code is amended to read:

12907. (a) The Civil Rights Enforcement and Litigation Fund is hereby established in the State Treasury, to be administered by the Civil Rights Department.

(b) The fund shall consist of attorney's fees and costs awarded by a court to the Civil Rights Department when the department is the prevailing party in a civil action brought under the California Fair Employment and Housing Act.

(c) Upon appropriation by the Legislature in the annual Budget Act, moneys in the fund may be used to offset the costs of the department.

SEC. 33. Section 12925 of the Government Code is amended to read:

12925. As used in this part, unless a different meaning clearly appears from the context:

(a) "Council" means the Civil Rights Council and "council member" means a member of the council.

(b) "Department" means the Civil Rights Department.

(c) "Director" means the Director of Civil Rights.

(d) "Person" includes one or more individuals, partnerships, associations, corporations, limited liability companies, legal representatives, trustees, trustees in bankruptcy, and receivers or other fiduciaries.

SEC. 34. The heading of Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of the Government Code is amended to read:

Article 2. The Council

SEC. 35. Section 12935 of the Government Code is amended to read:

12935. The council shall have the following functions, powers, and duties:

(a) To adopt, promulgate, amend, and rescind suitable rules, regulations, and standards that do either of the following:

(1) Interpret, implement, and apply all provisions of this part, Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of this code, Sections 51, 51.5, 51.7, 54, 54.1, and 54.2 of the Civil Code, and Section 1197.5 of the Labor Code.

(A) As of January 1, 2017, Chapter 1 (commencing with Section 98000), Chapter 2 (commencing with Section 98100), and Chapter 3 (commencing with Section 98200) of Division 8 of Title 22 of the California Code of Regulations shall be transferred from the portion of the California Code of Regulations that is under the authority of the California Health and Human Services Agency to the portion of the California Code of Regulations that is under the authority of the department, and upon transfer shall be deemed adopted by the council.

(B) The council shall, within existing resources and pursuant to Chapter 3.5 (commencing with Section 11340), adopt additional regulations, as necessary, and amend or repeal, as necessary, regulations transferred to the department from the California Health and Human Services Agency relating to Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1.

(2) Carry out all other functions and duties of the council pursuant to this part.

(b) To meet at any place within the state and function in any office of the department.

(c) To create or provide technical assistance to any advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and to empower them to study the problems of discrimination in all or specific fields of human relationships or in particular instances of employment discrimination on the bases enumerated in this part or in specific instances of housing discrimination on the bases enumerated in this part and to foster, through community effort or otherwise, good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the Civil Rights Council for the development of policies and procedures in general except for procedural rules and regulations that carry out the investigation, prosecution, and dispute resolution functions and duties of the department. These advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(d) To hold hearings, issue publications, results of inquiries and research, and reports to the Governor and the Legislature that, in its judgment, will tend to aid in effectuating the purpose of this part, promote good will, cooperation, and conciliation, and minimize or eliminate unlawful discrimination, or advance civil rights in the State of California.

SEC. 36. Section 12940 of the Government Code is amended to read:

12940. It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment.

(1) This part does not prohibit an employer from refusing to hire or discharging an employee with a physical or mental disability, or subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee with a physical or mental disability, if the employee, because of a physical or mental disability, is unable to perform the employee's essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations.

(2) This part does not prohibit an employer from refusing to hire or discharging an employee who, because of the employee's medical condition, is unable to perform the employee's essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations. Nothing in this part shall subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee who, because of the employee's medical condition, is unable to perform the employee's essential duties, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations.

(3) Nothing in this part relating to discrimination on account of marital status shall do either of the following:

(A) Affect the right of an employer to reasonably regulate, for reasons of supervision, safety, security, or morale, the working of spouses in the same department, division, or facility, consistent with the rules and regulations adopted by the council.

(B) Prohibit bona fide health plans from providing additional or greater benefits to employees with dependents than to those employees without or with fewer dependents.

(4) Nothing in this part relating to discrimination on account of sex shall affect the right of an employer to use veteran status as a factor in employee selection or to give special consideration to Vietnam-era veterans.

(5) (A) This part does not prohibit an employer from refusing to employ an individual because of the individual's age if the law compels or provides for that refusal. Promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring on the basis of seniority and prior service with the employer, or hiring under an established recruiting program from high schools, colleges, universities, or trade schools do not, in and of themselves, constitute unlawful employment practices.

(B) The provisions of this part relating to discrimination on the basis of age do not prohibit an employer from providing health benefits or health care reimbursement plans to retired persons that are altered, reduced, or eliminated when the person becomes eligible for Medicare health benefits. This subparagraph applies to all retiree health benefit plans and contractual provisions or practices concerning retiree health benefits and health care reimbursement plans in effect on or after January 1, 2011.

(b) For a labor organization, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of any person, to exclude, expel, or restrict from its membership the person, or to provide only second-class or segregated membership or to discriminate against any person because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of the person in the election of officers of the labor organization or in the selection of the labor organization's staff or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any person to discriminate against any person in the selection, termination, training, or other terms or treatment of that person in any apprenticeship training program, any other training program leading to employment, an unpaid internship, or another limited duration program to provide unpaid work experience for that person because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of the person discriminated against.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication, or to make any nonjob-related inquiry of an employee or applicant, either verbal or through use of an application form, that expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status, or any intent to make any such limitation, specification, or discrimination. This part does not prohibit an employer or employment agency from inquiring into the age of an applicant, or from specifying age limitations, if the law compels or provides for that action.

(e) (1) Except as provided in paragraph (2) or (3), for any employer or employment agency to require any medical or psychological examination of an applicant, to make any medical or psychological inquiry of an applicant, to make any inquiry whether an applicant has a mental disability or physical disability or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.

(2) Notwithstanding paragraph (1), an employer or employment agency may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.

(3) Notwithstanding paragraph (1), an employer or employment agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the commencement of employment duties, provided that the examination or inquiry is job related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

(f) (1) Except as provided in paragraph (2), for any employer or employment agency to require any medical or psychological examination of an employee, to make any medical or psychological inquiry of an employee, to make any inquiry whether an employee has a mental disability, physical disability, or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.

(2) Notwithstanding paragraph (1), an employer or employment agency may require any examinations or inquiries that it can show to be job related and consistent with business necessity. An employer or employment agency may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that worksite.

(g) For any employer, labor organization, or employment agency to harass, discharge, expel, or otherwise discriminate against any person because the person has made a report pursuant to Section 11161.8 of the Penal Code that prohibits retaliation

against hospital employees who report suspected patient abuse by health facilities or community care facilities.

(h) For any employer, labor organization, employment agency, or person to discharge, expel, or otherwise discriminate against any person because the person has opposed any practices forbidden under this part or because the person has filed a complaint, testified, or assisted in any proceeding under this part.

(i) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

(j) (1) For an employer, labor organization, employment agency, apprenticeship training program or any training program leading to employment, or any other person, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. Harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to harassment of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing cases involving the acts of nonemployees, the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees shall be considered. An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.

(2) The provisions of this subdivision are declaratory of existing law, except for the new duties imposed on employers with regard to harassment.

(3) An employee of an entity subject to this subdivision is personally liable for any harassment prohibited by this section that is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

(4) (A) For purposes of this subdivision only, "employer" means any person regularly employing one or more persons or regularly receiving the services of one or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities. The definition of "employer" in subdivision (d) of Section 12926 applies to all provisions of this section other than this subdivision.

(B) Notwithstanding subparagraph (A), for purposes of this subdivision, "employer" does not include a religious association or corporation not organized for private profit, except as provided in Section 12926.2.

(C) For purposes of this subdivision, "harassment" because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. Sexually harassing conduct need not be motivated by sexual desire.

(5) For purposes of this subdivision, "a person providing services pursuant to a contract" means a person who meets all of the following criteria:

(A) The person has the right to control the performance of the contract for services and discretion as to the manner of performance.

(B) The person is customarily engaged in an independently established business.

(C) The person has control over the time and place the work is performed, supplies the tools and instruments used in the work, and performs work that requires a particular skill not ordinarily used in the course of the employer's work.

(k) For an employer, labor organization, employment agency, apprenticeship training program, or any training program leading to employment, to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

(l) (1) For an employer or other entity covered by this part to refuse to hire or employ a person or to refuse to select a person for a training program leading to employment or to bar or to discharge a person from employment or from a training program leading to employment, or to discriminate against a person in compensation or in terms, conditions, or privileges of employment because of a conflict between the person's religious belief or observance and any employment requirement, unless the employer or other entity covered by this part demonstrates that it has explored any available reasonable alternative means of accommodating the religious belief or observance, including the possibilities of excusing the person from those duties that conflict with the person's religious belief or observance or permitting those duties to be performed at another time or by another person, but is unable to

reasonably accommodate the religious belief or observance without undue hardship, as defined in subdivision (u) of Section 12926, on the conduct of the business of the employer or other entity covered by this part. Religious belief or observance, as used in this section, includes, but is not limited to, observance of a Sabbath or other religious holy day or days, reasonable time necessary for travel prior and subsequent to a religious observance, and religious dress practice and religious grooming practice as described in subdivision (q) of Section 12926. This subdivision shall also apply to an apprenticeship training program, an unpaid internship, and any other program to provide unpaid experience for a person in the workplace or industry.

(2) An accommodation of an individual's religious dress practice or religious grooming practice is not reasonable if the accommodation requires segregation of the individual from other employees or the public.

(3) An accommodation is not required under this subdivision if it would result in a violation of this part or any other law prohibiting discrimination or protecting civil rights, including subdivision (b) of Section 51 of the Civil Code and Section 11135 of this code.

(4) For an employer or other entity covered by this part to, in addition to the employee protections provided pursuant to subdivision (h), retaliate or otherwise discriminate against a person for requesting accommodation under this subdivision, regardless of whether the request was granted.

(m) (1) For an employer or other entity covered by this part to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this subdivision or in paragraph (1) or (2) of subdivision (a) shall be construed to require an accommodation that is demonstrated by the employer or other covered entity to produce undue hardship, as defined in subdivision (u) of Section 12926, to its operation.

(2) For an employer or other entity covered by this part to, in addition to the employee protections provided pursuant to subdivision (h), retaliate or otherwise discriminate against a person for requesting accommodation under this subdivision, regardless of whether the request was granted.

(n) For an employer or other entity covered by this part to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

(o) For an employer or other entity covered by this part, to subject, directly or indirectly, any employee, applicant, or other person to a test for the presence of a genetic characteristic.

(p) Nothing in this section shall be interpreted as preventing the ability of employers to identify members of the military or veterans for purposes of awarding a veteran's preference as permitted by law.

SEC. 37. Section 12940.3 of the Government Code is amended to read:

12940.3. Prior to January 1, 1996, a study or survey of the costs, including litigation and reasonable accommodation expenses and other impacts on California employers of 15 or more employees, resulting from compliance with Title I of the Americans with Disabilities Act of 1990 (Public Law 101-336), shall be undertaken jointly by the California Chamber of Commerce, the Civil Rights Department, Protection and Advocacy, Inc., and the State Department of Rehabilitation. The study shall also include an analysis of the benefits of the requirements of Title I of the Americans with Disabilities Act of 1990 (Public Law 101-336) to persons with disabilities. The results of the study shall be submitted to the Commission on Special Education for their review and recommendations. The study shall provide a basis for a recommendation to the Legislature and the Governor concerning whether the hardships imposed upon businesses outweigh the benefits to persons with disabilities when the requirements of Title I of the Americans with Disabilities Act of 1990 (Public Law 101-336) are extended to California employers of 5 to 14, inclusive, employees by amending the California Fair Employment and Housing Act to include people with mental disabilities as a protected class. In conducting the study and making a recommendation, the parties shall consider whether the additional requirements or consequences of being subject to the additional requirements will impose a significant hardship on employers of 5 to 14, inclusive, employees.

It is the intent to the Legislature that if, at the conclusion of the study and report to the Legislature, it is determined that employers of between 5 and 14 employees would not have a significant hardship in implementing the requirements of Title I of the Americans with Disabilities Act of 1990 (Public Law 101-336), legislation should be introduced to require that employers with between 5 and 14 employees are covered by the requirements of Title I of the Americans with Disabilities Act of 1990 (Public Law 101-336).

The Legislature intends that all employers, including employers of 5 to 14, inclusive, employees, voluntarily comply with the requirements of Title I of the Americans with Disabilities Act of 1990 (Public Law 101-336) so that persons with mental disabilities can participate fully in the employment opportunities provided to all Californians. However, it is the intent of the Legislature that

existing employment discrimination provisions covering employers of 5 to 14, inclusive, employees shall not be altered by amendments to this part that become effective on January 1, 1993.

SEC. 38. Section 12944 of the Government Code is amended to read:

12944. (a) It shall be unlawful for a licensing board to require any examination or establish any other qualification for licensing that has an adverse impact on any class by virtue of its race, creed, color, national origin or ancestry, sex, gender, gender identity, gender expression, age, medical condition, genetic information, physical disability, mental disability, or sexual orientation, unless the practice can be demonstrated to be job related.

Where the council, after hearing, determines that an examination is unlawful under this subdivision, the licensing board may continue to use and rely on the examination until such time as judicial review by the superior court of the determination is exhausted.

If an examination or other qualification for licensing is determined to be unlawful under this section, that determination shall not void, limit, repeal, or otherwise affect any right, privilege, status, or responsibility previously conferred upon any person by the examination or by a license issued in reliance on the examination or qualification.

(b) It shall be unlawful for a licensing board to fail or refuse to make reasonable accommodation to an individual's mental or physical disability or medical condition.

(c) It shall be unlawful for any licensing board, unless specifically acting in accordance with federal equal employment opportunity guidelines or regulations approved by the council, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, sex, gender, gender identity, gender expression, age, or sexual orientation or any intent to make any such limitation, specification, or discrimination. Nothing in this subdivision shall prohibit any licensing board from making, in connection with prospective licensure or certification, an inquiry as to, or a request for information regarding, the physical fitness of applicants if that inquiry or request for information is directly related and pertinent to the license or the licensed position the applicant is applying for. Nothing in this subdivision shall prohibit any licensing board, in connection with prospective examinations, licensure, or certification, from inviting individuals with physical or mental disabilities to request reasonable accommodations or from making inquiries related to reasonable accommodations.

(d) It is unlawful for a licensing board to discriminate against any person because the person has filed a complaint, testified, or assisted in any proceeding under this part.

(e) It is unlawful for any licensing board to fail to keep records of applications for licensing or certification for a period of two years following the date of receipt of the applications.

(f) As used in this section, "licensing board" means any state board, agency, or authority in the Business, Consumer Services, and Housing Agency that has the authority to grant licenses or certificates which are prerequisites to employment eligibility or professional status.

SEC. 39. Section 12945 of the Government Code is amended to read:

12945. (a) In addition to the provisions that govern pregnancy, childbirth, or a related medical condition in Sections 12926 and 12940, each of the following shall be an unlawful employment practice, unless based upon a bona fide occupational qualification:

(1) For an employer to refuse to allow an employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time not to exceed four months and thereafter return to work, as set forth in the council's regulations. The employee shall be entitled to utilize any accrued vacation leave during this period of time. Reasonable period of time means that period during which the employee is disabled on account of pregnancy, childbirth, or a related medical condition.

An employer may require an employee who plans to take a leave pursuant to this subdivision to give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave.

(2) (A) For an employer to refuse to maintain and pay for coverage for an eligible employee who takes leave pursuant to paragraph (1) under a group health plan, as defined in Section 5000(b)(1) of the Internal Revenue Code of 1986, for the duration of the leave, not to exceed four months over the course of a 12-month period, commencing on the date the leave taken under paragraph (1) begins, at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. Nothing in this paragraph shall preclude an employer from maintaining and paying for coverage under a group health plan beyond four months. An employer may recover

from the employee the premium that the employer paid as required under this subdivision for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

(i) The employee fails to return from leave after the period of leave to which the employee is entitled has expired.

(ii) The employee's failure to return from leave is for a reason other than one of the following:

(I) The employee taking leave under the Moore-Brown-Roberti Family Rights Act (Sections 12945.2 and 19702.3 of the Government Code).

(II) The continuation, recurrence, or onset of a health condition that entitles the employee to leave under paragraph (1) or other circumstance beyond the control of the employee.

(B) If the employer is a state agency, the collective bargaining agreement shall govern with respect to the continued receipt by an eligible employee of the health care coverage specified in subparagraph (A).

