

AMENDED IN SENATE AUGUST 26, 2021
AMENDED IN SENATE JULY 12, 2021
AMENDED IN ASSEMBLY MAY 27, 2021
AMENDED IN ASSEMBLY MAY 24, 2021
AMENDED IN ASSEMBLY APRIL 28, 2021
AMENDED IN ASSEMBLY MARCH 25, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 794

**Introduced by Assembly Member Carrillo
(Coauthor: Assembly Member Ward)**

February 16, 2021

An act to amend Section 16428.9 of the Government Code, ~~and~~ to amend Sections 39712, 43015, 44274, and 44282 of, to add Sections 39501, 39602.6, and 44295.5 to, and to add Chapter 3.6 (commencing with Section 39680) to Part 2 of Division 26 of, the Health and Safety Code, *and to amend Section 1095 of the Unemployment Insurance Code*, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 794, as amended, Carrillo. Air pollution: purchase of new drayage and short-haul trucks: incentive programs: eligibility: labor ~~and~~ ~~workforce~~ standards.

Existing law establishes various incentive programs that are administered or funded by the State Air Resources Board to provide financial assistance for the purchase of vehicles by individuals and fleet purchasers.

This bill would establish specified labor and workforce standards that a fleet purchaser would be required to meet in order to be eligible to receive incentives for new drayage and short-haul trucks under the incentive programs. *programs beginning with the 2022–23 fiscal year.*

~~The bill would require the state board, by January 1, 2023, to adopt operational guidelines for the implementation of the above requirements. The bill would require the state board, as a part of the development of the guidelines, board to determine if there are constraints to the implementation of the requirements of the bill, would authorize the state board to delay or suspend the implementation of requirements that are not feasible, and would require the state board to reevaluate the delayed or suspended requirements, as provided.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 16428.9 of the Government Code is
- 2 amended to read:
- 3 16428.9. (a) Before expending any moneys appropriated to it
- 4 by the Legislature from the fund, a state agency shall prepare a
- 5 record consisting of all of the following:
- 6 (1) A description of each expenditure proposed to be made by
- 7 the state agency pursuant to the appropriation.
- 8 (2) A description of how a proposed expenditure will further
- 9 the regulatory purposes of Division 25.5 (commencing with Section
- 10 38500) of the Health and Safety Code, including, but not limited
- 11 to, the limit established under Part 3 (commencing with Section
- 12 38550) and other applicable requirements of law.
- 13 (3) A description of how a proposed expenditure will contribute
- 14 to achieving and maintaining greenhouse gas emission reductions
- 15 pursuant to Division 25.5 (commencing with Section 38500) of
- 16 the Health and Safety Code.
- 17 (4) A description of how the state agency considered the
- 18 applicability and feasibility of other nongreenhouse gas reduction
- 19 objectives of Division 25.5 (commencing with Section 38500) of
- 20 the Health and Safety Code.
- 21 (5) A description of how the state agency will document the
- 22 result achieved from the expenditure to comply with Division 25.5
- 23 (commencing with Section 35800) of the Health and Safety Code.

1 (6) A description of how grant, loan, voucher, or other incentive
2 programs for purchase of new drayage and short-haul trucks that
3 receive moneys from the fund are implementing the labor-~~and~~
4 ~~workforce~~ standards required by Chapter 3.6 (commencing with
5 Section 39680) of Part 2 of Division 26 of the Health and Safety
6 Code, as applicable.

7 (b) The State Air Resources Board shall develop guidance on
8 reporting and quantification methods for all state agencies that
9 receive appropriations from the fund to ensure the requirements
10 of this section are met. Chapter 3.5 (commencing with Section
11 11340) of Part 1 of Division 3 does not apply to the procedures
12 developed pursuant to this subdivision.

13 (c) Nothing in this section alters, amends, or otherwise modifies
14 in any manner Division 25.5 (commencing with Section 35800)
15 of the Health and Safety Code, including the authority of the State
16 Air Resources Board to adopt and implement a fee pursuant to that
17 division.

18 (d) If any expenditure of moneys from the fund for any measure
19 or project is determined by a court to be inconsistent with law, the
20 funding for the remaining measures or projects shall be severable
21 and shall not be affected.

22 SEC. 2. Section 39501 is added to the Health and Safety Code,
23 to read:

24 39501. It is the intent of the Legislature that the state board
25 maximize economic cobenefits by conditioning eligibility to
26 participate in grant, loan, voucher, or other incentive programs to
27 purchase new drayage and short-haul trucks on compliance with
28 the labor-~~and~~-~~workforce~~ standards required by Chapter 3.6
29 (commencing with Section 39680).

30 SEC. 3. Section 39602.6 is added to the Health and Safety
31 Code, to read:

32 39602.6. The state board shall condition eligibility to participate
33 in grant, loan, voucher, or other incentive programs to purchase
34 new drayage and short-haul trucks on compliance with Chapter
35 3.6 (commencing with Section 39680), as applicable.

36 SEC. 4. Chapter 3.6 (commencing with Section 39680) is added
37 to Part 2 of Division 26 of the Health and Safety Code, to read:

1 CHAPTER 3.6. LABOR ~~AND WORKFORCE~~ STANDARDS

2
3 Article 1. General Provisions and Definitions

4
5 39680. (a) The Legislature finds and declares all of the
6 following:

7 (1) (A) California has established itself as a leader in national
8 and international energy conservation and environmental
9 stewardship.

10 (B) The California Global Warming Solutions Act of 2006
11 (Division 25.5 (commencing with Section 38500)) charges the
12 state board as the lead agency to monitor and regulate sources of
13 emissions of greenhouse gases. That act has set a goal of reducing
14 greenhouse gas emissions to 40 percent below the 1990 level by
15 2030. That act also authorizes the state board to develop
16 market-based mechanisms, including the cap-and-trade system,
17 which generates revenue for the Greenhouse Gas Reduction Fund,
18 and other transactional mechanisms.

19 (C) The state board, when expending moneys from the
20 Greenhouse Gas Reduction Fund, is required to maximize
21 economic and environmental cobenefits, including job-related
22 cobenefits, as California builds a low-carbon economy.

23 (D) However, the charge to seek job-related benefits is not
24 required within any timeframe, nor is there any legislative guidance
25 with respect to specific standards or implementation mechanisms.

26 (E) While the charge to develop job-related cobenefits is explicit
27 for the Greenhouse Gas Reduction Fund, it is implied rather than
28 explicit for other clean air funds that the state board administers.

29 (2) To clarify the need for job-related cobenefits, Chapter 135
30 of the Statutes of 2017 required the California Workforce
31 Development Board, in consultation with the state board, to submit
32 a report to the Legislature. The California Workforce Development
33 Board commissioned the Center for Labor Research and Education
34 at the University of California, Berkeley, to prepare the report.
35 Published in June 2020, the report is entitled, Putting California
36 on the High Road: A Jobs and Climate Action Plan for 2030 (2020
37 Action Plan).

38 (3) A study by the University of California shows that fleet
39 purchasers have a significant disparity of compliance with clean
40 vehicle regulations. While 83 percent of large firms that employ

1 drivers comply, only 61 percent of contractors comply.
2 Noncompliant trucks operated by contractors represent 44 percent
3 of all noncompliant trucks, a significantly greater share than their
4 share of all operating trucks. The study finds that many of the
5 noncompliant contractors are actually misclassified employees
6 who do not have the financial resources to comply with
7 clean-vehicle regulations. Many companies take advantage of the
8 fleet purchaser incentives but then pass on the cost of vehicles,
9 maintenance, and upkeep to misclassified drivers who do not have
10 the funds or ability to maintain those vehicles at a level that
11 maximizes their environmental benefits. For example, in drayage,
12 an investigation by USA Today found that “port trucking
13 companies in Southern California have spent the past decade
14 forcing drivers to finance their own trucks by taking on debt they
15 could not afford.” Drivers at dozens of companies “were handed
16 a lease-to-own contract by their employer and given a choice: Sign
17 immediately or be fired.” Such sublease arrangements directly
18 impede the state’s ability to advance its environmental stewardship.
19 Many contractors have later filed for bankruptcy, nullifying the
20 benefit from the state’s climate investments.

21 (4) The 2020 Action Plan creates a “high road framework” based
22 on demand-side strategies and supply-side strategies. The Action
23 Plan does all of the following:

24 (A) Stresses that “[d]emand-side strategies affect the demand
25 for labor, including the kinds of jobs that are generated, the skills
26 that are needed, the wages and benefits employers provide, and
27 who employers hire.”

