

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1792

Introduced by Assembly Member Gomez

February 18, 2014

An act to add Section 13084 to the Government Code, ~~and to add Section 2110.9 to, and to add Division 11 (commencing with Section 19000) to,~~ *to amend Section 1095 of the Unemployment Insurance Code, and to add Section 11026.5 to the Welfare and Institutions Code,* relating to public benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 1792, as amended, Gomez. Public benefits: reports on employers.

~~Existing law establishes various health programs under which low-income persons are provided health care services. These programs include the Medi-Cal program, which is administered by the State Department of Health Care Services.~~

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP), under which each county distributes nutrition assistance benefits provided by the federal government to eligible households. In California, federal nutrition assistance benefits are administered through CalFresh. Existing law requires that the

eligibility of households be determined to the extent permitted by federal law, and requires the State Department of Social Services to establish a program of categorical eligibility for CalFresh in accordance with federal law.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds.

~~This bill would require the Employment Development Department to collaborate with the State Department of Health Care Services, Services and the State Department of Social Services, and the State Department of Education to identify and compile a list of employers of a beneficiary in this state who is enrolled in Services to annually inform the Employment Development Department of the names and social security numbers of all recipients of the above-described public assistance programs. The bill would define an employer as an individual or type of organization that employs for wages or salary 25 or more persons to work in this state require these departments to determine the average per individual cost to the state to provide the benefits of each of these public assistance programs and inform the Employment Development Department and the Department of Finance of these costs. The bill would require the Employment Development Department to provide this list to the Department of Finance and would require the Department of Finance to collaborate with these departments and the Employment Development Department to determine the total cost to the state of the benefits aggregated public assistance provided to each identified employer's employees under each public assistance program and the total cost to the state of the aggregated benefits provided to each identified employer's employees. The bill would require the Employment Development Department to prepare a report with this information and provide it to the Department of Finance. The bill would define an employer as an individual or organization that employs 25 or more beneficiaries of the above-described public assistance programs.~~

The bill would also require the Department of Finance to, after ~~collaborating with~~ *obtaining specified information from* the Employment Development Department, annually transmit to the Legislature and post on the department's Internet Web site ~~the a~~ report no later than April

15 of each year *that, among other things, identifies employers that employ 25 or more beneficiaries in the state.*

~~The bill would provide that an employer who discharges or discriminates or retaliates against an employee who enrolls in a public assistance program, as defined, or refuses to hire a beneficiary of a public assistance program would be in violation of specified provisions subject to criminal penalty. By creating a new crime, this bill would impose a state-mandated local program.~~

Under existing law, the information obtained in the administration of the Unemployment Insurance Code is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law permits the use of the information for specified purposes, and allows the director to require reimbursement for direct costs incurred. Existing law provides that a person who knowingly accesses, uses, or discloses this confidential information without authorization is guilty of a misdemeanor.

This bill would require the Director of Employment Development to permit the use of specified information in his or her possession by the Department of Finance to prepare and submit the above-described report. By requiring this information to be provided to the Department of Finance for these purposes, this bill would expand the crime of unauthorized access, use, or disclosure of this information, and would impose a state-mandated local program.

This bill would prohibit an employer from discharging or in any manner discriminating or retaliating against an employee who enrolls in a public assistance program and from refusing to hire a beneficiary for reason of being enrolled in a public assistance program.

This bill would prohibit an employer from disclosing to a nongovernmental entity that an employee receives or is applying for public benefits.

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.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 *(1) Public benefit programs are essential to provide Californians*
4 *with access to fresh, healthy food, quality health coverage, basic*
5 *needs, cash assistance, child care, and income supports, among*
6 *other benefits.*

7 *(2) The state needs to preserve and expand public benefit*
8 *programs to ensure that no Californian has to go hungry or forego*
9 *medical care because he or she cannot afford these basic life*
10 *necessities.*

11 ~~(1)~~

12 *(3) In 2013, California had the highest number of working poor*
13 *families in the country. More than one-third of the state’s working*
14 *families are low income, making less than 200 percent of the*
15 *federal poverty line.*

16 ~~(2)~~

17 *(4) When low wages and a lack of benefits leave workers unable*
18 *to make ends meet, they turn to public assistance programs for*
19 *health care, healthy food, and other basic necessities.*

