

AMENDED IN SENATE AUGUST 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 145

Introduced by Assembly Member Gomez

January 13, 2015

An act to amend Section 1095 of the Unemployment Insurance Code, relating to private employment, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 145, as amended, Gomez. Public benefits reports.

Existing law requires, until January 1, 2020, 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 to the Legislature a report that identifies all employers in California that employ 50 or more employees who receive benefits from the Medi-Cal program. Existing law requires the Department of Finance to transmit to the Legislature and post on the department’s Web site a report that lists the 500 employers in the state with the most number of employees enrolled in the Medi-Cal program, as specified, and defines an employer for this purpose as an individual or organization that employs 100 or more Medi-Cal beneficiaries who meet certain criteria.

This bill would revise the requirement applicable to the Director of Employment Development to permit the use of specified information by the Department of Finance to prepare and submit a report that identifies all employers in California that employ 100 or more employees who receive Medi-Cal benefits.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 1095 of the Unemployment Insurance*
2 *Code is 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 governmental 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 federal Social Security Act (42 U.S.C. Sec. 601 et
26 seq.), when the verification or determination is directly connected
27 with, and limited to, the 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, when the
31 determination is directly connected with, and limited to, the
32 administration of general relief or assistance.

1 (h) To enable state or local governmental departments or
2 agencies to seek criminal, civil, or administrative remedies in
3 connection with the unlawful application for, or receipt of, relief
4 provided under Division 9 (commencing with Section 10000) of
5 the Welfare and Institutions Code or to enable the collection of
6 expenditures for medical assistance services pursuant to Part 5
7 (commencing with Section 17000) of Division 9 of the Welfare
8 and Institutions Code.

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

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

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

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

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

9 (j) To provide public employee retirement systems in California
10 with information relating to the earnings of any person who has
11 applied for or is receiving a disability income, disability allowance,
12 or disability retirement allowance, from a public employee
13 retirement system. The earnings information shall be released only
14 upon written request from the governing board specifying that the
15 person has applied for or is receiving a disability allowance or
16 disability retirement allowance from its retirement system. The
17 request may be made by the chief executive officer of the system
18 or by an employee of the system so authorized and identified by
19 name and title by the chief executive officer in writing.

20 (k) To enable the Division of Labor Standards Enforcement in
21 the Department of Industrial Relations to seek criminal, civil, or
22 administrative remedies in connection with the failure to pay, or
23 the unlawful payment of, wages pursuant to Chapter 1
24 (commencing with Section 200) of Part 1 of Division 2 of, and
25 Chapter 1 (commencing with Section 1720) of Part 7 of Division
26 2 of, the Labor Code.

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

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

37 (n) To provide federal, state, or local governmental departments
38 or agencies with information concerning any individuals who are
39 or have been:

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

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

9 (o) To provide an authorized governmental agency with any or
10 all relevant information that relates to any specific workers'
11 compensation insurance fraud investigation. The information shall
12 be provided to the extent permitted by federal law and regulations.
13 For the purposes of this subdivision, "authorized governmental
14 agency" means the district attorney of any county, the office of
15 the Attorney General, the Contractors' State License Board, the
16 Department of Industrial Relations, and the Department of
17 Insurance. An authorized governmental agency may disclose this
18 information to the State Bar, the Medical Board of California, or
19 any other licensing board or department whose licensee is the
20 subject of a workers' compensation insurance fraud investigation.
21 This subdivision shall not prevent any authorized governmental
22 agency from reporting to any board or department the suspected
23 misconduct of any licensee of that body.

24 (p) To enable the Director of Consumer Affairs, or his or her
25 representatives, to access unemployment insurance quarterly wage
26 data on a case-by-case basis to verify information on school
27 administrators, school staff, and students provided by those schools
28 who are being investigated for possible violations of Chapter 8
29 (commencing with Section 94800) of Part 59 of Division 10 of
30 Title 3 of the Education Code.

31 (q) To provide employment tax information to the tax officials
32 of Mexico, if a reciprocal agreement exists. For purposes of this
33 subdivision, "reciprocal agreement" means a formal agreement to
34 exchange information between national taxing officials of Mexico
35 and taxing authorities of the State Board of Equalization, the
36 Franchise Tax Board, and the Employment Development
37 Department. Furthermore, the reciprocal agreement shall be limited
38 to the exchange of information that is essential for tax
39 administration purposes only. Taxing authorities of the State of
40 California shall be granted tax information only on California

1 residents. Taxing authorities of Mexico shall be granted tax
2 information only on Mexican nationals.

3 (r) To enable city and county planning agencies to develop
4 economic forecasts for planning purposes. The information shall
5 be limited to businesses within the jurisdiction of the city or county
6 whose planning agency is requesting the information, and shall
7 not include information regarding individual employees.