28 (B) Emphasizes the importance of market participation through
29 incentive programs: “[a]gencies responsible for implementing
30 climate investments and other measures play a key role here
31 because they direct public investment and influence private
32 investments in lower carbon economic activity.”

33 (C) Proposes workforce standards that in general terms do all
34 of the following:

35 (i) Create high-quality jobs.

36 (ii) Prepare workers with the skills needed to adapt to and master
37 new zero- and low-emission technologies.

38 (iii) Broaden career opportunities for workers from
39 disadvantaged communities.

40 (iv) Support workers whose jobs may be at risk.

1 (D) Identifies industry sectors that pose challenges to attaining
 2 clean air objectives and opportunities to incentivize development
 3 of high-road jobs and working conditions. Among these are vehicle
 4 manufacturing and trucking, both of which the plan faults as
 5 high-risk subsectors for labor abuses, such as misclassification,
 6 unpaid wages, and denial of unemployment benefits, workers’
 7 compensation, or disability benefits.

8 (b) In enacting this chapter, it is the intent of the Legislature to
 9 do all of the following:

10 (1) Implement the 2020 Action Plan’s high-road
 11 recommendations that would apply to crucial windows for
 12 high-road job development and working conditions. For the
 13 trucking industry, the window is a longer span of years immediately
 14 after a fleet purchaser receives the incentive when the vehicle is
 15 placed in service.

16 (2) Use market participation to increase demand for clean air
 17 vehicles through incentive programs to attain equity goals for jobs
 18 in disadvantaged communities and reward companies that respect
 19 worker rights. In so doing, the Legislature will require the state
 20 board to develop labor ~~and workforce~~ standards to determine
 21 eligibility for programs that provide clean air incentives for fleet
 22 purchasers of new vehicles that operate drayage and short-haul
 23 trucking in California.

24 (3) Maximize the environmental benefits of its investments by
 25 ensuring that recipients of fleet purchaser subsidies operate the
 26 equipment in compliance with all state laws rather than taking
 27 advantage of state incentives and then selling or otherwise
 28 transferring the equipment in question.

29 (4) Clarify that the state board’s authority to maximize
 30 job-related cobenefits applies to all of the incentive funds and
 31 programs that it administers.

32 ~~(5) Collaborate with the Labor and Workforce Development~~
 33 ~~Agency, including the California Workforce Development Board~~
 34 ~~and the Labor Commissioner, to develop guidelines and implement~~
 35 ~~contract remedies for labor and workforce standards that include~~
 36 ~~repayment of incentive funds and public disclosure of labor and~~
 37 ~~workforce data.~~

38 ~~(6)~~

39 (5) Expand upon the state board’s current approach of using
 40 multiyear incentive contracts to clearly set the conditions for

1 attaining the state’s clean air objectives with workforce cobenefits.
2 Relevant conditions already in place for heavy-duty trucks include
3 compliance with state law and contract terms for multiyear
4 ownership and control of the equipment.

5 39681. This chapter establishes labor and workforce standards
6 as a cobenefit of incentive programs for the purchase of new
7 drayage and short-haul trucks that are based on clean air standards.

8 39682. For purposes of this chapter, the following definitions
9 apply:

10 (a) “Administering agency” means an agency administering an
11 incentive program subject to this chapter.

12 (b) “Applicable law” means California laws within the Labor
13 and Workforce Development Agency’s jurisdiction related to the
14 misclassification of employees as independent contractors,
15 including the failure to pay wages, imposing unlawful expenses
16 on employees, failure to provide workers’ compensation insurance,
17 and failure to remit payroll taxes as required under the
18 Unemployment Insurance Code.

19 ~~(b)~~

20 (c) “Applicable law violation” means a violation that has a final
21 determination, order, judgment, or award issued against a fleet
22 purchaser of vehicles for engaging in illegal conduct related to the
23 ~~misclassification of employees as independent contractors,~~
24 ~~including the failure to pay wages, imposing unlawful expenses~~
25 ~~on employees, failure to remit payroll taxes, and failure to provide~~
26 ~~workers’ compensation insurance; applicable laws and that remains~~
27 unabated or unsatisfied following the period during which an
28 appeal may be made.

29 ~~(c)~~

30 (d) “Clean air standards” include the standards that the state
31 board sets to reduce air pollution or reduce emissions of greenhouse
32 gases pursuant to this division or Division 25.5 (commencing with
33 Section 38500).

34 ~~(d)~~

35 (e) “Fleet operations” ~~includes; include, but is are~~ not limited
36 to, port drayage service and short-haul transport of goods. The
37 state board may adopt guidance to interpret the scope of these
38 operations to conform with law.

39 ~~(e)~~

1 (f) “Incentive” includes a grant, loan, voucher, or other incentive,
 2 regardless of the source of revenue that funds the incentive, for
 3 the purchase of new ~~motor vehicles~~; *drayage and short-haul trucks*,
 4 *except for revenue subject to provisions that supersede this chapter*,
 5 *including, but not limited to, revenues from settlement agreements*,
 6 *court orders, and consent decrees.*

7 ~~(f)~~

8 (g) “Short-haul trucking service” means movement of goods
 9 by truck within a 150-air-mile radius of the normal working
 10 reporting location while in service within the state.

11 ~~39683. (a) The state board, in consultation with the Labor and~~
 12 ~~Workforce Development Agency, including the California~~
 13 ~~Workforce Development Board and the Labor Commissioner, shall~~
 14 ~~condition eligibility to participate in incentive programs for new~~
 15 ~~drayage and short-haul trucks purchasing on compliance with the~~
 16 ~~labor and workforce standards described in this chapter.~~

17 ~~(b) (1) The state board, in collaboration with the Labor and~~
 18 ~~Workforce Development Agency, including the California~~
 19 ~~Workforce Development Board and the Labor Commissioner, shall~~
 20 ~~develop operational guidelines for applying the standards in this~~
 21 ~~chapter to incentive programs subject to this chapter. In these~~
 22 ~~guidelines, the state board may interpret the scope of applicability,~~
 23 ~~terms of labor and workforce standards, and implementation,~~
 24 ~~consistent with this chapter.~~

25 ~~(2) The state board may solicit recommendations regarding~~
 26 ~~implementation and delegate any duties in this chapter to the Labor~~
 27 ~~and Workforce Development Agency.~~

28 ~~39683.5. (a) The state board shall provide an opportunity for~~
 29 ~~public input before finalizing the operational guidelines developed~~
 30 ~~pursuant to this chapter.~~

31 ~~(b) Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
 32 ~~Division 3 of Title 2 of the Government Code does not apply to~~
 33 ~~the adoption of the operational guidelines.~~

34 ~~(c) The state board shall adopt the operational guidelines on or~~
 35 ~~before January 1, 2023, after consultation pursuant to subdivision~~
 36 ~~(b) of Section 39683 and after receiving public input pursuant to~~
 37 ~~subdivision (a).~~

38 ~~(d) (1)~~

39 ~~39683. (a) As part of its operational guidelines development~~
 40 ~~process, implementing this chapter, if the state board determines~~

1 there are constraints to applying the requirements of Article 2
 2 (~~commencing with Section 39690~~) to each incentive program that
 3 is subject to this chapter, the state board may delay or suspend the
 4 implementation of the requirements of this chapter that are not
 5 feasible and shall reevaluate the feasibility of implementing those
 6 ~~requirements in future operational guidelines.~~ *requirements.*

7 ~~(2)~~

8 (b) In determining whether there are any constraints to
 9 implementation, the state board may consider consistency with
 10 the statutory goals of the incentive program to reduce air pollution
 11 or emissions of greenhouse ~~gases and state board's capacity to~~
 12 ~~enforce the applicable labor and workforce standards.~~ *gases.*

13 ~~(3)~~

14 (c) If the state board determines that there are constraints
 15 preventing the application of the requirements of Article 2
 16 (commencing with Section 39690) to an incentive program, the
 17 state board shall notify the Legislature, on or before January 1,
 18 2023, with a written report, submitted in accordance with Section
 19 9795 of the Government Code, of findings and constraints, and
 20 possible remedies that would eliminate the constraints in question.

21 (d) *Except as otherwise provided in this section, the state board*
 22 *or administering agency shall implement the requirements of this*
 23 *chapter beginning with the 2022–23 fiscal year and each fiscal*
 24 *year thereafter.*

25 39684. ~~This~~ *Beginning with the 2022–23 fiscal year, and each*
 26 *fiscal year thereafter, this chapter applies to incentive programs*
 27 *that support the purchase of new drayage and short-haul trucks*
 28 *and that receive funding from, or are administered by, the state*
 29 *board, as applicable, including all of the following:*

30 (a) An incentive program funded by any of the following funds:

- 31 (1) The Greenhouse Gas Reduction Fund.
- 32 (2) The Air Quality Improvement Fund.
- 33 (3) The Carl Moyer Memorial Air Standards Attainment Trust
- 34 Fund.
- 35 (4) The Air Pollution Control Fund.