20 ~~(3)~~

21 *(5) Employers that pay low wages and offer no benefits shift*
22 *the burden of keeping workers out of poverty costs of doing*
23 *business onto taxpayers.*

24 ~~(4) State public assistance programs are crucial to keeping~~
25 ~~Californians out of deep poverty by providing income supports,~~
26 ~~health care, and food.~~

27 ~~(5) The increase in the numbers of the working poor stretches~~
28 ~~the state safety net to the limit and burdens the state budget,~~
29 ~~programs, and services.~~

30 ~~(6) The Legislature continues to address the issues of a living~~
31 ~~wage and the availability of affordable health coverage while~~
32 ~~developing sound budget and programmatic priorities.~~

33 *(6) Large, profitable employers should pay wages and benefits*
34 *that do not impoverish workers or shift costs onto taxpayers.*

35 *(7) Employers that shift the costs of their business expenses*
36 *onto taxpayers put responsible employers at a competitive*
37 *disadvantage, creating an unfair playing field for business in the*
38 *state.*

1 ~~(7)~~

2 (8) To promote a deeper understanding of the causes and sources
3 of underemployment, poverty-level wages, and the economic
4 impacts on Californians, *business*, and the state budget, it is
5 appropriate for policymakers to possess a broader set of empirical
6 data with which to make informed decisions.

7 (b) Therefore, it is the intent of the Legislature to do all of the
8 following:

9 (1) Produce a report on employers that have employees enrolled
10 in public assistance programs and on the cost to the state of
11 providing those benefits.

12 ~~(2) Use the report to analyze those employers that create the~~
13 ~~greatest burden on the state by having the largest numbers of~~
14 ~~workers enrolled in public assistance programs.~~

15 (2) *Use the report described in paragraph (1), along with other*
16 *studies related to labor trends, to analyze practices within industry*
17 *sectors detrimental to economic competitiveness in the*
18 *marketplace.*

19 (3) *Ensure that all Californians have access to public benefit*
20 *programs that safeguard their identity and privacy and ensure*
21 *that receipt of public benefits never is the cause of workplace*
22 *discrimination.*

23 ~~(3)~~

24 (4) Develop policies to decrease the number of working poor
25 in California by increasing the quality of jobs and employment
26 opportunities ~~for Californians~~ *and informed employment and*
27 *training programs.*

28 ~~(4)~~

29 (5) Use the data contained within the report to promote sound
30 and reasonable policies to ensure that employers do not shift the
31 responsibility for providing health care and basic necessities for
32 their workers onto taxpayers through the use of the data contained
33 within the report to develop reasonable and sound policies.

34 ~~(5)~~

35 (6) Ensure that no worker is discriminated or retaliated against
36 for the reason of being enrolled in a public benefit program.

37 SEC. 2. Section 13084 is added to the Government Code, to
38 read:

39 13084. (a) ~~The~~ *For purposes of this section, the following*
40 *definitions shall apply:*

1 (1) “Beneficiary” means an individual who is both of the
2 following:

3 (A) Enrolled in a public assistance program, unless the
4 individual is enrolled by reason of disability or being over 65 years
5 of age or is employed in a CalWORKs subsidized private or public
6 employment (Chapter 2 (commencing with Section 11200) of Part
7 3 of Division 9 of the Welfare and Institutions Code).

8 (B) Employed by an employer for at least one quarter or three
9 months.

10 (2) (A) “Employer” means an individual or type of organization
11 that employs for wages and salary 25 or more beneficiaries to
12 work in this state and includes all of the members of a controlled
13 group of corporations as defined in Section 1563(a) of the Internal
14 Revenue Code, except that “more than 50 percent” shall be
15 substituted for “at least 80 percent” each place it appears in
16 Section 1563(a)(1) of the Internal Revenue Code, and the
17 determination shall be made without regard to Sections 1563(a)(4)
18 and 1563(e)(3)(C) of the Internal Revenue Code.

19 (B) “Employer” shall include the state, a city, county, city and
20 county, district, or any other governmental employer.

21 (3) “Public assistance program” means the Medi-Cal program
22 (Chapter 7 (commencing with Section 14000) of Part 3 of Division
23 9 of the Welfare and Institutions Code), CalFresh (Chapter 10
24 (commencing with Section 18900) of Part 6 of Division 9 of the
25 Welfare and Institutions Code), and CalWORKs program (Chapter
26 2 (commencing with Section 11200) of Part 3 of Division 9 of the
27 Welfare and Institutions Code).

