Assembly Bill No. 137

Passed the Assembly July 1, 2021

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Chief Clerk of the Assembly

Passed the Senate July 1, 2021

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Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2021, at _____ o'clock ___M.

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Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 19821.1 of, and to add and repeal Article 6.5 (commencing with Section 7086) of Chapter 9 of Division 3 of, the Business and Professions Code, to amend Sections 24000, 24001, 24002, and 100007 of the Financial Code, to amend Sections 6103.8, 11549.3, 13332.19, 27361, 27361.2, 27361.4, 27361.8, and 27388 of, to add Sections 7902.2 and 11546.45 to, to add Article 10 (commencing with Section 12100.110) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of, and to add and repeal Section 8260 of, the Government Code, to amend Section 11165.1 of, and to add Chapter 1.6 (commencing with Section 24210) to Division 20 of, the Health and Safety Code, to amend Section 880 of the Military and Veterans Code, to amend Sections 3502, 3503, and 3505 of, and to add Article 6.5 (commencing with Section 10198) to Chapter 1 of Part 2 of Division 2 of, the Public Contract Code, to add Section 25403.2 to, and to add and repeal Section 25208 of, the Public Resources Code, to amend Sections 1601 and 1615 of the Public Utilities Code, to amend Section 1604 of the Revenue and Taxation Code, and to amend Sections 4514 and 5328 of the Welfare and Institutions Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 137, Committee on Budget. State government.

(1) Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law requires the board, with the approval of the director of the department, to appoint a registrar of contractors to be the executive officer and secretary of the board and to carry out all of the administrative duties, as specified. Existing law requires the board to receive and review complaints and consumer questions regarding solar energy systems companies and solar contractors and to receive complaints

received from state agencies regarding those systems and contractors.

This bill would establish the Solar Energy System Restitution Program for the purpose of providing restitution to certain consumers with a solar energy system installed by a contractor on a single-family residence, as specified. The bill would require the board to administer the program, upon appropriation of one-time resources by the Legislature. The bill would require the registrar or their designee to award moneys appropriated to the program only to consumers who are eligible claimants, as specified. The bill would authorize a consumer to claim eligibility for payment pursuant to the program by filing a specified form with the registrar that the bill would require the board to provide. The bill would authorize the registrar or their designee to request from the consumer any additional information or documentation that the registrar or their designee deems necessary to determine eligibility. The bill would require a claim that appears to include false or altered information to be automatically denied, and would make that denial the exclusive remedy. The bill would limit the amount paid pursuant to the program to a consumer to $40,000, and would require the board to deduct the amount the consumer recovered from other sources from the amount payable upon the consumer's claim. Subject to appropriation by the Legislature, the bill would authorize the board to expend up to $1,000,000 from the moneys appropriated to the program to employ or contract with persons to administer the program. The bill would require the accounting office of the Department of Consumer Affairs to prepare and submit annually to the board a statement of the condition of the moneys appropriated to the program, as specified. The bill would require the board to display a notice on the board's internet website regarding a licensee whose actions have caused the payment of an award to a consumer under the program for 7 years from the date of the payment. The bill would repeal these provisions on June 30, 2024.

(2) Existing law, the Gambling Control Act, establishes the California Gambling Control Commission, which is responsible for licensing and regulating various gambling activities and establishments. Existing law requires the Department of Justice to investigate any violations of, and to enforce, the act. Existing law requires a person who deals, operates, carries on, conducts,

maintains, or exposes for play any controlled game in this state, or who receives any compensation or reward, or any percentage or share of the money or property played, for keeping, running, or carrying on any controlled game in this state, to apply for and obtain a valid state gambling license, key employee license, or work permit. Existing law also requires the licensure and regulation of any party or entity that provides proposition player services at gambling establishments, known as third-party providers of proposition players. Existing law requires an applicant for a state gambling license, key employee license, work permit, or third party provider of proposition player services license to pay various annual fees, application renewal fees, and deposits to obtain and maintain those licenses and work permits.

This bill would prohibit the department from collecting, and a licensee from being required to pay, any annual fees ordinarily due from a state gambling licensee between January 31, 2020, to July 31, 2021, inclusive, and would require the department to refund any annual fees already paid for a state gambling license that were due between January 31, 2020, and the effective date of the bill. The bill would also prohibit the department from collecting, and a licensee from being required to pay, any annual fees ordinarily due from a third-party provider of proposition player services between September 1, 2020, to August 31, 2022, inclusive, and would require the department to refund any annual license fees already paid by a third-party provider of proposition player services that were due between September 1, 2020, and the effective date of the bill. Additionally, the bill would prohibit the department from collecting, and a licensee or commission-issued work permittee from being required to pay, any renewal application fees or background deposits associated with a renewal application ordinarily due between March 1, 2020, and April 30, 2022, inclusive, and would require the department to refund any renewal application fees or deposits associated with a renewal application already paid by a licensee or commission-issued work permittee that were due between March 1, 2020, and the effective date of this bill.

This bill would make related findings and declarations.

(3) Existing law, until January 1, 2025, establishes the Financial Empowerment Fund, and provides that moneys in the fund are continuously appropriated to the Commissioner of Financial

Protection and Innovation for allocation to fund financial education and financial empowerment programs and services for at-risk populations in California, as specified. Existing law provided for the transfer of $4,000,000 to the fund on July 1, 2020, plus an amount estimated to be reasonable administrative costs. Existing law requires the commissioner to administer an application process, or contract for its administration, that provides grants of up to $100,000 from the fund to applicants that meet specified criteria. Existing law authorizes grant awards of up to $1,000,000 in grant moneys per fiscal year, beginning with the 2020-21 fiscal year, pursuant to this process.

This bill would increase the maximum amount of a grant that may be awarded pursuant to the above-described process to $200,000. The bill would increase the maximum amount of grant awards that may be made in a fiscal year to $2,000,000. The bill would delete the reference to the 2020–21 fiscal year and would correct obsolete. The bill would extend the operation of these provisions generally until January 1, 2030.

(4) Existing law, the Debt Collection Licensing Act, prohibits a person from engaging in the business of debt collection in this state without first obtaining a license from the Commissioner of Financial Protection and Innovation. The act requires an application for a license to include certain elements, including an application fee and investigation fee, the amount of which is determined by the commissioner, to cover costs incurred in processing an application, as specified.

This bill would require the application fee described above to be $350 and would require the commissioner to bill and collect the application fee and the investigation fee at the time of initial application.

(5) The California Constitution generally prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of government for the prior fiscal year, adjusted for the change in the cost of living and the change in population, and prescribes procedures for making adjustments to the appropriations limit. Existing statutory provisions implementing these constitutional provisions establish the procedure for establishing the appropriations limit of the state and of each local jurisdiction for each fiscal year.

This bill, if the proceeds of taxes of a city, county, or city and county exceeds its appropriations limit for any fiscal year, beginning with the 2020–21 fiscal year, would require the governing body of the city, county, or city and county to calculate specified amounts, including the amount of proceeds of taxes of the city, county, or city and county attributable to funding received by the city, county, or city and county from the Local Revenue Fund and the Local Revenue Fund 2011. The bill would authorize the governing body of the city, county, or city and county to increase its appropriations limit for the applicable fiscal year based on these calculations. If the governing body of a city, county, or city and county increases its appropriations limit pursuant to these provisions, the bill would require it to notify the Director of Finance within 45 days and, commencing with the 2020–21 fiscal year, require that the appropriations limit of the state be reduced by the total amount reported by each city, county, or city and county in the fiscal year in which the change is made. The bill would make findings with respect to its provisions.

By adding to the duties of local officials with respect to determining the appropriations subject to limitation of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(6) Existing law generally prohibits the state and a county, city, district, or other political subdivision, and a public officer or body, acting in their official capacity, from paying or depositing a fee for the filing of any document or paper. Existing law also specifically prohibits a county recorder from charging fees for services rendered to the state, any municipality, county, or other political subdivision, thereof, except for making a copy of a paper or record.

Under existing law, the above-described prohibitions do not apply to any fee or charge for recording full releases executed or recorded pursuant to specified law, where there is full satisfaction

of the amount due under the lien that is released. Existing law requires that the fee for recording full releases, full releases for any document relating to an agreement to reimburse a county for public aid granted by the county, and full releases for filing any judgment that was in favor of a government agency under these provisions be $6.

This bill would, instead, require that the fee for recording full releases as described above be 2 times the fee charged to record the first page of a lien, encumbrance, or notice under specified law, as prescribed in specified provisions.

Existing law requires the county recorder to charge and collect specified fees for services performed by the recorder's office. Existing law authorizes a fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded to reimburse the county for the costs of specified services related to recording those documents, not to exceed $10 for recording the first page and $3 for each additional page. Existing law authorizes various additional recording fees, to be charged in connection with filing an instrument, paper, or notice, for specified purposes.

This bill, except as specified with respect to certain fees for recording a notice of state tax lien and a certificate of release, would expressly prohibit charging the above-described fees for recording, indexing, or filing an instrument, paper, or notice to those entities expressly exempted from the payment of recording fees under specified law.

Existing law authorizes a county board of supervisors to adopt a resolution providing for a fee of up to $10 for recording each real estate instrument, paper, or notice required or permitted by law to be recorded, which is in addition to any other recording fees under specified law, and defines the term "real estate instrument" for these purposes. Existing law requires that the fees paid under these provisions, after deduction for actual and necessary administrative costs, be paid quarterly to the county auditor or director of finance, to be placed in the Real Estate Fraud Prosecution Trust Fund and used for specified purposes. Existing law exempts from this fee any real estate instrument, paper, or notice accompanied by a declaration stating that the transfer is subject to a documentary transfer tax, is recorded concurrently with a transfer subject to a documentary transfer tax, or is presented

for recording within the same business day as, and is related to the recording of, a transfer subject to a documentary transfer tax.

This bill would additionally exempt from this fee any real estate instrument, paper, or notice presented for recording for the benefit of the state or any county, municipality, or other political subdivision of the state.

(7) Existing law, until January 1, 2025, authorizes the Department of General Services, the Military Department, the Department of Corrections and Rehabilitation, and, in a specified instance, the Department of Water Resources to use the design-build procurement process for specified public works.

This bill would authorize the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 public works projects, as jointly determined by the Department of General Services and the Department of Finance, and would prescribe that process. Pursuant to the process, after selection of a design-build entity, the bill would authorize the Department of General Services to contract for design and preconstruction services sufficient to establish a guaranteed maximum price, as defined. Upon agreement on a guaranteed maximum price, the bill would authorize the department to amend the contract in its sole discretion, as specified. The bill would require the department to submit, on or before January 1, 2026, to the Joint Legislative Budget Committee a report containing specified information regarding the public works projects, completed during a specified time period, that used the progressive design-build procurement process. The bill would require specified information to be verified under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program.

Existing law grants the Department of Finance certain powers in connection with appropriations on design-build construction projects. In this regard, existing law prohibits a state agency from expending funds appropriated for a design-build project until the Department of Finance and the California Public Works Board have approved related performance criteria.

This bill would generally apply these provisions to projects delivered by the progressive design-build procurement process and make a variety of conforming changes in connection with these projects.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(8) Existing law establishes, within the Government Operations Agency, the Department of Technology under the supervision of the Director of Technology, who also serves as the State Chief Information Officer. Under existing law, the Department of Technology is responsible for the approval and oversight of information technology projects, as specified. Existing law requires the chief information officer of each state agency to develop the enterprise architecture for their agency to rationalize, standardize, and consolidate information technology applications, assets, infrastructure, data, and procedures for the agency. Existing law subjects each chief information officer's enterprise architecture to the review and approval of the Department of Technology. Existing law requires that a state agency service contract, which would otherwise not be reviewed by the Department of Technology, be subject to review, approval, and oversight by the department if the contract contains an information technology component that would be subject to oversight by the department if it were a separate information technology project.

This bill would require the Department of Technology to identify, assess, and prioritize high-risk, critical information technology services and systems across state government, as determined by the Department of Technology, for modernization, stabilization, or remediation. The bill would require state agencies and state entities to submit information relating to their information technology service contracts to the Department of Technology before February 1, 2022, and annually thereafter. The bill would require the department to analyze and report this information to the Legislature, as specified. The bill would also require the Department of Technology to implement a plan to establish centralized contracts for identified shared services, as defined.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings

demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(9) Existing law establishes the Office of Information Security within the Department of Technology for the purpose of ensuring the confidentiality, integrity, and availability of state systems and applications and to promote and protect privacy as part of the development and operations of state systems and applications to ensure the trust of the residents of the state. Existing law requires the Chief of the Office of Information Security to establish an information security program, as specified. Existing law authorizes the office to conduct, or require to be conducted, an audit of information security to ensure program compliance and requires the audited entity to fund that audit.

This bill would repeal the requirement that the audited entity fund an audit described above.

(10) Existing law establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," within the Governor's office to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth.

This bill would create the Energy Unit within GO-Biz to accelerate the planning, financing, and execution of critical energy infrastructure projects that are necessary for the state to reach its climate, energy, and sustainability policy goals, including by identifying barriers, making recommendations, creating a working group, coordinating between the state's climate and energy agencies, and cooperating with local, regional, federal, and California public and private businesses and investors, as specified. The bill would require the Governor to appoint a deputy director who would have direct authority over the Energy Unit and serve at the pleasure of the Governor. The bill would require the Energy Unit, on or before February 1 of each year, to annually submit a report to the relevant policy and fiscal committees of the Legislature with specified information relating to infrastructure priorities and the Energy Unit's work in the prior calendar year and recommendations to accelerate the Energy Unit's progress.

(11) Existing law establishes the State Department of Social Services in the Health and Welfare Agency and sets forth its powers

and duties relating to the administration of various programs relating to public social services. Existing law establishes in state government the Commission on Asian and Pacific Islander American Affairs that, among other things, provides assistance to policymakers and state agencies on identifying the needs or problems affecting Asian and Pacific Islander American communities and in developing appropriate responses and programs. Existing law, the Administrative Procedure Act, generally governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would require the State Department of Social Services, in consultation with the Commission on Asian and Pacific Islander American Affairs, to administer a grant program that provides support and services to victims and survivors of hate crimes and their families and facilitates hate crime prevention measures, as provided. The bill would require the department, in consultation with the commission, to develop a process to award grants to qualified grantees, as specified. The bill would require that, beginning on October 1, 2022, and annually thereafter until October 1, 2025, the department and the commission submit a report for the prior fiscal year containing information about the grant program to the budget committees of both houses. The bill would authorize the department to enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program and would exempt contracts issued pursuant to these provisions from, among other things, the State Contracting Manual. The bill would exempt these provisions from the rulemaking provisions of the Administrative Procedure Act. The bill would make these provisions operative upon appropriation, as specified, and would repeal these provisions on June 30, 2026.

(12) Existing law classifies certain controlled substances into Schedules I to V, inclusive. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) database for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense those controlled substances.

Existing law, operative on July 1, 2021, or upon the date the department promulgates regulations to implement this provision and posts those regulations on its internet website, whichever date is earlier, requires the above health care practitioner upon receipt of a federal Drug Enforcement Administration (DEA) registration, and a pharmacist upon licensure, and authorizes a licensed physician and surgeon who does not hold a DEA registration, to submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of a patient that is maintained by the department. Upon approval, existing law requires the department to release to the applicant or their delegate the electronic history of the person under their care based on data contained in the CURES Prescription Drug Monitoring Program.

This bill would require the department to implement its duties described in the above provision upon completion of any technological changes to the CURES database necessary to support that provision, or by October 1, 2022, whichever is sooner.

(13) Existing law prohibits sterilization of a person with developmental disabilities without the person's consent, if the person has the ability to consent to sterilization, as defined, unless a limited conservator authorized to consent to the sterilization of an adult with a developmental disability is appointed and obtains court authorization to consent to the sterilization, as specified. Existing law prohibits sterilization for the purpose of birth control in county jails and state prison facilities, as specified.

Existing law establishes a procedure for the compensation of victims and derivative victims of certain crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund consisting of General Fund moneys, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award, and requires applications for compensation to be verified under penalty of perjury. Under existing law, certain property is exempt from enforcement of money judgments, including benefits from a disability or health insurance policy or program.

Subject to an appropriation in the annual Budget Act or any other act by the Legislature for this express purpose, the bill would establish 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 state-sponsored sterilization conducted pursuant to eugenics laws that existed in California between 1909 and 1979 and to survivors of coercive sterilization performed in prisons after 1979. The bill would establish the Forced or Involuntary Sterilization Compensation Account in the State Treasury, to be administered by the board, and would require funds appropriated for the Forced or Involuntary Sterilization Compensation Program to be held in the account and used for the purpose of this program. The bill would require the board to, among other things in order to implement the program, conduct outreach to locate qualified recipients, as defined, disclose a coerced sterilization to that person if the person was sterilized while imprisoned, notify that person of the process to apply for victim compensation, and review and verify all applications for victim compensation. The bill would require the board to keep confidential, and not disclose to the public, a record pertaining to a person's application for victim compensation or the board's verification of the application. The bill would exempt victim compensation payments from, among other things, being considered taxable income for state tax purposes or being subject to enforcement of a money judgment. The bill would require the board and specified departments, including the State Department of State Hospitals, to post a notice on their internet websites, once the appropriation described above is made, to inform the public of the operative date of the Forced or Involuntary Sterilization Compensation Program.

Existing law provides that information and records obtained in the course of providing specified mental health and developmental services are confidential, but allows the disclosure of the information and records under specified circumstances.

This bill would additionally authorize the State Department of Developmental Services and the State Department of State Hospitals to disclose the above-described information and records to authorized employees of the board for the purposes of verifying the identity and eligibility of individuals claiming compensation under the Forced or Involuntary Sterilization Compensation Program, or to an attorney for a person who was sterilized or alleges a person was sterilized. The bill would require the board

to maintain the confidentiality of any information or records received from these departments.

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

This bill would make legislative findings to that effect.

(14) Existing law requires the Department of Veterans Affairs to establish a competitive grant program, to be administered by the department with existing funds, as defined, for purposes of awarding grant moneys to certified California veteran service providers for purposes of providing services that improve the quality of life for veterans and their families, as specified. Under existing law, the department is authorized to enter into memoranda of understanding with other state departments and agencies to implement these provisions. Existing law requires competitive grants to be awarded in support of the state's strategic plan for providing veterans with transition assistance. Existing law requires the department to adopt regulations to implement the program and define criteria for supporting the state's strategic plan.

This bill would establish the Certified Veteran Service Provider Program Fund. The bill would require that funds appropriated for the competitive grant program be deposited in the fund and available for expenditure by the department exclusively for the support of the department in carrying out its duties relative to the competitive grant program.