36 (b) An incentive program funded wholly or partially by the state
 37 board, including, but not limited to, all of the following:

- 38 (1) The Truck Loan Assistance Program under subdivision (c)
- 39 of Section 44274.
- 40 (2) A local or regional incentive program.

1 (3) A public-private partnership.
 2 ~~(e) An incentive program funded by a settlement fund under~~
 3 ~~the state board's jurisdiction.~~

4 39685. This chapter establishes baseline standards, job quality
 5 standards, and a structure for eligibility to participate in incentive
 6 programs for the purchase of new drayage or short-haul trucks.
 7 This chapter applies the standards to fleet purchasers of new
 8 vehicles for drayage and short-haul trucking services within the
 9 state. The standards do not apply to other fleet purchases for
 10 operations outside of this scope.

11 ~~39686. The state board or an administering agency, in~~
 12 ~~collaboration with the Labor Commissioner, shall enforce the~~
 13 ~~standards set forth in Article 2 (commencing with Section 39690).~~

14 ~~39687.~~

15 ~~39686. (a) The Labor Commissioner, at the request of the~~
 16 ~~administering agency or the state board, state board may~~
 17 ~~investigate evaluate~~ an allegation regarding a violation of the
 18 standards set forth in Article 2 (commencing with Section 39690).

19 ~~(b) Unless contrary to Section 19542 of the Revenue and~~
 20 ~~Taxation Code, and notwithstanding any other law or effort to~~
 21 ~~maintain their secrecy, the data and certifications disclosed by a~~
 22 ~~fleet purchaser pursuant to Article 2 (commencing with Section~~
 23 ~~39690) are public records that may be disclosed to the public and~~
 24 ~~are not trade secrets.~~

25 ~~(e)~~

26 ~~(b) The state board shall develop an internet website that~~
 27 ~~displays public information from manufacturers or fleet purchasers~~
 28 ~~participating in that receive an incentive programs that are subject~~
 29 ~~to this chapter regarding their disclosures and certifications of~~
 30 ~~compliance with the labor and workforce standards. attestations~~
 31 ~~required pursuant to Section 39690. Information disclosed pursuant~~
 32 ~~to subdivision (aq) of Section 1095 of the Unemployment Insurance~~
 33 ~~Code to the state board shall not be redisclosed on the state~~
 34 ~~board's internet website or otherwise be disclosed to the public,~~
 35 ~~consistent with federal laws and regulations.~~

36 ~~39687.5.~~

37 ~~39687. (a) In addition to requiring accurate certification of~~
 38 ~~compliance and disclosure of data, the The state board or the~~
 39 ~~administering agency shall require that fleet purchasers receiving~~

1 an incentive sign contracts conditioning any incentive received on
2 compliance with this chapter.

3 (b) The contract entered into pursuant to subdivision (a) shall
4 state a timeframe for fleet purchasers' compliance with standards
5 under this chapter, that includes the application process and a
6 multiyear period after receiving the incentive of at least three years
7 or the duration of the loan, grant, or incentive received, whichever
8 is longer.

9 39688. (a) If, at any point during the term of the contract
10 entered into pursuant to Section ~~39687.5, 39687~~, an administering
11 ~~agency, agency or the state board, or the Labor Commissioner~~
12 ~~board~~ finds that a fleet purchaser that received an incentive was
13 in violation of the standards set forth in Article 2 (commencing
14 with Section 39690) during any portion of the term of the contract
15 entered into pursuant to Section ~~39687.5, 39687~~, or that the fleet
16 purchaser failed to make correct and accurate disclosures required
17 under Section ~~39692, 39690~~, the fleet purchaser is in breach of the
18 contract and shall be liable for the repayment of any incentive for
19 which the contract entered into under Section ~~39687.5 39687~~ was
20 still in effect during the time period that the fleet purchaser was
21 out of compliance. The time period shall include the claim period
22 of any judgment issued against the fleet purchaser for an applicable
23 law violation, along with any other period identified by the
24 administering ~~agency, agency or the state board, or the Labor~~
25 ~~Commissioner. board.~~

26 (b) The contract remedies specified in this section shall also
27 bind the fleet purchaser's successors or assignees. The ~~Labor~~
28 ~~Commissioner, the state board, board~~ or the agency administering
29 the incentive program may require that a successor or assignee
30 repay any incentives received by fleet purchasers.

31 ~~39688.5. (a) The state board, in collaboration with the Labor~~
32 ~~and Workforce Development Agency, shall implement a process~~
33 ~~for the appeal of violations of this chapter.~~

34 ~~(b) The state board, in collaboration with the Labor and~~
35 ~~Workforce Development Agency, shall implement a process for~~
36 ~~purposes of reinstating eligibility for fleet purchasers for~~
37 ~~participation in an incentive program.~~

38 39689. The provisions of this chapter are severable. If any
39 provision of this chapter or its application is held invalid, that

1 invalidity shall not affect other provisions or applications that can
2 be given effect without the invalid provision or application.

3

4 Article 2. Fleet Purchaser Labor and Workforce Standards

5

6 39690. (a) ~~A~~Beginning with the 2022–23 fiscal year, and each
7 fiscal year thereafter, a fleet purchaser of new drayage and
8 short-haul trucks is eligible to participate in an incentive program
9 subject to this chapter if it can demonstrate that it does not have
10 any applicable law violation at the time of applying for the
11 ~~incentive~~. *incentive, is not on the list maintained by the Division*
12 *of Labor Standards Enforcement under Section 2810.4 of the Labor*
13 *Code, and attests it will retain direct control over the manner and*
14 *means for performance of any individual using or driving the*
15 *vehicle.*

16 (b) ~~A fleet purchaser that is on the list maintained by the~~
17 ~~Division of Labor Standards Enforcement under Section 2810.4~~
18 ~~of the Labor Code is not eligible to participate in an incentive~~
19 ~~program subject to this chapter.~~

20 (c) ~~The state board may accept information from any person~~
21 ~~regarding a fleet purchaser’s eligibility for the incentive program.~~

22 (d) ~~The state board shall affirmatively collaborate with the~~
23 ~~Department of Industrial Relations or the Labor Commissioner to~~
24 ~~identify fleet purchasers that have applicable law violations.~~

25 (b) *In order to comply with subdivision (a), a fleet purchaser*
26 *shall attest in writing to all of the following:*

27 (1) *That it does not have any applicable law violations at the*
28 *time of applying for the incentive.*

29 (2) *That it will maintain compliance with applicable laws for*
30 *at least three years from the date of application for incentives or*
31 *the duration of the incentive agreement, whichever is longer.*

32 (3) *That it will retain direct control over the manner and means*
33 *for performance of any individual using or driving the vehicle for*
34 *at least three years from the date of application for incentives or*
35 *the duration of the incentive agreement, whichever is longer.*

36 (c) *A fleet purchaser that receives an incentive as a grant, loan,*
37 *or other form of agreement shall, on a yearly basis, for the life of*
38 *the contract entered into pursuant to Section 39687, disclose or*
39 *provide to the state board all of the following:*

1 (1) An attestation in writing that it has done both of the
2 following:

3 (A) Maintained compliance with applicable laws and does not
4 have any applicable law violations.

5 (B) Maintained direct control of the individuals operating the
6 vehicle, and maintained full ownership and operational control
7 of the vehicle.

8 (2) A copy of any judgments, rulings, citations, decisions, orders,
9 or awards finding that the fleet purchaser or any parent company
10 or subsidiary or other commonly controlled entity has applicable
11 law violations as of the date of the disclosure made pursuant to
12 this subdivision.

13 (3) A list of all operating authorities under which the vehicle
14 purchased will be or was operated.

15 (4) A certification that the fleet purchaser has completed all
16 required maintenance and upkeep on the vehicle purchased with
17 the incentive.

18 (d) A fleet purchaser that is on the list maintained by the
19 Division of Labor Standards Enforcement under Section 2810.4
20 of the Labor Code is not eligible to participate in an incentive
21 program subject to this chapter.

22 39691. (a) A third party may report to the state board that a
23 purchaser or entity operating a drayage truck has failed to provide
24 a truthful attestation as required by Section 39690 or has failed
25 to maintain compliance with the applicable laws required for the
26 time period specified in Section 39690. The third party shall
27 provide documentation to substantiate their allegation before the
28 state board considers it. The state board shall collaborate with
29 relevant agencies to evaluate the report.