(3) (A) For an employer to refuse to provide reasonable accommodation for an employee for a condition related to pregnancy, childbirth, or a related medical condition, if the employee so requests, with the advice of the employee's health care provider.

(B) For an employer who has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of temporarily disabled employees to less strenuous or hazardous positions for the duration of the disability to refuse to transfer a pregnant employee who so requests.

(C) For an employer to refuse to temporarily transfer a pregnant employee to a less strenuous or hazardous position for the duration of the pregnancy if the employee so requests, with the advice of the employee's physician, where that transfer can be reasonably accommodated. However, no employer shall be required by this section to create additional employment that the employer would not otherwise have created, nor shall the employer be required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job.

(4) For an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(b) This section shall not be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish the coverage of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under any other provision of this part, including subdivision (a) of Section 12940.

SEC. 40. Section 12965 of the Government Code is amended to read:

12965. (a) (1) In the case of failure to eliminate an unlawful practice under this part through conference, conciliation, mediation, or persuasion, or in advance thereof if circumstances warrant, the director in the director's discretion may bring a civil action in the name of the department, acting in the public interest, on behalf of the person claiming to be aggrieved.

(2) Prior to filing a civil action, the department shall require all parties to participate in mandatory dispute resolution in the department's internal dispute resolution division free of charge to the parties in an effort to resolve the dispute without litigation.

(3) In a civil action, the person claiming to be aggrieved shall be the real party in interest and shall have the right to participate as a party and be represented by that person's own counsel.

(4) A civil action under this subdivision shall be brought in a county in which the department has an office, in a county in which unlawful practices are alleged to have been committed, in the county in which records relevant to the alleged unlawful practices are maintained and administered, in the county in which the person claiming to be aggrieved would have worked or would have had access to public accommodation, but for the alleged unlawful practices, in the county of the defendant's residence or principal office, or, if the civil action includes class or group allegations on behalf of the department, in any county in the state.

(5) (A) A complaint treated by the director as a group or class complaint for purposes of investigation, conciliation, mediation, or civil action pursuant to Section 12961, a civil action shall be brought, if at all, within two years after the filing of the complaint.

(B) For a complaint alleging a violation of Section 51.7 of the Civil Code, a civil action shall be brought, if at all, within two years after the filing of the complaint.

(C) For a complaint other than those specified in subparagraphs (A) and (B), a civil action shall be brought, if at all, within one year after the filing of a complaint.

(D) The deadlines specified in subparagraphs (A), (B), and (C), shall be tolled during a mandatory or voluntary dispute resolution proceeding commencing on the date the department refers the case to its dispute resolution division and ending

on the date the department's dispute resolution division closes its mediation record and returns the case to the division that referred it.

(b) For purposes of this section, filing a complaint means filing a verified complaint.

(c) (1) (A) Except as specified in subparagraph (B), if a civil action is not brought by the department pursuant to subdivision (a) within 150 days after the filing of a complaint, or if the department earlier determines that no civil action will be brought pursuant to subdivision (a), the department shall promptly notify, in writing, the person claiming to be aggrieved that the department shall issue, on request, the right-to-sue notice. If the person claiming to be aggrieved does not request a right-to-sue notice, the department shall issue the notice upon completion of its investigation, and not later than one year after the filing of the complaint.

(B) For a complaint treated as a group or class complaint for purposes of investigation, conciliation, mediation, or civil action pursuant to subdivision (b) of Section 12961, the department shall issue a right-to-sue notice upon completion of its investigation, and not later than two years after the filing of the complaint.

(C) The notices specified in subparagraphs (A) and (B) shall indicate that the person claiming to be aggrieved may bring a civil action under this part against the person, employer, labor organization, or employment agency named in the verified complaint within one year from the date of that notice.

(D) This paragraph applies only to complaints alleging unlawful employment practices under Article 1 (commencing with Section 12940) of Chapter 6.

(2) A city, county, or district attorney in a location having an enforcement unit established on or before March 1, 1991, pursuant to a local ordinance enacted for the purpose of prosecuting HIV/AIDS discrimination claims, acting on behalf of any person claiming to be aggrieved due to HIV/AIDS discrimination, may also bring a civil action under this part against the person, employer, labor organization, or employment agency named in the notice.

(3) The superior courts of the State of California shall have jurisdiction of actions brought pursuant to this section, and the aggrieved person may file in these courts. An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

(4) A copy of any complaint filed pursuant to this part shall be served on the principal offices of the department. The remedy for failure to send a copy of a complaint is an order to do so.

(5) A civil action brought pursuant to this section shall not be filed as class actions and shall not be maintained as class actions by the person or persons claiming to be aggrieved if those persons have filed a civil class action in the federal courts alleging a comparable claim of employment discrimination against the same defendant or defendants.

(6) In civil actions brought under this section, the court, in its discretion, may award to the prevailing party, including the department, reasonable attorney's fees and costs, including expert witness fees, except that, notwithstanding Section 998 of the Code of Civil Procedure, a prevailing defendant shall not be awarded fees and costs unless the court finds the action was frivolous, unreasonable, or groundless when brought, or the plaintiff continued to litigate after it clearly became so.

(d) A court may grant as relief in any action filed pursuant to subdivision (a) any relief a court is empowered to grant in a civil action brought pursuant to subdivision (c), in addition to any other relief that, in the judgment of the court, will effectuate the purpose of this part. This relief may include a requirement that the employer conduct training for all employees, supervisors, and management on the requirements of this part, the rights and remedies of those who allege a violation of this part, and the employer's internal grievance procedures. In addition, in order to vindicate the purposes and policies of this part, a court may assess against the defendant, if the civil complaint or amended civil complaint so prays, a civil penalty of up to twenty-five thousand dollars (\$25,000) to be awarded to a person denied any right provided for by Section 51.7 of the Civil Code, as an unlawful practice prohibited under this part.

(e) (1) Notwithstanding subdivision (c), the one-year statute of limitations, commencing from the date of the right-to-sue notice by the department to the person claiming to be aggrieved, shall be tolled when all of the following requirements have been met:

(A) A charge of discrimination or harassment is timely filed concurrently with the Equal Employment Opportunity Commission and the department.

(B) The investigation of the charge is deferred by the department to the Equal Employment Opportunity Commission.

(C) A right-to-sue notice is issued to the person claiming to be aggrieved upon deferral of the charge by the department to the Equal Employment Opportunity Commission.

(2) The time for commencing an action for which the statute of limitations is tolled under paragraph (1) expires when the federal right-to-sue period to commence a civil action expires, or one year from the date of the right-to-sue notice by the department, whichever is later.

(3) This subdivision is intended to codify the holding in *Downs v. Department of Water and Power of City of Los Angeles* (1997) 58 Cal.App.4th 1093.

(f) (1) Notwithstanding subdivision (c), the one-year statute of limitations, commencing from the date of the right-to-sue notice by the department, to the person claiming to be aggrieved, shall be tolled when all of the following requirements have been met:

(A) A charge of discrimination or harassment is timely filed concurrently with the Equal Employment Opportunity Commission and the department.

(B) The investigation of the charge is deferred by the Equal Employment Opportunity Commission to the Civil Rights Department.

(C) After investigation and determination by the department, the Equal Employment Opportunity Commission agrees to perform a substantial weight review of the determination of the department or conducts its own investigation of the claim filed by the aggrieved person.

(2) The time for commencing an action for which the statute of limitations is tolled under paragraph (1) shall expire when the federal right-to-sue period to commence a civil action expires, or one year from the date of the right-to-sue notice by the department, whichever is later.

SEC. 41. Section 13957 of the Government Code is amended to read:

13957. (a) The board may grant for pecuniary loss, when the board determines it will best aid the person seeking compensation, as follows:

(1) Subject to the limitations set forth in Section 13957.2, reimburse the amount of medical or medical-related expenses incurred by the victim for services that were provided by a licensed medical provider, including, but not limited to, eyeglasses, hearing aids, dentures, or any prosthetic device taken, lost, or destroyed during the commission of the crime, or the use of which became necessary as a direct result of the crime.

(2) Subject to the limitations set forth in Section 13957.2, reimburse the amount of outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center as defined by Section 13837 of the Penal Code, and including family psychiatric, psychological, or mental health counseling for the successful treatment of the victim provided to family members of the victim in the presence of the victim, whether or not the family member relationship existed at the time of the crime, that became necessary as a direct result of the crime, subject to the following conditions:

(A) The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed ten thousand dollars (\$10,000):

(i) A victim.

(ii) A derivative victim who is the surviving parent, grandparent, sibling, child, grandchild, spouse, or fiancé of a victim of a crime that directly resulted in the death of the victim.

(iii) A derivative victim, as described in paragraphs (1) to (4), inclusive, of subdivision (c) of Section 13955, who is the primary caretaker of a minor victim whose claim is not denied or reduced pursuant to Section 13956 in a total amount not to exceed ten thousand dollars (\$10,000) for not more than two derivative victims.

(B) The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed five thousand dollars (\$5,000):

(i) A derivative victim not eligible for reimbursement pursuant to subparagraph (A), provided that mental health counseling of a derivative victim described in paragraph (5) of subdivision (c) of Section 13955, shall be reimbursed only if that counseling is necessary for the treatment of the victim.

(ii) A minor who suffers emotional injury as a direct result of witnessing a violent crime and who is not eligible for reimbursement of the costs of outpatient mental health counseling under any other provision of this chapter. To be

eligible for reimbursement under this clause, the minor must have been in close proximity to the victim when the minor witnessed the crime.

(C) The board may reimburse a victim or derivative victim for outpatient mental health counseling in excess of that authorized by subparagraph (A) or (B) or for inpatient psychiatric, psychological, or other mental health counseling if the claim is based on dire or exceptional circumstances that require more extensive treatment, as approved by the board.

(D) Expenses for psychiatric, psychological, or other mental health counseling-related services may be reimbursed only if the services were provided by either of the following individuals:

(i) A person who would have been authorized to provide those services pursuant to former Article 1 (commencing with Section 13959) as it read on January 1, 2002.

(ii) A person who is licensed in California to provide those services, or who is properly supervised by a person who is licensed in California to provide those services, subject to the board's approval and subject to the limitations and restrictions the board may impose.

(3) Subject to the limitations set forth in Section 13957.5, authorize compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim's or derivative victim's injury or the victim's death. If the qualifying crime is a violation of Section 236.1 of the Penal Code, the board may authorize compensation equal to loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime, not to exceed the amount set forth in Section 13957.5. If the victim or derivative victim requests that the board give priority to reimbursement of loss of income or support, the board may not pay medical expenses, or mental health counseling expenses, except upon the request of the victim or derivative victim or after determining that payment of these expenses will not decrease the funds available for payment of loss of income or support.

(4) Authorize a cash payment to or on behalf of the victim for job retraining or similar employment-oriented services.

(5) Reimburse the expense of installing or increasing residential security, not to exceed one thousand dollars (\$1,000). Installing or increasing residential security may include, but need not be limited to, both of the following:

(A) Home security device or system.

(B) Replacing or increasing the number of locks.

(6) Reimburse the expense of renovating or retrofitting a victim's residence, or the expense of modifying or purchasing a vehicle, to make the residence or the vehicle accessible or operational by a victim upon verification that the expense is medically necessary for a victim who is permanently disabled as a direct result of the crime, whether the disability is partial or total.

(7) (A) Authorize a cash payment or reimbursement not to exceed three thousand four hundred and eighteen dollars (\$3,418) to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim. For purposes of this paragraph, "expenses incurred in relocating" may include the costs of temporary housing for any pets belonging to the victim upon immediate relocation.

(B) The cash payment or reimbursement made under this paragraph shall only be awarded to one claimant per crime giving rise to the relocation. The board may authorize more than one relocation per crime if necessary for the personal safety or emotional well-being of the claimant. However, the total cash payment or reimbursement for all relocations due to the same crime shall not exceed three thousand four hundred and eighteen dollars (\$3,418). For purposes of this paragraph, a claimant is the crime victim, or, if the victim is deceased, a person who resided with the deceased at the time of the crime.

(C) The board may, under compelling circumstances, award a second cash payment or reimbursement to a victim for another crime if both of the following conditions are met:

(i) The crime occurs more than three years from the date of the crime giving rise to the initial relocation cash payment or reimbursement.

(ii) The crime does not involve the same offender.

(D) When a relocation payment or reimbursement is provided to a victim of sexual assault or domestic violence and the identity of the offender is known to the victim, the victim shall agree not to inform the offender of the location of the victim's new residence and not to allow the offender on the premises at any time, or shall agree to seek a restraining order against

the offender. A victim may be required to repay the relocation payment or reimbursement to the board if the victim violates the terms set forth in this paragraph.

(E) Notwithstanding subparagraphs (A) and (B), the board may increase the cash payment or reimbursement for expenses incurred in relocating to an amount greater than three thousand four hundred and eighteen dollars (\$3,418) if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

(F) If a security deposit, pet deposit, or both is required for relocation, the board shall be named as the recipient and receive the funds upon expiration of the victim's rental agreement.

(8) When a victim dies as a result of a crime, the board may reimburse any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay any of the following expenses:

(A) The medical expenses incurred as a direct result of the crime in an amount not to exceed the rates or limitations established by the board.

(B) The funeral and burial expenses incurred as a direct result of the crime, not to exceed twelve thousand eight hundred and eighteen dollars (\$12,818). The board shall not create or comply with a regulation or policy that mandates a lower maximum potential amount of an award pursuant to this subparagraph for less than twelve thousand eight hundred and eighteen dollars (\$12,818).

(9) When the crime occurs in a residence or inside a vehicle, the board may reimburse any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay the reasonable costs to clean the scene of the crime in an amount not to exceed one thousand seven hundred and nine dollars (\$1,709). Services reimbursed pursuant to this subdivision shall be performed by persons registered with the State Department of Public Health as trauma scene waste practitioners in accordance with Chapter 9.5 (commencing with Section 118321) of Part 14 of Division 104 of the Health and Safety Code.

(10) When the crime is a violation of Section 600.2 or 600.5 of the Penal Code, the board may reimburse the expense of veterinary services, replacement costs, or other reasonable expenses, as ordered by the court pursuant to Section 600.2 or 600.5 of the Penal Code, in an amount not to exceed ten thousand dollars (\$10,000).

(11) An award of compensation pursuant to paragraph (5) of subdivision (f) of Section 13955 shall be limited to compensation to provide mental health counseling and shall not limit the eligibility of a victim for an award that the victim may be otherwise entitled to receive under this part. A derivative victim shall not be eligible for compensation under this provision.

(b) The total award to or on behalf of each victim or derivative victim may not exceed thirty-five thousand dollars (\$35,000), except that this award may be increased to an amount not exceeding seventy thousand dollars (\$70,000) if federal funds for that increase are available.

SEC. 42. Section 14692 of the Government Code is amended to read:

14692. (a) (1) The State Project Infrastructure Fund is hereby established in the State Treasury.

(2) Except as otherwise provided in clause (iv) of subparagraph (C), notwithstanding Section 13340, the fund is continuously appropriated to the department, without regard to fiscal years, for the following purposes:

(A) Subject to authorization as provided in this article, for state projects pursuant to this article.

(B) To cover the costs of any report required by Section 9112 or any report as may be prepared under Section 9125.

(C) (i) For transfer to the Operating Funds of the Assembly and Senate, to be used for the capital outlay projects specified in Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2.

(ii) Upon the direction of the Director of Finance, the Controller shall transfer from the fund to the Operating Funds of the Assembly and Senate an amount up to eighty million dollars (\$80,000,000) for pre-construction activities for the capital outlay projects specified in Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2 from the amounts appropriated in Item 7760-311-0001 of Section 2.00 of the Budget Act of 2022.

(iii) Upon amending the agreement entered into pursuant to paragraph (1) of subdivision (b) of Section 9112 to incorporate the project overview and sequence report required under the agreement, the Director of Finance shall direct the Controller transfer, and upon such direction the Controller shall transfer, from the fund to the Operating Funds of the Assembly and Senate an amount that is specified in the budget appropriation schedule specified in Item 7760-311-0001 of Section 2.00 of the Budget Act of 2022.

(iv) Moneys transferred to the Operating Funds of the Assembly and Senate pursuant to clause (iii) shall not be used to alter or modify the color, detail, design, structure or fixtures of the historically restored areas of the first, second, and third floors and the exterior of the west wing of the State Capitol unless the Legislature expressly appropriates those moneys for that purpose in accordance with subdivision (b) of Section 28 of Article IV of the California Constitution.

(v) Moneys transferred to the Operating Funds of the Assembly and Senate pursuant to clause (iii) may be invested or deposited in the manner specified in Section 9113.5.