(15) Existing law, the Buy Clean California Act, requires the Department of General Services, by January 1, 2021, to establish and publish in the State Contracting Manual, in a department management memorandum, or on the department's internet website a maximum acceptable global warming potential for each category of eligible materials, set at the industry average of facility-specific global warming potential emissions for that material. Existing law requires the department to determine the industry average by consulting recognized databases of environmental product declarations. Existing law requires the department, by January 1, 2021, to submit a report to the Legislature describing the method the department used to develop the maximum global warming potential for each category of eligible materials. Existing law

requires the department, by January 1, 2024, and every 3 years thereafter, to review the maximum acceptable global warming potential for each category of eligible materials and authorizes the department to adjust the number downward for any eligible material to reflect industry improvements, as provided.

This bill would extend the date by which the department is to establish and publish the required information in the State Contracting Manual, in a department management memorandum, or on its internet website to January 1, 2022, and require the department to consult with the State Air Resources Board. The bill, with regard to setting the maximum acceptable global warming potential, would provide that, if the department determines that the facility-specific environmental product declarations available do not adequately represent the industry as a whole, it may use the industrywide environmental product declarations based on domestic production data in its calculation of the industry average. The bill also would extend the date for submitting to the Legislature a report describing the method the department used to develop the maximum global warming potential for each category of eligible materials, and the initial date for reviewing the maximum acceptable global warming potential for each category of eligible materials, to January 1, 2022, and January 1, 2025, respectively.

Existing law, among other things, requires an awarding authority, for contracts entered into on or after July 1, 2021, to include in a specification for bids that the facility-specific global warming potential for any eligible material shall not exceed the maximum acceptable global warming potential for that material, as provided, and requires the successful bidder to submit specified information regarding the life cycle of each eligible material proposed to be used.

This bill would instead provide that these requirements apply beginning with contracts entered into on or after July 1, 2022.

Existing law requires the department, by January 1, 2022, to submit a report to the Legislature on any obstacles to the implementation of the Buy Clean California Act and the effectiveness of the act to reduce global warming potential.

This bill would extend the date for submission of the report to July 1, 2023.

(16) Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical

corporations and gas corporations. Existing law requires the PUC to review and accept, modify, or reject a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), to identify all potentially achievable cost-effective electricity efficiency savings and to establish efficiency targets for electrical corporations to achieve pursuant to their procurement plan. Existing law requires the PUC, in consultation with the Energy Commission, to identify all potentially achievable cost-effective natural gas efficiency savings and to establish efficiency targets for gas corporations to achieve and requires that a gas corporation first meet its unmet resource needs through all available gas efficiency and demand reduction resources that are cost effective, reliable, and feasible. Pursuant to these requirements, electrical corporations and gas corporations have filed, and the PUC approved, various plans to undertake actions to promote energy efficiency that are administered by the utilities or third-party administrators, either individually, regionally, or statewide, as defined.

Existing law requires the PUC to require those electrical corporations with 250,000 customer accounts in the state, and those gas corporations with 400,000 or more customer accounts in the state, to establish the joint School Energy Efficiency Stimulus Program within each of their energy efficiency portfolios and to file a joint advice letter by February 1, 2021, to fund the program as part of each of their energy efficiency portfolios. Existing law requires that the School Energy Efficiency Stimulus Program be a joint program among all the participating utilities, be consistent across the utility territories, and be designed, administered, and implemented by the Energy Commission as the third-party program administrator. Existing law requires the PUC to approve the advice letter by March 1, 2021, and to require those large electrical corporations and gas corporations to allocate a specific portion of their energy efficiency budget for program the 2021, 2022, and 2023 calender years to fund the School Energy Efficiency Stimulus Program, as specified. Existing law requires all allocated funds to be spent or returned to the electrical corporation or gas corporation by December 1, 2026. Existing law requires the Energy Commission, in collaboration with those large

electrical and gas corporations, to develop and administer the School Reopening Ventilation and Energy Efficiency Verification and Repair Program and the School Noncompliant Plumbing Fixture and Appliance Program as components of the School Energy Efficiency Stimulus Program. Existing law repeals these provisions on January 1, 2027.

This bill would revise the program's definition of "local educational agency" to include certain regional occupational centers, thereby making those regional occupational centers eligible to receive program grants. The bill would provide that the School Energy Efficiency Stimulus Program Fund was administratively established for the Energy Commission to receive funds allocated pursuant to the School Energy Efficiency Stimulus Program and would provide that the fund is continuously appropriated without regard to fiscal years for the purposes of the program, including paying the costs of program administration, thereby making an appropriation. The bill would require the Energy Commission, by March 1, 2022, and by each March 1 thereafter, until March 1, 2027, to submit a report to the relevant policy committees of the Legislature and the Joint Legislative Budget Committee describing programmatic activities and spending pursuant to the School Energy Efficiency Stimulus Program.

(17) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in consultation with the Public Utilities Commission (PUC), the State Air Resources Board, and the Independent System Operator, by January 1, 2021, to assess the potential for the state to reduce the emissions of greenhouse gases in the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030.

Existing law requires the PUC, in consultation with the Energy Commission, to develop and supervise the administration of the Building Initiative for Low-Emissions Development (BUILD) Program to require gas corporations to provide incentives to eligible applicants, as defined, for the deployment of near-zero-emission building technologies to significantly reduce the emissions of greenhouse gases from buildings, as specified. Under existing law, the PUC designated the Energy Commission as the administrator for the BUILD Program.

This bill would require the Energy Commission, using moneys appropriated pursuant to specified items in the Budget Act of 2021, to implement and administer a new statewide program to incentivize the construction of new multifamily and single-family market-rate residential buildings as all-electric buildings or with energy storage systems, as specified. The bill would name this new program the Building Initiative for Low-Emissions Development Program Phase 2, which would be a separate program from the BUILD Program described above. The bill would require the Energy Commission to develop and approve program guidelines in a public process before June 30, 2022, and to ensure, to the extent reasonable, that the new program incentivizes the construction of all-electric buildings and the installation of energy storage systems and other technologies that would not otherwise be constructed or installed, as specified.

(18) Existing property tax law requires county boards to meet to equalize the assessment of property on the local roll, as provided, and authorizes a taxpayer to apply to the county board for an assessment reduction under a variety of circumstances, including for a reduction of the base year value, as defined, of real property. Existing property tax law requires that the applicant's opinion of value, as reflected on a timely filed application for reduction in an assessment of property, be the basis for the calculation of property taxes, where the county board has failed to hear evidence and make a final determination on that application within either 2 years of the filing of that application or an extension of that 2-year period. Existing property tax law extends this deadline until March 31, 2021, with respect to applications with a deadline occurring during the period beginning on March 4, 2020, and before March 31, 2021.

This bill would further extend the above-described March 31, 2021, extension date to December 31, 2021.

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

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 7086) is added to Chapter 9 of Division 3 of the Business and Professions Code, to read:

Article 6.5. Solar Energy System Restitution Program

7086. The board shall administer the Solar Energy System Restitution Program upon appropriation of one-time resources by the Legislature for the purpose of providing restitution to consumers pursuant to this article.

7086.1. For purposes of this article, the following definitions apply:

(a) "Program" means the Solar Energy System Restitution Program established pursuant to this article.

(b) "Consumer" means any of the following:

(1) A natural person who owns a single-family residence in this state and who contracted with a licensed or unlicensed contractor on or after January 1, 2016, for the installation of a solar energy system on that residence.

(2) A tenant or leaseholder of a single-family residence in this state owned by a natural person who contracted with a licensed or unlicensed contractor on or after January 1, 2016, for the installation of a solar energy system on the owner's residence.

(3) A natural person who purchases a single-family residence from a prior owner of the residence who contracted with a licensed or unlicensed contractor on or after January 1, 2016, for the installation of the solar energy system.

(c) "Solar energy system" has the same meaning as that term is defined in subdivision (g) of Section 7169.

(d) "Financial loss or injury" means an economic loss or expense suffered by a consumer resulting from fraud, misrepresentation, or another unlawful act committed by a residential solar energy system contractor that has not been and will not be fully reimbursed from any other source.

7086.2. (a) This article governs the administration of the program and operates independently of, and does not affect or relate to the licensing, regulation, and discipline of, contractors.

(b) This article does not limit the authority of the registrar to take disciplinary action against a contractor.

7086.3. The registrar or their designee shall only award moneys appropriated to the program to consumers who are eligible claimants pursuant to this article.

7086.4. Except as provided in Section 7086.5, a consumer is an eligible claimant only if they meet one of the following criteria:

(a) The consumer has filed a complaint against a licensed contractor investigated pursuant to Article 7 (commencing with Section 7090), that resulted in one or more of the following:

(1) Issuance of an administrative citation that includes a payment of a specified sum to an injured party as prescribed by Section 7099 and that is not under appeal.

(2) Filing of accusation to suspend or revoke the license.

(3) Determination by the registrar or their designee that a probable violation of this chapter has occurred that if proven, would present a risk of harm to the public and would be appropriate for suspension, revocation, or criminal prosecution.

(b) The consumer has obtained a judgment in any civil court of competent jurisdiction for recovery of damages against a licensed or unlicensed contractor, proceedings in connection with the judgment have terminated, including appeals, and the consumer has not received the specified sum or restitution amount as of the date they claim eligibility.

(c) The consumer is the identified victim of a licensed or unlicensed contractor in a criminal case before a California superior court, with an established financial injury or restitution order, proceedings in connection with the judgment have terminated, including appeals, and the consumer has not received the specified sum or restitution amount as of the date they claim eligibility.

7086.5. (a) If any consumer alleges financial harm because of the contract for the installation of a solar energy system on their residence, but the board's authority to discipline the contractor has lapsed due to a limitations period specified in Section 7091, then the registrar or their designee may consider whether the consumer who is unable to claim eligibility under Section 7086.4 is nonetheless eligible to receive restitution pursuant to the program. In all those cases, the following apply:

(1) The registrar or their designee may elect to refer the consumer to arbitration process prescribed in Section 7085.5 for the arbitrator to render an award pursuant to the program.

(2) The arbitration shall commence for the sole purpose of determining whether a financial loss occurred, and whether an amount may justifiably be paid to the consumer pursuant to the program. Discipline of the contractor shall not be at issue in any case referred to arbitration under this subdivision and the contractor need not to appear. Any payment amount for the attending consumer shall not be based solely on the fact that the contractor has failed to appear at the arbitration hearing.

(3) The arbitrator has the sole discretion to request the documentation or testimony from the consumer necessary to support payment pursuant to the program, as well as sole discretion to determine whether an award shall be issued pursuant to the program based on the information provided.

(4) The registrar or their designee, or any arbitrator, is not liable to any party for any act or omission in connection with any arbitration conducted under this section.

(5) The arbitrator shall render an award no later than 30 calendar days from the date of closing the hearing, closing a reopened hearing, or if oral hearing has been waived, from the date of transmitting the final statements and proofs to the arbitrator.

(6) A determination on payment to an eligible claimant shall consider all matters relevant to the consumer seeking restitution, including the financial condition of the moneys appropriated to the program, the amount of money being sought, whether the claim appears to be supported by the documentation, whether the claimant has received full or partial payment of their loss from another source, and if there is more than one claimant, the equitable division of available money appropriated to the program among the claimants.

(7) A determination or decision regarding claimant eligibility and payment pursuant to the program and all related issues under this subdivision are final and are not subject to judicial review.

(b) The registrar or their designee may refer a consumer to the arbitration process described in Section 7085.5 for resolution of any claim by a consumer that does not explicitly meet the criteria in subdivision (a) of Section 7086.4.

7086.6. (a) A consumer may claim eligibility for payment pursuant to the program by filing a form with the registrar entitled "Solar Energy System Restitution Program Claim" that shall be provided by the board. A consumer seeking restitution shall include, without limitation:

(1) The name, address, and telephone number of the consumer and which criteria under Section 7086.4 or 7086.5 the consumer claims eligibility.

(2) The name, address, license number, and telephone number, if known, of the contractor who installed the solar energy system.

(3) A description of the facts concerning the loss caused by the contractor, the nature and extent of the claimed loss, and the date on which, or the period during which, the alleged loss occurred.

(4) A copy of the contract, and any or all other relevant documentation specified in Section 7086.7, as applicable, supporting the grounds under which the consumer claims eligibility.

(5) A statement confirming whether the consumer has previously recovered a portion of their loss from sources other than an award pursuant to the program, and if so, in what amount, from what source, and the date that recovery occurred.

(b) The registrar or their designee may request from the consumer any additional information or documentation not specified in this section that the registrar or their designee deems necessary to determine eligibility.

(c) A claim that appears to include false or altered information shall be automatically denied and shall not be considered for restitution pursuant to the program. The denial of the claim shall be the exclusive remedy for filing false information.

(d) Any information or documentation distributed by the board about the program shall include a notice that restitution payments are only available as long as there are appropriated moneys available for payment.

7086.7. (a) For all claimants deemed eligible pursuant to subdivision (a) of Section 7086.4, a document stamped with the seal of the Contractors State License Board reflecting the complaint number, name of the contractor, name of the special investigator, date of the contract, violation or violations alleged, the specified sum to an injured party amount, the consumer's name, and any other information the registrar deems relevant to include shall be

sufficient documentation upon which to make payment to the consumer pursuant to the program.

(b) For all claimants deemed eligible pursuant to subdivision (b) of Section 7086.4, a certified copy of the civil court judgment with the dollar amount of damages shall be sufficient documentation upon which to make payment to the consumer pursuant to the program.

(c) For all claimants deemed eligible pursuant to subdivision (c) of Section 7086.4, a certified minute order or other document of the court of relevant jurisdiction that includes the certified copy of an order of financial injury or restitution amount shall be sufficient documentation upon which to make payment to the consumer pursuant to the program.

(d) For all claimants deemed eligible pursuant to paragraph (1) of subdivision (a) of Section 7086.5, the award of the arbitrator, stamped with the seal of the Contractors State License Board reflecting the complaint number, name of the contractor, name of the arbitrator, date of the contract, violations alleged, the specified sum to an injured party amount, the consumer's name, and any other information the registrar deems relevant to include shall be sufficient documentation upon which to make payment to the consumer pursuant to the program.

7086.8. (a) If the registrar or their designee determines that a consumer is eligible for restitution pursuant to this article, the amount paid to a consumer shall not exceed forty thousand dollars ($40,000).

(b) If the registrar or their designee has determined that the injured person has recovered a portion of their loss from sources other than the program at the time they claim eligibility, the board shall deduct the amount recovered from the other sources from the amount payable upon the consumer's claim and direct the difference to be paid.

(c) Subject to appropriation by the Legislature, the board may expend up to one million dollars ($1,000,000) from the moneys appropriated to the program to employ or contract with persons as necessary for the performance of the duties required to administer this article.

7086.9. (a) The registrar or their designee shall not approve a claim seeking payment pursuant to the program until at least 90

days after the date of the action described in Section 7086.4 or 7086.5 on which the consumer bases their claim of eligibility.

(b) If the registrar or their designee approves payment pursuant to the program to an eligible claimant, the board will forward a copy of the approval of the eligible claim to the accounting office of the Department of Consumer Affairs.

(c) The accounting office shall not commence procedures for the disbursement of money pursuant to an approval of payment from the board until 90 days after the date on which the registrar or their designee approved the eligible claim.

(d) The accounting office shall, on or before February 1 of each year, prepare and submit to the board a statement of the condition of the moneys appropriated to the program that is prepared in accordance with generally accepted accounting principles.

7086.10. (a) For any licensee whose actions have caused the payment of an award to a consumer pursuant to the program, the board shall display a notice on the public license detail on the board's internet website stating that the licensee was the subject of a payment pursuant to the program.

(b) The notice specified in subdivision (a) shall remain on the board's internet website until seven years after the date of the payment.

(c) This section shall operate independently of, and is not subject to, Section 7124.6.

7086.11. This article shall remain in effect until June 30, 2024, and as of that date is repealed.

SEC. 2. Section 19821.1 is added to the Business and Professions Code, to read:

19821.1. (a) (1) Notwithstanding Sections 19841, 19951, 19952, and 19954, and any accompanying regulations designating annual fees, the department shall not collect, and a licensee shall not be required to pay, any annual fees ordinarily due from a state gambling licensee between January 31, 2020, to July 31, 2021, inclusive. This fee waiver does not apply to extensions or installment agreement due dates that are otherwise due and payable during that time period.

(2) The department shall refund any annual fees already paid for a state gambling license that were due on or after January 31, 2020, and the effective date of this section.

(b) (1) Notwithstanding Sections 19841 and 19984, and any accompanying regulations designating annual fees, the department shall not collect, and a licensee shall not be required to pay, any annual fees ordinarily due from a third-party provider of proposition player services between September 1, 2020, to August 31, 2022, inclusive. This fee waiver does not apply to extensions or installment agreement due dates that altered the original due date of an annual fee.

(2) The department shall refund any annual license fees already paid by a third-party provider of proposition player services that were due between September 1, 2020, and the effective date of this section.

(c) (1) Notwithstanding Sections 19841, 19867, 19868, 19876, 19877, 19912, and 19984, and any accompanying regulations designating a renewal application fee or a deposit associated with a renewal application, the department shall not collect, and the licensee or commission-issued work permittee shall not be required to pay, any renewal application fees or background deposits associated with a renewal application ordinarily due between March 1, 2020, to April 30, 2022, inclusive. This fee and deposit waiver does not apply to extensions that are otherwise due and payable during that time period.

(2) The department shall refund any renewal application fees or deposits associated with a renewal application already paid by a licensee or commission-issued work permittee that were due between March 1, 2020, and the effective date of this section.

(d) For the purposes of this section, in order to avoid delays in implementing the waiver of all annual fees, application fees, and deposits, the Legislature finds and declares that it is necessary to provide the commission with a limited exemption from the regular and emergency rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 3. Section 24000 of the Financial Code is amended to read:

24000. (a) There is hereby established in the State Treasury the Financial Empowerment Fund. Notwithstanding Section 13340 of the Government Code, moneys in the fund are hereby

continuously appropriated without regard to fiscal years to the Commissioner of the Department of Financial Protection and Innovation for purposes of the act.

(b) Notwithstanding Section 13340 of the Government Code, the Controller shall, on July 1, 2020, transfer from the State Corporations Fund to the Financial Empowerment Fund the sum of four million dollars ($4,000,000) plus an amount estimated by the department to be the reasonable costs to administer the division.

(c) The Commissioner of the Department of Financial Protection and Innovation shall use moneys in the Financial Empowerment Fund for allocation to fund financial education and financial empowerment programs and services for at-risk populations in California, as described in Section 24001. The commissioner may additionally use moneys in the Financial Empowerment Fund to cover its costs to administer this act.

SEC. 4. Section 24001 of the Financial Code is amended to read:

24001. (a) The Commissioner of the Department of Financial Protection and Innovation shall administer an application process for grants of up to two hundred thousand dollars ($200,000) per applicant from the Financial Empowerment Fund or shall contract with an independent third party to do so on the department's behalf. The commissioner, or the independent third party designated by the commissioner, may award up to two million dollars ($2,000,000) in grant moneys per fiscal year. To be eligible for selection by the department to administer the grant program, an independent third party shall cap its administrative fees at no more than 15 percent of the grant moneys it administers on the department's behalf.