30 (b) The state board shall retain attestations and disclosures
31 made pursuant to Section 39690 for the full ownership period
32 required by the incentive contract.

33 ~~39691. (a)~~

34 39692. A fleet purchaser shall be in breach of any contract
35 entered pursuant to Section ~~39687.5~~ 39687 that is in effect and
36 shall be out of compliance with this section if, during the term of
37 the contract, the fleet purchaser uses a vehicle in its operations for
38 which it has previously received an incentive and the vehicle is
39 not under the full ownership and operational control of the fleet
40 purchaser.

1 ~~(b) A fleet purchaser shall retain direct control over the manner~~
2 ~~and means for performance of any individual or entity using or~~
3 ~~driving the vehicle.~~

4 ~~39692. (a) (1) Upon application for an incentive, a fleet~~
5 ~~purchaser shall certify compliance with Section 39690 and make~~
6 ~~the disclosure required under this section.~~

7 ~~(2) A fleet purchaser that receives an incentive as a grant, loan,~~
8 ~~or other form of agreement shall, on a yearly basis, for the life of~~
9 ~~the contract entered into pursuant to Section 39687.5, certify~~
10 ~~compliance with Sections 39690 and 39691, and shall make the~~
11 ~~applicable disclosures under this section.~~

12 ~~(b) As required under subdivision (a), a fleet purchaser shall~~
13 ~~disclose or provide to the administering agency and to the state~~
14 ~~board all of the following:~~

15 ~~(1) A copy of any judgments, rulings, citations, decisions, orders,~~
16 ~~or awards finding that the fleet purchaser or any parent company~~
17 ~~or subsidiary or other commonly controlled entity has applicable~~
18 ~~law violations as of the date of application or disclosure, whichever~~
19 ~~is applicable.~~

20 ~~(2) A list of all operating authorities under which the vehicle~~
21 ~~purchased will be or was operated.~~

22 ~~(3) A certification that the fleet purchaser maintained control~~
23 ~~of the individuals operating the vehicle, and maintained control~~
24 ~~of the vehicle.~~

25 ~~(4) A certification that the fleet purchaser has completed all~~
26 ~~required maintenance and upkeep on the vehicle purchased with~~
27 ~~the incentive.~~

28 SEC. 5. Section 39712 of the Health and Safety Code is
29 amended to read:

30 39712. (a) (1) It is the intent of the Legislature that moneys
31 shall be appropriated from the fund only in a manner consistent
32 with the requirements of this chapter and Article 9.7 (commencing
33 with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title
34 2 of the Government Code.

35 (2) The state shall not approve allocations for a measure or
36 program using moneys appropriated from the fund except after
37 determining, based on the available evidence, that the use of those
38 moneys furthers the regulatory purposes of Division 25.5
39 (commencing with Section 38500) and is consistent with law. If
40 any expenditure of moneys from the fund for any measure or

1 project is determined by a court to be inconsistent with law, the
2 allocations for the remaining measures or projects shall be
3 severable and shall not be affected.

4 (3) An eligible expenditure of moneys appropriated to the
5 Department of Community Services and Development may occur
6 over multiple fiscal years and the department may make multiyear
7 funding commitments over a period of more than one fiscal year.

8 (b) Moneys shall be used to facilitate the achievement of
9 reductions of greenhouse gas emissions in this state consistent
10 with Division 25.5 (commencing with Section 38500) and, where
11 applicable and to the extent feasible:

12 (1) Maximize economic, environmental, and public health
13 benefits to the state.

14 (2) Foster job creation by promoting in-state greenhouse gas
15 emissions reduction projects carried out by California workers and
16 businesses.

17 (3) Complement efforts to improve air quality.

18 (4) Direct investment toward the most disadvantaged
19 communities and households in the state.

20 (5) Provide opportunities for businesses, public agencies, Native
21 American tribes in the state, nonprofits, and other community
22 institutions to participate in and benefit from statewide efforts to
23 reduce greenhouse gas emissions.

24 (6) Lessen the impacts and effects of climate change on the
25 state's communities, economy, and environment.

26 (c) Moneys appropriated from the fund may be allocated,
27 consistent with subdivision (a), for the purpose of reducing
28 greenhouse gas emissions in this state through investments that
29 may include, but are not limited to, any of the following:

30 (1) Funding to reduce greenhouse gas emissions through energy
31 efficiency, clean and renewable energy generation, distributed
32 renewable energy generation, transmission and storage, and other
33 related actions, including, but not limited to, at public universities,
34 state and local public buildings, and industrial and manufacturing
35 facilities.

36 (2) Funding to reduce greenhouse gas emissions through the
37 development of state-of-the-art systems to move goods and freight,
38 advanced technology vehicles and vehicle infrastructure, advanced
39 biofuels, and low-carbon and efficient public transportation.

1 (3) Funding to reduce greenhouse gas emissions associated with
2 water use and supply, land and natural resource conservation and
3 management, forestry, and sustainable agriculture.

4 (4) Funding to reduce greenhouse gas emissions through
5 strategic planning and development of sustainable infrastructure
6 projects, including, but not limited to, transportation and housing.

7 (5) Funding to reduce greenhouse gas emissions through
8 increased in-state diversion of municipal solid waste from disposal
9 through waste reduction, diversion, and reuse.

10 (6) Funding to reduce greenhouse gas emissions through
11 investments in programs implemented by local and regional
12 agencies, local and regional collaboratives, Native American tribes
13 in the state, and nonprofit organizations coordinating with local
14 governments.

15 (7) Funding research, development, and deployment of
16 innovative technologies, measures, and practices related to
17 programs and projects funded pursuant to this chapter.

18 (d) Moneys directed to grant, loan, voucher, or other incentive
19 programs shall be conditioned on the requirements of Chapter 3.6
20 (commencing with Section 39680), as applicable.

21 SEC. 6. Section 43015 of the Health and Safety Code is
22 amended to read:

23 43015. (a) The Air Pollution Control Fund is continued in
24 existence in the State Treasury. Upon appropriation by the
25 Legislature, the money in the fund shall be available to the state
26 board to carry out its duties and functions.

27 (b) Projects using grants, loans, vouchers, or other incentives
28 funded in part or whole by the Air Pollution Control Fund shall
29 be conditioned on the requirements of Chapter 3.6 (commencing
30 with Section 39680) of Part 2, as applicable. The state board may
31 include in an existing report its description of how projects funded
32 by the Air Pollution Control Fund are implementing the labor-~~and~~
33 ~~workforce~~ standards described in Chapter 3.6 (commencing with
34 Section 39680) of Part 2, as applicable.

35 SEC. 7. Section 44274 of the Health and Safety Code is
36 amended to read:

37 44274. (a) The Air Quality Improvement Program is hereby
38 created. The program shall be administered by the state board, in
39 consultation with the districts. The state board shall develop
40 guidelines to implement the program. Prior to the adoption of the

1 guidelines, the state board shall hold at least one public hearing.
2 In addition, the state board shall hold at least three public
3 workshops with at least one workshop in northern California, one
4 in the central valley, and one in southern California. The purpose
5 of the program shall be to fund, upon appropriation by the
6 Legislature, air quality improvement projects relating to fuel and
7 vehicle technologies. The primary purpose of the program shall
8 be to fund projects to reduce criteria air pollutants, improve air
9 quality, and provide funding for research to determine and improve
10 the air quality impacts of alternative transportation fuels and
11 vehicles, vessels, and equipment technologies.

12 (b) The state board shall provide preference in awarding funding
13 to those projects with higher benefit-cost scores that maximize the
14 purposes and goals of the Air Quality Improvement Program. The
15 state board also may give additional preference based on the
16 following criteria, as applicable, in funding awards to projects:

17 (1) Proposed or potential reduction of criteria or toxic air
18 pollutants.

19 (2) Contribution to regional air quality improvement.

20 (3) Ability to promote the use of clean alternative fuels and
21 vehicle technologies as determined by the state board, in
22 coordination with the commission.

23 (4) Ability to achieve climate change benefits in addition to
24 criteria pollutant or air toxic emissions reductions.

25 (5) Ability to support market transformation of California's
26 vehicle or equipment fleet to utilize low carbon or zero-emission
27 technologies.

28 (6) Ability to leverage private capital investments.

29 (c) The program shall be limited to competitive grants, revolving
30 loans, loan guarantees, loans, and other appropriate funding
31 measures that further the purposes of the program. Projects to be
32 funded shall include only the following:

33 (1) On-road and off-road equipment projects that are cost
34 effective.