28 (b) The department shall, after ~~collaborating with~~ obtaining the
29 information from the Employment Development Department
30 described in paragraphs (1) to (4), inclusive, and determining the
31 total costs to the state pursuant to subdivision (c), annually transmit
32 to the Legislature and post on the department’s Internet Web site
33 no later than April 15 of each year, ~~the report described in Section~~
34 ~~19001 of the Unemployment Insurance Code~~ a report that identifies
35 each employer. The report shall be submitted to the Legislature
36 pursuant to Section 9795. The report shall include all of the
37 following:

38 (1) The employer’s name.

39 (2) The employer’s address, as filed with the Employment
40 Development Department.

1 (3) *The total number of beneficiaries each employer employs.*

2 (4) *The percentage of the employer's total workforce in the state*
3 *that are beneficiaries.*

4 (5) *The total cost to the state of the aggregated benefits provided*
5 *to an identified employer's employees who are beneficiaries under*
6 *each public assistance program.*

7 (6) *The total cost to the state of the aggregated benefits provided*
8 *to each identified employer's employees who are beneficiaries.*

9 (c) *The department, in collaboration with the Employment*
10 *Development Department, State Department of Health Care*
11 *Services and the State Department of Social Services, shall*
12 *determine the total costs to the state described in paragraphs (5)*
13 *and (6) of subdivision (b).*

14 (d) (1) *The report, and any list provided to the department,*
15 *shall not include the name or identifying information of an*
16 *individual beneficiary.*

17 ~~(b)~~

18 (2) *The report shall remain available to the public on the*
19 *department's Internet Web site for at least five years.*

20 ~~(e)~~

21 (e) *Nothing in this section shall be construed to authorize an*
22 *employer to discourage or prevent an employee from enrolling or*
23 *continuing enrollment in a public benefit program while employed*
24 *nor to discriminate against an applicant for employment or*
25 *employee for applying to be or being enrolled in a public assistance*
26 *program.*

27 ~~(d)~~

28 (f) *The department shall be permitted access to and be provided*
29 *data and information from other state agencies as required to*
30 *implement this section, to the extent not prohibited by state and*
31 *federal confidentiality statutes and regulations. The department*
32 *may enter into interagency agreements or adopt regulations as are*
33 *reasonably necessary to implement this section.*

34 (g) (1) *An employer shall not discharge or in any manner*
35 *discriminate or retaliate against an employee who enrolls in a*
36 *public assistance program and shall not refuse to hire a beneficiary*
37 *for reason of being enrolled in a public assistance program.*

38 (2) *An employer shall not disclose to a nongovernmental entity*
39 *that an employee receives or is applying for public benefits.*

1 SEC. 3. ~~Section 2110.9 is added to the Unemployment Insurance~~
2 ~~Code, to read:~~

3 ~~2110.9. (a) For purpose of this section, the following~~
4 ~~definitions shall apply:~~

5 ~~(1) “Beneficiary” shall have the same meaning as in Section~~
6 ~~19000.~~

7 ~~(2) “Employer” shall have the same meaning as in Section~~
8 ~~19000.~~

9 ~~(3) “Public assistance program” shall have the same meaning~~
10 ~~as in Section 19000.~~

11 ~~(b) An employer who discharges or in any manner discriminates~~
12 ~~or retaliates against an employee who enrolls in a public assistance~~
13 ~~program or refuses to hire a beneficiary for reason of being enrolled~~
14 ~~in a public assistance program, is in violation of this chapter.~~

15 SEC. 4. ~~Division 11 (commencing with Section 19000) is added~~
16 ~~to the Unemployment Insurance Code, to read:~~

17
18 ~~DIVISION 11. EMPLOYERS WITH EMPLOYEES THAT~~
19 ~~RECEIVE PUBLIC BENEFITS~~

20
21 ~~19000. For purposes of this division, the following definitions~~
22 ~~shall apply:~~

23 ~~(a) “Beneficiary” means an individual who is all of the~~
24 ~~following:~~

25 ~~(1) Enrolled in a public assistance program, unless the individual~~
26 ~~is enrolled by reason of disability or being over 65 years of age.~~

27 ~~(2) Employed by an employer.~~

28 ~~(b) “Department” means the State Department of Health Care~~
29 ~~Services, the State Department of Social Services, and the State~~
30 ~~Department of Education.~~