(b) An applicant shall apply to the commissioner or to an independent third party designated by the commissioner for a grant in a form and manner prescribed by the commissioner or the independent third party. To be eligible for a grant, an applicant shall meet both of the following criteria:

(1) The organization is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code and is organized and operated exclusively for one or more of the purposes described in Section 501(c)(3) of the Internal Revenue Code.

(2) No part of the net earnings of the organization shall inure to the benefit of a private shareholder or individual.

(c) A grantee shall only use grant moneys for the following financial education and financial empowerment programs and services for at-risk populations:

(1) Designing, developing, or offering, free of charge to consumers, classroom- or web-based financial education and empowerment content intended to help unbanked and underbanked consumers achieve, identify, and access lower cost financial products and services, establish or improve their credit, increase their savings, or lower their debt.

(2) Providing individualized, free financial coaching to unbanked and underbanked consumers.

(3) Designing, developing, or offering, free of charge to consumers, a financial product or service intended to help unbanked and underbanked consumers identify and access responsible financial products and financial services, establish or improve their credit, increase their savings, or lower their debt.

(d) A grantee shall use no more than 15 percent of its grant to cover its administrative costs. Failure to comply with this requirement shall render the organization ineligible for grant funding during the subsequent fiscal year.

(e) Every project funded with a grant from the Financial Empowerment Fund shall meet all of the following criteria:

(1) Promote and enhance the economic security of consumers.

(2) Adhere to the five principles of effective financial education described in the June 2017 report, "Effective financial education: Five principles and how to use them," issued by the federal Consumer Financial Protection Bureau.

(3) Include one or more specific outcome targets.

(4) Include an evaluation component designed to measure and document the extent to which the project achieves its intended outcomes and increases consumers' financial well-being.

(f) Each grantee shall submit a report, in a form and by a date acceptable to the Commissioner of the Department of Financial Protection and Innovation documenting the specific uses to which grant funds were allocated, documenting the number of individuals aided through use of the funds, providing quantitative results regarding the impact of grant funding, and including any other information requested by the commissioner. Failure to submit a report shall render the organization ineligible for grant funding during the subsequent fiscal year.

(g) On or before December 31, 2021, and at least once annually thereafter, the department shall post on its internet website a summary of the information received from grantees pursuant to subdivision (f).

SEC. 5. Section 24002 of the Financial Code is amended to read:

24002. (a) This division shall remain in effect only until January 1, 2030, and as of that date is repealed.

(b) Upon the repeal of this division, the Controller shall transfer any moneys remaining in the Financial Empowerment Fund to the Financial Protection Fund.

SEC. 6. Section 100007 of the Financial Code is amended to read:

100007. An applicant shall apply for a license by submitting all of the following to the commissioner:

(a) A completed application for a license in a form prescribed by the commissioner and signed under penalty of perjury. An application shall include the location of the applicant's principal place of business and all branch office locations.

(b) (1) An application fee, of three hundred fifty dollars ($350), and an investigation fee, the amount of which shall be determined by the department, to cover any costs incurred in processing an application, including a fingerprint processing and criminal history record check under Section 100009. The investigation fee, including the amount for the criminal history record check, and the application fee are not refundable if an application is denied or withdrawn.

(2) The fees assessed pursuant to this subdivision shall be billed and collected by the commissioner at the time of initial application.

(c) A sample of the initial letter required pursuant to Section 1692g of Title 15 of the United States Code that the licensee will use in correspondence with California consumers.

SEC. 7. Section 6103.8 of the Government Code is amended to read:

6103.8. (a) Sections 6103 and 27383 do not apply to any fee or charge for recording full releases executed or recorded pursuant to Section 7174 of the Government Code, Sections 4608 and 5003.7 of the Public Resources Code, and Sections 2194, 11496, 12494, and 32362 of the Revenue and Taxation Code, where there is full satisfaction of the amount due under the lien that is released.

(b) The fee for recording full releases listed in subdivision (a) shall be the amount prescribed in subdivision (a) of Section 27361.3.

(c) In the case of full releases recorded by the state taxing agency pursuant to Section 7174 of the Government Code, the recording agency shall be billed quarterly or, at the option of the agency, at more frequent intervals. All billing shall refer to the agency certificate number of the recorded releases.

(d) The fee for recording full releases for any document relating to an agreement to reimburse a county for public aid granted by the county shall be the amount prescribed in subdivision (a) of Section 27361.3.

(e) The fee for filing any release of judgment that was in favor of a government agency and recorded pursuant to Section 6103 or 27383 shall be the amount prescribed in subdivision (a) of Section 27361.3.

(f) Sections 6103 and 27383 do not apply to any fee or charge for recording a notice of state tax lien under subdivision (d) of Section 7171 or a certificate of release under subdivision (h) of Section 7174.

(g) The fee for recording a notice of state tax lien pursuant to subdivision (d) of Section 7171 and a certificate of release under subdivision (h) of Section 7174 shall be as permitted by Sections 27361, 27361.2, 27361.4, and 27361.8.

(h) In the case of recording a notice of state tax lien pursuant to subdivision (f) or a certificate of release pursuant to subdivision (f), the recording agency shall be billed quarterly or at the option of the agency at more frequent intervals. All billing shall refer to the agency notice or certificate number.

SEC. 8. Section 7902.2 is added to the Government Code, to read:

7902.2. (a) If, beginning with the 2020–21 fiscal year or any fiscal year thereafter, the proceeds of taxes of a city, county, or city and county exceed its appropriations limit determined pursuant to Section 7902 for that fiscal year, the governing body of the city, county, or city and county shall calculate the following amounts:

(1) The appropriations limit of the city, county, or city and county determined pursuant to Section 7902.

(2) The total amount of proceeds of taxes of the city, county, or city and county.

(3) The amount of proceeds of taxes of the city, county, or city and county attributable to funding received by the city, county, or city and county from the Local Revenue Fund, established pursuant to Section 17600 of the Welfare and Institutions Code, and the Local Revenue Fund 2011, established pursuant to Section 30025 of the Government Code.

(4) The total amount of proceeds of taxes of the city, county, or city and county calculated pursuant to paragraph (2), less the amount calculated pursuant to paragraph (3).

(5) The amount equal to the appropriations limit of the city, county, or city and county calculated pursuant to paragraph (1), less the amount calculated pursuant to paragraph (4).

(6) If the calculation in paragraph (5) results in a positive value, the amount calculated pursuant to paragraph (3) less the positive value calculated pursuant to paragraph (5).

(b) If the amount determined pursuant to paragraph (6) of subdivision (a) results in a positive value, the governing body of the city, county, or city and county may increase its appropriations limit for the applicable fiscal year by that amount.

(c) To the extent that the amount determined pursuant to paragraph (4) of subdivision (a) is equal to or exceeds the amount determined pursuant to paragraph (1) of subdivision (a), the governing body of the city, county, or city and county may increase its appropriations limit for the applicable fiscal year by the amount determined pursuant to paragraph (3) of subdivision (a).

(d) In the event that the governing body of a city, county, or city and county increases its appropriations limit pursuant to subdivision (b) or (c) of this section, it shall notify the Director of Finance of the change within 45 days.

(e) Commencing with the 2020–21 fiscal year, and each fiscal year thereafter, the appropriations limit of the state shall be reduced by the total amount reported pursuant to subdivision (d) by each city, county, or city and county in the fiscal year in which the change is made.

SEC. 9. Section 8260 is added to the Government Code, immediately following Section 8259.5, to read:

8260. (a) The State Department of Social Services, in consultation with the Commission on Asian and Pacific Islander American Affairs, shall administer a grant program that provides support and services to victims and survivors of hate crimes and

their families and facilitates hate crime prevention measures. In developing the grant program criteria, the department shall consult with the Commission on Asian Pacific Islander American Affairs and may consult with other state departments as necessary.

(b) The department, in consultation with the Commission on the Asian Pacific Islander American Affairs, shall develop a process to award grants to qualified grantees to be used to provide either or both of the following:

(1) Community-based supports and services to victims and survivors of hate crimes, and their families, which may include health care services, mental health services, and legal services.

(2) Hate crime prevention measures, which may include community engagement and education, community conflict resolution, in-language outreach, services to escort community members in public, community healing, and community diversity training.

(c) (1) Qualified grantees shall include nonprofit entities that meet the requirements set forth in either paragraph (3) or paragraph (5) of subdivision (c) of Section 501 of the Internal Revenue Code. An entity may partner with another entity to meet the requirements of this paragraph.

(2) Qualified grantees shall have experience providing supports and services to victims and survivors of hate crimes and hate crime prevention measures in a language competent and culturally competent manner or funding organizations that provide such services. A qualified grantee that is awarded funds pursuant to this section shall comply with tracking and reporting procedures to be determined by the department.

(d) The department may use up to five percent of the funds appropriated for department administrative costs. Any funds in excess of five percent may be authorized pursuant to this section not sooner than 30 days after notification in writing of the necessity therefor is provided to the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time after that notification the Chairperson of the Joint Legislative Budget Committee, or the Chairperson's designee, may in each instance determine.

(e) The department may enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program.

(f) Notwithstanding any other law, contracts issued pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5, and from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3), the State Department of Social Services may implement and administer this provision without adopting regulations.

(h) The Legislature finds and declares that this section is a state law that provides assistance and services for undocumented persons within the meaning of subdivision (d) of Section 1621 of Title 8 of the United States Code.

(i) Beginning on October 1, 2022, and annually thereafter until October 1, 2025, the department, in consultation with the Commission on Asian Pacific Islander American Affairs, shall submit a report for the prior fiscal year to the budget committees of both houses. The report shall include a list of the grant recipients and the amounts allocated to each grantee, the supports and services and hate crime prevention measures provided by each grantee, and the geographic location of each grantee.

(j) This section shall remain in effect only until June 30, 2026, and as of that date is repealed.

SEC. 10. Section 11546.45 is added to the Government Code, immediately following Section 11546.4, to read:

11546.45. (a) (1) The Department of Technology shall identify, assess, and prioritize high-risk, critical information technology services and systems across state government, as determined by the Department of Technology, for modernization, stabilization or remediation.

(2) The Department of Technology shall submit an annual report to the Legislature that includes all of the following:

(A) An explanation of how the Department of Technology is prioritizing these efforts across state government.

(B) The impediments and risks that could, or issues that already have, led to changes in how the Department of Technology identifies, assesses, and prioritizes these efforts.

(3) In accordance with Section 6254.19, nothing in this section shall be construed to require the disclosure of information relating to high-risk, critical information technology services and systems by the Department of Technology, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.

(b) (1) Notwithstanding any other law, all state agencies and state entities shall submit information relating to their information technology service contracts, as defined, to the Department of Technology before February 1, 2022, and annually thereafter, in a manner determined by the Department of Technology.

(2) The Department of Technology shall analyze the information submitted pursuant to subparagraph (1).

(3) After completing the analysis, the Department of Technology shall submit a report to the Legislature, as part of its annual information technology report submitted pursuant to subdivision (e) of Section 11545, that does all of the following:

(A) Identifies each service that the Department of Technology believes would be appropriately centralized as shared services contracts.

(B) Summarizes market research the department would conduct to estimate the one-time and ongoing costs to the state of each service.

(C) Calculates potential offsetting savings to the state from reduced overlap and redundancy of services.

(4) After submitting the report, the Department of Technology shall implement a plan to establish centralized contracts for identified shared services, as defined. The plan may include, but is not limited to, a list of existing service contracts of state agencies and state entities to be replaced with centralized service contracts managed by the Department of Technology and a proposed strategy and timeline for the transition from existing service contracts to centralized service contracts.

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

(1) “Information technology services and systems contracts” means contracts for services and systems, including, but not limited to, cloud services, including “Software as a Service,” “Infrastructure as a Service,” and “Platform as a Service,”

on-premises services and systems, information technology personal services, and information technology consulting services for not less than five hundred thousand dollars ($500,000) annually, or such amounts determined by the Department of Technology pursuant to its policy.

(2) "Shared services" means information technology services commonly used across state agencies that may be consolidated under a single contract to achieve cost savings and process efficiencies.

SEC. 11. Section 11549.3 of the Government Code is amended to read:

11549.3. (a) The chief shall establish an information security program. The program responsibilities include, but are not limited to, all of the following:

(1) The creation, updating, and publishing of information security and privacy policies, standards, and procedures for state agencies in the State Administrative Manual.

(2) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies to effectively manage security and risk for both of the following:

(A) Information technology, which includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

(B) Information that is identified as mission critical, confidential, sensitive, or personal, as defined and published by the office.

(3) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies for the collection, tracking, and reporting of information regarding security and privacy incidents.

(4) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies in the development, maintenance, testing, and filing of each state agency's disaster recovery plan.

(5) Coordination of the activities of state agency information security officers, for purposes of integrating statewide security

initiatives and ensuring compliance with information security and privacy policies and standards.

(6) Promotion and enhancement of the state agencies' risk management and privacy programs through education, awareness, collaboration, and consultation.

(7) Representing the state before the federal government, other state agencies, local government entities, and private industry on issues that have statewide impact on information security and privacy.

(b) All state entities defined in Section 11546.1 shall implement the policies and procedures issued by the office, including, but not limited to, performing both of the following duties:

(1) Comply with the information security and privacy policies, standards, and procedures issued pursuant to this chapter by the office.

(2) Comply with filing requirements and incident notification by providing timely information and reports as required by the office.

(c) (1) The office may conduct, or require to be conducted, an independent security assessment of every state agency, department, or office. The cost of the independent security assessment shall be funded by the state agency, department, or office being assessed.

(2) In addition to the independent security assessments authorized by paragraph (1), the office, in consultation with the Office of Emergency Services, shall perform all the following duties:

(A) Annually require no fewer than 35 state entities to perform an independent security assessment, the cost of which shall be funded by the state agency, department, or office being assessed.

(B) Determine criteria and rank state entities based on an information security risk index that may include, but not be limited to, analysis of the relative amount of the following factors within state agencies:

(i) Personally identifiable information protected by law.

(ii) Health information protected by law.

(iii) Confidential financial data.

(iv) Self-certification of compliance and indicators of unreported noncompliance with security provisions in the following areas:

(I) Information asset management.

(II) Risk management.

(III) Information security program management.

(IV) Information security incident management.

(V) Technology recovery planning.

(C) Determine the basic standards of services to be performed as part of independent security assessments required by this subdivision.

(3) The Military Department may perform an independent security assessment of any state agency, department, or office, the cost of which shall be funded by the state agency, department, or office being assessed.

(d) State agencies and entities required to conduct or receive an independent security assessment pursuant to subdivision (c) shall transmit the complete results of that assessment and recommendations for mitigating system vulnerabilities, if any, to the office and the Office of Emergency Services.

(e) The office shall report to the Department of Technology and the Office of Emergency Services any state entity found to be noncompliant with information security program requirements.

(f) (1) Notwithstanding any other law, during the process of conducting an independent security assessment pursuant to subdivision (c), information and records concerning the independent security assessment are confidential and shall not be disclosed, except that the information and records may be transmitted to state employees and state contractors who have been approved as necessary to receive the information and records to perform that independent security assessment, subsequent remediation activity, or monitoring of remediation activity.

(2) The results of a completed independent security assessment performed pursuant to subdivision (c), and any related information shall be subject to all disclosure and confidentiality provisions pursuant to any state law, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), including, but not limited to, Section 6254.19.

(g) The office may conduct or require to be conducted an audit of information security to ensure program compliance.

(h) The office shall notify the Office of Emergency Services, Department of the California Highway Patrol, and the Department of Justice regarding any criminal or alleged criminal cyber activity

affecting any state entity or critical infrastructure of state government.

SEC. 12. Article 10 (commencing with Section 12100.110) is added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 10. Energy Unit

12100.110. (a) The Energy Unit is hereby created within the Governor's Office of Business and Economic Development.

(b) The Governor shall appoint a deputy director who shall have direct authority over the Energy Unit and serve at the pleasure of the Governor.

(c) The purpose of the Energy Unit is to accelerate the planning, financing, and execution of critical energy infrastructure projects that are necessary for the state to reach its climate, energy, and sustainability policy goals.

(d) The Energy Unit shall work with energy project developers and load-serving entities, as defined in Section 380 of the Public Utilities Code, to identify barriers to construction and development of critical energy infrastructure projects and to make recommendations to relevant state agencies and local governments on how to overcome those barriers.

(e) The Energy Unit shall create a working group that includes local and federal partners to address land use issues related to critical energy infrastructure projects.

(f) In organizing and managing the Energy Unit, the deputy director shall establish and implement a process to coordinate between the state's climate and energy agencies in order to identify the critical energy infrastructure projects that will form the operational mandate of the Energy Unit.

(g) In operating the Energy Unit, the deputy director shall cooperate with local, regional, federal, and California public and private businesses and investors to eliminate barriers to the completion of critical energy infrastructure projects.

(h) The Energy Unit's work shall complement, not conflict with, efforts by the state's climate and energy agencies.

(i) This section, and the Energy Unit's implementation of this section, does not change the regulatory authority of the state's climate and energy agencies.

(j) (1) On or before February 1 of each year, the Energy Unit shall annually submit a report to the relevant policy and fiscal committees of the Legislature that includes all of the following information:

(A) The infrastructure priorities identified for purposes of the prior calendar year.

(B) The constituencies coordinated with in order to advance those infrastructure priorities in the prior calendar year.

(C) The strategies implemented and steps taken to address barriers to and advance critical energy infrastructure projects in the prior calendar year.

(D) Any recommendations to the Legislature that would accelerate the Energy Unit's progress.

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

SEC. 13. Section 13332.19 of the Government Code is amended to read:

13332.19. (a) For the purposes of this section, the following definitions shall apply:

(1) "Design-build" means a construction procurement process in which both the design and construction of a project are procured from a single entity.

(2) "Progressive design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project.

(3) "Design-build project" means a capital outlay project using the design-build construction procurement process.

(4) "Progressive design-build project" means a capital outlay project using the progressive design-build construction procurement process.

(5) "Design-build entity" means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed.

(6) "Design-build solicitation package" means the performance criteria, any concept drawings, the form of contract, and all other documents and information that serve as the basis on which bids or proposals will be solicited from the design-build entities for design-build projects.

(7) “Design-build phase” means the period following the award of a contract to a design-build entity for a design-build project in which the design-build entity completes the design and construction activities necessary to fully complete the project in compliance with the terms of the contract.

(8) “Performance criteria” means the information that fully describes the scope of a proposed design-build project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements, and quality of design, materials, equipment, and workmanship; and any other information deemed necessary to sufficiently describe the state’s needs. Performance criteria may include concept drawings, which include any schematic drawings or architectural renderings that are prepared in the detail necessary to sufficiently describe the state’s needs.

(9) “Qualification-based selection” means the process by which a state agency solicits for services from the design-build entities for a progressive design-build project.

(10) “Preconstruction phase” means the period following the award of a contract to a design-build entity for a progressive design-build project in which the design-build entity completes design activities and any preconstruction activities necessary to produce a guaranteed maximum price.