35 (2) Projects that provide mitigation for off-road gasoline exhaust
36 and evaporative emissions.

37 (3) Projects that provide research to determine the air quality
38 impacts of alternative fuels and projects that study the life-cycle
39 impacts of alternative fuels and conventional fuels, the emissions
40 of biofuel and advanced reformulated gasoline blends, and air

1 pollution improvements and control technologies for use with
2 alternative fuels and vehicles.

3 (4) Projects that augment the University of California's
4 agricultural experiment station and cooperative extension programs
5 for research to increase sustainable biofuels production and
6 improve the collection of biomass feedstock.

7 (5) Incentives for small off-road equipment replacement to
8 encourage consumers to replace internal combustion engine lawn
9 and garden equipment.

10 (6) Incentives for medium- and heavy-duty vehicles and
11 equipment mitigation, including all of the following:

12 (A) Lower emission schoolbus programs.

13 (B) Electric, hybrid, and plug-in hybrid on-road and off-road
14 medium- and heavy-duty equipment.

15 (C) Regional air quality improvement and attainment programs
16 implemented by the state or districts in the most impacted regions
17 of the state.

18 (7) Workforce training initiatives related to advanced energy
19 technology designed to reduce air pollution, including
20 state-of-the-art equipment and goods, and new processes and
21 systems. Workforce training initiatives funded shall be broad-based
22 partnerships that leverage other public and private job training
23 programs and resources. These partnerships may include, though
24 are not limited to, employers, labor unions, labor-management
25 partnerships, community organizations, workforce investment
26 boards, postsecondary education providers including community
27 colleges, and economic development agencies.

28 (8) Incentives to identify and reduce emissions from
29 high-emitting light-duty vehicles.

30 (d) (1) Beginning January 1, 2011, the state board shall submit
31 to the Legislature a biennial report to evaluate the implementation
32 of the Air Quality Improvement Program established pursuant to
33 this chapter.

34 (2) The report shall include all of the following:

35 (A) A list of projects funded by the Air Quality Improvement
36 Account.

37 (B) The expected benefits of the projects in promoting clean,
38 alternative fuels and vehicle technologies.

1 (C) Improvement in air quality and public health, greenhouse
2 gas emissions reductions, and the progress made toward achieving
3 these benefits.

4 (D) The impact of the projects in making progress toward
5 attainment of state and federal air quality standards.

6 (E) Recommendations for future actions.

7 (3) The state board may include the information required to be
8 reported pursuant to paragraph (1) in an existing report to the
9 Legislature as the state board deems appropriate. The state board
10 may also include in an existing report the description of how grant,
11 loan, voucher, or other incentive projects that receive moneys from
12 the Air Quality Improvement Fund are implementing the labor
13 ~~and workforce~~ standards required by Chapter 3.6 (commencing
14 with Section 39680) of Part 2, as applicable.

15 (e) Projects using grants, loans, vouchers, or other incentives
16 funded in part or whole by the Air Quality Improvement Fund
17 shall be conditioned on the requirements of Chapter 3.6
18 (commencing with Section 39680) of Part 2, as applicable.

19 SEC. 8. Section 44282 of the Health and Safety Code, as
20 amended by Section 9 of Chapter 610 of the Statutes of 2015, is
21 amended to read:

22 44282. The following criteria apply to all projects to be funded
23 through the program except for projects funded through the
24 infrastructure demonstration program and infrastructure projects,
25 pursuant to subdivision (c) of Section 44281 and Section 44284:

26 (a) The state board may establish project criteria, including
27 minimum project life for source categories, in the guidelines
28 described in Section 44287. For previously unregulated source
29 categories, project criteria shall consider the timing of newly
30 established regulatory requirements.

31 (b) To be eligible, projects shall meet the cost-effectiveness per
32 ton of covered emissions reduced requirements of Section 44283.

33 (c) To be eligible, retrofits, repowers, and installation of add-on
34 equipment for covered vehicles shall be performed, or new covered
35 vehicles delivered to the end user, or covered vehicles scrapped
36 on or after the date the program is implemented.

37 (d) Retrofit technologies, new engines, and new vehicles shall
38 be certified for sale or under experimental permit for operation in
39 California.

1 (e) Repower projects that replace older, uncontrolled engines
2 with new, emissions-certified engines or that replace
3 emissions-certified engines with new engines certified to a more
4 stringent NO_x emissions standard are approvable subject to the
5 other applicable selection criteria. The state board shall determine
6 appropriate baseline emission levels for the uncontrolled engines
7 being replaced.

8 (f) For heavy-duty-vehicle projects, retrofit and add-on
9 equipment projects shall document a NO_x or PM emission
10 reduction of at least 25 percent and no increase in other covered
11 emissions compared to the applicable baseline emissions accepted
12 by the state board for that engine year and application. The state
13 board shall determine appropriate baseline emission levels.
14 Acceptable documentation shall be defined by the state board.
15 After study of available emission reduction technologies and after
16 public notice and comment, the state board may revise the
17 minimum percentage emission reduction criterion for retrofits and
18 add-on equipment provided for in this section to improve the ability
19 of the program to achieve its goals.

20 (g) (1) For heavy-duty-vehicle projects involving the purchase
21 of new very low or zero-emission vehicles, engines shall be
22 certified to an optional low NO_x emissions standard established
23 by the state board, except as provided for in paragraph (2).

24 (2) For heavy-duty-vehicle projects involving the purchase of
25 new very low or zero-emission covered vehicles for which no
26 optional low NO_x emission standards are available, documentation
27 shall be provided showing that the low or zero-emission engine
28 emits not more than 70 percent of the NO_x or NO_x plus
29 hydrocarbon emissions of a new engine certified to the applicable
30 baseline NO_x or NO_x plus hydrocarbon emission standard for that
31 engine and meets applicable particulate standards. The state board
32 shall specify the documentation required. If no baseline emission
33 standard exists for new vehicles in a particular category, the state
34 board shall determine an appropriate baseline emission level for
35 comparison.

36 (h) For projects other than heavy-duty-vehicle projects, the state
37 board shall determine appropriate criteria under the provisions of
38 Section 44287.

39 (i) Projects using grants, loans, vouchers, or other incentives
40 pursuant to this chapter shall condition eligibility on the

1 requirements of Chapter 3.6 (commencing with Section 39680) of
2 Part 2, as applicable.

3 (j) This section shall remain in effect only until January 1, 2024,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2024, deletes or extends that date.

6 SEC. 9. Section 44282 of the Health and Safety Code, as
7 amended by Section 22 of Chapter 401 of the Statutes of 2013, is
8 amended to read:

9 44282. The following criteria apply to all projects to be funded
10 through the program except for projects funded through the
11 infrastructure demonstration program:

12 (a) Except for projects involving marine vessels, 75 percent or
13 more of vehicle miles traveled or hours of operation shall be
14 projected to be in California for at least five years following the
15 grant award. Projects involving marine vessels and engines shall
16 be limited to those that spend enough time operating in California
17 air basins over the lifetime of the project to meet the
18 cost-effectiveness criteria based on NO_x reductions in California,
19 as provided in Section 44283.

20 (b) To be eligible, projects shall meet cost-effectiveness per ton
21 of NO_x reduced requirements of Section 44283.

22 (c) To be eligible, retrofits, repowers, and installation of add-on
23 equipment for covered vehicles shall be performed, or new covered
24 vehicles delivered to the end user, on or after the date the program
25 is implemented.

26 (d) Retrofit technologies, new engines, and new vehicles shall
27 be certified for sale or under experimental permit for operation in
28 California.

29 (e) Repower projects that replace older, uncontrolled engines
30 with new, emissions-certified engines or that replace
31 emissions-certified engines with new engines certified to a more
32 stringent NO_x emissions standard are approvable subject to the
33 other applicable selection criteria. The state board shall determine
34 appropriate baseline emission levels for the uncontrolled engines
35 being replaced.

36 (f) Retrofit and add-on equipment projects shall document a
37 NO_x emission reduction of at least 25 percent and no increase in
38 particulate emissions compared to the applicable baseline emissions
39 accepted by the state board for that engine year and application.
40 The state board shall determine appropriate baseline emission

1 levels. Acceptable documentation shall be defined by the state
2 board. After study of available emission reduction technologies
3 and after public notice and comment, the state board may revise
4 the minimum percentage NO_x reduction criterion for retrofits and
5 add-on equipment provided for in this section to improve the ability
6 of the program to achieve its goals.

7 (g) (1) For projects involving the purchase of new very low or
8 zero-emission vehicles, engines shall be certified to an optional
9 low NO_x emissions standard established by the state board, except
10 as provided for in paragraph (2).