(D) For transfer to the Architecture Revolving Fund, to be used for the capital outlay projects specified in Article 5.6 (commencing with Section 9125) of Chapter 1.5 of Part 1 of Division 2. The Department of Finance shall provide 20 days' notice to the Joint Rules Committee prior to any transfer pursuant to this subparagraph.

(b) Notwithstanding any other law, the Controller may use the funds in the State Project Infrastructure Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381.

(c) The moneys in this fund shall be exempt from statewide general administrative cost recovery pursuant to Article 2 (commencing with Section 11270) of Chapter 3 of Part 1.

(d) Any lease entered into pursuant to this article is subject to the approval of the Department of Finance and any applicable notification required by subdivision (d) of Section 14694.

SEC. 43. Section 15670 of the Government Code is amended to read:

15670. (a) There shall be established in state government the Office of Tax Appeals.

(b) (1) The office is under the control of a director. The Governor shall appoint the director, chief deputy director, and chief counsel of the office. The appointment of the director is subject to confirmation by the Senate.

(2) The director shall administer and direct the day-to-day operations of the office, including, but not limited to, ensuring that each hearing office is sufficiently staffed and that appeals hearings are heard and resolved in a timely and efficient manner. The director shall not direct, oversee, supervise, or be otherwise involved in the decisionmaking process of the tax appeals panels.

(c) Within the office, there shall be tax appeals panels. Each tax appeals panel shall consist of three members designated by the director of the office. Each member shall be a person who satisfies all of the following criteria:

(1) The person agrees to adhere to the ethics standards adopted by the office pursuant to subdivision (d).

(2) The person has knowledge and experience with regard to the administration and operation of the tax and fee laws of the United States and California.

(3) Either of the following is true:

(A) The person maintained an active membership in the State Bar of California for at least five years immediately preceding designation to a tax appeals panel and meets the qualifications for a state employee classification as an administrative law judge.

(B) The person is employed under either of the following state employee classifications:

(i) The Business Taxes Specialist, California Department of Tax and Fee Administration series.

(ii) The Program Specialist, Franchise Tax Board series.

(d) The office shall adopt by rule, pursuant to Section 15679, ethics standards, including rules governing conflicts of interest and ex parte communication. The office shall, to the extent applicable, model the rules upon the Code of Judicial Ethics adopted by the Supreme Court pursuant to subdivision (m) of Section 18 of Article VI of the California Constitution.

(e) The hiring of members for tax appeals panels shall be conducted by the office in compliance with state civil service requirements.

(f) It is the intent of the Legislature that the changes made to this section by the act adding this subdivision authorizing the office to hire specified tax specialists to serve as members of tax appeals panels shall be implemented by the office in a manner that will not directly cause a reduction in the number of administrative law judges currently employed by the office.

SEC. 44. Section 15676.2 of the Government Code is amended to read:

15676.2. (a) Notwithstanding subdivision (c) of Section 15670, the office shall establish a process under which a person filing an appeal may opt to appear before one member if either of the following is true:

(1) If the appeal arises from a tax, fee, or penalty imposed pursuant to the Personal Income Tax Law (Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code), and the total amount in dispute, including penalties and fees, is less than five thousand dollars (\$5,000).

(2) If the appeal arises from a tax, fee, or penalty administered by the California Department of Tax and Fee Administration, and both of the following are satisfied:

(A) The entity filing the appeal has gross receipts of less than twenty million dollars (\$20,000,000).

(B) The total amount in dispute, including penalties and fees, is less than fifty thousand dollars (\$50,000).

(b) The decision of one member made pursuant to the process established by this section shall not have precedential effect.

(c) As used in this section, "member" means a person qualified to serve on a tax appeals panel pursuant to Section 15670.

(d) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 45. Section 15676.5 of the Government Code is repealed.

SEC. 46. Chapter 1.5 (commencing with Section 16343) is added to Part 2 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 1.5 Budget Acts

16343. It is the intent of the Legislature that the list of statutes contained in Section 16344 be used for reference purposes only.

16344. The Budget Act for each fiscal year commencing with the 2011–12 fiscal year consists of the following statutes:

(a) Budget Act of 2011

(1) Chapter 33 of the Statutes of 2011 (Senate Bill No. 87)

(2) Chapter 41 of the Statutes of 2011 (Assembly Bill No. 121)

(3) Chapter 16 of the Statutes of 2011, First Extraordinary Session (Assembly Bill No. 30)

(4) Chapter 10 of the Statutes of 2012 (Senate Bill No. 83)

(5) Chapter 27 of the Statutes of 2012 (Assembly Bill No. 1485)

(b) Budget Act of 2012

(1) Chapter 21 of the Statutes of 2012 (Assembly Bill No. 1464)

(2) Chapter 29 of the Statutes of 2012 (Assembly Bill No. 1497)

(3) Chapter 31 of the Statutes of 2012 (Assembly Bill No. 1502)

(4) Chapter 152 of the Statutes of 2012 (Senate Bill No. 1029)

(5) Chapter 630 of the Statutes of 2012 (Assembly Bill No. 1477)

(6) Chapter 3 of the Statutes of 2013 (Assembly Bill No. 113)

(7) Chapter 5 of the Statutes of 2013 (Senate Bill No. 68)

(8) Chapter 36 of the Statutes of 2013 (Senate Bill No. 89)

(c) Budget Act of 2013

(1) Chapter 20 of the Statutes of 2013 (Assembly Bill No. 110)

(2) Chapter 354 of the Statutes of 2013 (Assembly Bill No. 101)

(3) Chapter 2 of the Statutes of 2014 (Senate Bill No. 103)

(4) Chapter 38 of the Statutes of 2014 (Senate Bill No. 865)

(d) Budget Act of 2014

- (1) Chapter 25 of the Statutes of 2014 (Senate Bill No. 852)
- (2) Chapter 663 of the Statutes of 2014 (Assembly Bill No. 1476)
- (3) Chapter 1 of the Statutes of 2015 (Assembly Bill No. 91)
- (4) Chapter 15 of the Statutes of 2015 (Assembly Bill No. 116)

(e) Budget Act of 2015

- (1) Chapter 10 of the Statutes of 2015 (Assembly Bill No. 93)
- (2) Chapter 11 of the Statutes of 2015 (Senate Bill No. 97)
- (3) Chapter 321 of the Statutes of 2015 (Senate Bill No. 101)
- (4) Chapter 2 of the Statutes of 2016 (Assembly Bill No. 133)
- (5) Chapter 9 of the Statutes of 2016 (Senate Bill No. 93)
- (6) Chapter 11 of the Statutes of 2016 (Assembly Bill No. 120)
- (7) Chapter 28 of the Statutes of 2016 (Senate Bill No. 827)

(f) Budget Act of 2016

- (1) Chapter 23 of the Statutes of 2016 (Senate Bill No. 826)
- (2) Chapter 44 of the Statutes of 2016 (Assembly Bill No. 1622)
- (3) Chapter 318 of the Statutes of 2016 (Assembly Bill No. 1623)
- (4) Chapter 370 of the Statutes of 2016 (Assembly Bill No. 1613)
- (5) Chapter 2 of the Statutes of 2017 (Senate Bill No. 47)
- (6) Chapter 7 of the Statutes of 2017 (Senate Bill No. 132)
- (7) Chapter 12 of the Statutes of 2017 (Assembly Bill No. 98)
- (8) Chapter 53 of the Statutes of 2017 (Senate Bill No. 107)

(g) Budget Act of 2017

- (1) Chapter 14 of the Statutes of 2017 (Assembly Bill No. 97)
- (2) Chapter 22 of the Statutes of 2017 (Assembly Bill No. 120)
- (3) Chapter 54 of the Statutes of 2017 (Senate Bill No. 108)
- (4) Chapter 181 of the Statutes of 2017 (Senate Bill No. 113)
- (5) Chapter 249 of the Statutes of 2017 (Assembly Bill No. 109)
- (6) Chapter 254 of the Statutes of 2017 (Assembly Bill No. 134)
- (7) Chapter 5 of the Statutes of 2018 (Assembly Bill No. 105)
- (8) Chapter 31 of the Statutes of 2018 (Senate Bill No. 841)

(h) Budget Act of 2018

- (1) Chapter 29 of the Statutes of 2018 (Senate Bill No. 840)
- (2) Chapter 30 of the Statutes of 2018 (Senate Bill No. 856)
- (3) Chapter 449 of the Statutes of 2018 (Senate Bill No. 862)
- (4) Chapter 1 of the Statutes of 2019 (Assembly Bill No. 72)

(5) Chapter 35 of the Statutes of 2019 (Senate Bill No. 93)

(i) Budget Act of 2019

(1) Chapter 23 of the Statutes of 2019 (Assembly Bill No. 74)

(2) Chapter 55 of the Statutes of 2019 (Senate Bill No. 106)

(3) Chapter 80 of the Statutes of 2019 (Assembly Bill No. 110)

(4) Chapter 363 of the Statutes of 2019 (Senate Bill No. 109)

(5) Chapter 2 of the Statutes of 2020 (Senate Bill No. 89)

(6) Chapter 9 of the Statutes of 2020 (Assembly Bill No. 75)

(7) Chapter 40 of the Statutes of 2020 (Senate Bill No. 115)

(j) Budget Act of 2020

(1) Chapter 6 of the Statutes of 2020 (Senate Bill No. 74)

(2) Chapter 7 of the Statutes of 2020 (Assembly Bill No. 89)

(3) Chapter 40 of the Statutes of 2020 (Senate Bill No. 115)

(4) Chapter 1 of the Statutes of 2021 (Senate Bill No. 89)

(5) Chapter 4 of the Statutes of 2021 (Assembly Bill No. 85)

(6) Chapter 14 of the Statutes of 2021 (Senate Bill No. 85)

(7) Chapter 40 of the Statutes of 2021 (Senate Bill No. 147)

SEC. 47. Section 18720 of the Government Code is amended to read:

18720. The employment procedures of the department and of each state agency shall conform to the federal and state laws governing employment practices, including the use of employment forms. The department and the Civil Rights Department shall work cooperatively to develop uniform employment forms where possible pursuant to the provisions of this article and shall coordinate their enforcement of this article.

SEC. 48. Section 18720.2 of the Government Code is amended to read:

18720.2. The Civil Rights Department shall collect and review all other forms used by state agencies for employment, and occupational licensing and registration, to ensure conformance to law and to develop standard forms for general use by all state agencies. Each state agency shall use the standard forms. The department, however, may approve the use of a nonstandard form by a state agency based on a petition submitted by the agency which specifies the reasons why a nonstandard form is necessary to meet the agency's needs.

SEC. 49. Section 18720.3 of the Government Code is amended to read:

18720.3. Each state agency is responsible for ensuring that the employment application forms, and occupational licensing and registration forms, used by the agency conform to federal and state laws governing registration and employment practices. An agency shall not use a form which is not approved by either the department or by the Civil Rights Department.

SEC. 50. Section 18720.4 of the Government Code is amended to read:

18720.4. State agencies shall exhaust existing supplies of forms which conform with federal and state law before using any new form approved by the department or the Civil Rights Department pursuant to this article.

SEC. 51. Section 19704 of the Government Code is amended to read:

19704. (a) It is unlawful to require, permit, or suffer any notation or entry to be made upon or in any application, examination paper, or other paper, book, document, or record used under this part indicating or in any way suggesting or pertaining to any basis listed in subdivision (a) of Section 12940, as those bases are defined in Sections 12926 and 12926.1.

(b) Notwithstanding subdivision (a), subsequent to employment, ethnic, marital status, and gender data may be obtained and maintained for research and statistical purposes when safeguards preventing misuse of the information exist as approved by the Civil Rights Council, except that in no event shall any notation, entry, or record of that data be made on papers or records relating to the examination, appointment, or promotion of an individual.

SEC. 52. Section 50085.5 of the Government Code is amended to read:

50085.5. (a) Every local agency shall provide to the Civil Rights Council a copy of any affirmative action plan and subsequent amendments to such plan adopted by the local agency.

(b) Every local agency that is required by federal law, rule or regulation to submit an annual statistical survey of the employment of the agency to the United States Equal Employment Opportunity Commission shall annually, commencing with January 1, 2013, submit a copy of the survey to the Civil Rights Council.

(c) These reports and information shall constitute public records.

SEC. 53. Section 65040 of the Government Code is amended to read:

65040. The Office of Planning and Research shall serve the Governor and the Governor's Cabinet as staff for long-range planning and research, and constitute the comprehensive state planning agency. In this capacity, the office shall:

(a) Assisted by the Planning Advisory and Assistance Council established pursuant to subdivision (a) of Section 65040.6, engage in the formulation, evaluation and updating of long-range goals and policies for land use, population growth and distribution, urban expansion, development, open space, resource preservation and utilization, air and water quality, and other factors that shape statewide development patterns and significantly influence the quality of the state's environment.

(b) Assist in the orderly preparation by appropriate state departments and agencies of intermediate- and short-range functional plans to guide programs of transportation, water management, open space, recreation and other functions that relate to the protection and enhancement of the state's environment.

(c) In conjunction with the council, evaluate plans and programs of departments and agencies of state government, identify conflicts or omissions, and recommend to the Governor and the Legislature new state policies, programs and actions, or amendments of existing programs, as required, to resolve conflicts, advance statewide environmental goals to respond to emerging environmental problems and opportunities, and to assure that all state policies and programs conform to the adopted land use planning goals and programs.

(d) Assist the Department of Finance in preparing, as part of the annual state budget, an integrated program of priority actions to implement state functional plans and to achieve statewide environmental goals and objectives and take other actions to assure that the program budget, submitted annually to the Legislature, contains information reporting the achievement of state goals and objectives by departments and agencies of state government.

(e) Coordinate the development of policies and criteria to ensure the federal grants-in-aid administered or directly expended by state government advance statewide environmental goals and objectives.

(f) Coordinate the development and operation of a statewide environmental monitoring system to assess the implications of present growth and development trends on the environment and to identify at an early time, potential threats to public health, natural resources and environmental quality.

(g) Coordinate, in conjunction with appropriate state, regional, and local agencies, the development of objectives, criteria and procedures for the orderly evaluation and report of the impact of public and private actions on the environmental quality of the state and as a guide to the preparation of environmental impact reports required of state and local agencies in Sections 21102 and 21150 of the Public Resources Code.

(h) Coordinate research activities of state government directed to the growth and development of the state and the preservation of environmental quality, render advice to the Governor, the Governor's Cabinet, to the Legislature, and any agency or department of state government, and provide information to, and cooperate with, the Legislature or any of its committees or officers.

(i) Coordinate the technical assistance provided by state departments and agencies in regional and local planning to assure that such plans are consistent with statewide environmental goals and objectives.

(j) Accept and allocate or expend grants and gifts on behalf of the State of California from any source, public or private, for the purpose of state planning and undertaking other planning and coordinating activities, and supporting community partnerships and strategic communication activities, as will implement the policy and intent of the Legislature as set forth herein.

(k) Develop long-range policies to assist the state and local agencies in meeting the problems presented by the growth and development of urban areas and defining the complementary roles of the state, cities, counties, school districts, and special districts with respect to such growth.

(l) Encourage the formation and proper functioning of, and provide planning assistance to, city, county, district, and regional planning agencies.

(m) Assist local government in land use planning.

SEC. 54. Article 5.5 (commencing with Section 65052) is added to Chapter 1.5 of Division 1 of Title 7 of the Government Code, to read:

Article 5.5. The Office of Community Partnerships and Strategic Communications

65052. (a) It is the intent of the Legislature that through the creation of a single state entity to coordinate California's most important statewide public awareness and community outreach campaigns, the state can realize more inclusive and effective outcomes while preventing equity gaps in statewide outreach. The Office of Community Partnerships and Strategic Communications will use data-driven decisions to help the state make more informed resource allocations, targeted strategies, and rapid response efforts to better serve Californians, as well as help remove or reduce barriers that many small, community-based organizations face when attempting to partner with the state.

(b) The Legislature finds and declares all of the following:

(1) California is a uniquely diverse state that is home to a multitude of different communities with various needs and perspectives. The state's diversity and size likewise present unique challenges in the statewide communication of critical information and resources in a timely and equitable manner.

(2) In light of the unprecedented scale of the challenges that California has faced in recent years and continues to face today, the state must be able to coordinate and communicate effectively with the full range of communities that it serves, particularly with those who are experiencing the greatest health and social inequities.

