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AB-179 State government. (2023-2024)

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Date Published: 09/30/2024 02:00 PM

Assembly Bill No. 179

CHAPTER 997

An act to amend Sections 19448, 19480, 19520, and 26051.5 of, and to add Section 154.3 to, the Business and Professions Code, to amend Section 382 of the Financial Code, to amend Sections 8699.01, 8699.02, 8699.03, and 8757.1 of, to add Sections 14626 and 20140 to, and to add and repeal Article 7.6.3 (commencing with Section 16418.7) of Chapter 2 of Part 2 of Division 4 of Title 2 of, the Government Code, to amend Section 24213 of, to add Sections 24218, 110061, and 127011 to, and to repeal Chapter 1.6 (commencing with Section 24218) of Division 20 of, the Health and Safety Code, to amend Sections 10351 and 10371 of, to add Section 10108.6 to, and to add Article 1.3 (commencing with Section 10113) to Chapter 1 of Part 2 of Division 2 of, the Public Contract Code, and to add Sections 4408.5 and 10555.5 to the Welfare and Institutions Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 30, 2024. Filed with Secretary of State September 30, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 179, Committee on Budget. State government.

(1) Existing law regulates the submission and review of fingerprint images and criminal history information by state agencies.

This bill would make certain changes to the process for submission and review of fingerprint images and criminal history information by the Department of Cannabis Control and the Department of Financial Protection and Innovation. The bill would add requirements regulating the process for submission and review of fingerprint images and criminal history information by the Department of Consumer Affairs, the State Department of Developmental Services, the Department of General Services, the Department of Health Care Access and Information, the Public Employees' Retirement System, the State Department of Public Health, and the State Department of Social Services.

(2) The Horse Racing Law vests the California Horse Racing Board with jurisdiction and supervision over horse racing meetings in the state and makes the board responsible for issuing licenses to racing associations and all persons who participate in horse racing meetings with parimutuel wagering. The Horse Racing law authorizes the board to issue a license to any person to conduct a horse racing meeting at the track specified in the written application submitted for that license, as specified. The Horse Racing Law also requires a person who is not required to obtain one of those licenses but who participates in, or has anything to do with, the racing of horses to be licensed by the board under a separate license, as specified.

The Horse Racing Law requires the board to submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all employees, prospective employees, and contractors. The Horse Racing Law authorizes the board's chief of licensing and enforcement to investigate the criminal history of those persons in order to make a final determination of a person's fitness to perform duties.

This bill would define "person" for purposes of the above-described track operator license to mean any officer, director, or partner, or any individual who holds 5% or more of outstanding shares, of a racing association. The bill would also provide that the separate license requirement described above applies to certain persons who participate in, or have anything to do with, the racing of horses in specified capacities. The bill would expand the fingerprinting and background check provisions to, among others, current or prospective holders of the above-described licenses.

(3) Existing law establishes the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board for the purpose of providing victim compensation to survivors of specified state-sponsored or coercive sterilization. Existing law requires an individual seeking victim compensation pursuant to this program to submit an application within a specified timeframe. Existing law authorizes a claimant who receives an adverse claim decision to file an appeal to the board within 30 days of receipt of notice of the decision.

This bill would instead authorize a claimant who receives an adverse claim decision to file an appeal to the board no later than January 1, 2025. The bill would require the board to do an additional review of previously denied claims or appeals upon request by the claimant with a showing of good cause, as specified. The bill would authorize a claimant to make a request for additional review no later than January 1, 2025.

Existing law requires the board to conclude the program after exhaustion of all appeals arising from the denial of an individual's application, but no later than 3 years and 3 months after the start date of the program.

This bill would instead require the board to conclude the program after the exhaustion of the aforementioned appeals, but no later than January 1, 2026.

This bill would make the provisions establishing the program inoperative on July 1, 2026, and would repeal it as of January 1, 2027.

The Budget Act of 2021 appropriated \$300,000 to the board to conduct a study relating to the program, as specified.

This bill would require the board to submit a report on the outcome of that study to the Joint Legislative Budget Committee on or before January 1, 2025.

(4) Existing law establishes the Flexible Assistance for Survivors (FAS) pilot grant program, administered by the Office of Emergency Services, to provide grants to qualifying community-based organizations with the goal of improving safety, healing, and financial stability for survivors, and the loved ones of those violently injured or killed. Existing law authorizes an organization receiving a grant under these provisions to use the funds as flexible cash assistance to survivors to meet survivors' financial needs or to cover survivors' expenses, distributed at the discretion of the organization in amounts determined by the organization based on the need of survivors, as specified.

This bill would authorize an organization to distribute flexible cash assistance funds to a survivor directly, to the parent or guardian of a survivor, or to a vendor, business, or another third party to pay for an expense or to purchase a product on a survivor's behalf, as specified. The bill would prohibit payments under FAS from reducing a victim's maximum benefit allowance from the California Victim Compensation Board, except as specified.

Existing law requires cash assistance received under these provisions to be treated in the same manner as the federal earned income refund, as specified, for purposes of determining eligibility to receive specified benefits.

This bill would instead require cash assistance received by a survivor under these provisions to be treated in the same manner as the federal earned income refund, as specified, for purposes of determining eligibility to receive specified benefits.

Existing law authorizes the Office of Emergency Services to use up to 5% of the funds appropriated for the grant program each year for the costs of administering the grant program, including, among other things, issuing a report on the impacts of the grant program through the 2025–26 fiscal year. Existing law requires the office to submit a progress report to the Legislature by July 1, 2025, as specified, and to post on its internet website a public report on the impact of the grant program before July 1, 2027, as specified. Under existing law, the FAS pilot grant provisions become inoperative on July 1, 2027, and are repealed as of January 1, 2028.

This bill would instead include in the costs of administering the grant program described above, issuing a report on the impacts of the grant program through the 2026–27 fiscal year. The bill would instead require the office to submit the above-described progress report to Legislature by July 1, 2026, and to post the above-described public report on July 1, 2028. The bill would instead make the FAS pilot grant provisions inoperative on July 1, 2028, and would repeal these provisions as of January 1, 2029.

(5) Existing law establishes the Budget Deficit Savings Account in the State Treasury to serve as a supplementary savings account to mitigate the effects of actual or future projected budget deficits in the General Fund or other state funds. Existing law

authorizes the Legislature, in any fiscal year, to transfer funds into the Budget Deficit Savings Account or authorize the transfer of some or all of the balance of the Budget Deficit Savings Account to the General Fund or any other state fund.

This bill, until December 31, 2030, would establish the Projected Surplus Temporary Holding Account in the State Treasury as a General Fund reserve to hold a portion of General Fund surplus moneys temporarily for use in future fiscal years, as an added responsible budgeting technique to counter tax revenue volatility. The bill would require, in a year that a transfer is made to the Projected Surplus Temporary Holding Account, that such a transfer be provided for in the annual Budget Act. The bill would require funds transferred to the Projected Surplus Temporary Holding Account to remain in that account for no more than one year from the date of deposit, after which time these funds would be transferred to the General Fund, except as specified. The bill would authorize the Controller to use the funds in the Projected Surplus Temporary Holding Account for cashflow loans to the General Fund, as specified.

(6) Existing law creates the Performing Arts Equitable Payroll Fund within the State Treasury and, upon appropriation by the Legislature, requires the Office of Small Business Advocate within the Governor's Office of Business and Economic Development to establish and administer a grant program to enable small nonprofit performing arts organizations to hire and retain employees, among other things.

Existing law requires the Office of Small Business Advocate to adopt regulations on specified matters relating to the grant program and fund, including regulations ensuring that grant recipients have not used moneys for other purposes.

This bill would instead require the Office of Small Business Advocate to adopt guidelines on those specified matters, and would exempt the adoption of those guidelines from the rulemaking provisions of the Administrative Procedure Act.

(7) Existing law, the State Contract Act, authorizes a department, defined as specified state entities as to any project under the jurisdiction of that state entity, to authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed \$600,000, except as specified, where the nature of the work, in the opinion of the department, is such that its services in connection therewith are not required.

This bill would also authorize a department described above, upon request from the state agency concerned, to authorize the carrying out of a project, or a class of projects, with an estimated cost of any amount directly by the state agency concerned if the department finds that the state agency is capable of successfully undertaking the project or projects of that amount. The bill would require a department, for projects or a class of projects where the total project cost exceeds \$3,000,000, to seek approval from the Department of Finance prior to authorizing a state agency to carry out the project or class of projects.