11 (2) For projects involving the purchase of new very low or
12 zero-emission covered vehicles for which no optional low NO_x
13 emission standards are available, documentation shall be provided
14 showing that the low- or zero-emission engine emits not more than
15 70 percent of the NO_x or NO_x plus hydrocarbon emissions of a
16 new engine certified to the applicable baseline NO_x or NO_x plus
17 hydrocarbon emission standard for that engine and meets applicable
18 particulate standards. The state board shall specify the
19 documentation required. If no baseline emission standard exists
20 for new vehicles in a particular category, the state board shall
21 determine an appropriate baseline emission level for comparison.

22 (h) Projects using grants, loans, vouchers, or other incentives
23 pursuant to this chapter shall condition eligibility on the
24 requirements of Chapter 3.6 (commencing with Section 39680) of
25 Part 2, as applicable.

26 (i) This section shall become operative on January 1, 2024.

27 SEC. 10. Section 44295.5 is added to the Health and Safety
28 Code, to read:

29 44295.5. Beginning January 1, 2023, any program funded by
30 the Carl Moyer Memorial Air Quality Standards Attainment
31 Program that provides grants, loans, vouchers, or other incentives
32 shall comply with the reporting requirements in Chapter 3.6
33 (commencing with Section 39680) of Part 2. The state board may
34 include in an existing report its description of how Carl Moyer
35 programs are implementing the labor-~~and-workforce~~ standards
36 required by Chapter 3.6 (commencing with Section 39680) of Part
37 2, as applicable.

38 SEC. 11. Section 1095 of the Unemployment Insurance Code
39 is amended to read:

1 1095. The director shall permit the use of any information in
2 the director's possession to the extent necessary for any of the
3 following purposes, and may require reimbursement for all direct
4 costs incurred in providing any and all information specified in
5 this section, except information specified in subdivisions (a) to
6 (e), inclusive:

7 (a) To enable the director or the director's representative to
8 carry out their responsibilities under this code.

9 (b) To properly present a claim for benefits.

10 (c) To acquaint a worker or their authorized agent with the
11 worker's existing or prospective right to benefits.

12 (d) To furnish an employer or their authorized agent with
13 information to enable the employer to fully discharge their
14 obligations or safeguard their rights under this division or Division
15 3 (commencing with Section 9000).

16 (e) To enable an employer to receive a reduction in contribution
17 rate.

18 (f) To enable federal, state, or local governmental departments
19 or agencies, subject to federal law, to verify or determine the
20 eligibility or entitlement of an applicant for, or a recipient of, public
21 social services provided pursuant to Division 9 (commencing with
22 Section 10000) of the Welfare and Institutions Code, or Part A of
23 Subchapter IV of the federal Social Security Act (42 U.S.C. Sec.
24 601 et seq.), when the verification or determination is directly
25 connected with, and limited to, the administration of public social
26 services.

27 (g) To enable county administrators of general relief or
28 assistance, or their representatives, to determine entitlement to
29 locally provided general relief or assistance, when the
30 determination is directly connected with, and limited to, the
31 administration of general relief or assistance.

32 (h) To enable state or local governmental departments or
33 agencies to seek criminal, civil, or administrative remedies in
34 connection with the unlawful application for, or receipt of, relief
35 provided under Division 9 (commencing with Section 10000) of
36 the Welfare and Institutions Code or to enable the collection of
37 expenditures for medical assistance services pursuant to Part 5
38 (commencing with Section 17000) of Division 9 of the Welfare
39 and Institutions Code.

1 (i) To provide any law enforcement agency with the name,
2 address, telephone number, birth date, social security number,
3 physical description, and names and addresses of present and past
4 employers, of any victim, suspect, missing person, potential
5 witness, or person for whom a felony arrest warrant has been
6 issued, when a request for this information is made by any
7 investigator or peace officer as defined by Sections 830.1 and
8 830.2 of the Penal Code, or by any federal law enforcement officer
9 to whom the Attorney General has delegated authority to enforce
10 federal search warrants, as defined under Sections 60.2 and 60.3
11 of Title 28 of the Code of Federal Regulations, as amended, and
12 when the requesting officer has been designated by the head of
13 the law enforcement agency and requests this information in the
14 course of and as a part of an investigation into the commission of
15 a crime when there is a reasonable suspicion that the crime is a
16 felony and that the information would lead to relevant evidence.
17 The information provided pursuant to this subdivision shall be
18 provided to the extent permitted by federal law and regulations,
19 and to the extent the information is available and accessible within
20 the constraints and configurations of existing department records.
21 Any person who receives any information under this subdivision
22 shall make a written report of the information to the law
23 enforcement agency that employs the person, for filing under the
24 normal procedures of that agency.

25 (1) This subdivision shall not be construed to authorize the
26 release to any law enforcement agency of a general list identifying
27 individuals applying for or receiving benefits.

28 (2) The department shall maintain records pursuant to this
29 subdivision only for periods required under regulations or statutes
30 enacted for the administration of its programs.

31 (3) This subdivision shall not be construed as limiting the
32 information provided to law enforcement agencies to that pertaining
33 only to applicants for, or recipients of, benefits.

34 (4) The department shall notify all applicants for benefits that
35 release of confidential information from their records will not be
36 protected should there be a felony arrest warrant issued against
37 the applicant or in the event of an investigation by a law
38 enforcement agency into the commission of a felony.

39 (j) To provide public employee retirement systems in California
40 with information relating to the earnings of any person who has

1 applied for or is receiving a disability income, disability allowance,
2 or disability retirement allowance, from a public employee
3 retirement system. The earnings information shall be released only
4 upon written request from the governing board specifying that the
5 person has applied for or is receiving a disability allowance or
6 disability retirement allowance from its retirement system. The
7 request may be made by the chief executive officer of the system
8 or by an employee of the system so authorized and identified by
9 name and title by the chief executive officer in writing.

10 (k) To enable the Division of Labor Standards Enforcement in
11 the Department of Industrial Relations to seek criminal, civil, or
12 administrative remedies in connection with the failure to pay, or
13 the unlawful payment of, wages pursuant to Chapter 1
14 (commencing with Section 200) of Part 1 of Division 2 of, and
15 Chapter 1 (commencing with Section 1720) of Part 7 of Division
16 2 of, the Labor Code.

17 (l) To enable federal, state, or local governmental departments
18 or agencies to administer child support enforcement programs
19 under Part D of Title IV of the federal Social Security Act (42
20 U.S.C. Sec. 651 et seq.).

21 (m) To provide federal, state, or local governmental departments
22 or agencies with wage and claim information in its possession that
23 will assist those departments and agencies in the administration
24 of the Victims of Crime Program or in the location of victims of
25 crime who, by state mandate or court order, are entitled to
26 restitution that has been or can be recovered.

27 (n) To provide federal, state, or local governmental departments
28 or agencies with information concerning any individuals who are
29 or have been:

30 (1) Directed by state mandate or court order to pay restitution,
31 fines, penalties, assessments, or fees as a result of a violation of
32 law.

33 (2) Delinquent or in default on guaranteed student loans or who
34 owe repayment of funds received through other financial assistance
35 programs administered by those agencies. The information released
36 by the director for the purposes of this paragraph shall not include
37 unemployment insurance benefit information.

38 (o) To provide an authorized governmental agency with any
39 and all relevant information that relates to any specific workers'
40 compensation insurance fraud investigation. The information shall

1 be provided to the extent permitted by federal law and regulations.
 2 For purposes of this subdivision, “authorized governmental agency”
 3 means the district attorney of any county, the office of the Attorney
 4 General, the Contractors’ State License Board, the Department of
 5 Industrial Relations, and the Department of Insurance. An
 6 authorized governmental agency may disclose this information to
 7 the State Bar of California, the Medical Board of California, or
 8 any other licensing board or department whose licensee is the
 9 subject of a workers’ compensation insurance fraud investigation.
 10 This subdivision shall not prevent any authorized governmental
 11 agency from reporting to any board or department the suspected
 12 misconduct of any licensee of that body.

13 (p) To enable the Director of Consumer Affairs, or the director’s
 14 representative, to access unemployment insurance quarterly wage
 15 data on a case-by-case basis to verify information on school
 16 administrators, school staff, and students provided by those schools
 17 who are being investigated for possible violations of Chapter 8
 18 (commencing with Section 94800) of Part 59 of Division 10 of
 19 Title 3 of the Education Code.