(3) The state must incorporate the lessons learned from recent statewide public education campaigns into future efforts if the state intends to effectively reach and engage Californians, including those experiencing the greatest health and social inequities.

(4) The creation of a single entity to coordinate the highest priority statewide public information and outreach campaigns can ensure that the state is more inclusive, equitable, coordinated, and effective in its most important communication efforts. Likewise, such an entity can serve to help reduce or remove barriers to entry that many small, community-based organizations face when attempting to partner with the state in these efforts. Similarly, such an entity can help inform and implement best practices for engaging media specializing in non-English language and culturally resonant content.

(5) It is the intent of the Legislature that the creation of the Office of Community Partnerships and Strategic Communications within the Office of Planning and Research will serve not only to streamline partnership efforts with community-based organizations and media throughout the state, but also to use data-informed decisions to help prevent and address equity gaps in statewide outreach, resource allocations, targeted strategies, and rapid response efforts.

(6) Work at the state level to coordinate high-priority public information and outreach campaigns is not intended to be a substitute for, and should be done in coordination with, similar efforts by cities, counties, cities and counties, and other governments.

65052.1. Under the direction of the director, the Executive Officer of Community Partnerships and Strategic Communication shall initiate and execute campaigns related to the state's highest priority public awareness and community outreach efforts.

65052.2. (a) "Office" as used in this article means the Office of Community Partnerships and Strategic Communications.

(b) "Director" as used in this article means the Director of the Office of Planning and Research within the Governor's office.

(c) "Executive Officer" as used in this article means the individual who manages the Office of Community Partnerships and Strategic Communications. The executive officer shall be appointed by the Governor and shall report to the director.

(d) "Community-based organizations" as used in this article means a public or private nonprofit organization of demonstrated effectiveness that represents a community or significant segments of a community and provides support and services to individuals in the community.

(e) "Intermediary" as used in this article means a third-party governmental or private entity contracted by the office to perform grant and fund management and other services as required to manage and provide resources to the community-based organizations.

65052.3. (a) The Office of Community Partnerships and Strategic Communications is hereby established as an office within the Office of Planning and Research.

(b) The Office of Community Partnerships and Strategic Communications shall serve as the manager of the state's highest priority public awareness and community outreach efforts. In this role, the office shall do all of the following:

(1) Work with local community-based organizations and other partners statewide to engage Californians, including those experiencing the greatest health and social inequities, with culturally competent and relevant information with the goal of improving the quality of their lives and livelihoods. Similarly, work with media, including smaller outlets and platforms that reach these audiences.

(2) Work in partnership with select state entities to develop and execute multiple public awareness and outreach efforts simultaneously.

(3) Develop and support a network of community-based organizations, philanthropic organizations, and other partners to support the office's core mission and goals.

(4) Create funding programs and opportunities that support both state and community outreach and communication needs and interests.

(5) Serve as a key informational resource to assist community-based organizations, local governments, philanthropic organizations, and other partners in obtaining relevant information from state entities as well as to share community insights and information with state partners related to campaigns overseen by the office.

(6) Collaborate with state agencies to review state contracting options for community-based organizations, philanthropic organizations, and other partners.

(7) Leverage and, as relevant, institutionalize the infrastructure, work, and lessons learned from the 2020 federal decennial census and COVID-19 public awareness and community engagement campaigns.

(8) Leverage the unique structure, expertise, relationships and powers of the Office of Planning and Research and the Strategic Growth Council to more effectively achieve the goals and mission of the office.

65052.4. (a) In the selection of its awareness and outreach campaigns, the office shall consider the following criteria:

(1) "Equity" meaning the ability to target audiences that include Californians who are disproportionately impacted or experience the greatest health and social inequities.

(2) "Data-informed decisions" meaning respective agencies and departments that have or can provide issue-specific data to inform strategy and evaluation.

(3) "Actionable areas" meaning issues that have the opportunity to provide reliable and actionable information and resources that can empower impacted communities.

(4) "Risk severity and urgency" meaning issues that present a threat or concern to the lives and livelihoods of the target audience.

(5) "Cross-agency coordination" meaning issues that require coordination and collaboration across multiple agencies or departments.

(6) "Outcomes" meaning issues that have clear, measurable goals.

(7) "Emergent matters" meaning responsiveness to urgent, new, and emerging issues, including one-time investments.

(b) The office shall create and post on a publicly available internet website guidelines for an award of funds made under any appropriation of funds to the office for community partnerships or strategic communications.

65052.5. (a) As part of its core objective of managing the state's highest priority public awareness and community outreach efforts, and as informed by any guidelines and practices developed by it, the office shall prioritize streamlining partnerships between community-based organizations and the state, including identifying and working with state partners to eliminate barriers

and structural challenges that may prevent community-based organizations from being able to engage in, and benefit from, partnerships with the state.

(b) In accordance with any adopted guidelines and criteria, the office shall administer, manage, and award grants to support the state's public awareness and community outreach efforts. To implement this section, the office may do any of the following:

- (1) Provide technical assistance for application preparation.
- (2) Contract with an intermediary or third party to administer technical and financial assistance programs for the disbursement of grants and loans to support the state's public awareness and community outreach efforts.
- (3) Allow for the subgranting of awarded grants.
- (4) Advance public-private partnerships with philanthropic organizations and coordinate with those partners to augment state public awareness and community outreach efforts.

65052.6. State agencies and departments collaborating with the office shall, upon request, share relevant data and statistical information that may improve the efficacy of current or future outreach efforts.

65052.7. (a) Commencing on July 1, 2022, each of the following shall occur:

- (1) The Office of Community Partnerships and Strategic Communications, an office within the Office of Planning and Research in the Office of the Governor, succeeds to, and is vested with, all the duties and responsibilities of the State Department of Public Health related to the administration or implementation of the COVID-19 vaccine-related public education and outreach campaigns.
- (2) Any reference to the State Department of Public Health with regard to the administration or implementation of the COVID-19 vaccine-related public education and outreach campaigns shall be considered a reference to the Office of Community Partnerships and Strategic Communications.
- (3) All books, documents, and records, including, but not limited to, outreach campaign supplies and print materials, of the State Department of Public Health pertaining to functions transferred to the Office of Community Partnerships and Strategic Communications shall be transferred to the Office of Planning and Research.

(b) Any action by or against the State Department of Public Health and any of its predecessors pertaining to matters vested in the Office of Community Partnerships and Strategic Communications by this act shall not abate but shall continue in the name of the Office of Community Partnerships and Strategic Communications, and the Office of Community Partnerships and Strategic Communications shall be substituted for the State Department of Public Health and any of its predecessors by the court wherein the action is pending. The substitution shall in no way affect the rights of the parties to the action.

(c) No contract, license, or other agreement to which the State Department of Public Health is a party related to the Office of Community Partnerships and Strategic Communications shall be void or voidable by reason of this act, but shall continue in full force and effect under the terms of the contract, with the Office of Planning and Research assuming all of the rights, obligations, liabilities and duties of the State Department of Public Health under the contract, license, or other agreement as it relates to the duties and responsibilities of overseeing COVID-19 vaccine-related public education and outreach campaigns.

SEC. 55. Section 1262.6 of the Health and Safety Code is amended to read:

1262.6. (a) Each hospital shall provide each patient, upon admission or as soon thereafter as reasonably practical, written information regarding the patient's right to the following:

- (1) To be informed of continuing health care requirements following discharge from the hospital.
- (2) To be informed that, if the patient so authorizes, that a friend or family member may be provided information about the patient's continuing health care requirements following discharge from the hospital.
- (3) Participate actively in decisions regarding medical care. To the extent permitted by law, participation shall include the right to refuse treatment.
- (4) Appropriate pain assessment and treatment consistent with Sections 124960 and 124961.
- (5) To be free of discrimination on the basis of race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, citizenship, primary language, or immigration status as set forth in Section 51 of the Civil Code.

(6) Information on how to file a complaint with the following:

(A) The State Department of Public Health, in accordance with Section 1288.4.

(B) The Civil Rights Department.

(C) The Medical Board of California.

(b) A hospital may include the information required by this section with other notices to the patient regarding patient rights. If a hospital chooses to include this information along with existing notices to the patient regarding patient rights, any newly required information shall be provided when the hospital exhausts its existing inventory of written materials and prints new written materials.

SEC. 56. Section 17008.5 of the Health and Safety Code is amended to read:

17008.5. A tenant who is an agricultural employee residing in employee housing has all rights applicable to a person residing in employee housing, including the following:

(a) The right to file a verified complaint with the Civil Rights Department alleging a violation of housing discrimination, or to assert any other right, under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(b) Any protections for tenants or lessees under the Civil Code or the Labor Code, except as otherwise provided in Section 17031.6.

(c) Any protection or right under the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code).

SEC. 57. Section 131052.5 is added to the Health and Safety Code, to read:

131052.5. Commencing July 1, 2022, the Office of Community Partnerships and Strategic Communications, an office within the Office of Planning and Research in the Office of the Governor, succeeds to, and is vested with, all the duties and responsibilities of the State Department of Public Health related to the administration or implementation of the COVID-19 vaccine-related public education and outreach campaigns in the manner described in Section 65052.7 of the Government Code.

SEC. 58. Section 107.5 of the Labor Code is amended to read:

107.5. (a) The Division of Labor Standards Enforcement shall develop recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry. For purposes of this subdivision, "in the construction industry" means performing work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code. The training standard shall focus on preventing harassment and discrimination in the construction industry on the basis of sex, race, and national origin, in addition to the other categories protected under Section 12940 of the Government Code.

(b) To assist in developing this standard, the Director of Industrial Relations shall convene an advisory committee to recommend minimum standards for a harassment and discrimination prevention policy and training program specific to the construction industry. The advisory committee shall be composed of representatives from recognized or certified collective bargaining agents that represent construction workers, construction industry employers or employer associations, labor-management groups in the construction industry, nonprofit organizations that represent women in the construction industry, and other related subject matter experts, and shall also include representatives of the Division of Labor Standards Enforcement, the Division of Occupational Safety and Health, and the Civil Rights Department. The director shall convene the advisory committee no later than March 1, 2020. The advisory committee shall consider the requirements of Section 12950.1 of the Government Code when developing the recommended minimum standard.

(c) The Division of Labor Standards Enforcement shall provide a report to the Legislature by no later than January 1, 2021, in compliance with Section 9795 of the Government Code, with recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry and recommendations for legislation that would need to be enacted to implement such a standard.

SEC. 59. Section 1156.3 of the Labor Code is amended to read:

1156.3. (a) A petition that is either signed by, or accompanied by authorization cards signed by, a majority of the currently employed employees in the bargaining unit may be filed by an agricultural employee or group of agricultural employees, or any individual or labor organization acting on behalf of those agricultural employees, in accordance with any rules and regulations prescribed by the board. The petition shall allege all of the following:

(1) That the number of agricultural employees currently employed by the employer named in the petition, as determined from the employer's payroll immediately preceding the filing of the petition, is not less than 50 percent of the employer's peak agricultural employment for the current calendar year.

(2) That no valid election pursuant to this section has been conducted among the agricultural employees of the employer named in the petition within the 12 months immediately preceding the filing of the petition.

(3) That no labor organization is currently certified as the exclusive collective bargaining representative of the agricultural employees of the employer named in the petition.

(4) That the petition is not barred by an existing collective bargaining agreement.

(b) Upon receipt of a signed petition, as described in subdivision (a), the board shall immediately investigate the petition. If the board has reasonable cause to believe that a bona fide question of representation exists, it shall direct a representation election by secret ballot to be held, upon due notice to all interested parties and within a maximum of seven days of the filing of the petition. If, at the time the election petition is filed, a majority of the employees in a bargaining unit are engaged in a strike, the board shall, with all due diligence, attempt to hold a secret ballot election within 48 hours of the filing of the petition. The holding of elections under strike circumstances shall take precedence over the holding of other secret ballot elections.

(c) The board shall make available at any election held under this chapter ballots printed in English and Spanish. The board may also make available at the election ballots printed in any other language as may be requested by an agricultural labor organization or any agricultural employee eligible to vote under this part. Every election ballot, except ballots in runoff elections where the choice is between labor organizations, shall provide the employee with the opportunity to vote against representation by a labor organization by providing an appropriate space designated "No Labor Organizations."

(d) Any other labor organization shall be qualified to appear on the ballot if it presents authorization cards signed by at least 20 percent of the employees in the bargaining unit at least 24 hours prior to the election.

(e) (1) Within five days after an election, any person may file with the board a signed petition asserting that allegations made in the petition filed pursuant to subdivision (a) were incorrect, asserting that the board improperly determined the geographical scope of the bargaining unit, or objecting to the conduct of the election or conduct affecting the results of the election.

(2) Upon receipt of a petition under this subdivision, the board, upon due notice, shall conduct a hearing to determine whether the election shall be certified. This hearing may be conducted by an officer or employee of a regional office of the board. The officer may not make any recommendations with respect to the certification of the election. The board may refuse to certify the election if it finds, on the record of the hearing, that any of the assertions made in the petition filed pursuant to this subdivision are correct, that the election was not conducted properly, or that misconduct affecting the results of the election occurred. The board shall certify the election unless it determines that there are sufficient grounds to refuse to do so.

(f) Notwithstanding any other provision of law, if the board refuses to certify an election because of employer misconduct that, in addition to affecting the results of the election, would render slight the chances of a new election reflecting the free and fair choice of employees, the labor organization shall be certified as the exclusive bargaining representative for the bargaining unit.

(g) If no petition is filed pursuant to subdivision (e) within five days of the election, the board shall certify the election.

(h) The board shall decertify a labor organization if either of the following occur:

(1) The Civil Rights Department finds that the labor organization engaged in discrimination on any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as otherwise provided in Section 12940 of the Government Code.

(2) The United States Equal Employment Opportunity Commission finds, pursuant to Section 2000e-5 of Title 42 of the United States Code, that the labor organization engaged in discrimination on the basis of race, color, national origin, religion, sex, or any other arbitrary or invidious classification in violation of Subchapter VI of Chapter 21 of Title 42 of the United States Code during the period of the labor organization's present certification.

(i) (1) With regard to elections held pursuant to this section or Section 1156.7, the following time limits apply for action by the board, and agents acting pursuant to authority delegated by the board:

(A) (i) The board shall, within 21 days of the filing of election objections or the submittal of evidence in support of challenges to ballots, evaluate the election objections or challenged ballots and issue a decision determining which, if any, must be set for hearing.

(ii) The hearing on election objections or challenged ballots set pursuant to clause (i) shall be scheduled to commence within 28 days of the date of the board's decision to set a hearing.

(B) The investigative hearing examiner (IHE) appointed pursuant to Section 1145 shall issue a recommended decision within 60 days of the close of the hearing on the matters described in subparagraph (A). Upon mutual agreement of the parties, the IHE may extend the time period to issue a recommended decision by 30 days.

(C) The board shall issue a decision regarding the election objections or challenged ballots within 45 days of receipt of any exceptions to the decision of the IHE.

(2) The board may consolidate a challenged ballot hearing with a hearing on objections to an election.

(3) The board may grant extensions on the time limits specified in this subdivision upon a showing of good cause or by stipulation of all affected parties.

SEC. 60. Section 1424 of the Labor Code is amended to read:

1424. When a certificate of current and valid registration is originally issued or renewed under this part, the Division of Labor Standards Enforcement shall provide related and supplemental information to the registrant regarding business administration and applicable labor laws. As of July 1, 2018, employers covered by this part shall provide all covered workers a copy of the Civil Rights Department pamphlet CRD-185, entitled "Sexual Harassment," until the sexual violence and harassment prevention training requirement is established pursuant to Section 1429.5.

SEC. 61. Section 1429 of the Labor Code is amended to read:

1429. The Division of Labor Standards Enforcement shall not approve the registration of any employer until all of the following conditions are satisfied:

(a) The employer has executed a written application, in a form prescribed by the commissioner and subscribed and sworn to by the employer, containing all of the following:

(1) The name of the business entity and, if applicable, its fictitious or "doing business as" name.

(2) The form of the business entity and, if a corporation, all of the following:

(A) The date of incorporation.

(B) The state in which incorporated.

(C) If a foreign corporation, the date the articles of incorporation were filed with the California Secretary of State.

(D) Whether the corporation is in good standing with the California Secretary of State.

(3) The federal employer identification number (FEIN) and the state employer identification number (SEIN) of the business.

(4) The address of the business and the telephone number and, if applicable, the addresses and telephone numbers of any branch locations, and the name of any subcontractor or franchise servicing the contracts.

(5) Whether the application is for a new or renewal registration and, if the application is for a renewal, the prior registration number.