(11) “Guaranteed maximum price” means the maximum payment amount agreed upon by the Department of General Services and the design-build entity for the design-build entity to finish all remaining design, preconstruction, and construction activities sufficient to complete and close out a progressive design-build project. If the cost for completing all remaining design, preconstruction, and construction activities sufficient to complete and close out the progressive design-build project exceed the guaranteed maximum price, the costs exceeding the guaranteed maximum price shall be the responsibility of the design-build entity. If the cost for these activities is less than the guaranteed maximum price, the design-build entity shall not be entitled to the difference between the cost and the guaranteed maximum price. These amounts shall be revert to the fund from which the appropriation was made.

(12) “Progressive design-build phase” means the remaining design and preconstruction activities necessary after the

preconstruction phase, and all construction activities, necessary to complete construction and closeout of a progressive design-build project.

(b) (1) Except as described in paragraphs (2) and (3), funds appropriated for a design-build project or progressive design-build project shall not be expended by any state agency, including, but not limited to, the University of California, the California State University, the California Community Colleges, and the Judicial Council, until the Department of Finance and the State Public Works Board have approved performance criteria or the guaranteed maximum price.

(2) Paragraph (1) shall not apply to any of the following for funds appropriated for a design-build project:

(A) Amounts for acquisition of real property, in fee or any lesser interest.

(B) Amounts for equipment.

(C) Amounts appropriated for performance criteria.

(D) Amounts appropriated for preliminary plans, if the appropriation was made prior to January 1, 2005.

(3) Paragraph (1) shall not apply to any of the following for funds appropriated for a progressive design-build project:

(A) Amounts for acquisition of real property, in fee or any lesser interest.

(B) Amounts for equipment.

(C) Amounts appropriated for qualification-based selection.

(D) Amounts appropriated for the preconstruction phase.

(c) (1) If funds have been expended on the design-build phase or the progressive design-build phase of a project by any state agency prior to the approval of the performance criteria or the guaranteed maximum price by the Department of Finance and the State Public Works Board, all appropriated amounts for the design-build phase or the progressive design-build phase of a project, including all amounts expended on design-build or progressive design-build activities, shall revert to the fund from which the appropriation was made.

(2) A design-build project for which a capital outlay appropriation is made shall not be put out to design-build solicitation until the bid package has been approved by the Department of Finance. A substantial change shall not be made to the performance criteria as approved by the board and the

Department of Finance without written approval by the Department of Finance. The Department of Finance shall approve any proposed bid or proposal alternates set forth in the design-build solicitation package.

(d) The State Public Works Board may augment a design-build project or a progressive design-build project in an amount of up to 20 percent of the capital outlay appropriations for the project, irrespective of whether any such appropriation has reverted. For projects authorized through multiple fund sources, including, but not limited to, general obligation bonds and lease-revenue bonds, to the extent permissible, the Department of Finance shall have full authority to determine which of the fund sources will bear all or part of an augmentation. The board shall defer all augmentations in excess of 20 percent of the amount appropriated for each design-build project or a progressive design-build project until the Legislature makes additional funds available for the specific project.

(e) In addition to the powers provided by Section 15849.6, the State Public Works Board may further increase the additional amount in Section 15849.6 to include a reasonable construction reserve within the construction fund for any capital outlay project without augmenting the project. The amount of the construction reserve shall be within the 20 percent augmentation limitation. The board may use this amount to augment the project, when and if necessary, after the lease-revenue bonds are sold to ensure completion of the project.

(f) Any augmentation in excess of 10 percent of the amounts appropriated for each design-build project or a progressive design-build project shall be reported to the Chairperson of the Joint Legislative Budget Committee, or their designee, 20 days prior to board approval, or not sooner than whatever lesser time the chairperson, or their designee, may in each instance determine.

(g) (1) The Department of Finance may change the administratively or legislatively approved scope for major design-build projects or a progressive design-build projects.

(2) If the Department of Finance changes the approved scope pursuant to paragraph (1), the department shall report the changes and associated cost implications to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the respective fiscal committees, and the legislative members of the State Public

Works Board 20 days prior to the proposed board action to recognize the scope change.

(h) The Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the respective fiscal committees, and the legislative members of the State Public Works Board 20 days prior to the proposed board approval of performance criteria or guaranteed maximum price for any project when it is determined that the estimated cost of the total project is in excess of 20 percent of the amount recognized by the Legislature.

SEC. 14. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded shall not exceed ten dollars ($10) for recording the first page and three dollars ($3) for each additional page, to reimburse the county for the costs of services rendered pursuant to this subdivision, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than three inches in one sentence, the recorder shall charge one dollar ($1) extra for each page or sheet on which printing appears, except, however, the extra charge shall not apply to printed words that are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform to the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The funds generated by the extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county’s system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar ($1) of each three dollar ($3) fee for each additional page shall be deposited in the county general fund.

(c) Notwithstanding Section 68085, one dollar ($1) for recording the first page and one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

(d) (1) In addition to all other fees authorized by this section, a county recorder may charge a fee of one dollar ($1) for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded, as authorized by each county's board of supervisors. The funds generated by this fee shall be used only by the county recorder collecting the fee for the purpose of implementing a social security number truncation program pursuant to Article 3.5 (commencing with Section 27300).

(2) A county recorder shall not charge the fee described in paragraph (1) after December 31, 2017, unless the county recorder has received reauthorization by the county's board of supervisors. A county recorder shall not seek reauthorization of the fee by the board before June 1, 2017, or after December 31, 2017. In determining the additional period of authorization, the board shall consider the review described in paragraph (4).

(3) Notwithstanding paragraph (2), a county recorder who, pursuant to subdivision (c) of Section 27304, secures a revenue anticipation loan, or other outside source of funding, for the implementation of a social security number truncation program, may be authorized to charge the fee described in paragraph (1) for a period not to exceed the term of repayment of the loan or other outside source of funding.

(4) A county board of supervisors that authorizes the fee described in this subdivision shall require the county auditor to conduct two reviews to verify that the funds generated by this fee are used only for the purpose of the program, as described in Article 3.5 (commencing with Section 27300) and for conducting these reviews. The reviews shall state the progress of the county recorder in truncating recorded documents pursuant to subdivision (a) of Section 27301, and shall estimate any ongoing costs to the county recorder of complying with subdivisions (a) and (b) of Section 27301. The board shall require that the first review be completed not before June 1, 2012, or after December 31, 2013, and that the second review be completed not before June 1, 2017, or after December 31, 2017. The reviews shall adhere to generally accepted

accounting standards, and the review results shall be made available to the public.

(e) Except as provided in subdivision (g) of Section 6103.8, the fee authorized by this section shall not be charged to those entities exempted from the payment of recording fees under Section 6103 or 27383.

SEC. 15. Section 27361.2 of the Government Code is amended to read:

27361.2. (a) Whenever any instrument, paper, or notice is recorded that contains references to more than one previously recorded document and requires additional indexing by the county recorder to give notice required by law, an additional fee of one dollar ($1) shall be charged for each reference to a previously recorded document, other than the first such reference, requiring additional indexing. References to group mining claims listed on a proof of labor shall be considered as only one reference when they are consecutively numbered or lettered alphabetically, and each break in consecutive numbers or letters shall be considered as an additional mine for fee purposes under this section and shall be so indexed in the index.

(b) Except as provided in subdivision (g) of Section 6103.8, the fee authorized by this section shall not be charged to those entities exempted from the payment of recording fees under Section 6103 or 27383.

SEC. 16. Section 27361.4 of the Government Code, as amended by Section 3 of Chapter 41 of the Statutes of 2019, is amended to read:

27361.4. (a) The board of supervisors of any county may provide for an additional fee of one dollar ($1) for filing every instrument, paper, or notice for record for any of the following purposes:

(1) To defray the cost of converting the county recorder's document storage system to micrographics and for restoration and preservation of the county recorder's permanent archival microfilm.

(2) To implement and fund a county recorder archive program as determined by the county recorder.

(3) To implement and maintain or utilize a trusted system, as defined by Section 12168.7, for the permanent preservation of recorded document images.

(b) The board of supervisors of any county may provide for an additional fee, other than the fees authorized in subdivisions (a) and (c), of one dollar ($1) for filing every instrument, paper, or notice for record provided that the resolution providing for the additional fee establishes the days of operation of the county recorder's offices as every business day except for legal holidays and those holidays designated as judicial holidays pursuant to Section 135 of the Code of Civil Procedure.

(c) The board of supervisors of any county may provide for an additional fee, other than the fees authorized in subdivisions (a) and (b), of one dollar ($1) for filing every instrument, paper, or notice for record provided that the resolution providing for the additional fee requires that the instrument, paper, or notice be indexed within two business days after the date of recordation.

(d) Except as provided in subdivision (g) of Section 6103.8, the fees authorized by this section shall not be charged to those entities exempted from the payment of recording fees under Section 6103 or 27383.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 17. Section 27361.4 of the Government Code, as amended by Section 155 of Chapter 370 of the Statutes of 2020, is amended to read:

27361.4. (a) The board of supervisors of any county may provide for an additional fee of one dollar ($1) for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to micrographics. Upon completion of the conversion and payment of the costs therefor, this additional fee shall no longer be imposed.

(b) The board of supervisors of any county may provide for an additional fee, other than the fees authorized in subdivisions (a) and (c), of one dollar ($1) for filing every instrument, paper, or notice for record provided that the resolution providing for the additional fee establishes the days of operation of the county recorder's offices as every business day except for legal holidays and those holidays designated as judicial holidays pursuant to Section 135 of the Code of Civil Procedure.

(c) The board of supervisors of any county may provide for an additional fee, other than the fees authorized in subdivisions (a) and (b), of one dollar ($1) for filing every instrument, paper, or

notice for record provided that the resolution providing for the additional fee requires that the instrument, paper, or notice be indexed within two business days after the date of recordation.

(d) Except as provided in subdivision (g) of Section 6103.8, the fees authorized by this section shall not be charged to those entities exempted from the payment of recording fees under Section 6103 or 27383.

(e) This section shall become operative on January 1, 2026.

SEC. 18. Section 27361.8 of the Government Code is amended to read:

27361.8. (a) Whenever any instrument, paper, or notice is recorded that requires additional indexing by the county recorder to give notice required by law and does not refer to a previously recorded document by reference, as covered in Section 27361.2, an additional fee of one dollar ($1) shall be charged for each group of 10 names or fractional portion thereof after the initial group of 10 names.

(b) Except as provided in subdivision (g) of Section 6103.8, the fee authorized by this section shall not be charged to those entities exempted from the payment of recording fees under Section 6103 or 27383.

SEC. 19. Section 27388 of the Government Code is amended to read:

27388. (a) (1) In addition to any other recording fees specified in this code, upon the adoption of a resolution by the county board of supervisors, a fee of up to ten dollars ($10) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded within that county, except those expressly exempted from payment of recording fees and except as provided in paragraph (2). For purposes of this section, “real estate instrument” means a deed of trust, an assignment of deed of trust, an amended deed of trust, an abstract of judgment, an affidavit, an assignment of rents, an assignment of a lease, a construction trust deed, covenants, conditions, and restrictions (CC&Rs), a declaration of homestead, an easement, a lease, a lien, a lot line adjustment, a mechanics lien, a modification for deed of trust, a notice of completion, a quitclaim deed, a subordination agreement, a release, a reconveyance, a request for notice, a notice of default, a substitution of trustee, a notice of trustee sale, a trustee’s deed upon sale, or a notice of rescission of

declaration of default, or any Uniform Commercial Code amendment, assignment, continuation, statement, or termination. The fees, after deduction of any actual and necessary administrative costs incurred by the county recorder in carrying out this section, shall be paid quarterly to the county auditor or director of finance, to be placed in the Real Estate Fraud Prosecution Trust Fund. The amount deducted for administrative costs shall not exceed 10 percent of the fees paid pursuant to this section.

(2) The fee imposed by paragraph (1) shall not apply to any real estate instrument, paper, or notice if any of the following apply:

(A) The real estate instrument, paper, or notice is accompanied by a declaration stating that the transfer is subject to a documentary transfer tax pursuant to Section 11911 of the Revenue and Taxation Code.

(B) The real estate instrument, paper, or notice is recorded concurrently with a document subject to a documentary transfer tax pursuant to Section 11911 of the Revenue and Taxation Code.

(C) The real estate instrument, paper, or notice is presented for recording within the same business day as, and is related to the recording of, a document subject to a documentary transfer tax pursuant to Section 11911 of the Revenue and Taxation Code. A real estate instrument, paper, or notice that is exempt under this subparagraph shall be accompanied by a statement that includes both of the following:

(i) A statement that the real estate instrument, paper, or notice is exempt from the fee imposed under paragraph (1).

(ii) A statement of the recording date and the recorder identification number or book and page of the previously recorded document.

(D) The real estate instrument, paper, or notice is presented for recording by and is for the benefit of the state or any county, municipality, or other political subdivision of the state.

(b) Money placed in the Real Estate Fraud Prosecution Trust Fund shall be expended to fund programs to enhance the capacity of local police and prosecutors to deter, investigate, and prosecute real estate fraud crimes. After deduction of the actual and necessary administrative costs referred to in subdivision (a), 60 percent of the funds shall be distributed to district attorneys subject to review pursuant to subdivision (d), and 40 percent of the funds shall be distributed to local law enforcement agencies within the county

in accordance with subdivision (c). In those counties where the investigation of real estate fraud is done exclusively by the district attorney, after deduction of the actual and necessary administrative costs referred to in subdivision (a), 100 percent of the funds shall be distributed to the district attorney, subject to review pursuant to subdivision (d). A portion of the funds may be directly allocated to the county recorder to support county recorder fraud prevention programs, including, but not limited to, the fraud prevention program provided for in Section 27297.7. Prior to establishing or increasing fees pursuant to this section, the board of supervisors may consider support for county recorder fraud prevention programs. The funds so distributed shall be expended for the exclusive purpose of deterring, investigating, and prosecuting real estate fraud crimes.

(c) The county auditor or director of finance shall distribute funds in the Real Estate Fraud Prosecution Trust Fund to eligible law enforcement agencies within the county pursuant to subdivision (b), as determined by a Real Estate Fraud Prosecution Trust Fund Committee composed of the district attorney, the county chief administrative officer, the chief officer responsible for consumer protection within the county, and the chief law enforcement officer of one law enforcement agency receiving funding from the Real Estate Fraud Prosecution Trust Fund, the latter being selected by a majority of the other three members of the committee. The chief law enforcement officer shall be a nonvoting member of the committee and shall serve a one-year term, which may be renewed. Members may appoint representatives of their offices to serve on the committee. If a county lacks a chief officer responsible for consumer protection, the county board of supervisors may appoint an appropriate representative to serve on the committee. The committee shall establish and publish deadlines and written procedures for local law enforcement agencies within the county to apply for the use of funds and shall review applications and make determinations by majority vote as to the award of funds using the following criteria:

(1) Each law enforcement agency that seeks funds shall submit a written application to the committee setting forth in detail the agency’s proposed use of the funds.

(2) In order to qualify for receipt of funds, each law enforcement agency submitting an application shall provide written evidence that the agency either:

(A) Has a unit, division, or section devoted to the investigation or prosecution of real estate fraud, or both, and the unit, division, or section has been in existence for at least one year prior to the application date.

(B) Has on a regular basis, during the three years immediately preceding the application date, accepted for investigation or prosecution, or both, and assigned to specific persons employed by the agency, cases of suspected real estate fraud, and actively investigated and prosecuted those cases.

(3) The committee's determination to award funds to a law enforcement agency shall be based on, but not be limited to, (A) the number of real estate fraud cases filed in the prior year; (B) the number of real estate fraud cases investigated in the prior year; (C) the number of victims involved in the cases filed; and (D) the total aggregated monetary loss suffered by victims, including individuals, associations, institutions, or corporations, as a result of the real estate fraud cases filed, and those under active investigation by that law enforcement agency.

(4) Each law enforcement agency that, pursuant to this section, has been awarded funds in the previous year, upon reapplication for funds to the committee in each successive year, in addition to any information the committee may require in paragraph (3), shall be required to submit a detailed accounting of funds received and expended in the prior year. The accounting shall include (A) the amount of funds received and expended; (B) the uses to which those funds were put, including payment of salaries and expenses, purchase of equipment and supplies, and other expenditures by type; (C) the number of filed complaints, investigations, arrests, and convictions that resulted from the expenditure of the funds; and (D) other relevant information the committee may reasonably require.

(d) The county board of supervisors shall annually review the effectiveness of the district attorney in deterring, investigating, and prosecuting real estate fraud crimes based upon information provided by the district attorney in an annual report. The district attorney shall submit the annual report to the board on or before September 1 of each year.

(e) A county shall not expend funds held in that county's Real Estate Fraud Prosecution Trust Fund until the county's auditor-controller verifies that the county's district attorney has submitted an annual report for the county's most recent full fiscal year pursuant to the requirements of subdivision (d).

(f) The intent of the Legislature in enacting this section is to have an impact on real estate fraud involving the largest number of victims. To the extent possible, an emphasis should be placed on fraud against individuals whose residences are in danger of, or are in, foreclosure as defined in subdivision (b) of Section 1695.1 of the Civil Code. Case filing decisions continue to be at the discretion of the prosecutor.

(g) A district attorney's office or a local enforcement agency that has undertaken investigations and prosecutions that will continue into a subsequent program year may receive nonexpended funds from the previous fiscal year subsequent to the annual submission of information detailing the accounting of funds received and expended in the prior year.

(h) No money collected pursuant to this section shall be expended to offset a reduction in any other source of funds. Funds from the Real Estate Fraud Prosecution Trust Fund shall be used only in connection with criminal investigations or prosecutions involving recorded real estate documents.

SEC. 20. Section 11165.1 of the Health and Safety Code, as added by Section 8 of Chapter 677 of the Statutes of 2019, is amended to read:

11165.1. (a) (1) (A) (i) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, Schedule IV, or Schedule V controlled substances pursuant to Section 11150 shall, upon receipt of a federal Drug Enforcement Administration (DEA) registration, submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of a patient that is maintained by the department. Upon approval, the department shall release to the practitioner or their delegate the electronic history of controlled substances dispensed to an individual under the practitioner's care based on data contained in the CURES Prescription Drug Monitoring Program (PDMP).

(ii) A pharmacist shall, upon licensure, submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of a patient that is maintained by the department. Upon approval, the department shall release to the pharmacist or their delegate the electronic history of controlled substances dispensed to an individual under the pharmacist's care based on data contained in the CURES PDMP.

(iii) A licensed physician and surgeon who does not hold a DEA registration may submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of the patient that is maintained by the department. Upon approval, the department shall release to the physician and surgeon or their delegate the electronic history of controlled substances dispensed to a patient under their care based on data contained in the CURES PDMP.