20 (q) To provide employment tax information to the tax officials
 21 of Mexico, if a reciprocal agreement exists. For purposes of this
 22 subdivision, “reciprocal agreement” means a formal agreement to
 23 exchange information between national taxing officials of Mexico
 24 and taxing authorities of the State Board of Equalization, the
 25 Franchise Tax Board, and the Employment Development
 26 Department. Furthermore, the reciprocal agreement shall be limited
 27 to the exchange of information that is essential for tax
 28 administration purposes only. Taxing authorities of the State of
 29 California shall be granted tax information only on California
 30 residents. Taxing authorities of Mexico shall be granted tax
 31 information only on Mexican nationals.

32 (r) To enable city and county planning agencies to develop
 33 economic forecasts for planning purposes. The information shall
 34 be limited to businesses within the jurisdiction of the city or county
 35 whose planning agency is requesting the information, and shall
 36 not include information regarding individual employees.

37 (s) To provide the State Department of Developmental Services
 38 with wage and employer information that will assist in the
 39 collection of moneys owed by the recipient, parent, or any other
 40 legally liable individual for services and supports provided pursuant

1 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
2 and Chapter 2 (commencing with Section 7200) and Chapter 3
3 (commencing with Section 7500) of Division 7 of, the Welfare
4 and Institutions Code.

5 (t) To provide the State Board of Equalization with employment
6 tax information that will assist in the administration of tax
7 programs. The information shall be limited to the exchange of
8 employment tax information essential for tax administration
9 purposes to the extent permitted by federal law and regulations.

10 (u) This section shall not be construed to authorize or permit
11 the use of information obtained in the administration of this code
12 by any private collection agency.

13 (v) The disclosure of the name and address of an individual or
14 business entity that was issued an assessment that included
15 penalties under Section 1128 or 1128.1 shall not be in violation
16 of Section 1094 if the assessment is final. The disclosure may also
17 include any of the following:

18 (1) The total amount of the assessment.

19 (2) The amount of the penalty imposed under Section 1128 or
20 1128.1 that is included in the assessment.

21 (3) The facts that resulted in the charging of the penalty under
22 Section 1128 or 1128.1.

23 (w) To enable the ~~Contractors~~ *Contractors'* State License Board
24 to verify the employment history of an individual applying for
25 licensure pursuant to Section 7068 of the Business and Professions
26 Code.

27 (x) To provide any peace officer with the Division of
28 Investigation in the Department of Consumer Affairs information
29 pursuant to subdivision (i) when the requesting peace officer has
30 been designated by the chief of the Division of Investigation and
31 requests this information in the course of and as part of an
32 investigation into the commission of a crime or other unlawful act
33 when there is reasonable suspicion to believe that the crime or act
34 may be connected to the information requested and would lead to
35 relevant information regarding the crime or unlawful act.

36 (y) To enable the Labor Commissioner of the Division of Labor
37 Standards Enforcement in the Department of Industrial Relations
38 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
39 uninsured employers. The information shall be provided to the
40 extent permitted by federal law and regulations.

1 (z) To enable the Chancellor of the California Community
2 Colleges, in accordance with the requirements of Section 84754.5
3 of the Education Code, to obtain quarterly wage data, commencing
4 January 1, 1993, on students who have attended one or more
5 community colleges, to assess the impact of education on the
6 employment and earnings of students, to conduct the annual
7 evaluation of district-level and individual college performance in
8 achieving priority educational outcomes, and to submit the required
9 reports to the Legislature and the Governor. The information shall
10 be provided to the extent permitted by federal statutes and
11 regulations.

12 (aa) To enable the Public Employees' Retirement System to
13 seek criminal, civil, or administrative remedies in connection with
14 the unlawful application for, or receipt of, benefits provided under
15 Part 3 (commencing with Section 20000) of Division 5 of Title 2
16 of the Government Code.

17 (ab) To enable the State Department of Education, the University
18 of California, the California State University, and the Chancellor
19 of the California Community Colleges, pursuant to the
20 requirements prescribed by the federal American Recovery and
21 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly
22 wage data, commencing July 1, 2010, on students who have
23 attended their respective systems to assess the impact of education
24 on the employment and earnings of those students, to conduct the
25 annual analysis of district-level and individual district or
26 postsecondary education system performance in achieving priority
27 educational outcomes, and to submit the required reports to the
28 Legislature and the Governor. The information shall be provided
29 to the extent permitted by federal statutes and regulations.

30 (ac) To provide the Agricultural Labor Relations Board with
31 employee, wage, and employer information, for use in the
32 investigation or enforcement of the
33 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations
34 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division
35 2 of the Labor Code). The information shall be provided to the
36 extent permitted by federal statutes and regulations.

37 (ad) (1) To enable the State Department of Health Care
38 Services, the California Health Benefit Exchange, the Managed
39 Risk Medical Insurance Board, and county departments and
40 agencies to obtain information regarding employee wages,

1 California employer names and account numbers, employer reports
2 of wages and number of employees, and disability insurance and
3 unemployment insurance claim information, for the purpose of:

4 (A) Verifying or determining the eligibility of an applicant for,
5 or a recipient of, state health subsidy programs, limited to the
6 Medi-Cal program provided pursuant to Chapter 7 (commencing
7 with Section 14000) of Part 3 of Division 9 of the Welfare and
8 Institutions Code, and the Medi-Cal Access Program provided
9 pursuant to Chapter 2 (commencing with Section 15810) of Part
10 3.3 of Division 9 of the Welfare and Institutions Code, when the
11 verification or determination is directly connected with, and limited
12 to, the administration of the state health subsidy programs
13 referenced in this subparagraph.

14 (B) Verifying or determining the eligibility of an applicant for,
15 or a recipient of, federal subsidies offered through the California
16 Health Benefit Exchange, provided pursuant to Title 22
17 (commencing with Section 100500) of the Government Code,
18 including federal tax credits and cost-sharing assistance pursuant
19 to the federal Patient Protection and Affordable Care Act (Public
20 Law 111-148), as amended by the federal Health Care and
21 Education Reconciliation Act of 2010 (Public Law 111-152), when
22 the verification or determination is directly connected with, and
23 limited to, the administration of the California Health Benefit
24 Exchange.

25 (C) Verifying or determining the eligibility of employees and
26 employers for health coverage through the Small Business Health
27 Options Program, provided pursuant to Section 100502 of the
28 Government Code, when the verification or determination is
29 directly connected with, and limited to, the administration of the
30 Small Business Health Options Program.

31 (2) The information provided under this subdivision shall be
32 subject to the requirements of, and provided to the extent permitted
33 by, federal law and regulations, including Part 603 of Title 20 of
34 the Code of Federal Regulations.

35 (ae) To provide any peace officer with the Investigations
36 Division of the Department of Motor Vehicles with information
37 pursuant to subdivision (i), when the requesting peace officer has
38 been designated by the Chief of the Investigations Division and
39 requests this information in the course of, and as part of, an
40 investigation into identity theft, counterfeiting, document fraud,

1 or consumer fraud, and there is reasonable suspicion that the crime
2 is a felony and that the information would lead to relevant evidence
3 regarding the identity theft, counterfeiting, document fraud, or
4 consumer fraud. The information provided pursuant to this
5 subdivision shall be provided to the extent permitted by federal
6 law and regulations, and to the extent the information is available
7 and accessible within the constraints and configurations of existing
8 department records. Any person who receives any information
9 under this subdivision shall make a written report of the
10 information to the Investigations Division of the Department of
11 Motor Vehicles, for filing under the normal procedures of that
12 division.

13 (af) Until January 1, 2020, to enable the Department of Finance
14 to prepare and submit the report required by Section 13084 of the
15 Government Code that identifies all employers in California that
16 employ 100 or more employees who receive benefits from the
17 Medi-Cal program (Chapter 7 (commencing with Section 14000)
18 of Part 3 of Division 9 of the Welfare and Institutions Code). The
19 information used for this purpose shall be limited to information
20 obtained pursuant to Section 11026.5 of the Welfare and
21 Institutions Code and from the administration of personal income
22 tax wage withholding pursuant to Division 6 (commencing with
23 Section 13000) and the disability insurance program and may be
24 disclosed to the Department of Finance only for the purpose of
25 preparing and submitting the report and only to the extent not
26 prohibited by federal law.

27 (ag) To provide, to the extent permitted by federal law and
28 regulations, the Student Aid Commission with wage information
29 in order to verify the employment status of an individual applying
30 for a Cal Grant C award pursuant to subdivision (c) of Section
31 69439 of the Education Code.