The State Contract Act generally provides for a contracting process by state agencies for public works of improvement pursuant to a competitive bidding process, under which bids are awarded to the lowest responsible bidder, with specified alternative procurement procedures authorized in certain cases. Other existing law authorizes certain state and local agencies to engage in job order contracting, as prescribed.

This bill would amend the act to authorize the Department of General Services (DGS) to engage in job order contracting, as prescribed, as an alternative procurement procedure for public works. The bill would restrict such a contract to a maximum initial contract term of 24 months. The bill would impose a maximum contract amount of \$10,000,000 in the first term of the contract and authorize the DGS to issue up to 4 one-year extensions to each job order contract, up to an additional \$5,000,000 per year. The bill would prohibit any single job order from exceeding \$1,000,000, as prescribed. The bill would provide for the adjustment of these caps to reflect the percentage change in the annual California Construction Index, as prescribed.

Existing law establishes requirements that apply when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce, which requires, among other conditions, that all the workers performing work in an apprenticeable occupation, as defined, in the building and construction trades are either skilled journeypersons or registered apprentices. Existing law also authorizes a public entity to require that a bidder, contractor, or other entity use a skilled and trained workforce to complete a contract or project, regardless of whether the public entity is required to do so by a statute or regulation.

This bill, with prescribed exceptions, would prohibit a contractor from being awarded a job order contract unless the contractor provides an enforceable commitment to the Director of General Services that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work for each job order that falls within an apprenticeable occupation in the building and construction trades, in accordance with existing law.

Existing law, except as specified, requires that, for workers employed on public works, as defined, not less than the general prevailing rate of per diem wages, determined as provided by the Director of Industrial Relations, for work of a similar character in the locality in which the public work is performed be paid to those workers, as provided.

This bill would require a job order contract to set forth in the general conditions of the job order contract the party or parties responsible for seeing that prevailing wage requirements are complied with. The bill would provide that, for purposes of job order contracting, prevailing wages when required to be paid apply to all work ordered under the job order contract regardless of thresholds set forth in existing law. The bill would require the job order contractor to pay the prevailing wage in effect at the time the job order is issued by the DGS and all increases as published by the Department of Industrial Relations for the term of the job order contract, as prescribed.

Existing law governs state acquisition of goods and services and, except as specified, requires DGS approval for contracts entered into by any state agency for the acquisition of goods, services, the construction, alteration, improvement, repair, or maintenance of property, or the performance of work or services by the state agency for or in cooperation with any person or public body. Existing law requires the DGS to exempt from its approval contracts under \$150,000 that any state agency awards if the state agency complies with certain requirements, including conducting an audit every 2 years of the contracting program and reporting to the DGS as it requires. Existing law also requires any state agency that enters into or expects to enter into more than one consulting services contract with the same individual, business firm, or corporation within a 12-month period for an aggregate amount of \$12,500 or more to notify the DGS and have it approve each contract that exceeds that amount.

This bill would revise the approval exemption provision for contracts under \$150,000 to instead require a state agency to conduct the audit every 3 years of the contracting program. The bill would remove the notification and approval requirement for consulting services contracts that exceed \$12,500.

(8) This bill would incorporate additional changes to Section 26051.5 of the Business and Professions Code proposed by SB 1064 to be operative only if this bill and SB 1064 are enacted and this bill is enacted last.

(9) This bill would, for the 2024–2025 fiscal year, appropriate the sum of \$10,000 to the Department of Justice for purposes of administering the above-described fingerprint requirements.

(10) 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 154.3 is added to the Business and Professions Code, to read:

154.3. (a) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for an employee, prospective employee, contractor, subcontractor, or volunteer. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(b) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all peace officer employees and prospective peace officer employees of the department. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (k) of Section 11105 of the Penal Code.

SEC. 2. Section 19448 of the Business and Professions Code is amended to read:

19448. (a) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all of the following individuals pursuant to subdivision (u) of Section 11105 of the Penal Code:

(1) A current or prospective employee.

(2) A current or prospective contractor.

(3) A current or prospective holder of a license issued pursuant Section 19480.

(4) A racing official, as defined in Section 19510.

(5) A current or prospective holder of a license issued pursuant to Article 5.5 (commencing with Section 19520).

(b) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(c) The board's chief of licensing and enforcement may investigate the criminal history of all persons listed in subdivision (a) in order to make a final determination of a person's fitness to perform duties.

SEC. 3. Section 19480 of the Business and Professions Code is amended to read:

19480. (a) The board may issue to any person who makes application therefor in writing, who has complied with this chapter, and who makes the deposit to secure payment of the license fee imposed by this article, a license to conduct a horse racing meeting in accordance with this chapter at the track specified in the application if the board determines that the issuance thereof will be in the public interest and will subserve the purposes of this chapter.

(b) For purposes of this section, "person" means any officer, director, or partner, or any individual who holds 5 percent or more of outstanding shares, of a racing association.

SEC. 4. Section 19520 of the Business and Professions Code is amended to read:

19520. (a) (1) Every person not required to be licensed under Article 4 (commencing with Section 19480) who participates in, or has anything to do with, the racing of horses in any of the following capacities shall be licensed by the board pursuant to rules and regulations that the board may adopt and upon the payment of a license fee fixed and determined by the board:

- (A) Assistant trainer.
- (B) Association employee.
- (C) Bloodstock agent.
- (D) Corporate officer.
- (E) Driver.
- (F) Exercise rider.
- (G) Farrier.
- (H) Jockey.
- (I) Jockey agent.
- (J) Jockey apprentice.
- (K) Jockey valet.
- (L) Off-track wagering personnel.
- (M) Open claim owner.
- (N) Outrider.
- (O) Owner.
- (P) Parimutuel employee.
- (Q) Pony rider.
- (R) Safety personnel.
- (S) Special event personnel.
- (T) Stable agent.
- (U) Stable foreman.
- (V) Stableworker.
- (W) Stakeholder representative.
- (X) Trainer.
- (Y) Vendor or vendor employee.
- (Z) Veterinarian.

(AA) Veterinarian assistant.

(2) Any license issued pursuant to this article shall include a current photograph of the licensed person.

(b) A person required to be licensed pursuant to this article shall not participate in any capacity in any horse race meeting without a valid and unrevoked license authorizing the participation.

(c) The board may adopt regulations to require outrider license applicants to pass both a written and an oral examination and to authorize outriders to exercise the duties and powers of the board set forth in Section 19440 as are delegated by the board.

(d) For purposes of this section, the following definitions apply:

(1) "Assistant trainer" means a person employed by a trainer that has passed the board-issued trainer's examination but fails to meet the board's minimum qualifications for a trainer's license.

(2) "Association employee" means a person hired by a racing association that has access to the licensed inclosure. An "association employee" includes management of the racetrack and persons hired to work as maintenance, food service, media, security, and racing staff.

(3) "Bloodstock agent" means a person who for gain, gratuity, commission or reward, in either money or goods, acts as an agent for the sale or purchase of any racehorse not their own that is eligible to race at an authorized race meeting in the state.

(4) "Corporate officer" means an officer, director, or partner, or an individual who holds 5 percent or more of outstanding shares, of an advance deposit wagering, mini-satellite wagering provider, simulcast service supplier, or totalizer company.

(5) "Driver" means a person who drives and controls the horse from a seated position on a two-wheel sulky.

(6) "Exercise rider" means a person mounted and exercising a horse within a licensed inclosure.

(7) "Farrier" means a person responsible for shoeing and caring for equine hooves. A "farrier" is also interchangeably referred to as a "horseshoer" or "plater."

(8) "Jockey" means a race rider.

(9) "Jockey agent" means a person who represents a jockey whose main responsibility is to arrange and book mounts.

(10) "Jockey apprentice" means a race rider who otherwise meets the license qualifications of a jockey, but has not ridden the requisite number of winners, as established by the board.

(11) "Jockey valet" means a person responsible for preparing both jockey and horse for racing.

(12) "Off-track wagering personnel" means a person employed at an off-track simulcast wagering facility or a person employed to represent an organization overseeing off-track wagering at a simulcast location pursuant to section 19608.2.

(13) "Open-claim owner" means a prospective owner of a horse entered into a claiming race.

(14) "Outrider" means a person responsible for providing a safe environment during training or racing.

(15) "Owner" means the owner, part owner, or lessee of a horse. An interest only in the earnings of a horse does not constitute ownership.