(iv) The department shall implement its duties described in clauses (i), (ii), and (iii) upon completion of any technological changes to the CURES database necessary to support clauses (i), (ii), and (iii), or by October 1, 2022, whichever is sooner.

(B) The department may deny an application or suspend a subscriber, for reasons that include, but are not limited to, the following:

(i) Materially falsifying an application to access information contained in the CURES database.

(ii) Failing to maintain effective controls for access to the patient activity report.

(iii) Having their federal DEA registration suspended or revoked.

(iv) Violating a law governing controlled substances or another law for which the possession or use of a controlled substance is an element of the crime.

(v) Accessing information for a reason other than to diagnose or treat a patient, or to document compliance with the law.

(C) An authorized subscriber shall notify the department within 30 days of a change to the subscriber account.

(D) An approved health care practitioner, pharmacist, or a person acting on behalf of a health care practitioner or pharmacist pursuant to subdivision (b) of Section 209 of the Business and Professions Code may use the department's online portal or a health information technology system that meets the criteria required in

subparagraph (E) to access information in the CURES database pursuant to this section. A subscriber who uses a health information technology system that meets the criteria required in subparagraph (E) to access the CURES database may submit automated queries to the CURES database that are triggered by predetermined criteria.

(E) An approved health care practitioner or pharmacist may submit queries to the CURES database through a health information technology system if the entity that operates the health information technology system certifies all of the following:

(i) The entity will not use or disclose data received from the CURES database for a purpose other than delivering the data to an approved health care practitioner or pharmacist or performing data processing activities that may be necessary to enable the delivery unless authorized by, and pursuant to, state and federal privacy and security laws and regulations.

(ii) The health information technology system will authenticate the identity of an authorized health care practitioner or pharmacist initiating queries to the CURES database and, at the time of the query to the CURES database, the health information technology system submits the following data regarding the query to CURES:

(I) The date of the query.

(II) The time of the query.

(III) The first and last name of the patient queried.

(IV) The date of birth of the patient queried.

(V) The identification of the CURES user for whom the system is making the query.

(iii) The health information technology system meets applicable patient privacy and information security requirements of state and federal law.

(iv) The entity has entered into a memorandum of understanding with the department that solely addresses the technical specifications of the health information technology system to ensure the security of the data in the CURES database and the secure transfer of data from the CURES database. The technical specifications shall be universal for all health information technology systems that establish a method of system integration to retrieve information from the CURES database. The memorandum of understanding shall not govern, or in any way impact or restrict, the use of data received from the CURES database or impose any additional burdens on covered entities in

compliance with the regulations promulgated pursuant to the federal Health Insurance Portability and Accountability Act of 1996 found in Parts 160 and 164 of Title 45 of the Code of Federal Regulations.

(F) No later than October 1, 2018, the department shall develop a programming interface or other method of system integration to allow health information technology systems that meet the requirements in subparagraph (E) to retrieve information in the CURES database on behalf of an authorized health care practitioner or pharmacist.

(G) The department shall not access patient-identifiable information in an entity's health information technology system.

(H) An entity that operates a health information technology system that is requesting to establish an integration with the CURES database shall pay a reasonable fee to cover the cost of establishing and maintaining integration with the CURES database.

(I) The department may prohibit integration or terminate a health information technology system's ability to retrieve information in the CURES database if the health information technology system fails to meet the requirements of subparagraph (E), or the entity operating the health information technology system does not fulfill its obligation under subparagraph (H).

(2) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, Schedule IV, or Schedule V controlled substances pursuant to Section 11150 or a pharmacist shall be deemed to have complied with paragraph (1) if the licensed health care practitioner or pharmacist has been approved to access the CURES database through the process developed pursuant to subdivision (a) of Section 209 of the Business and Professions Code.

(b) A request for, or release of, a controlled substance history pursuant to this section shall be made in accordance with guidelines developed by the department.

(c) In order to prevent the inappropriate, improper, or illegal use of Schedule II, Schedule III, Schedule IV, or Schedule V controlled substances, the department may initiate the referral of the history of controlled substances dispensed to an individual based on data contained in CURES to licensed health care practitioners, pharmacists, or both, providing care or services to the individual.

(d) The history of controlled substances dispensed to an individual based on data contained in CURES that is received by a practitioner or pharmacist from the department pursuant to this section is medical information subject to the provisions of the Confidentiality of Medical Information Act contained in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.

(e) Information concerning a patient's controlled substance history provided to a practitioner or pharmacist pursuant to this section shall include prescriptions for controlled substances listed in Sections 1308.12, 1308.13, 1308.14, and 1308.15 of Title 21 of the Code of Federal Regulations.

(f) A health care practitioner, pharmacist, or a person acting on behalf of a health care practitioner or pharmacist, when acting with reasonable care and in good faith, is not subject to civil or administrative liability arising from false, incomplete, inaccurate, or misattributed information submitted to, reported by, or relied upon in the CURES database or for a resulting failure of the CURES database to accurately or timely report that information.

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

(1) "Automated basis" means using predefined criteria to trigger an automated query to the CURES database, which can be attributed to a specific health care practitioner or pharmacist.

(2) "Department" means the Department of Justice.

(3) "Entity" means an organization that operates, or provides or makes available, a health information technology system to a health care practitioner or pharmacist.

(4) "Health information technology system" means an information processing application using hardware and software for the storage, retrieval, sharing of or use of patient data for communication, decisionmaking, coordination of care, or the quality, safety, or efficiency of the practice of medicine or delivery of health care services, including, but not limited to, electronic medical record applications, health information exchange systems, or other interoperable clinical or health care information system.

(h) This section shall become operative on July 1, 2021, or upon the date the department promulgates regulations to implement this section and posts those regulations on its internet website, whichever date is earlier.

SEC. 21. Chapter 1.6 (commencing with Section 24210) is added to Division 20 of the Health and Safety Code, to read:

Chapter 1.6. Forced or Involuntary Sterilization Compensation Program

24210. (a) There is hereby established the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board.

(b) The purpose of the program is to provide victim compensation to the following individuals:

(1) Any survivor of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979.

(2) Any survivor of coercive sterilization performed on an individual under the custody and control of the Department of Corrections and Rehabilitation after 1979.

(c) For purposes of this chapter, the following definitions apply:

(1) "Board" means the California Victim Compensation Board.

(2) "Program" means the Forced or Involuntary Sterilization Compensation Program.

(3) "Qualified recipient" means an individual who is eligible for victim compensation pursuant to this chapter by meeting the following requirements of either eligibility as a survivor of eugenics sterilization or as a survivor of coercive sterilization of imprisoned populations:

(A) Eligibility as a survivor of eugenics sterilization requires an individual to meet all of the following requirements:

(i) The individual was sterilized pursuant to eugenics laws that existed in the State of California between 1909 and 1979.

(ii) The individual was sterilized while the individual was at a facility under the control of the State Department of State Hospitals or the State Department of Developmental Services, including any of the following institutions:

(I) Agnews Developmental Center, formerly known as Agnews State Mental Hospital.

(II) Atascadero State Hospital.

(III) Camarillo State Hospital and Developmental Center.

(IV) DeWitt State Hospital.

(V) Fairview Developmental Center, formerly known as Fairview State Hospital.

(VI) Mendocino State Hospital.

(VII) Modesto State Hospital.

(VIII) Napa State Hospital, formerly known as Napa State Asylum for the Insane.

(IX) Metropolitan State Hospital, formerly known as Norwalk State Hospital.

(X) Frank D. Lanterman State Hospital and Developmental Center, formerly known as Pacific State Hospital or Pacific Colony.

(XI) Patton State Hospital, formerly known as Southern California State Asylum for the Insane and Inebriates.

(XII) Porterville Developmental Center, formerly known as Porterville State Hospital.

(XIII) Sonoma Developmental Center, formerly known as Sonoma State Hospital, Sonoma State Home, or California Home for the Care and Training of the Feeble Minded.

(XIV) Stockton Developmental Center, formerly known as Stockton State Hospital.

(iii) The individual is alive as of the start date of the program.

(B) Eligibility as a survivor of coercive sterilization of imprisoned populations requires an individual to meet all of the following requirements:

(i) The individual was sterilized while under the custody and control of the Department of Corrections and Rehabilitation and imprisoned in a state prison or reentry facility, community correctional facility, county jail, or any other institution in which they were involuntarily confined or detained under a civil or criminal statute.

(ii) The sterilization was not required for the immediate preservation of the individual’s life in an emergency medical situation.

(iii) The sterilization was not the consequence of a chemical sterilization program administered to convicted sex offenders.

(iv) The individual’s sterilization meets one of the following requirements:

(I) The individual was sterilized for a purpose that was not medically necessary, as determined by contemporaneous standards of evidence-based medicine.

(II) The individual was sterilized for the purpose of birth control.

(III) The individual was sterilized without demonstrated informed consent, for which evidence of a lack of consent includes, but is not limited to, the following:

(ia) Procurement of a pregnant individual's written consent within 30 days of anticipated or actual labor or delivery or less than 72 hours before emergency abdominal surgery and premature delivery.

(ib) Procurement of an individual's written consent less than 30 days before sterilization.

(ic) Failure of the prison administration to document written informed consent signed by the imprisoned individual.

(id) Failure of the prison administration to document the use of interpreters for non-English speakers to ensure understanding by the imprisoned individual of the medical treatment being consented to.

(ie) Failure of the prison administration to document the counseling of the imprisoned individual on, and offering a consultation of, treatment options that would not result in loss of reproductive capacity.

(if) Failure of the prison administration to document written informed consent to sterilization signed by the imprisoned individual if sterilization is performed in conjunction with or in addition to other surgery.

(ig) Failure of prison staff, employees, or agents to comply with requirements of Section 3440 of the Penal Code after its enactment, designed to prohibit and deter coercive sterilization of people in prison.

(IV) The sterilization was performed by means that are otherwise prohibited by law or regulation.

(4) "Start date of the program" means the date the program becomes operative pursuant to Section 24212.

24211. (a) The board shall do all of the following to implement the program:

(1) In consultation with community-based organizations, conduct outreach to locate qualified recipients and notify the qualified recipients of the process through which to apply for victim compensation. The board may use various methods to conduct outreach, including, but not limited to, modalities such as radio announcements, social media posts, and flyers to libraries, social service agencies, long-term care facilities, group homes, supported

living organizations, regional centers, and reentry programs. Additionally, the Department of Corrections and Rehabilitation shall post notice of the program, qualifications, and claim process in all California parole and probation offices, and all state prison yards in an area accessible to the prison population.

(2) Review and verify all applications for victim compensation.

(A) The board shall consult the HIPAA-compliant eugenic sterilization database developed by the Sterilization and Social Justice Lab at the University of Michigan and may consult records of the State Archives to verify the identity of an individual claiming the individual was sterilized pursuant to eugenics laws during the period of 1919 to 1952, inclusive.

(B) The board shall consult the records of the State Department of State Hospitals and the State Department of Developmental Services to verify the identity of an individual claiming to have been sterilized pursuant to eugenics laws during the period of 1953 to 1979, inclusive. The State Department of State Hospitals and the State Department of Developmental Services shall make every reasonable effort to locate and share with the board records that will help the board verify claims of individuals sterilized in state institutions from 1953 to 1979, inclusive. This information shall be provided to the board pursuant to the authorizations described in subdivision (aa) of Section 4514 of the Welfare and Institutions Code and paragraph (26) of subdivision (a) of Section 5328 of the Welfare and Institutions Code. The information 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. These data may be contained in documents such as institutional reports, annual reports, extant patient records, superintendents' files, and administrative records. The board shall maintain the confidentiality of any information received from the State Department of State Hospitals and the State Department of Developmental Services in accordance with Part 160 (commencing with Section 160.101) and Part 164 (commencing with Section 164.102) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations and Sections 4514 and 5328 of the Welfare and Institutions Code.

(C) The board shall consult the records obtained, collected, and considered within the state audit into coercive sterilizations in California women's prisons to verify the identity of individuals under the custody and control of the Department of Corrections and Rehabilitation who were coercively sterilized during labor and delivery within the scope and timeframe considered by the audit.

(D) The board shall consult with the Federal Receiver for Inmate Medical Services and the Department of Corrections and Rehabilitation to identify individuals who were coercively sterilized while under the custody and control of the Department of Corrections and Rehabilitation.

(E) The board shall consult the records of the Department of Corrections and Rehabilitation and its contracting medical facilities or providers, as necessary, to verify the identity of an individual claiming to have been coercively sterilized while under the custody and control of the Department of Corrections and Rehabilitation. The Department of Corrections and Rehabilitation shall make every reasonable effort to locate and share with the board records that will help the board verify claims of individuals sterilized while under state custody and control.

(F) The board shall allow a claimant to submit evidence that proves the claimant was either sterilized during the period of 1919 to 1979, inclusive, or was coercively sterilized while under the custody and control of the Department of Corrections and Rehabilitation after 1979. The board shall evaluate this evidence by a preponderance of the evidence standard to determine whether it is more likely than not that the claimant is a qualified recipient. The claimant's submission of evidence does not relieve the board of its responsibility to verify an individual's identity by consulting the resources described in subparagraphs (A) through (E), inclusive.

(G) The board shall not have the discretion to deny compensation to any claimant who is a qualified recipient.

(3) Include an area on the application for a claimant to voluntarily report demographic information about gender, race, ethnicity, disability, age, sexual orientation, and gender identity.

(4) Affirmatively identify and disclose coercive sterilizations that occurred in California prisons.

(A) The board shall affirmatively employ the measures outlined in subparagraphs (C) and (D) of paragraph (2) to identify qualified recipients who were sterilized while in the custody and control of

the Department of Corrections and Rehabilitation after 1979 and who have not personally or through an agent filed a claim for compensation.

(B) Upon identifying a qualified recipient, the board shall consult with other state and federal agencies and departments to determine contact information for the individual for purposes of disclosing the sterilization. To the extent permitted by federal law governing confidentiality of the applicable information, the board shall consult with additional entities, including, but not limited to, the Department of Corrections and Rehabilitation, the Employment Development Department, the Department of Motor Vehicles, the California Secretary of State, the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Department of Justice, and the Social Security Administration.

(C) In consultation with community-based prisoner advocacy organizations and municipal health agencies responsible for communicating risk of exposure to communicable diseases, the board shall develop a culturally competent and technologically appropriate mechanism of disclosing the sterilization and available compensation to qualified recipients. The notification protocol and procedure shall require access to free counseling, culturally and linguistically appropriate notification, and a diversity of communications technologies to maximize the likelihood that disclosure is successfully relayed to the individual. If the review of an individual's qualifications was initiated at an individual's request by the individual's physician, that physician shall be consulted and included in the notification and disclosure process.

(D) Upon identifying a qualified recipient who has not already submitted a claim for compensation and obtaining the qualified recipient's contact information, the board shall contact the municipal health agency responsible for communicating possible exposure to communicable diseases in that qualified recipient's geographic area when developing the notification protocol pursuant to subparagraph (C).

(E) Any notification protocol shall include notice of the availability of compensation under this chapter and information on how to submit a claim.

(5) Oversee the appeal process.

(b) (1) The board shall annually submit a report to the Legislature, including the number of applications submitted, the number of qualified individuals identified who have not filed an application and for whom disclosure is required, the number of disclosures communicated, the number of applications approved, the number of applications denied, the number of claimants paid, the number of appeals submitted, the result of those appeals, and the total amount paid in compensation.

(2) The report shall also include data on claimants' demographic information, including gender, race, ethnicity, disability, age, sexual orientation, and gender identity, as voluntarily provided on a claimant's application form. The report shall also include data about the age a claimant was sterilized and the facility where sterilization occurred, as verified by the board. Demographic information shall be reported in aggregate and the names of individual claimants shall be kept confidential.

(3) The report shall also include data on outreach methods or processes used by the board to reach potential claimants.

(4) The report shall be submitted in compliance with Section 9795 of the Government Code.

(5) The report shall be made available to the public.

(c) (1) The board shall develop and implement procedures to receive and process applications for victim compensation under this program no later than six months after the start date of the program.

(2) The board shall implement the outreach plan described in paragraph (4) of subdivision (a) beginning six months after the start date of the program.

24212. (a) This chapter shall become operative only upon an appropriation in the annual Budget Act or any other act approved by the Legislature for the express purpose of implementing this chapter. Upon appropriation, the board and departments specified in this chapter shall each post a notice on their internet websites informing the public of the date on which the program became operative.

(b) The Forced or Involuntary Sterilization Compensation Account is hereby established in the State Treasury, and shall be administered by the California Victim Compensation Board. Any funds appropriated for purposes of this chapter shall be held in this account and shall be used for the purpose of implementing

this chapter. Any costs incurred by any state department or agency for these purposes may be reimbursed from this account.

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 within 30 days of the receipt of the notice of decision. 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).

(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) After exhaustion of all appeals arising from the denial of an individual's application, but by no later than two years and nine months after the start date of the program, the board shall send a final payment to all qualified recipients. This final payment shall be calculated by dividing the remaining unencumbered balance of funds described in Section 24212 for victim compensation payments by the total number of qualified recipients.

24214. (a) A qualified recipient may assign victim compensation to a trust established for the qualified recipient's benefit.

(b) (1) The board shall include a provision on the application for victim compensation under this program that a claimant is authorized to designate a beneficiary for the claimant's victim compensation.

(2) If the claimant dies during the pendency of the claimant's application, or after the board determines that the claimant is a qualified recipient, the board shall award the victim compensation to the named beneficiary. If the claimant did not name a beneficiary, then the victim compensation shall remain with the board for expenditure in accordance with subdivision (b) of Section 24213.

(c) An application may be made by an individual's legally authorized representative if the individual satisfies the criteria for a qualified recipient, as specified in subdivision (c) of Section 24210.

24215. The State Department of State Hospitals, the State Department of Developmental Services, and the Department of Corrections and Rehabilitation, in consultation with stakeholders, including at least one member and one advocate of those who were sterilized under California's eugenics laws between 1909 to 1979, inclusive, and of those who were sterilized without proper authorization while imprisoned in California state prisons after 1979, shall establish markers or plaques at designated sites that acknowledge the wrongful sterilization of thousands of vulnerable people under eugenics policies and the subsequent sterilization of people in California's women's prisons caused, in part, by the forgotten lessons of the harms of the eugenics movement.

24216. The board shall keep confidential and not disclose to the public any record pertaining to either an individual's application for victim compensation or the board's verification of the application, including, but not limited to, claimant names and demographic information submitted on the application. Public disclosure of aggregated claimant information or the annual report required under subdivision (b) of Section 24211 is not a violation of this section.

24217. (a) Notwithstanding any other law, the payment made to a qualified recipient pursuant to this program shall not be considered any of the following:

(1) Taxable income for state tax purposes.

(2) Income or resources for purposes of determining the eligibility for, or amount of, any benefits or assistance under any state or local means-tested program.

(3) Income or resources in determining the eligibility for, or the amount of, any federal public benefits as provided by the Treatment of Certain Payments in Eugenics Compensation Act (42 U.S.C. Sec. 18501).