32 (ah) To enable the Department of Corrections and Rehabilitation
33 to obtain quarterly wage data of former inmates who have been
34 incarcerated within the prison system in order to assess the impact
35 of rehabilitation services or the lack of these services on the
36 employment and earnings of these former inmates. Quarterly data
37 for a former inmate's employment status and wage history shall
38 be provided for a period of one year, three years, and five years
39 following release. The data shall only be used for the purpose of
40 tracking outcomes for former inmates in order to assess the

1 effectiveness of rehabilitation strategies on the wages and
2 employment histories of those formerly incarcerated. The
3 information shall be provided to the department to the extent not
4 prohibited by federal law.

5 (ai) To enable federal, state, or local government departments
6 or agencies, or their contracted agencies, subject to federal law,
7 including the confidentiality, disclosure, and other requirements
8 set forth in Part 603 of Title 20 of the Code of Federal Regulations,
9 to evaluate, research, or forecast the effectiveness of public social
10 services programs administered pursuant to Division 9
11 (commencing with Section 10000) of the Welfare and Institutions
12 Code, or Part A of Subchapter IV of Chapter 7 of the federal Social
13 Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation,
14 research, or forecast is directly connected with, and limited to, the
15 administration of the public social services programs.

16 (aj) (1) To enable the California Workforce Development
17 Board, the Chancellor of the California Community Colleges, the
18 Superintendent of Public Instruction, the Department of
19 Rehabilitation, the State Department of Social Services, the Bureau
20 for Private Postsecondary Education, the Department of Industrial
21 Relations, the Division of Apprenticeship Standards, the
22 Department of Corrections and Rehabilitation, the Prison Industry
23 Authority, the Employment Training Panel, and a chief elected
24 official, as that term is defined in Section 3102(9) of Title 29 of
25 the United States Code, to access any relevant quarterly wage data
26 necessary for the evaluation and reporting of their respective
27 program performance outcomes as required and permitted by
28 various local, state, and federal laws pertaining to performance
29 measurement and program evaluation under the federal Workforce
30 Innovation and Opportunity Act (Public Law 113-128); the
31 workforce metrics dashboard pursuant to paragraph (1) of
32 subdivision (i) of Section 14013; the Adult Education Block Grant
33 Program consortia performance metrics pursuant to Section 84920
34 of the Education Code; the economic and workforce development
35 program performance measures pursuant to Section 88650 of the
36 Education Code; and the California Community Colleges Economic
37 and Workforce Development Program performance measures
38 established in Part 52.5 (commencing with Section 88600) of
39 Division 7 of Title 3 of the Education Code. Disclosures under
40 this subdivision shall comply with federal and state privacy laws

1 that require the informed consent from program participants of
2 city and county departments or agencies that administer public
3 workforce development programs for the evaluation, research, or
4 forecast of their programs regardless of local, state, or federal
5 funding source.

6 (2) The department shall do all of the following:

7 (A) Consistent with this subdivision, develop the minimum
8 requirements for granting a request for disclosure of information
9 authorized by this subdivision regardless of local, state, or federal
10 funding source.

11 (B) Develop a standard application for submitting a request for
12 disclosure of information authorized by this subdivision.

13 (C) Approve or deny a request for disclosure of information
14 authorized by this subdivision, or request additional information,
15 within 20 business days of receiving the standard application. The
16 entity submitting the application shall respond to any request by
17 the department for additional information within 20 business days
18 of receipt of the department's request. Within 30 calendar days of
19 receiving any additional information, the department shall provide
20 a final approval or denial of the request for disclosure of
21 information authorized by this subdivision. Any approval, denial,
22 or request for additional information shall be in writing. Denials
23 shall identify the reason or category of reasons for the denial.

24 (D) Make publicly available on the department's internet website
25 all of the following:

26 (i) The minimum requirements for granting a request for
27 disclosure of information authorized by this subdivision, as
28 developed pursuant to subparagraph (A).

29 (ii) The standard application developed pursuant to subparagraph
30 (B).

31 (iii) The timeframe for information request determinations by
32 the department, as specified in subparagraph (C).

33 (iv) Contact information for assistance with requests for
34 disclosures of information authorized by this subdivision.

35 (v) Any denials for requests of disclosure of information
36 authorized by this subdivision, including the reason or category
37 of reasons for the denial.

38 (ak) (1) To provide any peace officer with the Enforcement
39 Branch of the Department of Insurance with both of the following:

1 (A) Information provided pursuant to subdivision (i) that relates
2 to a specific insurance fraud investigation involving automobile
3 insurance fraud, life insurance and annuity fraud, property and
4 casualty insurance fraud, and organized automobile insurance
5 fraud. That information shall be provided when the requesting
6 peace officer has been designated by the Chief of the Fraud
7 Division of the Department of Insurance and requests the
8 information in the course of, and as part of, an investigation into
9 the commission of a crime or other unlawful act when there is
10 reasonable suspicion to believe that the crime or act may be
11 connected to the information requested and would lead to relevant
12 information regarding the crime or unlawful act.

13 (B) Employee, wage, employer, and state disability insurance
14 claim information that relates to a specific insurance fraud
15 investigation involving health or disability insurance fraud when
16 the requesting peace officer has been designated by the Chief of
17 the Fraud Division of the Department of Insurance and requests
18 the information in the course of, and as part of, an investigation
19 into the commission of a crime or other unlawful act when there
20 is reasonable suspicion to believe that the crime or act may be
21 connected to the information requested and would lead to relevant
22 information regarding the crime or unlawful act.

23 (2) To enable the State Department of Developmental Services
24 to obtain quarterly wage data of consumers served by that
25 department for the purposes of monitoring and evaluating
26 employment outcomes to determine the effectiveness of the
27 Employment First Policy, established pursuant to Section 4869 of
28 the Welfare and Institutions Code.

29 (3) The information provided pursuant to this subdivision shall
30 be provided to the extent permitted by federal statutes and
31 regulations.

32 (al) To provide the CalSavers Retirement Savings Board with
33 employer tax information for use in the administration of, and to
34 facilitate compliance with, the CalSavers Retirement Savings Trust
35 Act (Title 21 (*commencing with Section 100000*) of the
36 Government Code). The information should be limited to the tax
37 information the director deems appropriate, and shall be provided
38 to the extent permitted by federal laws and regulations.

39 (am) (1) To enable the Joint Enforcement Strike Force as
40 established by Section 329, and the Labor Enforcement Task Force,

1 as established pursuant to Assembly Bill 1464 of the 2011–12
2 Regular Session (Chapter 21 of the Statutes of 2012), to carry out
3 their duties.

4 (2) To provide an agency listed in subdivision (a) of Section
5 329 intelligence, data, including confidential tax and fee
6 information, documents, information, complaints, or lead referrals
7 pursuant to Section 15925 of the Government Code.

8 (an) To enable the Bureau for Private Postsecondary Education
9 to access and use any relevant quarterly wage data necessary to
10 perform the labor market outcome reporting data match pursuant
11 to Section 94892.6 of the Education Code. The information
12 provided pursuant to this subdivision shall be provided to the extent
13 permitted by state and federal laws and regulations.

14 (ao) To enable the Department of Fair Employment and Housing
15 to carry out its duties, including ensuring compliance with Section
16 12999 of the Government Code. Conduct related to information
17 provided pursuant to this subdivision shall not be subject to the
18 criminal sanctions set forth in subdivision (f) of Section 1094.

19 (ap) To enable the Cradle-to-Career Data System, as established
20 by Article 2 (commencing with Section 10860) of Chapter 8.5 of
21 Part 7 of Division 1 of Title 1 of the Education Code, to receive
22 employment and earnings data and, as required of the director
23 pursuant to Section 10871 of the Education Code, to provide
24 information to the data system, to the extent permissible by federal
25 laws and regulations.

26 (aq) *(1) To enable the State Air Resources Board to receive*
27 *unpaid final tax assessment information issued to a port drayage*
28 *motor carrier or short-haul trucking service for misclassification*
29 *of a commercial driver, for use in the administration of, and to*
30 *facilitate compliance with, Chapter 3.6 (commencing with Section*
31 *39680) of Part 2 of Division 26 of the Health and Safety Code.*
32 *The information shall be limited to the tax information the director*
33 *deems appropriate for disclosure and shall be provided only to*
34 *the extent permitted by federal laws and regulations.*

35 (2) *For purposes of this subdivision, the following definitions*
36 *apply:*

37 (A) *“Commercial driver” has the same meaning as defined in*
38 *Section 2810.4 of the Labor Code.*

39 (B) *“Port drayage motor carrier” has the same meaning as*
40 *defined in Section 2810.4 of the Labor Code.*

- 1 (C) *“Short-haul trucking service” has the same meaning as*
- 2 *defined in Section 39682 of the Health and Safety Code.*

O