(16) "Parimutuel employee" means a person hired to work for the company licensed to accept wagers on the outcome of a horse race. A "parimutuel employee" includes totalizer technicians and those persons employed by a licensed totalizer company.

(17) "Pony rider" means a person riding a pony horse on training or race days.

(18) "Safety personnel" means a person hired to provide security, medical services, or emergency services within a racing inclosure.

(19) "Special event personnel" means a person who works for the Breeders' Cup World Championships when the event is held at a board-licensed racing facility or a person who is otherwise hired for a temporary racing event.

(20) "Stable agent" means a person who is the authorized representative of a stable or an owner that may act on their behalf in managing the schedule of races.

(21) "Stable foreman" means a person in charge of daily operations in a racing stable.

(22) "Stableworker" means a person employed at the operation of a stable at a board-licensed inclosure that is not more specifically described by another classification. This classification includes those who feed, groom, exercise, train, and conduct general care of horses.

(23) "Stakeholder representative" means a person whose constituents are located within a licensed inclosure. This includes clergy, union representatives, and representatives from state-recognized organizations of trainers or horsepersons.

(24) "Trainer" means a person who has passed the board's trainer's examination and otherwise meets the board's qualifications for licensure as established pursuant to regulation.

(25) "Vendor or vendor employee" means a person who provides goods or services related to horse racing at a facility licensed by the board. A "vendor" includes persons who access the licensed inclosure for the purpose of delivering equine supplies or transporting equines and maintenance workers, media, food service staff, jockey room staff, and stable staff.

(26) "Veterinarian" means a California-licensed veterinarian.

(27) "Veterinarian assistant" means a person employed by a board-licensed veterinarian.

SEC. 5. Section 26051.5 of the Business and Professions Code is amended to read:

26051.5. (a) An applicant for a state license issued pursuant to this division to conduct commercial cannabis activity, as defined in Section 26001, shall do all of the following:

(1) Except as provided in subparagraph (G), require that each owner, as defined in paragraphs (1) to (3), inclusive, of subdivision (ap) of Section 26001, electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and state and federal arrests, and also information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance pending trial or appeal.

(A) Notwithstanding any other law, the department may obtain criminal history information from the Department of Justice and the Federal Bureau of Investigation for an applicant or its owners, as defined in paragraphs (1) to (3), inclusive, of subdivision (ap) of Section 26001, for any state license, as described in Section 26050, under this division pursuant to subdivision (u) of Section 11105 of the Penal Code.

(B) When received, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history records check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the licensing authority.

(C) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(D) The department shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(E) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(F) Notwithstanding any other law, a licensing authority may request and receive from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation. A local or state agency may provide those records to a licensing authority upon request.

(G) If an owner has previously submitted fingerprint images and related information required by the Department of Justice pursuant to this paragraph in connection with a valid state license issued by a licensing authority, both of the following apply:

(i) The owner shall not be required to submit additional fingerprint images and related information pursuant to this paragraph in connection with a subsequent application for a state license.

(ii) The department shall not consider the owner's criminal history information obtained from the fingerprint images and related information that were previously submitted pursuant to this paragraph when considering whether to issue a subsequent state license.

(2) Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner's agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.

(3) Provide evidence that the proposed location is in compliance with subdivision (b) of Section 26054.

(4) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(5) (A) (i) For an applicant with 20 or more employees, or an applicant with 10 or more employees that submits an application on or after July 1, 2024, provide a notarized statement that the applicant will enter into, or demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement. On and after July 1, 2024, the department shall not renew a license for a licensee with 10 or more employees unless the licensee provides a statement that the licensee has already entered into and will abide by the terms of a labor peace agreement.

(ii) For an applicant with 10 or more employees but less than 20 employees that has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 20th employee, or on or before July 1, 2024, whichever is earlier.

(iii) For an applicant with less than 10 employees that has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 10th employee, or on or before July 1, 2024, whichever is later.

(iv) Nothing in this paragraph shall be construed to limit the authority of the department to revoke or suspend a license for a violation of this paragraph.

(B) Compliance with the terms of an applicable labor peace agreement is a condition of licensure. A licensee seeking renewal of any license shall attest to the department that it remains in compliance with the terms of any applicable labor peace agreement.

(C) Any labor organization, or any current or former employee of the relevant licensee, may report to the department that a licensee has failed to provide a truthful attestation of compliance with subparagraph (B).

(i) The reporting party shall provide documentation, in a form and manner required by the department, to substantiate their allegation before the department considers it. The department shall collaborate with such agencies as it deems relevant to evaluate the report.

(ii) If the department substantiates the validity of a report made pursuant to this subparagraph, the department may suspend, revoke, place on probation with terms and conditions, or otherwise discipline the license and fine the licensee.

(D) (i) Any labor organization, or any current or former employee of the relevant licensee, may file a complaint with the Agricultural Labor Relations Board that an organization with which a licensee has entered into a labor peace agreement is not a bona fide labor organization.

(ii) The Agricultural Labor Relations Board shall consider all relevant evidence provided or obtained in rendering a decision on whether the entity is a bona fide labor organization and issue a report with its findings no later than 90 days from receiving the complaint.

(iii) If the Agricultural Labor Relations Board determines that the entity is not a bona fide labor organization, the labor peace agreement shall be null and void. The department shall promptly notify all licensees that have signed labor peace agreements with the entity that the entity was found not to be a bona fide labor organization and offer those licensees a reasonable time period, not to exceed 180 days, to enter into a labor peace agreement with a bona fide labor organization. Failure to enter into a labor peace agreement with a bona fide labor organization after that reasonable time period shall be a violation of this section.

(E) For the purposes of this paragraph, all of the following shall apply:

(i) "Employee" does not include a supervisor.

(ii) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists, in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for employees.

(iii) "Supervisor" means an individual having authority, in the interest of the applicant, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(6) Provide the applicant's valid seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(7) Provide any other information required by the department.

(8) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in 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), to the extent not prohibited by law.

(9) Pay all applicable fees required for licensure by the department.

(10) Provide proof of a bond to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(11) (A) Provide a statement, upon initial application and application for renewal, that the applicant employs, or will employ within one year of receiving or renewing a license, one supervisor and one employee who have successfully completed a Division of Occupational Safety and Health 30-hour general industry outreach course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course. This paragraph shall not be construed to alter or amend existing requirements for employers to provide occupational safety and health training to employees.

(B) An applicant with only one employee shall not be subject to subparagraph (A).

(C) For purposes of this paragraph "employee" has the same meaning as provided in subparagraph (B) of paragraph (5) and "supervisor" has the same meaning as provided in subparagraph (C) of paragraph (5).

(b) An applicant shall also include in the application a detailed description of the applicant's operating procedures for all of the following, as required by the department:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

(6) Security protocols.

(7) For applicants seeking licensure to cultivate, the source or sources of water the applicant will use for cultivation, as provided in subdivisions (a) to (c), inclusive, of Section 26060.1. For purposes of this paragraph, "cultivation" as used in Section 26060.1 shall have the same meaning as defined in Section 26001. The department shall consult with the State Water Resources Control Board and the Department of Fish and Wildlife in the implementation of this paragraph.

(c) The applicant shall also provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any, roads, water crossings, points of diversion, water storage, and all other facilities and infrastructure related to the cultivation.

(d) Provide a complete list of every person with a financial interest in the person applying for the license as required by the department. For purposes of this subdivision, "persons with a financial interest" does not include persons whose only interest in a licensee is an interest in a diversified mutual fund, blind trust, or similar instrument.

SEC. 5.5. Section 26051.5 of the Business and Professions Code is amended to read:

26051.5. (a) An applicant for a state license issued pursuant to this division to conduct commercial cannabis activity, as defined in Section 26001, shall do all of the following:

(1) Except as provided in subparagraph (G), require that each owner, as defined in paragraphs (1) to (3), inclusive, of subdivision (ap) of Section 26001, electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and state and federal arrests, and also information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance pending trial or appeal.

(A) Notwithstanding any other law, the department may obtain criminal history information from the Department of Justice and the Federal Bureau of Investigation for an applicant or its owners, as defined in paragraphs (1) to (3), inclusive, of subdivision (ap) of Section 26001, for any state license, as described in Section 26050, under this division pursuant to subdivision (u) of Section 11105 of the Penal Code.

(B) When received, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history records check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the licensing authority.