(6) The names, residential addresses, telephone numbers, and social security or taxpayer identification numbers of the following persons:

(A) All corporate officers, if the business entity is a corporation.

(B) All persons exercising management responsibility in the applicant's office, regardless of form of business entity.

(C) All persons, except bona fide covered workers on regular salaries, who have a financial interest of 10 percent or more in the business, regardless of the form of business entity, and the actual percent owned by each of those persons.

(7) The policy number, effective date, expiration date, and name and address of the carrier of the applicant business' current workers' compensation coverage for all applicants who employ one or more employees and are required to secure workers'

compensation insurance under Section 3700.

(8) (A) Whether the employer and any persons named in response to subparagraph (A), (B), or (C) of paragraph (6) presently:

(i) Owe any unpaid wages.

(ii) Have unpaid wage and hour final judgments outstanding or have not fully satisfied the terms of any administrative settlement pursuant to the Civil Rights Department processes or a final judicial decree for any final judgment for a violation of the California Fair Employment and Housing Act.

(iii) Have any wage and hour liens or suits pending in court against them or pending California Fair Employment and Housing Act claims.

(iv) Owe any unpaid and outstanding payroll taxes, or personal, partnership, or corporate income taxes, Social Security taxes, or disability insurance.

(B) An applicant who answers affirmatively to any item described in subparagraph (A) shall provide, as part of the application, additional information on the unpaid amounts, including the name and address of the party owed, the amount owed, and any existing payment arrangements.

(9) (A) Whether the employer and any persons named in response to subparagraph (A), (B), or (C) of paragraph (6) have ever been cited or assessed any penalty for violating any provision of this code.

(B) An applicant who answers affirmatively to any item described in subparagraph (A) shall provide additional information, as part of the application, on the date, nature of citation, amount of penalties assessed for each citation, and the disposition of the citation, if any. The application shall describe any appeal filed. If the citation was not appealed, or if it was upheld on appeal, the applicant shall state whether the penalty assessment was paid.

(10) Effective January 1, 2020, all new applications for registration and renewal of registration shall demonstrate completion of the sexual violence and harassment prevention training requirements prescribed by the division and developed pursuant to Section 1429.5 by providing written attestation to the commissioner that the training has been provided as required. Effective January 1, 2022, the attestation shall include whether the training was provided by a peer trainer and an explanation as to why a peer trainer was not used if a peer trainer did not provide the required training.

(11) Such other information as the commissioner requires for the administration and enforcement of this part.

(b) The employer has paid a registration fee to the Division of Labor Standards Enforcement pursuant to Section 1427.

(c) Notwithstanding any other law, violation of this section shall not be a crime.

SEC. 62. Section 1429.5 of the Labor Code is amended to read:

1429.5. (a) The Division of Labor Standards Enforcement shall establish by January 1, 2019, a biennial in-person sexual violence and harassment prevention training requirement to be provided by employers governed by this part for nonsupervisory covered workers and supervisors of nonsupervisory covered workers. The training content and qualifications for trainers for supervisory workers shall be consistent with the training requirements of Section 12950.1 of the Government Code and subsequent amendments to those requirements. The training content for nonsupervisors shall also be consistent with the requirements of Section 12950.1 of the Government Code and subsequent amendments to those requirements. The qualifications for trainers for nonsupervisors are set forth in this section. The training required under this section shall be in lieu of, and not in addition to, the requirements for training under Section 12950.1 of the Government Code, as long as the training pursuant to this section meets or exceeds the requirements for training under Section 12950.1 of the Government Code, apart from the aforementioned distinction regarding trainer qualification for nonsupervisory training.

(b) To assist in developing these standards, the director shall convene a training advisory committee to recommend requirements for a sexual harassment prevention training program. The training advisory committee shall be composed of representatives of the Division of Labor Standards Enforcement, the Division of Occupational Safety and Health, and the Civil Rights Department, and shall also include representatives from a recognized or certified collective bargaining agent that represents janitorial workers, employers, labor-management groups in the janitorial industry, sexual assault victims advocacy groups, and other related subject matter experts. The director shall convene the training advisory committee by July 1, 2017. The training advisory committee shall consider the requirements of Section 12950.1 of the Government Code when developing the recommended standard. The Division of Labor Standards Enforcement shall propose the requirements for the sexual violence and harassment prevention training requirement by January 1, 2018.

(c) The director shall convene a training advisory committee to assist in compiling a list of qualified organizations that shall provide to employers the qualified peer trainers that employers shall use to provide the required training to nonsupervisors, as

described below. The training advisory committee shall be composed of representatives from a recognized or certified collective bargaining agent that represents janitorial workers, representatives of janitorial workers, janitorial employers, and sexual assault victims advocates. By January 1, 2021, the department shall make available on its internet website the list of qualified organizations that employers shall use to locate a qualified peer trainer in a particular county to provide the required nonsupervisory training. The qualified organization shall provide to the Division of Labor Standards Enforcement the name, contact information, and service area of the qualified organization for inclusion on the website.

(d) The Division of Labor Standards Enforcement shall require employers covered by this part subject to the biennial training requirement to provide the training content developed by the Labor Occupational Health Program (LOHP) under the direction of the director, or as amended in the future by the director.

(e) Employers covered by this part subject to the biennial training requirement shall use a qualified organization from the list maintained by the director to provide the required training to nonsupervisors. Qualified organizations shall provide qualified peer trainers that employers covered by this part shall use to provide the required training to nonsupervisors. The employer shall pay the qualified organization sixty-five dollars (\$65) per participant, unless an alternative payment option has been agreed to under a collective bargaining agreement. A covered employer shall document compliance with the training requirement by completing and signing a form, to be developed by the Division of Labor Standards Enforcement, certifying that the training was conducted and that the qualified organization was paid in full, and the form shall be produced upon request of the Division of Labor Standards Enforcement. A covered employer shall also document compliance with the training requirement by ensuring that each participant sign in and sign out on a sign-in sheet, using printed writing and signature, at the commencement and completion of training, in addition to any regulatory documentation retention requirements adopted by the Division of Labor Standards Enforcement.

(f) The training advisory committee shall recommend the qualified organizations to the director. A qualified organization shall be a nonprofit corporation as described in subsection (c) of Section 501 of the Internal Revenue Code of the United States (26 U.S.C. 501(c)), that on its own or through its training partners complies with all of the following:

(1) Have and maintain at least 30 qualified peer trainers who are available to provide training to nonsupervisors covered workers as required under this part.

(2) Have access to local and regional sexual violence-related trauma services and resources for local referrals documented through letters of acknowledgment from service providers.

(3) Be committed to ongoing education and development as documented by a minimum of 10 hours of professional development each year for qualified organization staff and peer trainers in areas of research and strategies to prevent and respond to sexual assault and sexual harassment.

(4) Have seven years of demonstrated experience working with employers to provide training to employees both on and off the worksite in the janitorial industry, including seven years demonstrated experience working with immigrant low-wage workers.

(g) To be qualified as a peer trainer under this section, a person shall have the training, knowledge, and experience necessary to train nonsupervisory covered workers and shall, at the minimum, have all of the following qualifications:

(1) At least a cumulative 40 hours of sexual assault advocate training in the following areas:

(A) Survivor-centered and trauma-informed principles and techniques.

(B) The long-term effects of sexual trauma and the intersection of discrimination, oppression, and sexual violence.

(C) The availability of local, state, and national resources for survivors of sexual violence.

(D) Interactive teaching strategies that engage across multiple literacy levels.

(E) Conducting discrimination, retaliation, and sexual harassment prevention training.

(F) Responding to sexual harassment complaints or other discrimination complaints.

(G) Employer responsibility to conduct investigations of sexual harassment complaints.

(H) Advising covered workers regarding discrimination, retaliation, and sexual harassment prevention.

(2) Have two years of nonsupervisory work experience in the janitorial or property service industry.

(3) Be culturally competent and fluent in the language or languages that the relevant covered workers understand.

(h) The director shall maintain the list of qualified organizations. The list shall be updated by the director with assistance from the training advisory committee at least once every three years. The director may approve qualified organizations on an ongoing

basis, if they meet the qualifications required by subdivision (f). The fee per participant may be adjusted by the Labor Commissioner as needed. The fee shall not exceed the cost to the commission of administering the list under this subdivision.

(i) The training advisory committee shall meet at least once every three years to review and update the list of qualified organizations and qualified peer trainers.

(j) A qualified organization may work with a training partner to provide the required training, provided that the qualified organization has entered into a written partnership agreement with the training partner. As used in this subdivision, "training partner" means a nonprofit, worker center, or labor organization with at least two years of demonstrated experience in addressing workplace sexual abuse, immigrants' rights advocacy, and worker rights advocacy.

(k) (1) If the internet website list of qualified organizations that provide peer trainers to employers required to provide training to nonsupervisors under this section indicates there is no qualified peer trainer available to provide training in a specific county, or if none of the qualified trainers are available to meet an employer's training needs, an employer may use a trainer as prescribed by the Civil Rights Department with respect to sexual harassment training and education to provide training to covered workers working in that specific county.

(2) An employer governed by this part shall be deemed to be in compliance with the requirement to use a peer trainer to provide the required training if they contracted with a qualified organization that was listed on the department's internet website at the time of the training.

SEC. 63. Section 1430 of the Labor Code is amended to read:

1430. The Division of Labor Standards Enforcement shall not register or renew the registration of an employer in any of the following circumstances:

(a) The employer has not fully satisfied any final judgment for unpaid wages due to an employee or former employee of a business for which the employer is required to register under this chapter.

(b) The employer has failed to remit the proper amount of contributions required by the Unemployment Insurance Code or the Employment Development Department has made an assessment for those unpaid contributions against the employer that has become final and the employer has not fully paid the amount of delinquency for those unpaid contributions.

(c) The employer has failed to remit the amount of Social Security and Medicare tax contributions required by the Federal Insurance Contributions Act (FICA) to the Internal Revenue Service and the employer has not fully paid the amount or delinquency for those unpaid contributions.

(d) The employer has not fully satisfied the terms of any administrative settlement pursuant to the Civil Rights Department processes or a final judicial decree agreed upon with an employee or former employee of a business for which the employer is required to register under this part for any final judgment for a violation of Section 12940 of the Government Code.

(e) The employer has not fully satisfied any final judgment for failing to secure valid workers' compensation coverage as required by Section 3700.

SEC. 64. Section 1684 of the Labor Code is amended to read:

1684. (a) The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall the Labor Commissioner renew that license, until all of the following conditions are satisfied:

(1) The person has executed a written application in a form prescribed by the Labor Commissioner, subscribed and sworn to by the person, and containing all of the following:

(A) A statement by the person of all facts required by the Labor Commissioner concerning the applicant's character, competency, and responsibility, and the manner and method by which the person proposes to conduct operations as a farm labor contractor if the license is issued.

(B) The names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests.

(C) A declaration consenting to the designation by a court of the Labor Commissioner as an agent available to accept service of summons in any action against the licensee if the licensee has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

(D) The names and addresses of all persons who in the previous calendar year performed any services described in subdivision (b) of Section 1682 within the scope of their employment by the licensee on whose behalf they were acting, unless the person was employed as an independent contractor.

(2) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of the person.

(3) (A) The person has deposited with the Labor Commissioner a surety bond in an amount based on the size of the person's annual payroll for all employees, as follows:

(i) For payrolls up to five hundred thousand dollars (\$500,000), a twenty-five-thousand-dollar (\$25,000) bond.

(ii) For payrolls of five hundred thousand dollars (\$500,000) to two million dollars (\$2,000,000), a fifty-thousand-dollar (\$50,000) bond.

(iii) For payrolls greater than two million dollars (\$2,000,000), a seventy-five-thousand-dollar (\$75,000) bond.

(B) For purposes of this paragraph, the Labor Commissioner shall require documentation of the size of the person's annual payroll, which may include, but is not limited to, information provided by the person to the Employment Development Department, the Franchise Tax Board, the Division of Workers' Compensation, the insurer providing the licensee's workers' compensation insurance, or the Internal Revenue Service.

(C) If the contractor has been the subject of a final judgment in a year in an amount equal to or greater than the amount of the bond required, they shall be required to deposit an additional bond within 60 days.

(D) All bonds required under this chapter shall be payable to the people of the State of California and shall be conditioned upon the farm labor contractor's compliance with all the terms and provisions of this chapter and subdivisions (j) and (k) of Section 12940 of, and Sections 12950 and 12950.1 of, the Government Code, and payment of all damages occasioned to any person by failure to do so, or by any violation of this chapter or of subdivision (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352), or false statements or misrepresentations made in the procurement of the license. The bond shall also be payable for interest on wages and for any damages arising from violation of orders of the Industrial Welfare Commission, and for any other monetary relief awarded to an agricultural worker as a result of a violation of this code or of subdivision (j) or (k) of Section 12940 of, or Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352).

(4) The person has paid to the Labor Commissioner a license fee of five hundred dollars (\$500) plus a filing fee of ten dollars (\$10). However, when a timely application for renewal is filed, the ten-dollar (\$10) filing fee is not required. The license fee shall increase by one hundred dollars (\$100), to six hundred dollars (\$600), on January 1, 2015. The amount attributable to this increase shall be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit. The Labor Commissioner shall deposit one hundred fifty dollars (\$150) of each licensee's annual license fee into the Farmworker Remedial Account. Funds from this account shall be disbursed by the Labor Commissioner only to persons determined by the Labor Commissioner to have been damaged by any licensee or to persons determined by the Labor Commissioner to have been damaged by an unlicensed farm labor contractor.

(A) In making these determinations, the Labor Commissioner shall disburse funds from the Farmworker Remedial Account to satisfy claims against farm labor contractors or unlicensed farm labor contractors, which shall include unpaid wages, interest on wages, and any damages or other monetary relief arising from the violation of orders of the Industrial Welfare Commission or from a violation of this code, including statutory penalties recoverable by an employee determined to be due to an agricultural worker and for all damages arising from any violation of subdivision (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352).

(B) A disbursement shall be made pursuant to a claim for recovery from the account in accordance with procedures prescribed by the Labor Commissioner.

(C) Disbursed funds subsequently recovered from a liable party by the Labor Commissioner pursuant to Section 1693, or otherwise, shall be returned to the Farmworker Remedial Account.

(5) The person has taken a written examination that demonstrates an essential degree of knowledge of the current laws and administrative regulations concerning farm labor contractors as the Labor Commissioner deems necessary for the safety and protection of farmers, farmworkers, and the public, including the identification and prevention of sexual harassment in the workplace. To successfully complete the examinations, the person must correctly answer at least 85 percent of the questions posed. The examination period shall not exceed four hours. The examination may only be taken a maximum of three times in a

calendar year. The examinations shall include a demonstration of knowledge of the current laws and regulations regarding wages, hours, and working conditions, penalties, employee housing and transportation, collective bargaining, field sanitation, and safe work practices related to pesticide use, including all of the following subjects:

- (A) Field reentry regulations.
- (B) Worker pesticide safety training.
- (C) Employer responsibility for safe working conditions.
- (D) Symptoms and appropriate treatment of pesticide poisoning.

(6) The person has registered as a farm labor contractor pursuant to the federal Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801 et seq.), when registration is required pursuant to federal law, and that information is provided by the person to the Labor Commissioner.

(7) Each of the person's employees has registered as a farm labor contractor employee pursuant to the federal Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801 et seq.) if that registration is required pursuant to federal law, and that information is provided by the person to the Labor Commissioner.

(8) (A) The person has executed a written statement, that has been provided to the Labor Commissioner, attesting that the person's supervisory employees, including any supervisor, crewleader, mayordomo, foreperson, or other employee whose duties include the supervision, direction, or control of agricultural employees, have been trained at least once for at least two hours each calendar year in the prevention of sexual harassment in the workplace, and that all new nonsupervisory employees, including agricultural employees, have been trained at the time of hire, and that all nonsupervisory employees, including agricultural employees, have been trained at least once every two years in identifying, preventing, and reporting sexual harassment in the workplace.

(B) Sexual harassment prevention training shall consist of training administered by a licensee or appropriate designee of the licensee. Sexual harassment training for each agricultural employee shall be in the language understood by that employee. The person may comply with this language requirement either by providing the training in that language or by having the training interpreted for the employee in the language that they understand.