31 ~~(c) (1) Except as provided in paragraph (2) “employer” means~~
32 ~~an individual or type of organization that employs for wages or~~
33 ~~salary 25 or more persons to work in this state and includes all of~~
34 ~~the members of a controlled group of corporations, as defined in~~
35 ~~Section 1563(a) of the Internal Revenue Code, except that “more~~
36 ~~than 50 percent” shall be substituted for “at least 80 percent” each~~
37 ~~place it appears in Section 1563(a)(1) of the Internal Revenue~~
38 ~~Code, and the determination shall be made without regard to~~
39 ~~Sections 1563(a)(4) and 1563(e)(3)(C) of the Internal Revenue~~
40 ~~Code.~~

1 ~~(2) “Employer” does not include a state, city, county, city and~~
2 ~~county, district, or any other governmental employer.~~

3 ~~(d) “Public assistance program” means the Medi-Cal program~~
4 ~~(Chapter 7 (commencing with Section 14000) of Part 3 of Division~~
5 ~~9 of the Welfare and Institutions Code), CalFresh (Chapter 10~~
6 ~~(commencing with Section 18900) of Part 6 of Division 9 of the~~
7 ~~Welfare and Institutions Code), CalWORKS (Chapter 2~~
8 ~~(commencing with Section 11200) of Part 3 of Division 9 of the~~
9 ~~Welfare and Institutions Code), and the Women, Infants, and~~
10 ~~Children program (Article 2 (commencing with Section 123275)~~
11 ~~of Chapter 1 of Part 2 of Division 106 of the Health and Safety~~
12 ~~Code).~~

13 ~~19001. (a) The Employment Development Department shall,~~
14 ~~to the extent not prohibited by state and federal confidentiality and~~
15 ~~privacy statutes and regulations, collaborate with a department to~~
16 ~~identify and compile a list of employers of a beneficiary in the~~
17 ~~state, that includes all of the following:~~

18 ~~(1) The employer’s name.~~

19 ~~(2) The employer’s address, as filed with the Employment~~
20 ~~Development Department.~~

21 ~~(3) The total number of each employer’s employees who are~~
22 ~~beneficiaries.~~

23 ~~(b) The Employment Development Department shall provide~~
24 ~~the list described in subdivision (a) to the Department of Finance.~~
25 ~~The Department of Finance, in collaboration with the Employment~~
26 ~~Development Department, shall determine both of the following:~~

27 ~~(1) The total cost to the state of the benefits provided to each~~
28 ~~identified employer’s employees under each public assistance~~
29 ~~program.~~

30 ~~(2) The total cost to the state of the aggregated benefits provided~~
31 ~~to each identified employer’s employees.~~

32 ~~(c) The Employment Development Department shall, to the~~
33 ~~extent not prohibited by state and federal confidentiality and~~
34 ~~privacy statutes and regulations, prepare and provide to the~~
35 ~~Department of Finance a report that includes the information~~
36 ~~described in subdivisions (b) and (c).~~

37 ~~(d) The list and the report shall not include the names or any~~
38 ~~identifying information of any individual beneficiary under a public~~
39 ~~assistance program and shall be subject to all state and federal~~
40 ~~confidentiality and privacy laws and regulations.~~

1 *SEC. 3. Section 1095 of the Unemployment Insurance Code is*
2 *amended to read:*

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

9 (a) To enable the director or his or her representative to carry
10 out his or her responsibilities under this code.

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

12 (c) To acquaint a worker or his or her authorized agent with his
13 or her existing or prospective right to benefits.

14 (d) To furnish an employer or his or her authorized agent with
15 information to enable him or her to fully discharge his or her
16 obligations or safeguard his or her rights under this division or
17 Division 3 (commencing with Section 9000).

18 (e) To enable an employer to receive a reduction in contribution
19 rate.

20 (f) To enable federal, state, or local government departments
21 or agencies, subject to federal law, to verify or determine the
22 eligibility or entitlement of an applicant for, or a recipient of, public
23 social services provided pursuant to Division 9 (commencing with
24 Section 10000) of the Welfare and Institutions Code, or Part A of
25 Title IV of the Social Security Act, where the verification or
26 determination is directly connected with, and limited to, the
27 administration of public social services.