(C) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(D) The department shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(E) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(F) Notwithstanding any other law, a licensing authority may request and receive from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation. A local or state agency may provide those records to a licensing authority upon request.

(G) If an owner has previously submitted fingerprint images and related information required by the Department of Justice pursuant to this paragraph in connection with a valid state license issued by a licensing authority, all of the following apply:

(i) The owner shall not be required to submit additional fingerprint images and related information pursuant to this paragraph in connection with a subsequent application for a state license.

(ii) The department shall not consider the owner's criminal history information obtained from the fingerprint images and related information that were previously submitted pursuant to this paragraph when considering whether to issue a subsequent state license.

(iii) An owner shall not be required to resubmit owner-related information previously provided to the department.

(2) Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner's agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.

(3) Provide evidence that the proposed location is in compliance with subdivision (b) of Section 26054.

(4) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(5) (A) (i) For an applicant with 20 or more employees, or an applicant with 10 or more employees that submits an application on or after July 1, 2024, provide a notarized statement that the applicant will enter into, or demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement. On and after July 1, 2024, the department shall not renew a license for a licensee with 10 or more employees unless the licensee provides a statement that the licensee has already entered into and will abide by the terms of a labor peace agreement.

(ii) For an applicant with 10 or more employees but less than 20 employees that has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 20th employee, or on or before July 1, 2024, whichever is earlier.

(iii) For an applicant with less than 10 employees that has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 10th employee, or on or before July 1, 2024, whichever is later.

(iv) Nothing in this paragraph shall be construed to limit the authority of the department to revoke or suspend a license for a violation of this paragraph.

(B) Compliance with the terms of an applicable labor peace agreement is a condition of licensure. A licensee seeking renewal of any license shall attest to the department that it remains in compliance with the terms of any applicable labor peace agreement.

(C) Any labor organization, or any current or former employee of the relevant licensee, may report to the department that a licensee has failed to provide a truthful attestation of compliance with subparagraph (B).

(i) The reporting party shall provide documentation, in a form and manner required by the department, to substantiate their allegation before the department considers it. The department shall collaborate with such agencies as it deems relevant to evaluate the report.

(ii) If the department substantiates the validity of a report made pursuant to this subparagraph, the department may suspend, revoke, place on probation with terms and conditions, or otherwise discipline the license and fine the licensee.

(D) (i) Any labor organization, or any current or former employee of the relevant licensee, may file a complaint with the Agricultural Labor Relations Board that an organization with which a licensee has entered into a labor peace agreement is not a bona fide labor organization.

(ii) The Agricultural Labor Relations Board shall consider all relevant evidence provided or obtained in rendering a decision on whether the entity is a bona fide labor organization and issue a report with its findings no later than 90 days from receiving the complaint.

(iii) If the Agricultural Labor Relations Board determines that the entity is not a bona fide labor organization, the labor peace agreement shall be null and void. The department shall promptly notify all licensees that have signed labor peace agreements with the entity that the entity was found not to be a bona fide labor organization and offer those licensees a reasonable time period, not to exceed 180 days, to enter into a labor peace agreement with a bona fide labor organization. Failure to enter into a labor peace agreement with a bona fide labor organization after that reasonable time period shall be a violation of this section.

(E) For the purposes of this paragraph, all of the following shall apply:

(i) "Employee" does not include a supervisor.

(ii) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists, in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for employees.

(iii) "Supervisor" means an individual having authority, in the interest of the applicant, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(6) Provide the applicant's valid seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(7) Provide any other information required by the department.

(8) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in 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), to the extent not prohibited by law.

(9) Pay all applicable fees required for licensure by the department.

(10) Provide proof of a bond to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(11) (A) Provide a statement, upon initial application and application for renewal, that the applicant employs, or will employ within one year of receiving or renewing a license, one supervisor and one employee who have successfully completed a

Division of Occupational Safety and Health 30-hour general industry outreach course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course. This paragraph shall not be construed to alter or amend existing requirements for employers to provide occupational safety and health training to employees.

(B) An applicant with only one employee shall not be subject to subparagraph (A).

(C) For purposes of this paragraph "employee" has the same meaning as provided in subparagraph (B) of paragraph (5) and "supervisor" has the same meaning as provided in subparagraph (C) of paragraph (5).

(b) An applicant shall also include in the application a detailed description of the applicant's operating procedures for all of the following, as required by the department:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

(6) Security protocols.

(7) For applicants seeking licensure to cultivate, the source or sources of water the applicant will use for cultivation, as provided in subdivisions (a) to (c), inclusive, of Section 26060.1. For purposes of this paragraph, "cultivation" as used in Section 26060.1 shall have the same meaning as defined in Section 26001. The department shall consult with the State Water Resources Control Board and the Department of Fish and Wildlife in the implementation of this paragraph.

(c) The applicant shall also provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any, roads, water crossings, points of diversion, water storage, and all other facilities and infrastructure related to the cultivation.

(d) Provide a complete list of every person with a financial interest in the person applying for the license as required by the department. For purposes of this subdivision, "persons with a financial interest" does not include persons whose only interest in a licensee is an interest in a diversified mutual fund, blind trust, or similar instrument.

SEC. 6. Section 382 of the Financial Code is amended to read:

382. (a) The department shall require fingerprint images from any department employee, prospective employee or applicant seeking employment within the department, contractor, subcontractor, or volunteer who may have access to criminal offender record information.

(b) The fingerprint images described in subdivision (a) shall be furnished to the Department of Justice for the purpose of obtaining state- and national-level criminal record information, and to determine the existence and nature of any of the following:

(1) A record of state or federal convictions and the existence and nature of state or federal arrests for which the person is free on bail or on their own recognizance pending trial or appeal.

(2) Being convicted of, or pleading nolo contendere to, a crime, or having committed an act involving dishonesty, fraud, or deceit, if the crime or act is substantially related to the qualifications, functions, or duties of a person in accordance with this provision.

(3) Any conviction or arrest for which the person is free on bail or on their own recognizance pending trial or appeal that has a reasonable nexus to the information or data that the person will be given access.

(c) When the Department of Justice receives a request for national-level criminal offender record information, it shall forward the request to the Federal Bureau of Investigation. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response as provided under subdivision (k) or (o) of Section 11105 of the Penal Code to the department.

(d) The department shall request subsequent arrest notifications from the Department of Justice as provided under Section 11105.2 of the Penal Code.

(e) The Department of Justice may assess a fee sufficient to cover the processing costs required under this section, as authorized pursuant to subdivision (e) of Section 11105 of the Penal Code.

(f) For purposes of this section, "criminal offender record information" means the same as defined in Section 13102 of the Penal Code.

SEC. 7. Section 8699.01 of the Government Code is amended to read:

8699.01. (a) The Flexible Assistance for Survivors (FAS) pilot grant program is hereby established, to be administered by the Office of Emergency Services, with the goal of improving safety, healing, and financial stability for survivors, and the loved ones of those violently injured or killed.

(b) FAS grants shall be made to qualifying community-based organizations pursuant to this chapter for the purpose of establishing assistance funds to distribute in direct cash assistance to survivors.

(c) The office shall establish an advisory committee that includes, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing supportive services for marginalized survivors. Racial, gender, and ethnic diversity, and representation of communities and identities described in subdivisions (h) and (i), shall be considered for all appointments. The committee shall consist of six members, as follows:

(1) (A) Three representatives from community-based organizations providing direct services and recovery assistance such as housing, job placement, or economic support to vulnerable survivors.

(B) Of the three members described by subparagraph (A), one member shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate President pro Tempore.

(2) (A) Three community providers or advocates with expertise in community-based violence reduction programs.

(B) Of the three members described by subparagraph (A), one member shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate President pro Tempore.

(d) Notwithstanding any other law, except as specified in subdivision (b) of Section 8 of Article VII of the California Constitution, a person's criminal history shall not disqualify them from appointment to the advisory committee.

(e) The advisory committee shall establish rules for implementing this chapter. Community-based organizations shall include all of the following in their application:

(1) A description of the organization's history serving one or more of the groups described in subdivision (i).

(2) A description of how the community or communities the organization serves are impacted by violence and incarceration.

(3) The estimated number of survivors the organization or program currently serves.

(4) The estimated number of survivors to whom the organization or program anticipates it will distribute grant funds.

(5) How the organization plans to distribute cash assistance funds to survivors to meet immediate financial needs quickly.