(C) Sexual harassment prevention training shall include, at a minimum, components of the following as consistent with Section 12950 of the Government Code:

- (i) The illegality of sexual harassment.
- (ii) The definition of sexual harassment under applicable state and federal law.
- (iii) A description of sexual harassment, utilizing examples.
- (iv) The internal complaint process of the employer available to the employee.
- (v) The legal remedies and complaint process available through the Civil Rights Department.
- (vi) Directions for how to contact the Civil Rights Department.
- (vii) The protection against retaliation provided under current law.

(D) (i) The trainer may use the text of the Civil Rights Department's pamphlet CRD-185, "Sexual Harassment" as a guide to training, or may use other written material or other training resources covering the information required in subparagraph (C).

(ii) As part of their application for license renewal, in order to establish that training is occurring, a licensee shall provide the Labor Commissioner with a complete list of all materials or resources utilized to provide sexual harassment prevention training to their agricultural employees in the calendar year before the month the renewal application is submitted.

(E) At the conclusion of the training, the trainer shall provide the employee with a copy of the Civil Rights Department's pamphlet CRD-185, and a record of the training on a form provided by the Labor Commissioner that includes the name of the trainer and the date of the training.

(F) The licensee shall keep a record with the names of all employees who have received sexual harassment training for a period of three years.

(G) (i) As part of their application for license renewal, the licensee shall provide to the Labor Commissioner the total number of agricultural employees trained in sexual harassment prevention in the calendar year before the month the renewal application is submitted.

(ii) The Labor Commissioner shall annually aggregate the data provided under this subparagraph by licensees and publish on the internet website of the Labor Commissioner the total number of agricultural employees trained in sexual harassment prevention in the previous calendar year.

(b) The Labor Commissioner shall consult with the Director of Pesticide Regulation, the Department of the California Highway Patrol, the Department of Housing and Community Development, the Employment Development Department, the Civil Rights Department, the Department of Food and Agriculture, the Department of Motor Vehicles, and the Division of Occupational Safety and Health in preparing the examination required by paragraph (5) of subdivision (a) and the appropriate educational materials pertaining to the matters included in the examination, and may charge a fee of not more than two hundred dollars (\$200) to cover the cost of administration of the examination.

(c) The person shall also enroll and participate in at least nine hours of relevant educational classes each year. The classes shall include at least one hour of sexual harassment prevention training. The classes shall be chosen from a list of approved classes prepared by the Labor Commissioner, in consultation with the persons and entities listed in subdivision (b) and county agricultural commissioners.

(d) The Labor Commissioner may renew a license without requiring the applicant for renewal to take the examination specified in paragraph (5) of subdivision (a) if the Labor Commissioner finds that the applicant meets all of the following criteria:

(1) Has satisfactorily completed the examination during the immediately preceding two years.

(2) Has not during the preceding year been found to be in violation of any applicable laws or regulations including, but not limited to, Division 7 (commencing with Section 12500) of the Food and Agricultural Code, subdivisions (j) and (k) of Section 12940 of, and Section 12950 or 12950.1 of, the Government Code, Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code, Division 2 (commencing with Section 200), Division 4 (commencing with Section 3200), and Division 5 (commencing with Section 6300) of this code, and Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code.

(3) Has, for each year since the license was obtained, enrolled and participated in at least eight hours of relevant, educational classes, chosen from a list of approved classes prepared by the Labor Commissioner.

(4) Has complied with all other requirements of this section.

SEC. 65. Section 1697.5 of the Labor Code is amended to read:

1697.5. (a) It is a violation of this chapter for a licensee to do any of the following:

(1) Fail to train an agricultural employee at the time of hire, as required by subparagraph (A) of paragraph (8) of subdivision (a) of Section 1684.

(2) Fail to provide training in the language understood by the agricultural employee, as required by subparagraph (B) of paragraph (8) of subdivision (a) of Section 1684.

(3) Fail to provide an agricultural employee with at least the minimum training, as required by subparagraph (C) of paragraph (8) of subdivision (a) of Section 1684.

(4) Fail to provide an agricultural employee either (A) with a record of their training, or (B) a copy of the specified Civil Rights Department sexual harassment pamphlet, as required by subparagraph (E) of paragraph (8) of subdivision (a) of Section 1684.

(5) Provide an agricultural employee with a false record of completion of their training, as required by subparagraph (E) of paragraph (8) of subdivision (a) of Section 1684, when they have, in fact, received no training.

(6) Fail to keep a record of training for each agricultural employee who has received training, as required by subparagraph (F) of paragraph (8) of subdivision (a) of Section 1684.

(b) If, upon inspection or investigation, the Labor Commissioner determines that a violation of any of the provisions listed in subdivision (a) has occurred, the Labor Commissioner may issue a citation and assess a civil penalty in the amount of one hundred dollars (\$100) for each violation. In enforcing this section, the Labor Commissioner shall take into consideration whether the violation was inadvertent, and in their discretion, may decide not to penalize an employer for a first violation when that violation was due to a clerical error or inadvertent mistake.

(c) The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the Labor Commissioner for violations of this section shall be the same as those set forth in Section 1197.1.

SEC. 66. Section 1700.50 of the Labor Code is amended to read:

1700.50. (a) A licensee shall make available via electronic transmission, hard copy brochure, or through other reasonable means educational materials regarding sexual harassment prevention, retaliation, and reporting resources to an adult artist within 90 days of agreeing to representation by the licensee or agency procurement of an engagement, meeting, or interview, whichever comes first.

(b) Sexual harassment educational materials shall include, at a minimum, the components specified in the Civil Rights Department's Form 185. Educational materials may be provided electronically, via internet website, or other means.

(c) Educational materials for each artist shall be in the language understood by that artist. The licensee may comply with this language requirement either by making the educational materials available in that language or by having the educational materials presented for the artist in the language that they understand.

(d) The licensee shall keep a record for three years confirming that it has made available educational materials regarding sexual harassment prevention, retaliation, and reporting resources to all adult artists who have been signed for representation after the effective date of the act adding this article.

SEC. 67. Section 1700.52 of the Labor Code is amended to read:

1700.52. (a) Prior to the issuance of an entertainment work permit to a minor pursuant to Section 1308.5, the parent or legal guardian of a minor between 14 to 17 years of age, inclusive, hereafter "age-eligible minor," shall do all of the following:

(1) Ensure that the minor completes training in sexual harassment prevention, retaliation, and reporting resources using the online training course made available on the internet website of the Civil Rights Department pursuant to Section 12950.1 of the Government Code. The minor shall be accompanied by a parent or legal guardian for the training.

(2) Certify to the Labor Commissioner that the training has been completed.

(b) Training for each age-eligible minor and their parent or legal guardian shall be in the language understood by that person, whenever reasonably possible.

(c) A licensee shall request and retain a copy of the minor's entertainment work permit prior to representing or sending a minor artist on an audition, meeting, or interview for engagement of the minor's services.

SEC. 68. Section 3073 of the Labor Code is amended to read:

3073. (a) The Chief of the Division of Apprenticeship Standards, or their duly authorized representative, shall administer the provisions of this chapter; act as secretary of the California Apprenticeship Council and the Interagency Advisory Committee on Apprenticeship; shall foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment; shall ensure that selection procedures are impartially administered to all applicants for apprenticeship; shall gather and promptly disseminate information through apprenticeship and training information centers; shall maintain on public file in all high schools and field offices of the Employment Development Department the name and location of the local area apprenticeship committees, the filing date, and minimum requirements for application of all registered apprenticeship programs; shall cooperate in the development of apprenticeship programs and may advise with them on problems affecting apprenticeship standards; shall audit all selection and disciplinary proceedings of apprentices or prospective apprentices; may enter joint agreements with the Employment Development Department outreach education and employment programs, and educational institutions on the operation of apprenticeship information centers, including positive efforts to achieve information on equal opportunity and affirmative action programs for women and minorities; and shall supervise and recommend apprenticeship agreements as to these standards and perform such other duties associated therewith as the California Apprenticeship Council may recommend. The chief shall coordinate the exchange, by the California Apprenticeship Council, the Interagency Advisory Committee on Apprenticeship, apprenticeship program sponsors, the Civil Rights Council, community organizations, and other interested persons, of information on available minorities and women who may serve as apprentices.

(b) The chief, in consultation with the Interagency Advisory Committee on Apprenticeship, shall issue rules and regulations that establish standards for minimum wages, maximum hours, and working conditions for apprentice agreements in all industries other than the building and construction trades and firefighter occupations, as well as standards governing preapprenticeship, certification, and other on-the-job training and retraining programs and agreements that are certified pursuant to this chapter. Pending the issuance of new rules and regulations pursuant to this subdivision, the following regulations in Title 8 of the California

Code of Regulations shall apply to programs in all industries other than the building and construction trades and firefighting: Sections 200 to 202, inclusive, Sections 205 to 224, inclusive, Sections 235 to 263, inclusive, and Sections 281 to 282, inclusive, with the exception of any filing requirements, appeal rights, or other procedures pertaining to the California Apprenticeship Council.

(c) Any determination or decision made by the California Apprenticeship Council before the operative date of the act adding subdivision (b) to this section shall be deemed a decision or determination of the chief with respect to any program, trade, or standard that does not remain under the jurisdiction of the California Apprenticeship Council.

SEC. 69. Section 3073.9 of the Labor Code is amended to read:

3073.9. (a) No building and construction trades apprenticeship program shall discriminate against any apprentice or applicant for apprenticeship on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over forty years of age, military or veteran status, or sexual orientation with regard to all of the following:

- (1) Recruitment, outreach, and selection procedures.
- (2) Hiring or placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring.
- (3) Rotation among work processes.
- (4) Imposition of penalties or other disciplinary action.
- (5) Rates of pay or any other form of compensation and changes in compensation.
- (6) Conditions of work.
- (7) Hours of work and hours of training provided.
- (8) Job assignments.
- (9) Leaves of absence, sick leave, or any other leave.
- (10) Any other benefit, term, condition, or privilege associated with apprenticeship.

(b) In implementing this section, the division and the Administrator of Apprenticeship shall look to the legal standards, defenses, and exceptions applied under the California Fair Employment and Housing Act, its implementing regulations, and any interpretive guidance issued by the Civil Rights Department in determining whether a building and construction trades apprenticeship program has engaged in a practice prohibited by subdivision (a).

(c) Each building and construction trades apprenticeship program shall take affirmative steps to provide equal opportunity in apprenticeship, including:

(1) The apprenticeship program shall designate one or more individuals with appropriate authority under the program, such as an apprenticeship coordinator, to be responsible and accountable for overseeing the program's commitment to equal opportunity in apprenticeship. The designees shall have the resources of, support of, and access to, the apprenticeship program leadership, to ensure effective implementation. The designees will be responsible for all of the following:

- (A) Monitoring all apprenticeship activity to ensure compliance with the nondiscrimination obligations required by this section.
- (B) Maintaining records required under this section.
- (C) Generating and submitting reports as may be required by the division.

(2) The apprenticeship program shall inform all applicants for apprenticeship, apprentices, instructors, and employees of the apprenticeship program of its commitment to equal opportunity. The apprenticeship program shall require that apprentices, instructors, and employees of the apprenticeship program take the necessary action to aid the apprenticeship program in meeting its nondiscrimination obligations under this section. The apprenticeship program, at a minimum, shall do all of the following:

- (A) Publish its equal opportunity pledge set forth in subdivision (c) in the program's apprenticeship standards, and in appropriate publications, such as apprentice and employee handbooks, policy manuals, newsletters, or other documents disseminated by the apprenticeship program that otherwise describe the nature of the program.

(B) Post its equal opportunity pledge set forth in subdivision (c) on bulletin boards, including through electronic media, such that it is accessible to apprentices and applicants for apprenticeship.

(C) Conduct orientation and periodic information sessions for apprentices, instructors, and employees of the apprenticeship program to inform and remind such individuals of the apprenticeship program's equal employment opportunity policy, and to provide the training required by subparagraph (A) of paragraph (4).

(D) Provide annual notice to any contractor that employs apprentices of the apprenticeship program's commitment to equal opportunity and the contractor's obligation to ensure that apprentices it employs are not harassed or discriminated against on any of the bases described in subdivision (a).

(E) Maintain records necessary to demonstrate compliance with these requirements, including records of complaints, and make them available to the Division of Apprenticeship Standards upon request.

(3) The apprenticeship program shall implement measures to ensure that its outreach and recruitment efforts for apprentices extend to all persons available for apprenticeship within the apprenticeship program's relevant recruitment area without regard to the characteristics described in subdivision (a).

(4) The apprenticeship program shall develop and implement procedures to ensure that its apprentices are not harassed or discriminated against on any of the bases described in subdivision (a), and to ensure that its apprenticeship program is free from intimidation and retaliation. To promote an environment in which all apprentices feel safe, welcomed, and treated fairly, the apprenticeship program shall ensure all of the following steps are taken:

(A) Providing antiharassment and antidiscrimination training to all apprentices, instructors, and employees of the apprenticeship program. This training shall not be a mere transmittal of information, but shall include participation by trainees, such as attending a training session in person or completing interactive training online. The training content shall include, at a minimum, communication of the following:

(i) That discriminatory or harassing conduct will not be tolerated.

(ii) The definition of discrimination and harassment and the types of conduct that constitute unlawful discrimination and harassment.

(iii) The complaint procedures established by the apprenticeship program as described in subparagraph (C).

(iv) The procedure for filing a complaint with the Administrator of Apprenticeship pursuant to Section 201 of Title 8 of the California Code of Regulations.

(B) Making all facilities and apprenticeship activities available without regard to the characteristics described in subdivision (a) of this section except that if the apprenticeship program provides restrooms or changing facilities, the apprenticeship program may provide separate or all-gender toilets and changing facilities, provided that all individuals have equal access to facilities consistent with their gender identity.

(C) Establishing and implementing procedures for handling and resolving internal complaints about harassment or discrimination, including, but not limited to, the following:

(i) Designation of an individual or individuals responsible to receive complaints by apprentices of harassment or discrimination.

(ii) Procedures for prompt, thorough, and impartial investigation of complaints.

(iii) Procedures to protect the confidentiality of complaints to the extent possible and consistent with law.

(iv) Policies for immediate and appropriate corrective action when the program determines that harassment or discrimination has occurred, including policies for denying the dispatch of apprentices to, or revoking the training certification of, contractors that have been found by the apprenticeship program to have engaged in or permitted harassment of or discrimination against apprentices.

(v) Protections against retaliation for apprentices who have reported instances of harassment or discrimination.

(d) Each building and construction trades apprenticeship program shall include in its apprenticeship standards the following equal opportunity pledge:

(1) [Name of program] will not discriminate against apprenticeship applicants or apprentices based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex,

gender, gender identity, gender expression, age for individuals over forty years of age, military or veteran status, or sexual orientation. [Name of program] will take affirmative steps to provide equal opportunity in apprenticeship.

(2) The nondiscrimination categories listed in this pledge may be broadened to conform to consistent federal, state, and local requirements. Programs may include additional protected categories, but may not exclude any of the categories protected by this section.

(e) An apprenticeship program may provide prevention of harassment training programs for journey-level workers.

(f) An apprenticeship program shall maintain records reflecting the prevention of harassment training provided, dates of training, and apprentice or journey-level worker attendance, and shall issue a certificate of completion to the apprentice or journey-level worker.

(g) The California Apprenticeship Council may issue rules and regulations as necessary to implement this section, including about what records apprenticeship programs shall maintain to demonstrate compliance with the requirements of this section. The division shall comply with the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(h) (1) Existing registered building and construction trades apprenticeship programs shall comply with all obligations of this section within 180 days of the effective date of this act.

(2) A new building and construction trades apprenticeship program registering with the Division of Apprenticeship Standards after the effective date of this act shall comply with all obligations of this section upon registration or within 180 days after the effective date of this section, whichever is later.

(i) Failure to comply with the requirements of this section may be grounds for an audit in accordance with Section 3073.1, a complaint to the Administrator of Apprenticeship in accordance with Section 201 of Title 8 of the California Code of Regulations, or other actions in accordance with Section 212.4 of Title 8 of the California Code of Regulations. This section shall not create, or serve as the basis for, a private right of action, or limit any existing private right of action.

SEC. 70. Section 243.4 of the Penal Code is amended to read:

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of

this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

SEC. 71. Section 422.92 of the Penal Code is amended to read:

422.92. (a) Every state and local law enforcement agency in this state shall make available a brochure on hate crimes to victims of these crimes and the public.

(b) The Civil Rights Department shall provide existing brochures, making revisions as needed, to local law enforcement agencies upon request for reproduction and distribution to victims of hate crimes and other interested parties. In carrying out these responsibilities, the department shall consult the Civil Rights Council, the Department of Justice, and the California Victim Compensation Board.