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

33 (h) To enable state or local governmental departments or
34 agencies to seek criminal, civil, or administrative remedies in
35 connection with the unlawful application for, or receipt of, relief
36 provided under Division 9 (commencing with Section 10000) of
37 the Welfare and Institutions Code or to enable the collection of
38 expenditures for medical assistance services pursuant to Part 5
39 (commencing with Section 17000) of Division 9 of the Welfare
40 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 him or her, 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 Title IV of the federal Social Security Act (42 U.S.C. Sec.
20 651 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 or
39 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 the purposes of this subdivision, “authorized governmental
3 agency” means the district attorney of any county, the office of
4 the Attorney General, the Contractors’ State License Board, the
5 Department of Industrial Relations, and the Department of
6 Insurance. An authorized governmental agency may disclose this
7 information to the State Bar, 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 the Bureau for Private
14 Postsecondary Education, or his or her representatives, to access
15 unemployment insurance quarterly wage data on a case-by-case
16 basis to verify information on school administrators, school staff,
17 and students provided by those schools who are being investigated
18 for possible violations of Chapter 8 (commencing with Section
19 94800) of Part 59 of Division 10 of 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) Nothing in this section shall be construed to authorize or
11 permit the use of information obtained in the administration of this
12 code 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' State License Board to verify
24 the employment history of an individual applying for licensure
25 pursuant to Section 7068 of the Business and Professions Code.

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

35 (y) To enable the Labor Commissioner of the Division of Labor
36 Standards Enforcement in the Department of Industrial Relations
37 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
38 uninsured employers. The information shall be provided to the
39 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; the Healthy Families Program, provided pursuant
9 to Part 6.2 (commencing with Section 12693) of Division 2 of the
10 Insurance Code; and the Access for Infants and Mothers Program,
11 provided pursuant to Part 6.3 (commencing with Section 12695)
12 of Division 2 of the Insurance Code; where the verification or
13 determination is directly connected with, and limited to, the
14 administration of the state health subsidy programs referenced in
15 this subparagraph.

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

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

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

37 (ae) To provide any peace officer with the Investigations
38 Division of the Department of Motor Vehicles with information
39 pursuant to subdivision (i), when the requesting peace officer has
40 been designated by the Chief of the Investigations Division and

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

15 *(af) To enable the Department of Finance to prepare and submit*
16 *the report required by Section 13084 of the Government Code that*
17 *identifies all employers in California that employ 25 or more*
18 *employees who receive benefits from any of the following*
19 *programs: the Medi-Cal program (Chapter 7 (commencing with*
20 *Section 14000) of Part 3 of Division 9 of the Welfare and*
21 *Institutions Code), CalFresh (Chapter 10 (commencing with*
22 *Section 18900) of Part 6 of Division 9 of the Welfare and*
23 *Institutions Code), and CalWORKs program (Chapter 2*
24 *(commencing with Section 11200) of Part 3 of Division 9 of the*
25 *Welfare and Institutions Code). The information used for this*
26 *purpose shall be limited to information obtained pursuant to*
27 *Section 11026.5 of the Welfare and Institutions Code and from the*
28 *administration of personal income tax wage withholding pursuant*
29 *to Division 6 (commencing with Section 13000) and the disability*
30 *insurance program and may be disclosed to the Department of*
31 *Finance only for the purpose of preparing and submitting the*
32 *report and only to the extent not prohibited by federal law.*

33 *SEC. 4. Section 11026.5 is added to the Welfare and Institutions*
34 *Code, to read:*

35 *11026.5. (a) To the extent not prohibited by federal law, the*
36 *State Department of Health Care Services and the State*
37 *Department of Social Services shall annually inform the*
38 *Employment Development Department of the names and social*
39 *security numbers of all recipients of the benefits of the Medi-Cal*
40 *program (Chapter 7 (commencing with Section 14000)), CalFresh*

1 *(Chapter 10 (commencing with Section 18900) of Part 6), and*
2 *CalWORKs program (Chapter 2 (commencing with Section 11200)*
3 *of Part 3).*

4 *(b) The State Department of Health Care Services and the State*
5 *Department of Social Services shall determine the average per*
6 *individual cost to the state to provide the benefits of each program*
7 *described in subdivision (a). These departments shall then inform*
8 *the Employment Development Department and the Department of*
9 *Finance of these costs in order to calculate the information that*
10 *is required to be reported pursuant to Section 13084 of the*
11 *Government Code.*

12 SEC. 5. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.