(6) How the organization plans to minimize the burden on survivors to provide documentation or submit paperwork.

(f) The advisory committee shall do all of the following:

(1) Strive to minimize the paperwork burden on grant applicants and grantees.

(2) Provide guidance on developing an application, the program structure, and progress reports.

(3) Develop a plan to publicize the grant program in advance of an application deadline, including outreach to underserved areas, communities with disproportionately high rates of gun violence and imprisonment, and smaller organizations.

(4) Work with the office to develop tools to support applicants applying for an award under this chapter, including, but not limited to, templates and sample applications, which shall be posted prominently on the office's internet website.

(5) Prior to an application deadline, work with the office to publicize and host at least two webinars that are open to the public detailing how to apply for a grant under this chapter.

(6) Develop reporting metrics for grantees to provide information to the office to aid the office in creating the reports required by Section 8699.02. In developing these metrics, the advisory committee shall strive to minimize the paperwork burden on survivors that apply for assistance.

(g) A community-based organization shall be eligible to apply for a grant under this chapter if the organization has a history of serving survivors and the majority of people the organization, or a project within the organization that will administer the grant, serves are survivors.

(h) The office, with concurrence from the advisory committee, shall develop a rating process that gives preference to organizations that are located in, serve, and employ members of communities that experience disproportionately high rates of gun violence and imprisonment.

(i) The office, with concurrence from the advisory committee, shall develop a rating process that gives preference to community-based organizations that have a history of providing services to vulnerable survivors, including, but not limited to, the following:

- (1) Survivors of color.
- (2) Elderly survivors.
- (3) Survivors with disabilities.
- (4) Survivors who are transgender or gender nonconforming.
- (5) Survivors who have faced disproportionate police contact.
- (6) Survivors who are formerly incarcerated or who have past arrests or convictions.
- (7) Survivors with immigration status issues.
- (8) Survivors who are unhoused.
- (9) Survivors of firearm injuries.
- (10) Survivors who have lost a family member to homicide.
- (11) Survivors facing mental health crises.
- (12) Low-income survivors.
- (13) Survivors challenged by substance abuse.

(j) An organization receiving a grant under this chapter may use the funds as follows:

(1) Flexible cash assistance to survivors to meet survivors' financial needs or to cover survivors' expenses, distributed at the discretion of the organization in amounts determined by the organization based on the needs of survivors and in a way that minimizes or eliminates the burden on survivors to provide external documentation of their need or expenses. The organization may distribute flexible cash assistance funds to a survivor directly, to the parent or guardian of a survivor on the survivor's behalf if the survivor is a minor or dependent adult, or if the survivor or the parent or guardian of a minor or dependent survivor requests, to a vendor, business, or another third party to pay for an expense or to purchase a product on a survivor's behalf. Cash assistance distributed to a survivor or parent or guardian of a survivor may be distributed in the form of cash, electronic transfer, check, direct deposit, prepaid card, or in another similar manner at the discretion of the organization and based on the needs of survivors. Cash assistance awards of more than five thousand dollars (\$5,000) to an individual survivor may require additional documentation of significant need.

(2) Up to 10 percent for the organization's expenses in administering the grant.

(k) A community-based organization receiving a grant under this chapter shall establish policies and procedures for distributing funds to survivors whom the organization serves that comply with all the following:

- (1) Develop a method that allows survivors to attest to their experience of victimization that minimizes the burden of requiring survivors to obtain documentation of a victimization, such as by using verified written statements from a community-based organization.
- (2) Promote distribution of funds to survivors in a manner that meets the immediate needs of survivors quickly.
- (3) Do not require survivors to engage in other services or programs as a condition of receiving funds.

(4) Do not require survivors to provide or maintain burdensome documentation of their need or spending.

(5) Do not require survivors to report a crime to a law enforcement agency as a condition of receiving cash assistance.

(6) Do not exclude survivors on the basis of citizenship or immigration status.

(7) Do not exclude survivors on the basis of an arrest or conviction record, nor on the basis of a survivor's status under correctional supervision.

(l) Notwithstanding any other law, cash assistance received by a survivor under this chapter shall be treated in the same manner as the federal earned income refund for the purpose of determining eligibility to receive benefits under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code or amounts of those benefits.

(m) Notwithstanding any other law, cash assistance received under this chapter shall not reduce a victim's maximum benefit allowance provided by the California Victim Compensation Board, except that an expense for specific purposes paid in full for a survivor under this chapter shall not be eligible for reimbursement or payment by the board for the same purposes. If an organization distributes flexible cash assistance under this chapter on a survivor's behalf to partially cover a specific expense or bill, the California Victim Compensation Board may reimburse or pay the survivor any remaining amount of the specific expense or bill that has not been covered.

(n) Each grantee shall annually report to the office all of the following:

(1) The aggregate number of survivors who received cash assistance through the grant program.

(2) The average amount of assistance each survivor received through the grant program.

(3) Information responsive to the metrics developed pursuant to paragraph (6) of subdivision (f).

(o) The office may use up to 5 percent of the funds appropriated for the grant program each year for the costs of administering the grant program, including, without limitation, employing personnel, providing technical assistance to grantees or prospective grantees, and issuing a report on the impacts of the grant program through the 2026–27 fiscal year.

SEC. 8. Section 8699.02 of the Government Code is amended to read:

8699.02. (a) (1) By July 1, 2026, the office shall submit a progress report to the Legislature in compliance with Section 9795 discussing the impact of the grant program, which shall include information received pursuant to paragraph (3) of subdivision (n) of Section 8699.01.

(2) The requirement for submitting a report imposed by this subdivision is inoperative on January 1, 2027, pursuant to Section 10231.5.

(b) Before July 1, 2028, the office shall post on its internet website a public report on the impact of the grant program, which shall include, at a minimum, the number of survivors who have been provided assistance and anecdotal information on the impact of the grant program on helping survivors, and information received pursuant to paragraph (3) of subdivision (n) of Section 8699.01.

SEC. 9. Section 8699.03 of the Government Code is amended to read:

8699.03. This chapter shall become inoperative on July 1, 2028, and, as of January 1, 2029, is repealed.

SEC. 10. Section 8757.1 of the Government Code is amended to read:

8757.1. (a) The Performing Arts Equitable Payroll Fund is hereby created in the State Treasury.

(b) Upon appropriation by the Legislature, the office shall do each of the following:

(1) Establish and administer a grant program using moneys in the fund to award grants for the purpose of enabling small nonprofit performing arts organizations to hire and retain employees. The organization shall pay these employees not less than the minimum wage of the city, county, or city and county of which it is subject to jurisdiction or not less than the state minimum wage, whichever is greater.

(2) Administer each grant for a term of one year.

(c) (1) The office shall develop criteria to evaluate eligibility for the grant program in accordance with this chapter. Included in that criteria, a small nonprofit performing arts organization shall be deemed eligible by the office if it submits the following:

(A) A demonstration that its production and advertisement of performing arts events are open to the public by providing to the office at least three of the following documents from three of the small nonprofit performing arts organization's productions:

- (i) A box office report.
- (ii) Evidence of paid advertisements.
- (iii) Social media posts and internet website listings advertising the production.
- (iv) Email blasts advertising the production.
- (v) Reviews of the production.
- (vi) A copy of the playbill for the production.

(B) Demonstrate its eligibility by providing to the office all of the following information about, policies of, and statements of the organization:

- (i) Certification of compliance with the California requirement on sexual harassment training pursuant to Section 12950.1.
- (ii) Diversity, equity, and inclusion policy with the dates the policy was created and last updated.
- (iii) Harassment policy with the dates the policy was created and last updated.
- (iv) Internet website hyperlink.
- (v) Mission statement.

(2) The office shall deem a nonprofit performing arts organization eligible when it submits, in addition to the requirements listed in paragraph (1), all of the following:

- (A) The Internal Revenue Service (IRS) determination letter recognizing the organization as tax-exempt under the subsection for which it applied.
- (B) The articles of incorporation for the organization, including any amendments.
- (C) A certified Business Entity Certificate of Status showing an active status of the organization from the Secretary of State.
- (D) (i) Financial records, including the organization's filed IRS Form 990 documents from the previous three years.

(ii) Where a nonprofit performing arts organization cannot produce filed IRS Form 990 documents from the previous three years, it shall attest it actively produced qualifying work in three of the previous five years and provide the filed IRS Form 990 documentation that corresponds to those years.