SEC. 72. Section 679.10 of the Penal Code is amended to read:

679.10. (a) For purposes of this section, a "certifying entity" is any of the following:

(1) A state or local law enforcement agency, including, without limitation, the police department of the University of California, a California State University campus, or the police department of a school district, established pursuant to Section 38000 of the Education Code.

(2) A prosecutor.

(3) A judge.

(4) Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity.

(5) Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Civil Rights Department, and the Department of Industrial Relations.

(b) For purposes of this section, a "certifying official" is any of the following:

- (1) The head of the certifying entity.
- (2) A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency.
- (3) A judge.
- (4) Any other certifying official defined under Section 214.14 (a)(2) of Title 8 of the Code of Federal Regulations.

(c) "Qualifying criminal activity" has the same meaning as qualifying criminal activity pursuant to Section 101(a)(15)(U)(iii) of the federal Immigration and Nationality Act which includes, but is not limited to, the following crimes:

- (1) Rape.
- (2) Torture.
- (3) Human trafficking.
- (4) Incest.
- (5) Domestic violence.
- (6) Sexual assault.
- (7) Abusive sexual conduct.
- (8) Prostitution.
- (9) Sexual exploitation.
- (10) Female genital mutilation.
- (11) Being held hostage.
- (12) Peonage.
- (13) Perjury.
- (14) Involuntary servitude.
- (15) Slavery.
- (16) Kidnapping.
- (17) Abduction.
- (18) Unlawful criminal restraint.
- (19) False imprisonment.
- (20) Blackmail.
- (21) Extortion.
- (22) Manslaughter.
- (23) Murder.
- (24) Felonious assault.
- (25) Witness tampering.
- (26) Obstruction of justice.
- (27) Fraud in foreign labor contracting.
- (28) Stalking.

(d) A "qualifying crime" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in subdivision (c), and the attempt, conspiracy, or solicitation to commit any of those offenses.

(e) A "representative fully accredited by the United States Department of Justice" is a person who is approved by the United States Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the United States Department of Justice to represent those individuals and whose accreditation is in good standing.

(f) Upon the request of a victim, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a state or local law enforcement agency with whom the victim had filed a police report shall provide a copy of the police report within seven days of the request.

(g) Upon the request of the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity.

(h) For purposes of determining helpfulness pursuant to subdivision (g), there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

(i) The certifying official shall fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.

(j) A certifying entity shall process a Form I-918 Supplement B certification within 30 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 7 days of the first business day following the day the request was received.

(k) (1) A current investigation, the filing of charges, closing of a case, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official.

(2) A certifying official shall not refuse to complete the Form I-918 Supplement B certification or to otherwise certify that a victim has been helpful, solely because a case has already been prosecuted or otherwise closed, or because the time for commencing a criminal action has expired.

(l) A certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested.

(m) A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.

(n) A certifying entity that receives a request for a Form I-918 Supplement B certification shall report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.

SEC. 73. Section 95.60 is added to the Revenue and Taxation Code, immediately following Section 95.50, to read:

95.60. (a) It is the intent of the Legislature in enacting this section to assist county assessors in performing property assessments with technology investments.

(b) For purposes of this section, the following definitions apply:

(1) "Authority" means a county assessor's joint powers authority.

(2) "Department" means the Department of Finance.

(3) "Program" means the County Assessors' Grant Program, as established by this section.

(c) (1) There is hereby established the County Assessors' Grant Program, which shall be operative from July 1, 2022, to June 30, 2025, inclusive.

(2) The program shall be administered by the Department of Finance.

(3) Program funds shall be granted in a particular fiscal year only upon appropriation by the Legislature for the program in that fiscal year. However, an authority shall comply with the reporting requirement described in subdivision (g), regardless of appropriation, if the authority received program funds in the fiscal year preceding the report.

(d) For the 2022–23 fiscal year, a county assessor's joint powers authority may apply to the department, in the form and manner specified by the department. The application may also be in the form of a memorandum of understanding between the department and the authority.

(1) The application or memorandum of understanding shall be due to the department by October 1, 2022.

(2) (A) The department shall complete its review of an application or memorandum of understanding no later than November 1, 2022. The department shall approve the application or memorandum of understanding if it meets at least the following criteria:

(i) A request for information technology-appropriate projects and programs related to the administration of the property tax system that includes the goals the authority seeks to achieve with the program funds.

(ii) A description of the deliverables the authority will procure with the program funds, and a description of how those deliverables will be used to achieve the goals described in clause (i).

(iii) A timeline for the completion of the deliverables specified in clause (ii) and for the achievement of the goals specified in clause (i).

(iv) An assurance that all county assessors' offices that request to participate in the projects and programs funded by the program will be afforded the opportunity to do so.

(B) If an application or a memorandum of understanding that is missing any of the information described in clause (i) to (iv), inclusive of subparagraph (A), the department shall notify the applicant and the applicant shall provide the missing information within 15 days of notification. If the applicant fails to provide the missing information within the time period, the department shall deny the application or memorandum of understanding.

(3) Upon approval, by November 15, 2022, the department shall determine the grant amount and shall notify the State Controller's Office to remit payment to the authority.

(4) Notwithstanding paragraphs (1) to (3), inclusive, if the department denies an application or memorandum, the department may approve a revised application or memorandum submitted by the authority and modify the dates described in this subdivision as appropriate.

(e) Upon receipt of the program funds, an authority shall, in the 2022–23 fiscal year and 30 days prior to expending any funds appropriated for the program, provide the department with a copy of all contracts executed with third-party entities for implementing or operating the program.

(f) (1) An authority that receives funding in the 2022–23 fiscal year shall not be required to reapply for program funds for the 2023–24 and 2024–25 fiscal years if the 2023 and 2024 Budget Acts each contain a ten million dollar (\$10,000,000) appropriation for purposes of the program.

(2) The department may require the authority to submit an amended application or memorandum of understanding for the 2023–24 or 2024–25 fiscal years if the Budget Act for that fiscal year does not provide an appropriation for the program or if the appropriation is an amount other than ten million dollars (\$10,000,000).

(3) Program funds shall be remitted to the authority, if an application or memorandum is approved, by November 15, 2023, for the 2023–24 fiscal year and November 15, 2024, for the 2024–25 fiscal year. However, funds may be remitted at a later date, as appropriate, if an application or memorandum is not approved by November 1, 2023, or November 1, 2024, as applicable.

(g) No later than October 1, 2023, and each October 1 thereafter until October 1, 2025, an authority that receives program funds shall report the following information to the department, in the form and manner specified by the department:

(1) The total amount of program funds expended by the authority in the preceding fiscal year.

(2) A description of the purposes for which program funds were expended in the preceding fiscal year, and the associated deliverables received by the authority or the participating counties.

(3) A description of how the deliverables specified in paragraph (2) are in furtherance of the goals specified in the authority's program application or memorandum of understanding.

(4) A description of whether the authority is meeting the timeline specified in its application or memorandum of understanding.

(5) Any corrections or changes to the information reported in the preceding annual reports, if any, and the reasons for those corrections or changes.

(6) Upon the request of the department, the authority shall provide any supplemental information necessary to clarify the information contained in a report submitted pursuant to this subdivision.

SEC. 74. Section 1095 of the Unemployment Insurance Code is amended to read:

1095. The director shall permit the use of any information in the director's possession to the extent necessary for any of the following purposes, and may require reimbursement for all direct costs incurred in providing any and all information specified in this section, except information specified in subdivisions (a) to (e), inclusive:

(a) To enable the director or the director's representative to carry out their responsibilities under this code.

(b) To properly present a claim for benefits.

(c) To acquaint a worker or their authorized agent with the worker's existing or prospective right to benefits.

(d) To furnish an employer or their authorized agent with information to enable the employer to fully discharge their obligations or safeguard their rights under this division or Division 3 (commencing with Section 9000).

(e) To enable an employer to receive a reduction in contribution rate.

(f) To enable federal, state, or local governmental departments or agencies, subject to federal law, to verify or determine the eligibility or entitlement of an applicant for, or a recipient of, public social services provided pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code, or Part A of Subchapter IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.), when the verification or determination is directly connected with, and limited to, the administration of public social services.

(g) To enable county administrators of general relief or assistance, or their representatives, to determine entitlement to locally provided general relief or assistance, when the determination is directly connected with, and limited to, the administration of general relief or assistance.

(h) To enable state or local governmental departments or agencies to seek criminal, civil, or administrative remedies in connection with the unlawful application for, or receipt of, relief provided under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code or to enable the collection of expenditures for medical assistance services pursuant to Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code.

(i) To provide any law enforcement agency with the name, address, telephone number, birth date, social security number, physical description, and names and addresses of present and past employers, of any victim, suspect, missing person, potential witness, or person for whom a felony arrest warrant has been issued, when a request for this information is made by any investigator or peace officer as defined by Sections 830.1 and 830.2 of the Penal Code, or by any federal law enforcement officer to whom the Attorney General has delegated authority to enforce federal search warrants, as defined under Sections 60.2 and 60.3 of Title 28 of the Code of Federal Regulations, as amended, and when the requesting officer has been designated by the head of the law enforcement agency and requests this information in the course of and as a part of an investigation into the commission of a crime when there is a reasonable suspicion that the crime is a felony and that the information would lead to relevant evidence. The information provided pursuant to this subdivision shall be provided to the extent permitted by federal law and regulations, and to the extent the information is available and accessible within the constraints and configurations of existing department records. Any person who receives any information under this subdivision shall make a written report of the information to the law enforcement agency that employs the person, for filing under the normal procedures of that agency.

(1) This subdivision shall not be construed to authorize the release to any law enforcement agency of a general list identifying individuals applying for or receiving benefits.

(2) The department shall maintain records pursuant to this subdivision only for periods required under regulations or statutes enacted for the administration of its programs.

(3) This subdivision shall not be construed as limiting the information provided to law enforcement agencies to that pertaining only to applicants for, or recipients of, benefits.

(4) The department shall notify all applicants for benefits that release of confidential information from their records will not be protected should there be a felony arrest warrant issued against the applicant or in the event of an investigation by a law enforcement agency into the commission of a felony.

(j) To provide public employee retirement systems in California with information relating to the earnings of any person who has applied for or is receiving a disability income, disability allowance, or disability retirement allowance, from a public employee retirement system. The earnings information shall be released only upon written request from the governing board specifying that the person has applied for or is receiving a disability allowance or disability retirement allowance from its retirement system. The request may be made by the chief executive officer of the system or by an employee of the system so authorized and identified by name and title by the chief executive officer in writing.

(k) To enable the Division of Labor Standards Enforcement in the Department of Industrial Relations to seek criminal, civil, or administrative remedies in connection with the failure to pay, or the unlawful payment of, wages pursuant to Chapter 1 (commencing with Section 200) of Part 1 of Division 2 of, and Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of, the Labor Code.

(l) To enable federal, state, or local governmental departments or agencies to administer child support enforcement programs under Part D of Title IV of the federal Social Security Act (42 U.S.C. Sec. 651 et seq.).

(m) To provide federal, state, or local governmental departments or agencies with wage and claim information in its possession that will assist those departments and agencies in the administration of the Victims of Crime Program or in the location of victims of crime who, by state mandate or court order, are entitled to restitution that has been or can be recovered.

(n) To provide federal, state, or local governmental departments or agencies with information concerning any individuals who are or have been:

(1) Directed by state mandate or court order to pay restitution, fines, penalties, assessments, or fees as a result of a violation of law.

(2) Delinquent or in default on guaranteed student loans or who owe repayment of funds received through other financial assistance programs administered by those agencies. The information released by the director for the purposes of this paragraph shall not include unemployment insurance benefit information.

(o) To provide an authorized governmental agency with any and all relevant information that relates to any specific workers' compensation insurance fraud investigation. The information shall be provided to the extent permitted by federal law and regulations. For purposes of this subdivision, "authorized governmental agency" means the district attorney of any county, the office of the Attorney General, the Contractors State License Board, the Department of Industrial Relations, and the Department of Insurance. An authorized governmental agency may disclose this information to the State Bar of California, the Medical Board of California, or any other licensing board or department whose licensee is the subject of a workers' compensation insurance fraud investigation. This subdivision shall not prevent any authorized governmental agency from reporting to any board or department the suspected misconduct of any licensee of that body.

(p) To enable the Director of Consumer Affairs, or the director's representative, to access unemployment insurance quarterly wage data on a case-by-case basis to verify information on school administrators, school staff, and students provided by those schools who are being investigated for possible violations of Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code.

(q) To provide employment tax information to the tax officials of Mexico, if a reciprocal agreement exists. For purposes of this subdivision, "reciprocal agreement" means a formal agreement to exchange information between national taxing officials of Mexico and taxing authorities of the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department. Furthermore, the reciprocal agreement shall be limited to the exchange of information that is essential for tax administration purposes only. Taxing authorities of the State of California shall be granted tax information only on California residents. Taxing authorities of Mexico shall be granted tax information only on Mexican nationals.

(r) To enable city and county planning agencies to develop economic forecasts for planning purposes. The information shall be limited to businesses within the jurisdiction of the city or county whose planning agency is requesting the information, and shall not include information regarding individual employees.

(s) To provide the State Department of Developmental Services with wage and employer information that will assist in the collection of moneys owed by the recipient, parent, or any other legally liable individual for services and supports provided pursuant to Chapter 9 (commencing with Section 4775) of Division 4.5 of, and Chapter 2 (commencing with Section 7200) and Chapter 3 (commencing with Section 7500) of Division 7 of, the Welfare and Institutions Code.

(t) To provide the State Board of Equalization with employment tax information that will assist in the administration of tax programs. The information shall be limited to the exchange of employment tax information essential for tax administration purposes to the extent permitted by federal law and regulations.

(u) This section shall not be construed to authorize or permit the use of information obtained in the administration of this code by any private collection agency.

(v) The disclosure of the name and address of an individual or business entity that was issued an assessment that included penalties under Section 1128 or 1128.1 shall not be in violation of Section 1094 if the assessment is final. The disclosure may also include any of the following:

(1) The total amount of the assessment.

(2) The amount of the penalty imposed under Section 1128 or 1128.1 that is included in the assessment.

(3) The facts that resulted in the charging of the penalty under Section 1128 or 1128.1.

(w) To enable the Contractors State License Board to verify the employment history of an individual applying for licensure pursuant to Section 7068 of the Business and Professions Code.

(x) To provide any peace officer with the Division of Investigation in the Department of Consumer Affairs information pursuant to subdivision (i) when the requesting peace officer has been designated by the chief of the Division of Investigation and requests this information in the course of and as part of an investigation into the commission of a crime or other unlawful act when there is reasonable suspicion to believe that the crime or act may be connected to the information requested and would lead to relevant information regarding the crime or unlawful act.

(y) To enable the Labor Commissioner of the Division of Labor Standards Enforcement in the Department of Industrial Relations to identify, pursuant to Section 90.3 of the Labor Code, unlawfully uninsured employers. The information shall be provided to the extent permitted by federal law and regulations.

(z) To enable the Chancellor of the California Community Colleges, in accordance with the requirements of Section 84754.5 of the Education Code, to obtain quarterly wage data, commencing January 1, 1993, on students who have attended one or more community colleges, to assess the impact of education on the employment and earnings of students, to conduct the annual evaluation of district-level and individual college performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

(aa) To enable the Public Employees' Retirement System to seek criminal, civil, or administrative remedies in connection with the unlawful application for, or receipt of, benefits provided under Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code.

(ab) To enable the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges, pursuant to the requirements prescribed by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly wage data, commencing July 1, 2010, on students who have attended their respective systems to assess the impact of education on the employment and earnings of those students, to conduct the annual analysis of district-level and individual district or postsecondary education system performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

(ac) To provide the Agricultural Labor Relations Board with employee, wage, and employer information, for use in the investigation or enforcement of the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code). The information shall be provided to the extent permitted by federal statutes and regulations.

(ad) (1) To enable the State Department of Health Care Services, the California Health Benefit Exchange, the Managed Risk Medical Insurance Board, and county departments and agencies to obtain information regarding employee wages, California employer names and account numbers, employer reports of wages and number of employees, and disability insurance and unemployment insurance claim information, for the purpose of:

(A) Verifying or determining the eligibility of an applicant for, or a recipient of, state health subsidy programs, limited to the Medi-Cal program provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, and the Medi-Cal Access Program provided pursuant to Chapter 2 (commencing with Section 15810) of Part 3.3 of Division 9 of the Welfare and Institutions Code, when the verification or determination is directly connected with, and limited to, the administration of the state health subsidy programs referenced in this subparagraph.