(4) Community property for the purpose of determining property rights under the Family Code and Probate Code.

(b) Notwithstanding any other law, the payment made to a qualified recipient pursuant to this program shall not be subject to any of the following:

(1) Enforcement of a money judgment under state law.

(2) A money judgment in favor of the State Department of Health Care Services for any period of time in which federal law or guidance has not been issued by the federal Centers for Medicare and Medicaid Services requiring the department to recover funds from the payments pursuant to this chapter for reimbursement of qualifying Medi-Cal expenditures. Following the death of a qualified recipient, both of the following shall apply as long as the federal law or guidance has not been issued:

(A) The state shall not seek recovery pursuant to Section 14009.5 of the Welfare and Institutions Code of any amount of the payment under the state's Medicaid plan established under Title XIX of the Social Security Act.

(B) The state shall not file a claim for the payment under Section 529A(f) of the Internal Revenue Code.

(3) The collection of owed child support.

(4) The collection of court-ordered restitution, fees, or fines.

SEC. 22. Section 880 of the Military and Veterans Code is amended to read:

880. (a) (1) The department shall, with existing funds or through appropriation by the Legislature, operate a competitive grant program, to be administered by the department. For purposes of this section, "existing funds" means funding already appropriated to any state department or agency, other than the department, for the purpose of providing services to veterans. The department may enter into memoranda of understanding with other state departments and agencies to implement this section.

(2) The department may cover reasonable administrative costs of implementing this section using the funds available for the competitive grant program.

(b) (1) Competitive grants shall be awarded to certified California veteran service providers, as defined in Section 881, for purposes of providing supportive services that improve the quality of life for veterans and their families. Supportive services may include, but are not limited to, housing assistance, health services, including mental and behavioral health services, counseling, small business assistance, case management, employment assistance, and job placement.

(2) Only a certified California veteran service provider is eligible to be awarded funds under the competitive grant program.

(3) Competitive grants shall be awarded in support of the state's strategic plan for providing veterans with transitional assistance, as described in Section 90.

(c) The department shall, no later than July 1, 2019, develop regulations for the implementation of the program. These standards shall include, but not be limited to, the grant application criteria, application scoring process, data collection, and accountability for grant program expenditures and metrics for evaluation of grants made.

(d) Prior to awarding competitive grants under this section, the department shall develop regulations to define criteria for supporting the state's strategic plan.

(e) All funds appropriated pursuant to this chapter shall be deposited in the Certified Veteran Service Provider Program Fund, which is hereby created in the State Treasury, and shall be available for expenditure by the department and exclusively for the support of the department in carrying out their duties and responsibilities under this chapter.

SEC. 23. Section 3502 of the Public Contract Code is amended to read:

3502. (a) By January 1, 2022, the department, in consultation with the State Air Resources Board, shall establish, and publish in the State Contracting Manual or a department management memorandum, or make available on the department's internet website, a maximum acceptable global warming potential for each category of eligible materials in accordance with both of the following requirements:

(1) The department shall set the maximum acceptable global warming potential at the industry average of facility-specific global warming potential emissions for that material with a phase-in period of not more than two years. The department shall determine the industry average by consulting recognized databases of environmental product declarations. If the department determines that the facility-specific environmental product declarations available do not adequately represent the industry as a whole, it may use industrywide environmental product declarations based on domestic production data in its calculation of the industry average. When determining the industry averages pursuant to this paragraph, the department should include all stages of manufacturing required by the relevant product category rule.

However, when setting the initial industry average, the department may exclude emissions that occur during fabrication stages, and make reasonable judgments aligned with the product category rule.

(2) The department shall express the maximum acceptable global warming potential as a number that states the maximum acceptable facility-specific global warming potential for each category of eligible materials. The department may set different maximums for different products within each category and, when more than one set of product category rules exists for a category or set of products, may set a different maximum for each set of product category rules. The global warming potential shall be provided in a manner that is consistent with criteria in an Environmental Product Declaration.

(b) The department, by January 1, 2022, shall submit a report to the Legislature that describes the method that the department used to develop the maximum global warming potential for each category of eligible materials pursuant to subdivision (a). The report required by this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(c) By January 1, 2025, and every three years thereafter, the department shall review the maximum acceptable global warming potential for each category of eligible materials established pursuant to subdivision (a), and may adjust that number downward for any eligible material to reflect industry improvements if the department, based on the process described in paragraph (1) of subdivision (a), determines that the industry average has changed, but the department shall not adjust that number upward for any eligible material. At that time, the department shall update the State Contracting Manual, department management memorandum, or information available on the department's internet website, to reflect that adjustment.

SEC. 24. Section 3503 of the Public Contract Code is amended to read:

3503. (a) An awarding authority shall require the successful bidder for a contract described in subdivision (b) to submit a current facility-specific Environmental Product Declaration, Type III, as defined by the International Organization for Standardization (ISO) standard 14025, or similarly robust life cycle assessment methods that have uniform standards in data collection consistent

with ISO standard 14025, industry acceptance, and integrity, for each eligible material proposed to be used.

(b) An awarding authority shall include in a specification for bids for an eligible project that the facility-specific global warming potential for any eligible material does not exceed the maximum acceptable global warming potential for that material determined pursuant to Section 3502. An awarding authority may include in a specification for bids for an eligible project a facility-specific global warming potential for any eligible material that is lower than the maximum acceptable global warming potential for that material determined pursuant to Section 3502.

(c) A successful bidder for a contract described in subdivision (b) shall not install any eligible materials on the project until that bidder submits a facility-specific Environmental Product Declaration for that material pursuant to subdivision (a).

(d) This section shall only apply to a contract entered into on or after July 1, 2022.

(e) This section shall not apply to an eligible material for a particular contract if the awarding authority determines, upon written justification published on its internet website, that requiring those eligible materials to comply would be technically infeasible, would result in a significant increase in the project cost or a significant delay in completion, or would result in only one source or manufacturer being able to provide the type of material needed by the state.

(f) This section shall not apply if the awarding authority determines that an emergency exists, as defined in Section 1102, or that any of the circumstances described in subdivisions (a) to (d), inclusive, of Section 10122 exist.

SEC. 25. Section 3505 of the Public Contract Code is amended to read:

3505. The department, by July 1, 2023, shall submit a report to the Legislature on any obstacles to the implementation of this article, and the effectiveness of this article to reduce global warming potential. The report required by this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 26. Article 6.5 (commencing with Section 10198) is added to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, to read:

Article 6.5. Progressive Design-Build Contracting

10198. For purposes of this article, the following definitions shall apply:

(a) "Best value" means a value determined by evaluation of objective criteria that relate to demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Other factors such as price, features, functions, and life-cycle costs may be considered. If the qualifications-based selection process includes estimates of cost as a factor, a best value determination may involve the selection of the lowest cost proposal meeting the interests of the department and meeting the objectives of the project, or a tradeoff between price and other specified factors.

(b) "Construction subcontract" means each subcontract awarded by the design-build entity to a subcontractor that will perform work or labor or render service to the design-build entity in or about the construction of the work or improvement, or a subcontractor licensed by the State of California that, under subcontract to the design-build entity, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications produced by the design-build team.

(c) "Department" means the Department of General Services.

(d) "Design-build entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

(e) "Design-build project" means a capital outlay project using the progressive design-build construction procurement process described in this article.

(f) "Design-build team" means the design-build entity itself and the individuals and other entities identified by the design-build entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.

(g) "Director" means the Director of General Services or their designee.

(h) "Guaranteed maximum price" means the maximum payment amount agreed upon by the department and the design-build entity

for the design-build entity to finish all remaining design, preconstruction, and construction activities sufficient to complete and close out the project.

(i) "Progressive design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project.

(j) "Qualifications-based selection" means the process by which the department solicits for services from the design-build entities.

10198.1. (a) (1) Notwithstanding any other law, and subject to the limitation of paragraph (2), the director may procure progressive design-build contracts.

(2) The authority under this article shall apply to no more than three capital outlay projects, which shall be determined jointly by the department and the Department of Finance.

(b) The director shall develop guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity that performs services for the department relating to the solicitation of a design-build project, to submit a proposal as a design-build entity, or to join a design-build team. This conflict-of-interest policy shall apply to each department entering into design-build contracts authorized under this article.

10198.2. The procurement process for progressive design-build projects shall progress as follows:

(a) The department shall prepare and issue a request for qualifications in order to select a design-build entity to execute the project. The request for qualifications shall include, but is not limited to, the following elements:

(1) Documentation of the size, type, and desired design character of the project and any other information deemed necessary to describe adequately the department's needs, including the expected cost range, the methodology that will be used by the department to evaluate the design-build entity's qualifications, the procedure for final selection of the design-build entity, and any other information deemed necessary by the department to inform interested parties of the contracting opportunity.

(2) Significant factors that the department reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, and all other nonprice-related factors.

The department may require that a cost estimate, including the detailed basis for the estimate, be included in the design-build entities' responses and consider those costs in evaluating the statements of qualifications.

(3) The relative importance or the weight assigned to each of the factors identified in the request for qualifications.

(4) A request for statements of qualifications with a template for the statement that is prepared by the department. The department shall require all of the following information in the statement and indicate, in the template, that the following information is required:

(A) If the design-build entity is a privately held corporation, limited liability company, partnership, or joint venture, a listing of all of the entity's shareholders, partners, or members known at the time of the statement of qualification submission who will perform work on the project.

(B) Evidence that the members of the design-build team have completed, or have demonstrated the experience, competency, capability, and capacity to complete, projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project, and a financial statement that ensures that the design-build entity has the capacity to complete the project.

(C) The licenses, registration, and credentials required to design and construct the project, including, but not limited to, information on the revocation or suspension of any license, credential, or registration.

(D) Evidence that establishes that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance.

(E) Information concerning workers' compensation experience history and a worker safety program.

(F) If the proposed design-build entity is a corporation, limited liability company, partnership, joint venture, or other legal entity, a copy of the organizational documents or agreement committing to form the organization.

(G) An acceptable safety record. A proposer's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and

its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or if the proposer is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.

(5) The information required under this subdivision shall be certified under penalty of perjury by the design-build entity and its general partners or joint venture members.

(b) (1) A design-build entity shall not be evaluated for selection unless the entity provides an enforceable commitment to the director that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract 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 one or more 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 the project or contract to use a skilled and trained workforce, and the entity agrees to be bound by that project labor agreement.

(B) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the department prior to January 1, 2022.

(C) The entity has entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

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

(c) At the close of the solicitation period, the department shall review the submissions. The department may evaluate submissions based solely upon the information provided in each design-build entities' statement of qualifications. The department may also interview some or all of the design-build entities to further evaluate their qualifications for the project.

(d) Notwithstanding any other provision of this code, upon issuance of a contract award, the department shall publicly announce its award, identifying the design-build entity to which

the award is made, along with a statement regarding the basis of the award. The statement regarding the department's contract award and the contract file shall provide sufficient information to satisfy an external audit.

10198.3. (a) The design-build entity shall provide payment and performance bonds for the project in the form and in the amount required by the director, and issued by a California admitted surety. The amount of the payment bond shall not be less than the amount of the performance bond.

(b) The design-build contract shall require errors and omissions insurance coverage for the design elements of the project.

(c) The department shall develop a standard form of payment and performance bond for its design-build projects.

10198.4. (a) After selecting a design-build entity based upon qualifications, the department may enter into a contract and direct the design-build entity to begin design and preconstruction activities sufficient to establish a guaranteed maximum price for the project.

(b) (1) Subject to Section 13332.19 of the Government Code, upon agreement of the guaranteed maximum price for the project, the department, at its sole and absolute discretion, may amend its contract to direct the design-build entity to complete the remaining design, preconstruction, and construction activities sufficient to complete and close out the project, and may add funds not exceeding the guaranteed maximum price to the contract for these activities.

(2) If the cost for completing all remaining design, preconstruction, and construction activities sufficient to complete and close out the project exceed the guaranteed maximum price, the costs exceeding the guaranteed maximum price shall be the responsibility of the design-build entity. If the cost for these activities are less than the guaranteed maximum price, the design-build entity shall not be entitled to the difference between the cost and the guaranteed maximum price. These amounts shall revert to the fund from which the appropriation was made.

(c) If the department and the design-build entity do not reach agreement on a guaranteed maximum price, or the department otherwise elects not to amend the design-build entity's contract to complete the remaining work, the department may solicit proposals to complete the project from firms that submitted statements of

qualifications pursuant to Section 10198.2. The department may also, upon written determination that it is in the best interest of the state to do so, formally solicit proposals from other design-build entities. Subject to Section 13332.19 of the Government Code, contract award shall be made on a best value basis.

10198.5. (a) The department, in each design-build request for qualifications, may identify specific types of subcontractors that shall be included in the design-build entity's statement of qualifications. All construction subcontractors that are identified in the statement of qualifications shall be afforded the protections of Chapter 4 (commencing with Section 4100) of Part 1.

(b) Following award of the design-build contract, except for those construction subcontractors listed in the statement of qualifications, the design-build entity shall proceed as listed in this subdivision in awarding construction subcontracts with a value exceeding one-half of 1 percent of the contract price allocable to construction work.

(1) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the department, including a fixed date and time on which qualifications statements, bids, or proposals will be due.

(2) Establish reasonable qualification criteria and standards.

(3) Award the subcontract either on a best value basis or to the lowest responsible bidder. The process may include prequalification or short-listing.

(c) Subcontractors awarded construction subcontracts under this subdivision shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1.

10198.6. (a) If the department elects to award a project pursuant to this article, retention proceeds withheld by the department from the design-build entity shall not exceed 5 percent if a performance and payment bond, issued by an admitted surety insurer, is required in the solicitation. Work performed to establish the guaranteed maximum price shall not be subject to retention.

(b) In a contract between the design-build entity and a subcontractor, and in a contract between a subcontractor and any subcontractor thereunder, the percentage of the retention proceeds withheld shall not exceed the percentage specified in the contract between the department and the design-build entity. If the

design-build entity provides written notice to any subcontractor that is not a member of the design-build entity, before or at the time the bid is requested, that a bond may be required, and the subcontractor subsequently is unable or refuses to furnish a bond to the design-build entity, then the design-build entity may withhold retention proceeds in excess of the percentage specified in the contract between the department and the design-build entity from any payment made by the design-build entity to the subcontractor.

10198.7. Nothing in this article affects, expands, alters, or limits any rights or remedies otherwise available at law.

10198.8. (a) The department shall submit to the Joint Legislative Budget Committee, on or before January 1, 2026, a report containing a description of each public works project procured by the department through the progressive design-build process described in this article that is completed after January 1, 2022, and before December 1, 2025.

(b) The report described in subdivision (a) shall include, but is not limited to, all of the following information:

(1) The type of project.

(2) The gross square footage of the project.

(3) The design-build entity that was awarded the project.

(4) The estimated and actual project costs.

(5) An assessment of the selection process and criteria required by this article.

(6) An assessment of the effects of the progressive design-build process described in this article on cost and schedule for the project.

(7) The number of specialty subcontractors listed by construction trade type, on each project, that provided design services, but did not meet the target price for their scope of work and therefore did not perform construction services on that project.

(8) Whether or not any portion of a design prepared by the specialty subcontractor that did not perform the construction work for that design was used by the department.

(9) In instances where the department determined that the guaranteed maximum price of any subcontract exceeded the anticipated target price for that portion of the project, which subcontracts were impacted and on what basis the department determined what the anticipated target price was.

(10) The number of specialty subcontractors listed by construction trade type, on each project, that meet the definition

of a small business under subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 14837 of the Government Code.

(11) The number of specialty subcontractors listed by construction trade type, on each project, that meet the definition of a microbusiness under paragraph (2) of subdivision (d) of Section 14837 of the Government Code.

(c) The report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 27. Section 25208 is added to the Public Resources Code, to read:

25208. (a) By March 1, 2022, and by each March 1 thereafter, until March 1, 2027, the commission shall submit a report to the relevant policy committees of the Legislature and the Joint Legislative Budget Committee describing programmatic activities and spending pursuant to the School Energy Efficiency Stimulus Program.

(b) The report shall include both of the following:

(1) A description of any changes to guidelines and budget.

(2) A summary of past spending, activities funded, and expected changes in funding and activities for the next year.

(c) As part of the report, the commission may include information that is already provided in reports submitted to and approved by the Public Utilities Commission, as applicable.

(d) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2032.

SEC. 28. Section 25403.2 is added to the Public Resources Code, to read:

25403.2. (a) Using the moneys appropriated pursuant to Items 3360-105-0001 and 3360-005-0001 of Section 2.00 of the Budget Act of 2021, the commission shall implement and administer a statewide program to incentivize the construction of new multifamily and single-family market-rate residential buildings as all-electric buildings or with energy storage systems. The commission shall provide a combined incentive if a building is both all electric and has an energy storage system.

(b) The program implemented and administered pursuant to this section shall be known as the Building Initiative for Low-Emissions Development Program Phase 2.

(c) In implementing and administering the Building Initiative for Low-Emissions Development Program Phase 2, the commission shall do all of the following:

(1) Before June 30, 2022, develop and approve program guidelines in a public process.

(2) Make program applications available within 30 days of the commission approving the guidelines pursuant to paragraph (1).

(3) Ensure, to the extent reasonable, that the program incentivizes the construction of buildings as all electric or with energy storage systems that would not have otherwise been constructed as all electric or with energy storage systems but for the Building Initiative for Low-Emissions Development Program Phase 2.

(4) Ensure, to the extent reasonable, that the program incentivizes the installation of technologies not otherwise required pursuant to the applicable local and state building codes.

(d) A goal of the Building Initiative for Low-Emissions Development Program Phase 2 is to spur significant market adoption of all-electric buildings and energy storage systems.

(e) The commission may pay an incentive upfront if not doing so would inhibit participation in the Building Initiative for Low-Emissions Development Program Phase 2.

SEC. 29. Section 1601 of the Public Utilities Code is amended to read:

1601. For purposes of this chapter, the following terms have the following meanings:

(a) "Local educational agency" means a school district as defined in Section 41302.5 of the Education Code, a charter school that has been granted a charter pursuant to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code, or a regional occupational center established pursuant to Section 52301 of the Education Code that is operated by a joint powers authority and that has an active career technical education advisory committee pursuant to Section 8070 of the Education Code.

(b) "SRVEVR Program" means the School Reopening Ventilation and Energy Efficiency Verification and Repair Program as specified in Article 3 (commencing with Section 1620).

(c) "Skilled and trained workforce" has the same meaning as set forth in Section 2601 of the Public Contract Code.

(d) "SNPFA Program" means the School Noncompliant Plumbing Fixture and Appliance Program as specified in Article 4 (commencing with Section 1630).

(e) "Underserved community" means a community that meets one of the following criteria:

(1) Is a "disadvantaged community" as defined by subdivision (g) of Section 75005 of the Public Resources Code.

(2) Is included within the definition of "low-income communities" as defined by paragraph (2) of subdivision (d) of Section 39713 of Health and Safety Code.