(3) The office shall deem a fiscally sponsored performing arts organization eligible for the grant program when it submits, in addition to the requirements listed in paragraph (1), all of the following:

- (A) A letter evidencing the agreement between the organization and its fiscal sponsor.
- (B) The board minutes of the fiscal sponsor that show the date the fiscal sponsor approved the sponsorship.
- (C) A certified Business Entity Certificate of Status showing an active status of the fiscal sponsor from the Secretary of State.
- (D) An attestation by the fiscal sponsor that the sponsored organization is a performing arts organization.
- (E) Financial records, including the following:
 - (i) Detailed financial information for passthrough funds going to the fiscally sponsored organization.
 - (ii) Profit and Loss statements of fiscally sponsored organization corresponding to the same period.
 - (iii) (I) The filed IRS Form 990 documents of the fiscal sponsor from the previous three years.

(II) Where a fiscally sponsored performing arts organization did not actively produce qualifying work in the previous three years, the fiscal sponsor shall do all of the following:

(ia) Attest that the fiscally sponsored performing arts organization was active in three of the previous five years.

(ib) Provide its IRS Form 990 documents for the years in which the fiscally sponsored performing arts organization did actively produce qualifying work.

(ic) Provide detailed information regarding passthrough funds going to the fiscally sponsored performing arts organization.

(id) Provide profit and loss statements of the fiscally sponsored performing arts organization that correspond to the years in which it was active.

(d) The office shall not consider applications from the following organizations, as the following organizations shall not be eligible for the grant program:

(1) After school programs for youth.

(2) A nonprofit organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code and that raises money for a single arts organization.

(3) Conservatory programs.

(4) Foundations.

(5) Individual artists who are fiscally sponsored.

(6) Model A, Model B, Model D, Model F, or Model L fiscally sponsored organizations or projects.

(7) Social clubs.

(8) Summer camps.

(9) Youth educational programs or schools.

(10) Youth performing arts groups, including, but not limited to, youth symphonies, youth choirs, and youth theater groups.

(e) As a condition of the receipt of grant funds, a recipient of a grant described in this section shall provide the following information to the office:

(1) Certification providing that the funds were used for only the following purposes:

(A) The payroll expenses, as defined in subdivision (f) of Section 8757, excluding payroll taxes and unemployment insurance of any qualifying employee. A qualifying employee shall include, but shall not be limited to, any actor, administrator, choreographer, dancer, designer, director, musician, producer, stage manager, technician, or worker hired by the organization as an employee. An independent contractor, volunteer, or intern shall not be considered a qualifying employee for the purposes of a grant awarded pursuant to this section.

(B) Maintaining compliance with all protections owed under state and federal law to workers classified as employees.

(2) Organizational information, including venue size where applicable, annual budget, the number of employees and independent contractors in the last budget year, and the percentage of budget spent on payroll expenses.

(3) Certification that the organization has no final judgments relating to employee misclassification at any time after the effective date of this section.

(f) (1) Any organization that has received a grant from the fund may apply for grants in any future years for which the organization maintains eligibility pursuant to the terms set forth herein.

(2) Any organization that has received a grant from the fund shall, when applying for any subsequent grant from the fund, provide any additional information that the office deems necessary for ensuring that the organization has not used moneys from the fund for purposes other than those set forth in paragraph (1) of subdivision (e).

(g) (1) The office shall adopt guidelines as are necessary for each of the following:

(A) Ensuring that grant recipients have not used moneys for other purposes.

(B) Validating the accuracy of certifications provided pursuant to paragraph (3) of subdivision (e).

(2) Any organization that the office finds has used moneys for other purposes, or that has provided inaccurate certification, shall be ineligible to receive any further grants from the fund. The office may also require those organizations to repay previous funding.

(3) Guidelines adopted pursuant to this chapter are exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3).

(h) The office shall award a grant to a small nonprofit performing arts organization in an amount pursuant to the following reimbursement schedule:

(1) For organizations with an adjusted gross revenue of up to two hundred fifty thousand dollars (\$250,000), the fund shall reimburse 80 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(2) For organizations with an adjusted gross revenue of not less than two hundred fifty thousand one dollars (\$250,001) and not more than four hundred fifty thousand dollars (\$450,000), the fund shall reimburse 75 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(3) For organizations with an adjusted gross revenue of not less than four hundred fifty thousand one dollars (\$450,001) and not more than six hundred fifty thousand dollars (\$650,000), the fund shall reimburse 70 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(4) For organizations with an adjusted gross revenue of not less than six hundred fifty thousand one dollars (\$650,001) and not more than eight hundred fifty thousand dollars (\$850,000), the fund shall reimburse 60 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(5) For organizations with an adjusted gross revenue of not less than eight hundred fifty thousand one dollars (\$850,001) and not more than one million dollars (\$1,000,000), the fund shall reimburse 50 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(6) For organizations with an adjusted gross revenue of not less than one million one dollars (\$1,000,001) and not more than one million two hundred fifty thousand dollars (\$1,250,000), the fund shall reimburse 40 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(7) For organizations with an adjusted gross revenue of not less than one million two hundred fifty thousand one dollars (\$1,250,001) and not more than one million five hundred thousand dollars (\$1,500,000), the fund shall reimburse 30 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(8) For organizations with an adjusted gross revenue of not less than one million five hundred thousand one dollars (\$1,500,001) and not more than one million seven hundred fifty thousand dollars (\$1,750,000), the fund shall reimburse 25 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

(9) For organizations with an adjusted gross revenue of not less than one million seven hundred fifty thousand one dollars (\$1,750,001) and not more than two million dollars (\$2,000,000), the fund shall reimburse 20 percent of the first ten thousand dollars (\$10,000) of the organization's payroll expenses for work performed in the State of California per employee per quarter.

SEC. 11. Section 14626 is added to the Government Code, to read:

14626. (a) Notwithstanding any other law, in order to comply with applicable federal and state requirements, the Department of General Services may conduct criminal background checks of an employee, prospective employee, contractor, agent, volunteer, subcontractor, or employee of a contractor whose duties or responsibilities may give them access to any of the following:

(1) Criminal offender record history information.

(2) Federal tax information.

(3) Non-anonymized confidential information, personally identifiable information, personal health information, or financial information contained in the information systems or devices of the department or other sensitive and secure facilities and buildings such that a criminal background check is required.

(b) The fingerprint images and associated information of an employee, prospective employee, contractor, agent, volunteer, subcontractor, or employee of a contractor whose duties may give them access to the information specified in

subdivision (a), or any person who assumes those duties, may be furnished to the Department of Justice pursuant to subdivision (u) of Section 11105 of the Penal Code for obtaining information as to the existence and content of any of the following:

(1) State or federal convictions.

(2) State or federal arrests.

(3) A record of state or federal arrests for which the Department of Justice establishes that the person was released on bail or on the person's own recognizance pending trial or appeal.

SEC. 12. Article 7.6.3 (commencing with Section 16418.7) is added to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, to read:

Article 7.6.3. Projected Surplus Temporary Holding Account

16418.7. (a) The Projected Surplus Temporary Holding Account is hereby established in the State Treasury as a General Fund reserve to hold a portion of General Fund surplus moneys temporarily for use in future fiscal years, as an added responsible budgeting technique to counter tax revenue volatility.

(b) In a year that a transfer is made to the Projected Surplus Temporary Holding Account, such a transfer shall be provided for in the annual Budget Act.

(c) Funds transferred to the Projected Surplus Temporary Holding Account pursuant to subdivision (b), including any interest or investment earnings derived therefrom, shall remain in that account for no more than one year from the date of deposit, after which time these funds shall be transferred to the General Fund unless the next annual Budget Act appropriates all or part of those moneys for other state purposes.

(d) Notwithstanding any other law, the Controller may use the funds in the Projected Surplus Temporary Holding Account for cashflow loans to the General Fund as provided in Sections 16310 and 16381.

(e) This article shall remain in effect as a pilot budgeting project until December 31, 2030, and as of that date is repealed. It is the intent of the Legislature to extend this pilot thereafter with amendments based on experience during its operative period.

SEC. 13. Section 20140 is added to the Government Code, to read:

20140. (a) The board shall require fingerprint images and related information from any employee or prospective employee while a conditional offer is still pending whose duties include or would include access to any of the following:

(1) Confidential data filed with the board as described in Section 20230.

(2) Personal information as defined in subdivision (v) of Section 1798.140 of the Civil Code.