(B) Verifying or determining the eligibility of an applicant for, or a recipient of, federal subsidies offered through the California Health Benefit Exchange, provided pursuant to Title 22 (commencing with Section 100500) of the Government Code, including federal tax credits and cost-sharing assistance pursuant to the federal Patient Protection and Affordable Care Act

(Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), when the verification or determination is directly connected with, and limited to, the administration of the California Health Benefit Exchange.

(C) Verifying or determining the eligibility of employees and employers for health coverage through the Small Business Health Options Program, provided pursuant to Section 100502 of the Government Code, when the verification or determination is directly connected with, and limited to, the administration of the Small Business Health Options Program.

(2) The information provided under this subdivision shall be subject to the requirements of, and provided to the extent permitted by, federal law and regulations, including Part 603 of Title 20 of the Code of Federal Regulations.

(ae) To provide any peace officer with the Investigations Division of the Department of Motor Vehicles with information pursuant to subdivision (i), when the requesting peace officer has been designated by the Chief of the Investigations Division and requests this information in the course of, and as part of, an investigation into identity theft, counterfeiting, document fraud, or consumer fraud, and there is reasonable suspicion that the crime is a felony and that the information would lead to relevant evidence regarding the identity theft, counterfeiting, document fraud, or consumer fraud. The information provided pursuant to this subdivision shall be provided to the extent permitted by federal law and regulations, and to the extent the information is available and accessible within the constraints and configurations of existing department records. Any person who receives any information under this subdivision shall make a written report of the information to the Investigations Division of the Department of Motor Vehicles, for filing under the normal procedures of that division.

(af) Until January 1, 2020, to enable the Department of Finance to prepare and submit a report that identifies all employers in California that employ 100 or more employees who receive benefits from the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code). The information used for this purpose shall be limited to information obtained pursuant to Section 11026.5 of the Welfare and Institutions Code and from the administration of personal income tax wage withholding pursuant to Division 6 (commencing with Section 13000) and the disability insurance program and may be disclosed to the Department of Finance only for the purpose of preparing and submitting the report and only to the extent not prohibited by federal law.

(ag) To provide, to the extent permitted by federal law and regulations, the Student Aid Commission with wage information in order to verify the employment status of an individual applying for a Cal Grant C award pursuant to subdivision (c) of Section 69439 of the Education Code.

(ah) To enable the Department of Corrections and Rehabilitation to obtain quarterly wage data of former inmates who have been incarcerated within the prison system in order to assess the impact of rehabilitation services or the lack of these services on the employment and earnings of these former inmates. Quarterly data for a former inmate's employment status and wage history shall be provided for a period of one year, three years, and five years following release. The data shall only be used for the purpose of tracking outcomes for former inmates in order to assess the effectiveness of rehabilitation strategies on the wages and employment histories of those formerly incarcerated. The information shall be provided to the department to the extent not prohibited by federal law.

(ai) To enable federal, state, or local government departments or agencies, or their contracted agencies, subject to federal law, including the confidentiality, disclosure, and other requirements set forth in Part 603 of Title 20 of the Code of Federal Regulations, to evaluate, research, or forecast the effectiveness of public social services programs administered pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code, or Part A of Subchapter IV of Chapter 7 of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation, research, or forecast is directly connected with, and limited to, the administration of the public social services programs.

(aj) (1) To enable the California Workforce Development Board, the Chancellor of the California Community Colleges, the Superintendent of Public Instruction, the Department of Rehabilitation, the State Department of Social Services, the Bureau for Private Postsecondary Education, the Department of Industrial Relations, the Division of Apprenticeship Standards, the Department of Corrections and Rehabilitation, the Prison Industry Authority, the Employment Training Panel, and a chief elected official, as that term is defined in Section 3102(9) of Title 29 of the United States Code, to access any relevant quarterly wage data necessary for the evaluation and reporting of their respective program performance outcomes as required and permitted by various local, state, and federal laws pertaining to performance measurement and program evaluation, including responsibilities arising under Section 14013, 14033, and 14042 of this code and Sections 2032 and 2038 of the Streets and Highways Code; the federal Workforce Innovation and Opportunity Act (Public Law 113-128); the workforce metrics dashboard pursuant to paragraph (1) of subdivision (i) of Section 14013; the Adult Education Block Grant Program consortia performance metrics pursuant to Section 84920 of the Education Code; the economic and workforce development program performance measures pursuant to Section 88650 of the Education Code; and the California Community Colleges Economic and Workforce Development Program performance measures established in Part 52.5 (commencing with Section 88600) of Division 7 of Title 3 of the Education Code. Disclosures under this subdivision shall comply with federal and state privacy laws that require the informed consent from

program participants of city and county departments or agencies that administer public workforce development programs for the evaluation, research, or forecast of their programs regardless of local, state, or federal funding source.

(2) The department shall do all of the following:

(A) Consistent with this subdivision, develop the minimum requirements for granting a request for disclosure of information authorized by this subdivision regardless of local, state, or federal funding source.

(B) Develop a standard application for submitting a request for disclosure of information authorized by this subdivision.

(C) Approve or deny a request for disclosure of information authorized by this subdivision, or request additional information, within 20 business days of receiving the standard application. The entity submitting the application shall respond to any request by the department for additional information within 20 business days of receipt of the department's request. Within 30 calendar days of receiving any additional information, the department shall provide a final approval or denial of the request for disclosure of information authorized by this subdivision. Any approval, denial, or request for additional information shall be in writing. Denials shall identify the reason or category of reasons for the denial.

(D) Make publicly available on the department's internet website all of the following:

(i) The minimum requirements for granting a request for disclosure of information authorized by this subdivision, as developed pursuant to subparagraph (A).

(ii) The standard application developed pursuant to subparagraph (B).

(iii) The timeframe for information request determinations by the department, as specified in subparagraph (C).

(iv) Contact information for assistance with requests for disclosures of information authorized by this subdivision.

(v) Any denials for requests of disclosure of information authorized by this subdivision, including the reason or category of reasons for the denial.

(ak) (1) To provide any peace officer with the Enforcement Branch of the Department of Insurance with both of the following:

(A) Information provided pursuant to subdivision (i) that relates to a specific insurance fraud investigation involving automobile insurance fraud, life insurance and annuity fraud, property and casualty insurance fraud, and organized automobile insurance fraud. That information shall be provided when the requesting peace officer has been designated by the Chief of the Fraud Division of the Department of Insurance and requests the information in the course of, and as part of, an investigation into the commission of a crime or other unlawful act when there is reasonable suspicion to believe that the crime or act may be connected to the information requested and would lead to relevant information regarding the crime or unlawful act.

(B) Employee, wage, employer, and state disability insurance claim information that relates to a specific insurance fraud investigation involving health or disability insurance fraud when the requesting peace officer has been designated by the Chief of the Fraud Division of the Department of Insurance and requests the information in the course of, and as part of, an investigation into the commission of a crime or other unlawful act when there is reasonable suspicion to believe that the crime or act may be connected to the information requested and would lead to relevant information regarding the crime or unlawful act.

(2) To enable the State Department of Developmental Services to obtain quarterly wage data of consumers served by that department for the purposes of monitoring and evaluating employment outcomes to determine the effectiveness of the Employment First Policy, established pursuant to Section 4869 of the Welfare and Institutions Code.

(3) The information provided pursuant to this subdivision shall be provided to the extent permitted by federal statutes and regulations.

(al) To provide the CalSavers Retirement Savings Board with employer tax information for use in the administration of, and to facilitate compliance with, the CalSavers Retirement Savings Trust Act (Title 21 (commencing with Section 100000) of the Government Code). The information should be limited to the tax information the director deems appropriate, and shall be provided to the extent permitted by federal laws and regulations.

(am) (1) To enable the Joint Enforcement Strike Force as established by Section 329, and the Labor Enforcement Task Force, as established pursuant to Assembly Bill 1464 of the 2011–12 Regular Session (Chapter 21 of the Statutes of 2012), to carry out their duties.

(2) To provide an agency listed in subdivision (a) of Section 329 intelligence, data, including confidential tax and fee information, documents, information, complaints, or lead referrals pursuant to Section 15925 of the Government Code.

(an) To enable the Bureau for Private Postsecondary Education to access and use any relevant quarterly wage data necessary to perform the labor market outcome reporting data match pursuant to Section 94892.6 of the Education Code. The information provided pursuant to this subdivision shall be provided to the extent permitted by state and federal laws and regulations.

(ao) To enable the Civil Rights Department to carry out its duties, including ensuring compliance with Section 12999 of the Government Code. Conduct related to information provided pursuant to this subdivision shall not be subject to the criminal sanctions set forth in subdivision (f) of Section 1094.

(ap) To enable the Cradle-to-Career Data System, as established by Article 2 (commencing with Section 10860) of Chapter 8.5 of Part 7 of Division 1 of Title 1 of the Education Code, to receive employment and earnings data and, as required of the director pursuant to Section 10871 of the Education Code, to provide information to the data system, to the extent permissible by federal laws and regulations.

(aq) (1) To enable the State Air Resources Board to receive unpaid final tax assessment information issued to a port drayage motor carrier or short-haul trucking service for misclassification of a commercial driver, for use in the administration of, and to facilitate compliance with, Chapter 3.6 (commencing with Section 39680) of Part 2 of Division 26 of the Health and Safety Code. The information shall be limited to the tax information the director deems appropriate for disclosure and shall be provided only to the extent permitted by federal laws and regulations.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Commercial driver" has the same meaning as defined in Section 2810.4 of the Labor Code.

(B) "Port drayage motor carrier" has the same meaning as defined in Section 2810.4 of the Labor Code.

(C) "Short-haul trucking service" has the same meaning as defined in Section 39682 of the Health and Safety Code.

SEC. 75. Section 14034 of the Unemployment Insurance Code is amended to read:

14034. Populations eligible to be served by grants include, but are not limited to, all of the following:

(a) Youths who are at risk of disconnection or disconnected from the education system or employment.

(b) Women seeking training or education to move into nontraditional fields of employment.

(c) Displaced workers and long-term unemployed.

(d) Low-wage workers.

(e) Persons for whom English is not their primary language.

(f) Economically disadvantaged persons.

(g) CalWORKs participants.

(h) Persons who are incarcerated and soon to be released or formerly incarcerated.

(i) Armed services veterans.

(j) Native Americans.

(k) Migrants or seasonal farmworkers.

(l) Persons with developmental or other disabilities.

(m) Any other population with barriers to employment identified in subdivision (j) of Section 14005.

(n) Immigrants.

(o) Persons who reside in cities that are disproportionately impacted by violence or are enrolled in violence prevention or mitigation programs.

(p) Persons who are victims of domestic violence or community violence.

(q) Persons over 50 years of age who need retraining for in-demand skills.

(r) Population groups with disproportionate numbers of people living in ZIP Codes of concentrated poverty.

(s) Population groups that are disproportionately impacted by occupational segregation and who are underrepresented in jobs as defined by the Civil Rights Department in their enforcement of the California Equal Pay Act.

(t) Populations that have been disproportionately impacted by unemployment, job interruption, and displacement during the pandemic.

(u) Persons diagnosed with autism.

SEC. 76. Section 11216.2 of the Vehicle Code is amended to read:

11216.2. (a) Any license issued to the owner or operator of a traffic violator school under this chapter shall be automatically suspended for 30 days by the department if the department has been notified that more than one final determination has been made that the traffic violator school has violated a student's rights under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.) or any other federal or state law prohibiting discrimination against individuals with disabilities. The final determination shall be made by a federal or state court of competent jurisdiction or an appropriate federal or state administrative agency, including, but not limited to, the Civil Rights Department, or any combination thereof.

For the purpose of this subdivision, "final determination" means that no further appeal of a determination can be taken to any court because the time period for the appeal has expired.

(b) If a traffic violator school subject to suspension under this section is operated by a traffic school operator licensed pursuant to Section 11202.5 who is operating other traffic schools, the licenses of the owners of those traffic schools operated by that traffic school operator also shall be suspended for the 30-day period.

SEC. 77. (a) The Legislature finds and declares that while the General Fund has experienced significant gains in recent years, unknown long-term economic factors require prudence in committing the General Fund to ongoing spending. The Legislature further declares a commitment to support and to prepare the programs identified in subdivision (b) for future programmatic augmentations and actions described in subdivision (b).

(b) Contingent upon future legislation, including future budget appropriations, and subject to a determination in the spring of 2024 that General Fund money over the multiyear forecasts is available to support ongoing augmentations and actions, the following actions will be prioritized:

(1) Implement a tax credit under the Personal Income Tax Law to offset a portion of costs associated with union membership.

(2) Provide a General Fund augmentation for the Department of Social Services for the purpose of providing a CalWORKs maximum aid payment increase.

(3) Provide a General Fund augmentation for the State Department of Health Care Services to align the amount of the income level for maintenance per month to the income limit for Medi-Cal without a share of cost, subject to federal approvals.

(4) Provide a General Fund augmentation for the State Department of Health Care Services to implement continuous Medi-Cal eligibility for children ages zero through 4 years, inclusive, subject to federal approvals.

(5) Provide a General Fund augmentation for the Department of Child Support Services to implement full pass-through of child support payments collected to families currently on CalWORKs. This includes funding to backfill federal and county shares of recoupment revenues that are passed on to families.

(6) Authorize a student who receives a California Community College Expanded Entitlement Cal Grant Award pursuant to Article 3.5 (commencing with Section 69435.5) of Chapter 1.7 of Part 42 of Division 5 of Title 3 of the Education Code to subsequently transfer to an independent institution of higher education, as defined in Section 66010 of the Education Code, and remain eligible to receive the award, if the student meets all other requirements for continued receipt of the award.

(7) Implement the Cal Grant Reform Act pursuant to Chapter 1.5 (commencing with Section 69405) as proposed by Assembly Bill 1746 of the 2021–22 Regular Session to be added to Part 42 of Division 5 of Title 3 of the Education Code.

(8) Provide a General Fund augmentation for the Restitution Fund for the purpose of eliminating restitution fines.

(9) Provide a General Fund augmentation for the California Victim Compensation Board for the purpose of making changes to victim compensation program eligibility, benefit levels, and administration.

(c) This section shall become inoperative on July 1, 2024.

SEC. 78. (a) It is the goal of the Legislature, as part of the 2022 Budget agreement, to provide three hundred million dollars (\$300,000,000) in 2023–24, and two hundred fifty million dollars (\$250,000,000) in 2024–25, for the development, construction, and acquisition of a statewide open-access middle-mile broadband network, and for the maintenance and operation of the resulting infrastructure, which would not be available for encumbrance or expenditure until the Department of Technology, in consultation with the Department of Transportation and the Public Utilities Commission, provides a report to the Chairperson of the Joint Legislative Budget Committee, or their designee, that contains the following information:

- (1) The total number of miles planned for construction with these funds.
- (2) The total number of miles planned for lease with these funds.
- (3) The total number of miles planned in state highway rights-of-way.
- (4) The total number of miles planned for which existing middle-mile broadband infrastructure is already available from another provider in the area.
- (5) The total number of miles planned for which no existing middle-mile broadband infrastructure currently exists.
- (6) A list of the planned middle-mile infrastructure projects identified by Department of Transportation districts, that are to be constructed or leased, according to the following criteria:
 - (A) The estimated cost of the project per mile constructed or leased.
 - (B) The estimated time needed to complete the project.
 - (C) The number of internet service providers in that area that have expressed interest in using the statewide open-access middle-mile broadband network.
 - (D) The estimated number of households projected to connect to the middle-mile infrastructure project, including the proportion of those households that are unserved by an existing internet service provider that provides service at minimum speeds of 25 megabits per second download and 3 megabits per second upload.
 - (E) The estimated cost of the project per unserved or underserved household served.

(b) The Department of Technology shall provide the Joint Legislative Budget Committee and the relevant policy committees in the Assembly and Senate with the following information regarding the development, construction, and acquisition of a statewide open-access middle-mile broadband network by March 1 each year until January 1, 2026:

- (1) Total funds expended.
- (2) Total miles constructed.
- (3) Total miles leased.
- (4) Remaining number of miles until total network completion.

SEC. 79. The amendments made to paragraph (1) of subdivision (b) of, and paragraph (1) of subdivision (d) of, Section 9112 of the Government Code by this act do not constitute a change in, but are declaratory of, existing law.

SEC. 80. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 20 of this act, which adds and repeals Section 11133 of the Government Code, increases and potentially limits the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

- (1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of

members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 81. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.