(3) Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen.

(4) Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program.

(5) Is a community located on lands belonging to a federally recognized California Indian tribe.

(f) "Utility" or "utilities" means both of the following:

(1) An electrical corporation with 250,000 or more customer accounts within the state.

(2) A gas corporation with 400,000 or more customer accounts within the state.

SEC. 30. Section 1615 of the Public Utilities Code is amended to read:

1615. (a) (1) The commission shall require each utility to fund the School Energy Efficiency Stimulus Program by allocating their energy efficiency budgets for program years 2021, 2022, and 2023, in both of the following amounts:

(A) An amount equal to the applicable percentage of the difference between the budget contained in each utility's 2020 annual budget advice letter approved as of July 1, 2020, and the annual portfolio funding limitation for program year 2020 as set forth in the 2018–2025 business plan of each utility as approved and modified in ordering paragraph 45 of the commission's Decision 18-05-041 (May 31, 2019) Decision Addressing Energy Efficiency Business Plans, as modified by Decision 20-02-029 (February 6, 2020) Order Modifying Decision (D.) 18-05-041 and

Denying Rehearing of Decision, as Modified. The applicable percentage is 80 percent for program year 2021, 70 percent for program year 2022, and 60 percent for program year 2023.

(B) Any carryover amount from unspent and uncommitted energy efficiency funds for program year 2020, 2021, or 2022 to the School Energy Efficiency Stimulus Program for the following year's budget.

(2) Funding allocations required by this subdivision shall only apply to program years 2021, 2022, and 2023.

(3) Any funds allocated towards the School Energy Efficiency Stimulus Program pursuant to this section that remain unspent by the end of each program year may be carried over and contribute to the next year's budget for the School Energy Efficiency Stimulus Program until the end of the 2023 energy efficiency program year.

(b) (1) This section does not authorize the levy of a charge or any increase in the amount collected pursuant to an existing charge beyond the amounts authorized by the commission in Decision 18-05-041, or as modified by Decision 20-02-029, nor does it add to, or detract from, any existing authority of the commission to levy or increase charges.

(2) This subdivision does not change the commission's authority to determine revenue allocation and rate design, including its ability to prioritize customers participating in the California Alternative Rates for Energy or Family Electric Rate Assistance programs when considering appropriate revenue allocation for energy efficiency programs.

(c) The Energy Commission shall ensure that moneys from each utility for the School Energy Efficiency Stimulus Program are used for projects located in the service territory of that utility from which the moneys are received.

(d) The Energy Commission may use no more than 5 percent, not to exceed five million dollars ($5,000,000) per year, of the SRVEVR Program and the SNPFA Program funds for administrating the programs, including providing technical support to program participants. The commission shall ensure that funds allocated to the Energy Commission pursuant to this section are transferred to an account specified by the Energy Commission within 60 days after the completion of the prior energy efficiency program year.

(e) (1) The School Energy Efficiency Stimulus Program Fund was administratively established for the Energy Commission to receive funds allocated pursuant to this chapter.

(2) Notwithstanding Section 13340 of the Government Code, the moneys in the School Energy Efficiency Stimulus Program Fund are hereby continuously appropriated to the Energy Commission without regard to fiscal years for the purposes of the School Energy Efficiency Stimulus Program established pursuant to this chapter, including, but not limited to, paying the costs of program administration.

(f) All funds allocated in subdivision (a) shall be spent or returned to each utility by December 1, 2026.

(g) The Energy Commission may set application and encumbrance deadlines to ensure that the reversion of funds as required by subdivision (f) occurs by December 1, 2026.

(h) The Energy Commission shall take steps, consistent with Section 25230 of the Public Resources Code, to ensure that a diverse group of contractors are aware of funding opportunities available through the School Energy Efficiency Stimulus Program.

SEC. 31. Section 1604 of the Revenue and Taxation Code is amended to read:

1604. (a) (1) In counties of the first class, annually, on the fourth Monday in September, the county board shall meet to equalize the assessment of property on the local roll. It shall continue to meet for that purpose, from time to time, until the business of equalization is disposed of.

(2) In all other counties, annually, on the third Monday in July, the county board shall meet to equalize the assessment of property on the local roll. It shall continue to meet for that purpose, from time to time, until the business of equalization is disposed of.

(b) (1) An application for a reduction in an assessment filed pursuant to Section 1603 shall also constitute a sufficient claim for refund, if the applicant states in the application that the application is also intended to constitute a claim for refund pursuant to the provisions of Section 5097.

(2) The county board shall have no power to receive or hear any application for a reduction in an escaped assessment made pursuant to Section 531.1 nor a penal assessment levied in respect thereto, nor to reduce those assessments.

(c) If the county board fails to hear evidence and fails to make a final determination on the application for reduction in assessment of property within two years of the timely filing of the application, the applicant's opinion of value as reflected on the application for reduction in assessment shall be the value upon which taxes are to be levied for the tax year or tax years covered by the application, unless either of the following occurs:

(1) The applicant and the county board mutually agree in writing, or on the record, to an extension of time for the hearing.

(2) The application for reduction is consolidated for hearing with another application by the same applicant with respect to which an extension of time for the hearing has been granted pursuant to paragraph (1). In no case shall the application be consolidated without the applicant's written agreement after the two-year time period has passed or after an extension of the two-year time period previously agreed to by the applicant has expired.

The reduction in assessment reflecting the applicant's opinion of value shall not be made, however, until two years after the close of the filing period during which the timely application was filed. Further, this subdivision shall not apply to applications for reductions in assessments of property where the applicant has failed to provide full and complete information as required by law or where litigation is pending directly relating to the issues involved in the application.

(d) (1) When the applicant's opinion of value, as stated on the application, has been placed on the assessment roll pursuant to subdivision (c), and the application requested a reduction in the base year value of an assessment, the applicant's opinion of value shall remain on the roll until the county board makes a final determination on the application. The value so determined by the county board, plus appropriate adjustments for the inflation factor, shall be entered on the assessment roll for the fiscal year in which the value is determined. No increased or escape taxes other than those required by a purchase, change in ownership, or new construction, or resulting from application of the inflation factor to the applicant's opinion of value shall be levied for the tax years during which the county board failed to act.

(2) When the applicant's opinion of value has been placed on the assessment roll pursuant to subdivision (c) for any application

other than an application requesting a reduction in base year value, the applicant's opinion of value shall be enrolled on the assessment roll for the tax year or tax years covered by that application.

(e) The county board shall notify the applicant in writing of any decision by that board not to hold a hearing on the applicant's application for reduction in assessment within the two-year period specified in subdivision (c) or, if applicable, within the period as modified by subdivision (f). This notice shall also inform the applicant that the applicant's opinion of value as reflected on the application for reduction in assessment shall, as a result of the county board's failure to hold a hearing within the prescribed time period, be the value upon which taxes are to be levied in the absence of the application of either paragraph (1) or (2) of subdivision (c).

(f) (1) Notwithstanding subdivision (c) or any other law, the two-year deadline by which a county board is required under subdivision (c) to render a final determination on a qualified application shall be extended until December 31, 2021. This extension of the two-year deadline shall apply retroactively to all qualified applications that have a two-year deadline under subdivision (c) occurring during the period beginning on March 4, 2020, through December 31, 2021, inclusive.

(2) For purposes of this subdivision, "qualified application" means a pending application for reduction in assessment of property as described in subdivision (c) that is timely filed with the county board and has a two-year deadline under subdivision (c) occurring during the period beginning on March 4, 2020, through December 31, 2021, inclusive.

SEC. 32. Section 4514 of the Welfare and Institutions Code is amended to read:

4514. All information and records obtained in the course of providing intake, assessment, and services under Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100) to persons with developmental disabilities shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients before 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:

(a) In communications between qualified professional persons, whether employed by a regional center or state developmental center, or not, in the provision of intake, assessment, and services or appropriate referrals. The consent of the person with a developmental disability, or the person's guardian or conservator, shall be obtained before information or records may be disclosed by regional center or state developmental center personnel to a professional not employed by the regional center or state developmental center, or a program not vendored by a regional center or state developmental center.

(b) When the person with a developmental disability, who has the capacity to give informed consent, designates individuals to whom information or records may be released. This chapter does not compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to the person in confidence by a family member of the person unless a valid release has been executed by that family member.

(c) To the extent necessary for a claim, or for a claim or application to be made on behalf of a person with a developmental disability for aid, insurance, government benefit, or medical assistance to which the person may be entitled.

(d) If the person with a developmental disability is a minor, dependent ward, or conservatee, and the person's parent, guardian, conservator, limited conservator with access to confidential records, or authorized representative, designates, in writing, persons to whom records or information may be disclosed. This chapter does not compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to the person in confidence by a family member of the person unless a valid release has been executed by that family member.

(e) For research, if the Director of Developmental Services designates, by regulation, rules for the conduct of research and requires the research to be first reviewed by the appropriate institutional review board or boards. These rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows:

“ _____
Date

As a condition of doing research concerning persons with developmental disabilities who have received services from ____ (fill in the facility, agency, or person), I, ____, agree to obtain the prior informed consent of persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, or the person’s parent, guardian, or conservator, and I further agree not to divulge any information obtained in the course of the research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services so those persons who received services are identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____”
Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Committee on Rules or the Assembly Committee on Rules for the purposes of legislative investigation authorized by the committee.

(i) To the courts and designated parties as part of a regional center report or assessment in compliance with a statutory or regulatory requirement, including, but not limited to, Section 1827.5 of the Probate Code, Sections 1001.22 and 1370.1 of the Penal Code, and Section 6502 of this code.

(j) To the attorney for the person who was sterilized or alleges they have been sterilized, or to the attorney of an individual with a developmental disability in any and all proceedings upon presentation of a release of information signed by the person, except that when the person lacks the capacity to give informed consent, the regional center or state developmental center director

or designee, upon satisfying themselves of the identity of the attorney, and of the fact that the attorney represents the person, shall release all information and records relating to the person. This article does not compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to the person in confidence by a family member of the person unless a valid release has been executed by that family member.

(k) Upon written consent by a person with a developmental disability previously or presently receiving services from a regional center or state developmental center, the director of the regional center or state developmental center, or the director's designee, may release any information, except information that has been given in confidence by members of the family of the person with a developmental disability, requested by a probation officer charged with the evaluation of the person after the person's conviction of a crime if the regional center or state developmental center director or designee determines that the information is relevant to the evaluation. The consent shall only be operative until sentence is passed on the crime for which the person was convicted. The confidential information released pursuant to this subdivision shall be transmitted to the court separately from the probation report and shall not be placed in the probation report. The confidential information shall remain confidential except for purposes of sentencing. After sentencing, the confidential information shall be sealed.

(*l*) Between persons who are trained and qualified to serve on multidisciplinary personnel teams, as defined in subdivision (d) of Section 18951. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused child and the child's parents pursuant to Chapter 11 (commencing with Section 18950) of Part 6 of Division 9.

(m) When a person with a developmental disability dies from any cause, natural or otherwise, while hospitalized in a state developmental center, the State Department of Developmental Services, the physician and surgeon in charge of the client, or the professional in charge of the facility or the professional's designee, shall release the patient's medical record to a medical examiner,

forensic pathologist, or coroner, upon request. Except for the purposes included in paragraph (8) of subdivision (b) of Section 56.10 of the Civil Code, a medical examiner, forensic pathologist, or coroner shall not disclose any information contained in the medical record obtained pursuant to this subdivision without a court order or authorization pursuant to paragraph (4) of subdivision (c) of Section 56.11 of the Civil Code.

(n) To authorized licensing personnel who are employed by, or who are authorized representatives of, the State Department of Public Health, and who are licensed or registered health professionals, and to authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate health facilities and community care facilities, and to ensure that the standards of care and services provided in these facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facility is subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 2 (commencing with Section 1250) and Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Public Health or the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Public Health or the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Public Health or the State

Department of Social Services shall not contain the name of the person with a developmental disability.

(o) To a board that licenses and certifies professionals in the fields of mental health and developmental disabilities pursuant to state law, when the Director of Developmental Services has reasonable cause to believe that there has occurred a violation of a law subject to the jurisdiction of a board and the records are relevant to the violation. The information shall be sealed after a decision is reached in the matter of the suspected violation, and shall not subsequently be released except in accordance with this subdivision. Confidential information in the possession of the board shall not contain the name of the person with a developmental disability.

(p) (1) To governmental law enforcement agencies by the director of a regional center or state developmental center, or the director's designee, when (A) the person with a developmental disability has been reported lost or missing or (B) there is probable cause to believe that a person with a developmental disability has committed, or has been the victim of, murder, manslaughter, mayhem, aggravated mayhem, kidnapping, robbery, carjacking, assault with the intent to commit a felony, arson, extortion, rape, forcible sodomy, forcible oral copulation, assault or battery, or unlawful possession of a weapon, as provided in any provision listed in Section 16590 of the Penal Code.

(2) This subdivision shall be limited solely to information directly relating to the factual circumstances of the commission of the enumerated offenses and shall not include information relating to the mental state of the patient or the circumstances of the patient's treatment unless relevant to the crime involved.

(3) This subdivision is not an exception to, and does not in any other way affect, the provisions of Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, or Chapter 11 (commencing with Section 15600) and Chapter 13 (commencing with Section 15750) of Part 3 of Division 9.

(q) To the Division of Juvenile Facilities and Department of Corrections and Rehabilitation or any component thereof, as necessary to the administration of justice.

(r) To an agency mandated to investigate a report of abuse filed pursuant to either Section 11164 of the Penal Code or Section 15630 of this code for the purposes of either a mandated or

voluntary report or when those agencies request information in the course of conducting their investigation.

(s) When a person with a developmental disability, or the parent, guardian, or conservator of a person with a developmental disability who lacks capacity to consent, fails to grant or deny a request by a regional center or state developmental center to release information or records relating to the person with a developmental disability within a reasonable period of time, the director of the regional or developmental center, or the director's designee, may release information or records on behalf of that person if both of the following conditions are met:

(1) Release of the information or records is deemed necessary to protect the person's health, safety, or welfare.

(2) The person, or the person's parent, guardian, or conservator, has been advised annually in writing of the policy of the regional center or state developmental center for release of confidential client information or records when the person with developmental disabilities, or the person's parent, guardian, or conservator, fails to respond to a request for release of the information or records within a reasonable period of time. A statement of policy contained in the client's individual program plan shall be deemed to comply with the notice requirement of this paragraph.

(t) (1) When an employee is served with a notice of adverse action, as defined in Section 19570 of the Government Code, the following information and records may be released:

(A) All information and records that the appointing authority relied upon in issuing the notice of adverse action.

(B) All other information and records that are relevant to the adverse action, or that would constitute relevant evidence as defined in Section 210 of the Evidence Code.

(C) The information described in subparagraphs (A) and (B) may be released only if both of the following conditions are met:

(i) The appointing authority has provided written notice to the consumer and the consumer's legal representative or, if the consumer has no legal representative or if the legal representative is a state agency, to the clients' rights advocate, and the consumer, the consumer's legal representative, or the clients' rights advocate has not objected in writing to the appointing authority within five business days of receipt of the notice, or the appointing authority, upon review of the objection has determined that the circumstances

on which the adverse action is based are egregious or threaten the health, safety, or life of the consumer or other consumers and without the information the adverse action could not be taken.

(ii) The appointing authority, the person against whom the adverse action has been taken, and the person's representative, if any, have entered into a stipulation that does all of the following:

(I) Prohibits the parties from disclosing or using the information or records for any purpose other than the proceedings for which the information or records were requested or provided.

(II) Requires the employee and the employee's legal representative to return to the appointing authority all records provided to them under this subdivision, including, but not limited to, all records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representative because they were from a source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents submitted to the administrative tribunal as a component of an appeal from the adverse action.

(III) Requires the parties to submit the stipulation to the administrative tribunal with jurisdiction over the adverse action at the earliest possible opportunity.

(2) For the purposes of this subdivision, the State Personnel Board may issue, before an appeal from adverse action being filed with it, a protective order, upon application by the appointing authority, for the limited purpose of prohibiting the parties from disclosing or using information or records for any purpose other than the proceeding for which the information or records were requested or provided, and to require the employee or the employee's legal representative to return to the appointing authority all records provided to them under this subdivision, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents that are no longer in the possession of the employee or the employee's legal representatives because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(3) Individual identifiers, including, but not limited to, names, social security numbers, and hospital numbers, that are not necessary for the prosecution or defense of the adverse action, shall not be disclosed.

(4) All records, documents, or other materials containing confidential information protected by this section that have been submitted or otherwise disclosed to the administrative agency or other person as a component of an appeal from an adverse action shall, upon proper motion by the appointing authority to the administrative tribunal, be placed under administrative seal and shall not, thereafter, be subject to disclosure to any person or entity except upon the issuance of an order of a court of competent jurisdiction.

(5) For purposes of this subdivision, an adverse action becomes final when the employee fails to answer within the time specified in Section 19575 of the Government Code, or, after filing an answer, withdraws the appeal, or, upon exhaustion of the administrative appeal or of the judicial review remedies as otherwise provided by law.

(u) To the person appointed as the developmental services decisionmaker for a minor, dependent, or ward pursuant to Section 319, 361, or 726.

(v) To a protection and advocacy agency established pursuant to Section 4901, to the extent that the information is incorporated within any of the following:

(1) An unredacted facility evaluation report form or an unredacted complaint investigation report form of the State Department of Social Services. This information shall remain confidential and subject to the confidentiality requirements of subdivision (f) of Section 4903.

(2) An unredacted citation report, unredacted licensing report, unredacted survey report, unredacted plan of correction, or unredacted statement of deficiency of the State Department of Public Health, prepared by authorized licensing personnel or authorized representatives described in subdivision (n). This information shall remain confidential and subject to the confidentiality requirements of subdivision (f) of Section 4903.

(w) To the regional center clients' rights advocate who provides service pursuant to Section 4433, unless the consumer objects on the consumer's own behalf, for the purpose of providing authorized

clients' rights advocacy services pursuant to Section 4418.25 or 4418.7, subparagraph (B) or (C) of paragraph (9) of subdivision (a) of Section 4648, Sections 4684.80 to 4684.87, inclusive, or Section 4698 or 7502.5 of this code, or Section 1267.75 or 1531.15 of the Health and Safety Code.

(x) For purposes of this section, a reference to a "medical examiner, forensic pathologist, or coroner" means a coroner or deputy coroner, as described in subdivision (c) of Section 830.35 of the Penal Code, or a licensed physician who currently performs official autopsies on behalf of a county coroner's office or a medical examiner's office, whether as a government employee or under contract to that office.

(y) To authorized personnel who are employed by the Employment Development Department as necessary to enable the Employment Development Department to provide the information required to be disclosed to the State Department of Developmental Services pursuant to subdivision (ak) of Section 1095 of the Unemployment Insurance Code. The Employment Development Department shall maintain the confidentiality of information provided to it by the State Department of Developmental Services to the same extent as if the Employment Development Department had acquired the information directly.