(3) Sensitive personal information as defined in subdivision (ae) of Section 1798.140 of the Civil Code.

(4) Protected health information as described in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(5) Actuarial, investment, audit, accounting, and financial information, required to meet fiduciary responsibilities, as described in Article 3 (commencing with Section 20150).

(6) Cash and checks.

(b) This system shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of each employee and prospective employee described in subdivision (a) in accordance with subdivision (u) of Section 11105 of the Penal Code.

(c) The Department of Justice shall provide a state- or federal-level response to this system pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) This system shall use the records and information received from the Department of Justice pursuant to subdivisions (b) and (c) exclusively for the purposes of employment subject to Section 19572 of the Government Code and to screen prospective employees while a conditional offer is still pending with this system.

SEC. 14. Section 24213 of the Health and Safety Code is amended to read:

24213. (a) (1) An individual seeking victim compensation pursuant to the program shall submit an application to the board beginning six months after the start date of the program and no later than two years and six months after the start date of the

program.

(2) An individual incarcerated or otherwise under the control of the Department of Corrections and Rehabilitation at the time of filing an application need not exhaust administrative remedies before submitting an application for, or receiving, victim compensation pursuant to the program and shall not be disqualified from receiving compensation based on the individual's incarcerated status.

(3) The board shall screen the application and accompanying documentation for completeness. If the board determines that an application is incomplete, it shall notify the claimant or the claimant's lawfully authorized representative that the application is not complete in writing by certified mail no later than 30 calendar days following the screening of the application. The notification shall specify the additional documentation required to complete the application. If the application is incomplete, the claimant shall have 60 calendar days from the receipt of the notification to submit the required documentation. If the required documentation is not received within 60 calendar days, the application will be closed and the claimant shall submit a new application if the claimant seeks victim compensation pursuant to the program, to be reviewed without prejudice.

(4) The board shall not consider an application or otherwise act on it until the board determines the application is complete with all required documentation.

(5) If a claimant receives an adverse claim decision, the claimant may file an appeal to the board no later than January 1, 2025. After receiving the appeal, the board shall again attempt to verify the claimant's identity pursuant to paragraph (2) of subdivision (a) of Section 24211. If the claimant's identity cannot be verified, then the claimant shall produce sufficient evidence to establish, by a preponderance of the evidence, that it is more likely than not that the claimant is a qualified recipient. This evidence may include, but is not limited to, documentation of the individual's sterilization, sterilization recommendation, surgical consent forms, relevant court or institutional records, or a sworn statement by the survivor or another individual with personal knowledge of the sterilization. The board shall make a determination on the appeal within 30 days of the date of the appeal and notify the claimant of the decision. A claimant who is successful in an appeal shall receive compensation in accordance with subdivision (b).

(6) The board shall do an additional review of previously denied claims or appeals upon request by the claimant with a showing of good cause. A court ruling subsequent to the board's denial on an issue forming a basis of the board's denial is presumed to be good cause for an additional review. A claimant may request an additional review no later than January 1, 2025. A claimant who is found to be a qualified recipient pursuant to an additional review shall receive compensation in accordance with subdivision (b).

(b) The board shall award victim compensation to a qualified recipient pursuant to the following payment schedule:

(1) A claimant who is determined to be a qualified recipient by the board shall receive an initial payment within 60 days of the board's determination. This initial payment shall be calculated by dividing the funds described in subdivision (b) of Section 24212 for victim compensation payments by the anticipated number of qualified recipients who are expected to apply for compensation, as determined by the board, and then dividing that dollar amount in half.

(2) The board shall send a final payment to each qualified recipient in the amount of twenty thousand dollars (\$20,000).

(c) The board shall conclude the program after exhaustion of all appeals arising from the denial of an individual's application, but by no later than January 1, 2026.

(d) On or before January 1, 2025, the board shall report to the Joint Legislative Budget Committee on the outcome of the study conducted pursuant to paragraph (28) of subdivision (e) of Section 19.57 of the Budget Act of 2021.

(1) The requirement for submitting a report imposed under this subdivision is inoperative on January 1, 2029, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 15. Section 24218 is added to the Health and Safety Code, immediately following Section 24217, to read:

24218. This chapter shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 16. Section 110061 is added to the Health and Safety Code, to read:

110061. For the purposes of administering this part, Part 6 (commencing with Section 111940) of Division 104 of the Health and Safety Code, Section 104559.5 of the Health and Safety Code, and Division 8.5 (commencing with Section 22950) of the Business and Professions Code, the following shall apply:

(a) The department shall submit to the Department of Justice fingerprints and related information required by the Department of Justice for all employees, prospective employees, contractors, or subcontractors whose duties include access to criminal offender record information, as defined in Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(b) The department Food and Drug Branch Chief, or the designee of the Food and Drug Branch Chief that is a peace officer employee, shall review the criminal history of all persons listed in this section in order to make a final determination of a person's fitness to perform duties.

SEC. 17. Section 127011 is added to the Health and Safety Code, to read:

127011. (a) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the Department of Health Care Access and Information shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers whose duties include, or would include, access to medical information, as defined in Section 56.05 of the Civil Code.

(b) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 18. Section 10108.6 is added to the Public Contract Code, to read:

10108.6. Notwithstanding Section 10108 and subdivision (a) of Section 10108.5, the department, upon request from the state agency concerned, may authorize the carrying out of a project or a class of projects of any amount directly by a state agency if the department finds that the state agency concerned is capable of successfully undertaking a project or projects of that amount. For projects or a class of projects where the total project cost exceeds three million dollars (\$3,000,000), the department shall seek approval from the Department of Finance prior to authorizing a state agency to carry out the project or class of projects pursuant to this section.

SEC. 19. Article 1.3 (commencing with Section 10113) is added to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, to read:

Article 1.3. Job Order Contracting Procurement Procedure for the Department of General Services

10113. As used in this article:

(a) "Adjustment factor" means the job order contractor's competitively bid adjustment to the department's prices as published in the unit price catalog.

(b) "Department" means the Department of General Services or a successor state agency.

(c) "Director" means the Director of General Services or a designee.

(d) "Job order contract" means a competitively bid contract between the department and a responsible contractor in which the contractor agrees to a fixed period, fixed-unit price, and indefinite quantity contract that provides for job orders for public works.

(e) "Technical specifications" means information published by the department detailing the technical specifications with regard to quality of materials and workmanship to be used by the job order contractor in accomplishing the tasks listed in the unit price catalog.

(f) "Unit price" means the amount paid for a single unit of an item of work identified in the unit price catalog multiplied by the contractor's adjustment factor.

(g) "Unit price catalog" means a compilation of specific construction tasks and the unit prices to install or demolish that construction. The listed tasks shall be based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices shall include the cost of materials, labor, and equipment for performing the items of work. The prices shall not include overhead and profit. All unit prices shall be developed using local prevailing wages.

10113.1. (a) Notwithstanding any other law, the department may use an alternative procurement procedure for public works contracts, as defined in Section 1101, as provided in this article.

(b) The availability of job order contracting as a public works delivery method shall not preclude the use of other public works delivery methods.

(c) The department may solicit for job order contractors by region, by specific scopes of work, or both.

(d) Solicitations for job order contractors shall progress as follows:

(1) The department shall prepare a set of documents for job order contracts. The documents shall include a unit price catalog, job order contract terms, job order contract technical specifications, and any other information deemed necessary by the department.

(2) The department shall prepare a request for bids based on the documents prepared under paragraph (1) that invites job order contractors to submit sealed bids in a manner prescribed by the department.

(3) Each bidding job order contractor shall include in its bid one or more adjustment factors to the established unit prices provided in the request for bids based on the contract technical specifications.

(4) The department may award multiple job order contracts in response to a single job order contract solicitation as determined by the lowest combined adjustment factors as outlined in the invitation for bids.

(e) Any architect, engineer, consultant, or contractor retained by the department to assist in the development of the job order contract solicitation documents shall not be eligible to bid or to participate in the preparation of a job order contract bid related to that solicitation.

(f) Each job order executed under a job order contract shall provide an itemized list of each unit description required to complete the work with the unit's associated unit price and the applied contractor's adjustment factor.

(g) Job order contracts may be executed for an initial contract term of no more than 24 months.

(h) The maximum total dollar amount that may be awarded under a single job order contract shall not exceed ten million dollars (\$10,000,000) in the first term of the job order contract. The department may issue up to four one-year extensions to each job order contract, up to an additional five million dollars (\$5,000,000) per year.

(i) No single job order may exceed one million dollars (\$1,000,000), not including change orders necessary to complete the scope of the original project.

(j) The maximum amounts specified for job order contract value and job order value shall be adjusted each January 1 to reflect the percentage change in the annual California Construction Index as used by the department. The amount shall be rounded off to the nearest one-thousand-dollar figure.

(k) The authority granted to the department by this article shall not be deemed to waive any provision of the Labor Code that would otherwise apply, including, but not limited to, prevailing wage rates determined by the Director of Industrial Relations.

(l) It is unlawful to split or separate job orders for the purpose of evading the cost limitation provisions of this section.

(m) (1) A contractor shall not be awarded a job order contract unless the contractor provides an enforceable commitment to the director that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work for each job order that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1.

(2) This subdivision shall not apply if any of the following requirements are met:

(A) The department has entered into a project labor agreement that will bind all contractors and subcontractors performing work on each job order to use a skilled and trained workforce, and the contractor agrees to be bound by that project labor agreement.

(B) The job order is being performed under the extension or renewal of a project labor agreement that was entered into by the department before January 1, 2024.

(C) The contractor has entered into a project labor agreement that will bind the contractor and all its subcontractors at every tier performing work for each job order to use a skilled and trained workforce.

(3) For purposes of this subdivision, "project labor agreement" has the same meaning as in paragraph (1) of subdivision (b) of Section 2500.

(n) (1) A job order contract shall set forth in the general conditions of the job order contract the party or parties responsible for seeing that the provisions of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code are complied with.

(2) For purposes of job order contracting, prevailing wages when required to be paid shall apply to all work ordered under the job order contract regardless of thresholds set forth in Section 1771.5 of the Labor Code.

(3) The job order contractor shall pay the prevailing wage in effect at the time the job order is issued by the department and all increases as published by the Department of Industrial Relations for the term of the job order contract, including all overtime, holiday, and shift provisions published by the Department of Industrial Relations.

(o) It is the intent of this legislation to streamline the delivery of public works. It is not the intent of the Legislature for job order contracting to displace work presently performed by state employees, nor to expand the types of public works performed by contractors.

SEC. 20. Section 10351 of the Public Contract Code is amended to read:

10351. (a) The department shall exempt from its approval contracts under one hundred fifty thousand dollars (\$150,000) that any state agency awards if the state agency does all of the following:

- (1) Designates an agency officer as responsible and directly accountable for the agency's contracting program.
- (2) Establishes written policies and procedures and a management system that will ensure the state agency's contracting activities comply with applicable provisions of law and regulations and that it has demonstrated the ability to carry out these policies and procedures and to implement the management system.
- (3) Establishes a plan for ensuring that contracting personnel are adequately trained in contract administration and contract management.
- (4) Conducts an audit every three years of the contracting program and reports to the department as it may require.
- (5) Establishes procedures for reporting to the department and the Legislature on such contracts as the Legislature may require in the Budget Act.

(b) Any state agency may request the department to exempt from its approval classes or types of contracts under this section. When the department receives a request but refuses to grant the exemption, it shall state in writing the reasons for the refusal. It is the intent of the Legislature that the department shall actively implement the provisions of this section and shall exempt from its approval as wide a range of classes or types of contracts as is consistent with proper administrative controls and the best interests of the state.

SEC. 21. Section 10371 of the Public Contract Code is amended to read:

10371. The following provisions shall apply to all consulting services contracts:

- (a) Each state agency shall, regardless of the fiscal amount involved, use available private resources only when the quality of work of private resources is of at least equal quality compared with the state agency operated resources.
- (b) Each state agency shall, prior to signing a consulting services contract totaling five thousand dollars (\$5,000) or more, prepare detailed criteria and a mandatory progress schedule for the performance of the contract and shall require each selected contractor to provide a detailed analysis of the costs of performing the contract.
- (c) Except in an emergency, no consulting services contract shall be commenced prior to formal approval by the department or, if the department's approval is not otherwise required, by the director of the state agency. No payments for any consulting services contract shall be made prior to this approval of the award.

For the purpose of this subdivision an "emergency" means an instance, as determined by the department, where the use of contracted services appeared to be reasonably necessary but time did not permit the obtaining of prior formal approval of the contract.

(d) No consulting services contractor shall be awarded a contract totaling five thousand dollars (\$5,000), or more, unless all of the following apply:

- (1) The state agency has reviewed any contractor evaluation form on file with the department in accordance with Section 10369.
- (2) Each state agency shall require that a completed resumé for each contract participant who will exercise a major administrative role or major policy or consultant role, as identified by the contractor, be attached to the contract for public record and is made a part of the contract.

(3) The department shall notify a state agency seeking approval of a proposed contract within 10 working days if it has a negative evaluation in its files on a previous contract or contracts awarded to this contractor.

(e) The department may require special evaluation procedures for multiyear contracts or for contracts calling for special evaluation procedures beyond the post-evaluation.

(f) Any contract for consulting services awarded without competition shall be listed in the California State Contracts Register. The information contained in the listing shall include the contract recipient, amount, and services covered. The requirement of this subdivision shall not apply to any contract awarded without competition executed with an expert witness for purposes of civil litigation in a pending case.

(g) The department shall have the duty to restrict or terminate the authority of a state agency to enter into consultant contracts if the state agency has consistently avoided the proper preparation, retention, or submission of post-evaluation forms, as required by this article.

SEC. 22. Section 4408.5 is added to the Welfare and Institutions Code, to read:

4408.5. (a) The criminal history check required by this section is limited to a State Department of Developmental Services employee, prospective employee, contractor, subcontractor, and volunteer whose duties include, or would include, access to any of the following:

(1) The developmental center established by Section 7502, the facility described in paragraph (4) of subdivision (a) of Section 7505, or a program described in Section 4418.7.

(2) An individual receiving services at a developmental center, facility, or program, as they are described in paragraph (1), or a consumer receiving services from a regional center.

(3) Individuals who are being evaluated for placement at a developmental center, facility, or program, as they are described in paragraph (1).

(4) Medical information, as defined in Section 56.05 of the Civil Code.

(5) Criminal offender record information, as defined in Section 11075 of the Penal Code, including federal criminal history information obtained pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The State Department of Developmental Services shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of an employee, prospective employee, contractor, subcontractor, and volunteer, specified in subdivision (a), in accordance with subdivision (u) of Section 11105 of the Penal Code.

(c) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) It is the intent of the Legislature in enacting this section to authorize the department to receive both state- and federal-level information from the Department of Justice following submission of fingerprints for the purpose of performing background checks.

SEC. 23. Section 10555.5 is added to the Welfare and Institutions Code, to read:

10555.5. (a) The criminal history check required by this section is limited to a State Department of Social Services employee, prospective employee, contractor, subcontractor, and volunteer whose duties include, or would include, access to any of the following:

(1) Criminal offender record information, as defined in Section 11075 of the Penal Code.

(2) Federal tax information, as defined in paragraph (1) of subdivision (f) of Section 1044 of the Government Code.

(3) Individuals who reside in, receive care from, or are sheltered in a facility licensed or otherwise administered by the department; individuals who receive child welfare services overseen by the department; and other individuals served by the department, as defined by law.

(b) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the State Department of Social Services shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers specified in subdivision (a). The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 24. Section 5.5 of this bill incorporates amendments to Section 26051.5 of the Business and Professions Code proposed by both this bill and Senate Bill 1064. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, but this bill becomes operative first, (2) each bill amends Section 26051.5 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1064, in which case Section 26051.5 of the Business and Professions Code, as amended by Section 5 of this bill, shall remain operative only until the operative date of Senate Bill 1064, at which time Section 5.5 of this bill shall become operative.

SEC. 25. For the 2024–2025 fiscal year, the sum of ten thousand dollars (\$10,000) is hereby appropriated from the General Fund to the Department of Justice for purposes of administering the fingerprint requirements added by this act by amending Sections 19448, 19480, 19520, and 26051.5 of the Business and Professions Code and Section 382 of the Financial Code, and by adding Section 154.3 to the Business and Professions Code, Sections 14626 and 20140 to the Government Code, Sections 110061 and 127011 to the Health and Safety Code, and Sections 4408.5 and 10555.5 to the Welfare and Institutions Code.

SEC. 26. 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.