(z) To authorized personnel who are employed by the State Department of Social Services as necessary to enable the department to provide the information required to be disclosed to the State Department of Developmental Services pursuant to Section 10850.6. The State Department of Social Services shall maintain the confidentiality of any information provided to it by the State Department of Developmental Services to the same extent as if the State Department of Social Services had directly acquired that information.

(aa) To authorized personnel who are employed by the California Victim Compensation Board for the purposes of verifying the identity and eligibility of individuals claiming compensation pursuant to the Forced or Involuntary Sterilization Compensation Program described in Chapter 1.6 (commencing with Section 24210) of Division 20 of the Health and Safety Code. The California Victim Compensation Board shall maintain the confidentiality of any information or records received from the department in accordance with Part 160 (commencing with Section

160.101) and Part 164 (commencing with Section 164.102) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations and this section. Public disclosure of aggregated claimant information or the annual report required under subdivision (b) of Section 24211 of the Health and Safety Code is not a violation of this section.

SEC. 33. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. (a) All information and records obtained in the course of providing services under Division 4 (commencing with Section 4000), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100), to either voluntary or involuntary recipients of services are confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients before 1969 are also confidential. Information and records shall be disclosed only in any of the following cases:

(1) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or the patient's guardian or conservator, shall be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical or psychological responsibility for the patient's care.

(2) If the patient, with the approval of the physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, or licensed professional clinical counselor, who is in charge of the patient, designates persons to whom information or records may be released, except that this article does not compel a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, attorney, or other professional person to reveal information that has been given to the person in confidence by members of a patient's family. This paragraph does not authorize a licensed marriage and family therapist or licensed professional clinical counselor to provide

services or to be in charge of a patient's care beyond the therapist's or counselor's lawful scope of practice.

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which the recipient may be entitled.

(4) If the recipient of services is a minor, ward, dependent, or conservatee, and the recipient's parent, guardian, guardian ad litem, conservator, or authorized representative designates, in writing, persons to whom records or information may be disclosed, except that this article does not compel a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, attorney, or other professional person to reveal information that has been given to the person in confidence by members of a patient's family.

(5) For research, provided that the Director of Health Care Services, the Director of State Hospitals, the Director of Social Services, or the Director of Developmental Services designates by regulation, rules for the conduct of research and requires the research to be first reviewed by the appropriate institutional review board or boards. The rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows:

_____

Date

As a condition of doing research concerning persons who have received services from ____ (fill in the facility, agency, or person), I, ____, agree to obtain the prior informed consent of those persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, and I further agree not to divulge any information obtained in the course of that research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

(6) To the courts, as necessary to the administration of justice.

(7) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(8) To the Senate Committee on Rules or the Assembly Committee on Rules for the purposes of legislative investigation authorized by the committee.

(9) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

(10) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign the release, the staff of the facility, upon satisfying itself of the identity of the attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient, except that this article does not compel a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, attorney, or other professional person to reveal information that has been given to the person in confidence by members of a patient's family.

(11) Upon written agreement by a person previously confined in or otherwise treated by a facility, the professional person in charge of the facility or the professional person's designee may release any information, except information that has been given in confidence by members of the person's family, requested by a probation officer charged with the evaluation of the person after the person's conviction of a crime if the professional person in charge of the facility determines that the information is relevant to the evaluation. The agreement shall only be operative until sentence is passed on the crime of which the person was convicted. The confidential information released pursuant to this paragraph shall be transmitted to the court separately from the probation report and shall not be placed in the probation report. The confidential information shall remain confidential except for

purposes of sentencing. After sentencing, the confidential information shall be sealed.

(12) (A) Between persons who are trained and qualified to serve on multidisciplinary personnel teams pursuant to subdivision (d) of Section 18951. The information and records sought to be disclosed shall be relevant to the provision of child welfare services or the investigation, prevention, identification, management, or treatment of child abuse or neglect pursuant to Chapter 11 (commencing with Section 18950) of Part 6 of Division 9. Information obtained pursuant to this paragraph shall not be used in any criminal or delinquency proceeding. This paragraph does not prohibit evidence identical to that contained within the records from being admissible in a criminal or delinquency proceeding, if the evidence is derived solely from means other than this paragraph, as permitted by law.

(B) As used in this paragraph, "child welfare services" means those services that are directed at preventing child abuse or neglect.

(13) To county patients' rights advocates who have been given knowing voluntary authorization by a client or a guardian ad litem. The client or guardian ad litem, whoever entered into the agreement, may revoke the authorization at any time, either in writing or by oral declaration to an approved advocate.

(14) To a committee established in compliance with Section 14725.

(15) In providing information as described in Section 7325.5. This paragraph does not permit the release of any information other than that described in Section 7325.5.

(16) To the county behavioral health director or the director's designee, or to a law enforcement officer, or to the person designated by a law enforcement agency, pursuant to Sections 5152.1 and 5250.1.

(17) If the patient gives consent, information specifically pertaining to the existence of genetically handicapping conditions, as defined in Section 125135 of the Health and Safety Code, may be released to qualified professional persons for purposes of genetic counseling for blood relatives upon request of the blood relative. For purposes of this paragraph, "qualified professional persons" means those persons with the qualifications necessary to carry out the genetic counseling duties under this paragraph as determined by the genetic disease unit established in the State Department of

Health Care Services under Section 125000 of the Health and Safety Code. If the patient does not respond or cannot respond to a request for permission to release information pursuant to this paragraph after reasonable attempts have been made over a two-week period to get a response, the information may be released upon request of the blood relative.

(18) If the patient, in the opinion of the patient's psychotherapist, presents a serious danger of violence to a reasonably foreseeable victim or victims, then any of the information or records specified in this section may be released to that person or persons and to law enforcement agencies and county child welfare agencies as the psychotherapist determines is needed for the protection of that person or persons. For purposes of this paragraph, "psychotherapist" has the same meaning as provided in Section 1010 of the Evidence Code.

(19) (A) To the designated officer of an emergency response employee, and from that designated officer to an emergency response employee regarding possible exposure to HIV or AIDS, but only to the extent necessary to comply with the federal Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Public Law 101-381; 42 U.S.C. Sec. 201).

(B) For purposes of this paragraph, "designated officer" and "emergency response employee" have the same meaning as these terms are used in the federal Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Public Law 101-381; 42 U.S.C. Sec. 201).

(C) The designated officer shall be subject to the confidentiality requirements specified in Section 120980 of the Health and Safety Code, and may be personally liable for unauthorized release of any identifying information about the HIV results. Further, the designated officer shall inform the exposed emergency response employee that the employee is also subject to the confidentiality requirements specified in Section 120980 of the Health and Safety Code, and may be personally liable for unauthorized release of any identifying information about the HIV test results.

(20) (A) To a law enforcement officer who personally lodges with a facility, as defined in subparagraph (B), a warrant of arrest or an abstract of a warrant showing that the person sought is wanted for a serious felony, as defined in Section 1192.7 of the Penal Code, or a violent felony, as defined in Section 667.5 of the Penal

Code. The information sought and released shall be limited to whether or not the person named in the arrest warrant is presently confined in the facility. This subparagraph shall be implemented with minimum disruption to health facility operations and patients, in accordance with Section 5212. If the law enforcement officer is informed that the person named in the warrant is confined in the facility, the officer may not enter the facility to arrest the person without obtaining a valid search warrant or the permission of staff of the facility.

(B) For purposes of subparagraph (A), a facility means all of the following:

(i) A state hospital, as defined in Section 4001.

(ii) A general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, solely with regard to information pertaining to a person with mental illness subject to this section.

(iii) An acute psychiatric hospital, as defined in subdivision (b) of Section 1250 of the Health and Safety Code.

(iv) A psychiatric health facility, as described in Section 1250.2 of the Health and Safety Code.

(v) A mental health rehabilitation center, as described in Section 5675.

(vi) A skilled nursing facility with a special treatment program for individuals with mental illness, as described in Sections 51335 and 72445 to 72475, inclusive, of Title 22 of the California Code of Regulations.

(21) Between persons who are trained and qualified to serve on multidisciplinary personnel teams pursuant to Section 15610.55. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused elder or dependent adult pursuant to Chapter 13 (commencing with Section 15750) of Part 3 of Division 9.

(22) (A) When an employee is served with a notice of adverse action, as defined in Section 19570 of the Government Code, all of the following information and records may be released:

(i) All information and records that the appointing authority relied upon in issuing the notice of adverse action.

(ii) All other information and records that are relevant to the adverse action, or that would constitute relevant evidence as defined in Section 210 of the Evidence Code.

(iii) The information described in clauses (i) and (ii) may be released only if both of the following conditions are met:

(I) The appointing authority has provided written notice to the consumer and the consumer's legal representative or, if the consumer has no legal representative or if the legal representative is a state agency, to the clients' rights advocate, and the consumer, the consumer's legal representative, or the clients' rights advocate has not objected in writing to the appointing authority within five business days of receipt of the notice, or the appointing authority, upon review of the objection, has determined that the circumstances on which the adverse action is based are egregious or threaten the health, safety, or life of the consumer or other consumers and without the information the adverse action could not be taken.

(II) The appointing authority, the person against whom the adverse action has been taken, and the person's representative, if any, have entered into a stipulation that does all of the following:

(ia) Prohibits the parties from disclosing or using the information or records for any purpose other than the proceedings for which the information or records were requested or provided.

(ib) Requires the employee and the employee's legal representative to return to the appointing authority all records provided to them under this paragraph, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representative because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(ic) Requires the parties to submit the stipulation to the administrative tribunal with jurisdiction over the adverse action at the earliest possible opportunity.

(B) For purposes of this paragraph, the State Personnel Board may, before any appeal from adverse action being filed with it, issue a protective order, upon application by the appointing authority, for the limited purpose of prohibiting the parties from disclosing or using information or records for any purpose other than the proceeding for which the information or records were requested or provided, and to require the employee or the

employee's legal representative to return to the appointing authority all records provided to them under this paragraph, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representatives because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(C) Individual identifiers, including, but not limited to, names, social security numbers, and hospital numbers, that are not necessary for the prosecution or defense of the adverse action, shall not be disclosed.

(D) All records, documents, or other materials containing confidential information protected by this section that have been submitted or otherwise disclosed to the administrative agency or other person as a component of an appeal from an adverse action shall, upon proper motion by the appointing authority to the administrative tribunal, be placed under administrative seal and shall not, thereafter, be subject to disclosure to any person or entity except upon the issuance of an order of a court of competent jurisdiction.

(E) For purposes of this paragraph, an adverse action becomes final when the employee fails to answer within the time specified in Section 19575 of the Government Code, or, after filing an answer, withdraws the appeal, or, upon exhaustion of the administrative appeal or of the judicial review remedies as otherwise provided by law.

(23) To the person appointed as the developmental services decisionmaker for a minor, dependent, or ward pursuant to Section 319, 361, or 726.

(24) During the provision of emergency services and care, as defined in Section 1317.1 of the Health and Safety Code, the communication of patient information between a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, emergency medical personnel at the scene of an emergency or in an emergency medical transport vehicle, or other professional person or emergency

medical personnel at a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(25) To a business associate or for health care operations purposes, in accordance with Part 160 (commencing with Section 160.101) and Part 164 (commencing with Section 164.102) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations.

(26) To authorized personnel who are employed by the California Victim Compensation Board for the purposes of verifying the identity and eligibility of individuals claiming compensation pursuant to the Forced or Involuntary Sterilization Compensation Program described in Chapter 1.6 (commencing with Section 24210) of Division 20 of the Health and Safety Code. The California Victim Compensation Board shall maintain the confidentiality of any information or records received from the department in accordance with Part 160 (commencing with Section 160.101) and Part 164 (commencing with Section 164.102) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations and this section. Public disclosure of aggregated claimant information or the annual report required under subdivision (b) of Section 24211 of the Health and Safety Code is not a violation of this section.

(b) The amendment of paragraph (4) of subdivision (a) enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

(c) This section is not limited by Section 5150.05 or 5332.

SEC. 34. The Legislature hereby finds and declares all of the following:

(a) In 1909, California passed the nation’s third eugenic sterilization law (Chapter 720 of the Statutes of 1909). Between 1909 and 1979, more than 20,000 Californians were sterilized, which made up more than one-third of the 60,000 persons sterilized nationwide in 32 states during that era and more than the amount of people sterilized in the next top four states combined.

(b) California’s eugenics laws, which were revised in 1913 (Chapter 363 of the Statutes of 1913) and 1917 (Chapters 489 and 776 of the Statutes of 1917), authorized medical superintendents in state homes and state hospitals to perform “asexualization” on patients (vasectomies for men and salpingectomies for women)

identified as "afflicted with mental disease which may have been inherited and is likely to be transmitted to descendants, the various grades of feeblemindedness, those suffering from perversion or marked departures from normal mentality or from disease of a syphilitic nature."

(c) California maintained 12 state homes and state hospitals that housed thousands of patients who were committed by the courts, family members, and medical authorities. Although many families, patients, and court officials signed consent forms for sterilization, that action would not meet today's criteria for consent because in some institutions sterilization was a precondition for release, and true voluntariness and autonomy were not possible in the context in which the consent forms were signed.

(d) There was little to no oversight of California's sterilization program, which was implemented during a time in United States history when many reformers believed that sterilization was an important instrument of public health protection that would reduce the number of "defectives" in society, result in cost savings for welfare programs, and only allow "fit" people to become parents. The authority granted both to state agencies and medical experts during this era meant that sterilization proceeded with little contestation or pushback from the health establishment or legal system.

(e) While the law did not target specific racial or ethnic groups, in practice, labels of "mental deficiency" and "feeblemindedness" were applied disproportionately to racial and ethnic minorities, people with actual and perceived disabilities, poor people, and women. During the height of the program, between 1919 and 1952, women and girls were 14 percent more likely to be sterilized than men and boys. Male Latino patients were 23 percent more likely to be sterilized than non-Latino male patients, and female Latina patients were 59 percent more likely to be sterilized than non-Latina female patients.

(f) Sterilizations pursuant to California's eugenics laws persisted for 70 years. The laws were repealed in 1979.

(g) On March 11, 2003, Governor Gray Davis apologized for California's eugenic sterilization program. Attorney General Bill Lockyer issued an apology on the same day.

(h) On June 30, 2003, the Senate of the State of California passed a resolution expressing "profound regret over the state's

past role in the eugenics movement and the injustice done to thousands of California men and women," addressing "past bigotry and intolerance against the persons with disabilities and others who were viewed as 'genetically unfit' by the eugenics movement," recognizing that "all individuals must honor human rights and treat others with respect regardless of race, ethnicity, religious belief, economic status, disability, or illness," and urging "every citizen of the state to become familiar with the history of the eugenics movement, in the hope that a more educated and tolerant populace will reject any similar abhorrent pseudoscientific movement should it arise in the future."

(i) The State of California recognizes that further involuntary and systematic sterilization abuse occurred during the following periods:

(1) Between 1965 and 1975, at least 240 women who delivered babies at the LA County University of Southern California Medical Center were subjected to nonconsensual postpartum tubal ligations. These procedures were carried out overwhelmingly on Mexican-origin mothers who were not informed that they were being sterilized, were coerced into signing sterilization forms, or were misled into giving their signatures.

(2) Between 2006 and 2010, at least 144 people imprisoned in California's women's prisons were sterilized without proper authorization while giving birth. A state audit explicitly to review cases of sterilization during labor and delivery of people in California's women's prisons during this period found that people had been sterilized without adherence to required protocol, including instances of "deficiencies in the informed consent process." Significantly, the audit found that people sterilized included a disproportionate number of people of color and that there was an absence of use of interpreter assistance for imprisoned patients unable to speak or read in English. Additionally, the Senate Budget Committee heard testimony documenting further instances of coercive sterilization occurring in California's women's prisons outside the limited scope of the audit. As a response, Senate Bill 1135 (Chapter 558 of the Statutes of 2014) was signed into law in 2014 to shine light on and reaffirm prohibition of sterilization for the purpose of birth control in county jails and state prison facilities, and to offer additional protections to imprisoned people

surrounding sterilization in medically essential circumstances outside the scope of birth control.

(j) The state has not issued an apology for the coerced sterilizations of people in women's prisons occurring after 1979, the date marking the formal abandonment of state eugenic policy.

(k) It is unclear if many or all of the sterilized imprisoned people are aware that they were sterilized.

(*l*) The Legislature has expressed its profound regret over the state's role in the eugenics movement as the most aggressive eugenics sterilizer in the country. The Legislature also hereby expresses its profound regret over the state's past role in coercive sterilizations of people in women's prisons and the injustice done to the people in those prisons and their families and communities.

(m) Eugenics and coercive sterilizations were based on contemporary bigotry and intolerance against persons and communities targeted for imprisonment whose fundamental human right to family was devalued and disregarded. All individuals must honor human rights and treat others with respect regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, gender, age, sexual orientation, gender identity, economic status, or imprisonment.

(n) The Legislature urges every citizen of the state to become familiar with the history of eugenics, in the hope that a more educated and tolerant populace will reject any similar abhorrent pseudoscientific movement in the future. A failure to appreciate, remember, and recall the horrors of eugenics contributed to conditions under which coercive sterilizations could continue to occur in the context of California's women's prisons through 2010.

SEC. 35. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 36. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 37. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 38. The Legislature finds and declares that the fees and deposits waived and refunded pursuant to Section 2 of this act, which adds and repeals Section 19821.1 of the Business and Professions Code, serve the public purpose of protecting the solvency of businesses that were forced to close their doors or limit business due to the coronavirus disease 2019 (COVID-19) pandemic and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

SEC. 39. The Legislature finds and declares that the addition of Section 7902.2 to the Government Code, as provided in Section 8 of this act, relates solely to the determination of appropriations subject to the limit for the state, a city, a county, or a city and county pursuant to Article XIII B of the California Constitution. As added by this act, Section 7902.2 of the Government Code, commencing with the 2020–21 fiscal year, establishes the intent of the Legislature that funding allocated by the state to a city, county, or city and county from the Local Revenue Fund or Local Revenue Fund 2011 be considered proceeds of taxes for the recipient city, county, or city and county, subject to limitations prescribed in that section. Section 7902.2 of the Government Code, as added by this act, shall not be construed to alter or affect the legal character or status of money received by a city, county or city and county from the Local Revenue Fund or Local Revenue Fund 2011.

SEC. 40. The Legislature finds and declares that Section 10 of this act, which adds Section 11546.45 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The state has a very strong interest in protecting its information technology systems from intrusion, because those systems contain confidential information and play a critical role in the performance of the duties of state government. Thus, information regarding the specific vulnerabilities of those systems must be protected to preclude use of that information to facilitate attacks on those systems.

SEC. 41. The Legislature finds and declares that Section 20 of this act, which adds Section 24216 to the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act strikes an appropriate balance between the public's right to access information and the need to protect personal information of survivors of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979.

SEC. 42. 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.

Approved _____, 2021

_____

Governor