8 (s) To provide the State Department of Developmental Services
9 with wage and employer information that will assist in the
10 collection of moneys owed by the recipient, parent, or any other
11 legally liable individual for services and supports provided pursuant
12 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
13 and Chapter 2 (commencing with Section 7200) and Chapter 3
14 (commencing with Section 7500) of Division 7 of, the Welfare
15 and Institutions Code.

16 (t) To provide the State Board of Equalization with employment
17 tax information that will assist in the administration of tax
18 programs. The information shall be limited to the exchange of
19 employment tax information essential for tax administration
20 purposes to the extent permitted by federal law and regulations.

21 (u) Nothing in this section shall be construed to authorize or
22 permit the use of information obtained in the administration of this
23 code by any private collection agency.

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

29 (1) The total amount of the assessment.

30 (2) The amount of the penalty imposed under Section 1128 or
31 1128.1 that is included in the assessment.

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

34 (w) To enable the Contractors' State License Board to verify
35 the employment history of an individual applying for licensure
36 pursuant to Section 7068 of the Business and Professions Code.

37 (x) To provide any peace officer with the Division of
38 Investigation in the Department of Consumer Affairs information
39 pursuant to subdivision (i) when the requesting peace officer has
40 been designated by the chief of the Division of Investigation and

1 requests this information in the course of and as part of an
2 investigation into the commission of a crime or other unlawful act
3 when there is reasonable suspicion to believe that the crime or act
4 may be connected to the information requested and would lead to
5 relevant information regarding the crime or unlawful act.

6 (y) To enable the Labor Commissioner of the Division of Labor
7 Standards Enforcement in the Department of Industrial Relations
8 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
9 uninsured employers. The information shall be provided to the
10 extent permitted by federal law and regulations.

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

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

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

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

(ad) (1) To enable the State Department of Health Care Services, the California Health Benefit Exchange, the Managed Risk Medical Insurance Board, and county departments and agencies to obtain information regarding employee wages, California employer names and account numbers, employer reports of wages and number of employees, and disability insurance and unemployment insurance claim information, for the purpose of:

(A) Verifying or determining the eligibility of an applicant for, or a recipient of, state health subsidy programs, limited to the Medi-Cal program, provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, and the Access for Infants and Mothers Program, provided pursuant to Part 6.3 (commencing with Section 12695) of Division 2 of the Insurance Code, when the verification or determination is directly connected with, and limited to, the administration of the state health subsidy programs referenced in this subparagraph.

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

(C) Verifying or determining the eligibility of employees and employers for health coverage through the Small Business Health Options Program, provided pursuant to Section 100502 of the Government Code, when the verification or determination is

1 directly connected with, and limited to, the administration of the
2 Small Business Health Options Program.

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

7 (ae) To provide any peace officer with the Investigations
8 Division of the Department of Motor Vehicles with information
9 pursuant to subdivision (i), when the requesting peace officer has
10 been designated by the Chief of the Investigations Division and
11 requests this information in the course of, and as part of, an
12 investigation into identity theft, counterfeiting, document fraud,
13 or consumer fraud, and there is reasonable suspicion that the crime
14 is a felony and that the information would lead to relevant evidence
15 regarding the identity theft, counterfeiting, document fraud, or
16 consumer fraud. The information provided pursuant to this
17 subdivision shall be provided to the extent permitted by federal
18 law and regulations, and to the extent the information is available
19 and accessible within the constraints and configurations of existing
20 department records. Any person who receives any information
21 under this subdivision shall make a written report of the
22 information to the Investigations Division of the Department of
23 Motor Vehicles, for filing under the normal procedures of that
24 division.

25 (af) Until January 1, 2020, to enable the Department of Finance
26 to prepare and submit the report required by Section 13084 of the
27 Government Code that identifies all employers in California that
28 employ ~~50~~ 100 or more employees who receive benefits from the
29 Medi-Cal program (Chapter 7 (commencing with Section 14000)
30 of Part 3 of Division 9 of the Welfare and Institutions Code). The
31 information used for this purpose shall be limited to information
32 obtained pursuant to Section 11026.5 of the Welfare and
33 Institutions Code and from the administration of personal income
34 tax wage withholding pursuant to Division 6 (commencing with
35 Section 13000) and the disability insurance program and may be
36 disclosed to the Department of Finance only for the purpose of
37 preparing and submitting the report and only to the extent not
38 prohibited by federal law.

39 (ag) To provide, to the extent permitted by federal law and
40 regulations, the Student Aid Commission with wage information

1 in order to verify the employment status of an individual applying
2 for a Cal Grant C award pursuant to subdivision (c) of Section
3 69439 of the Education Code.

4 (ah) To enable the Department of Corrections and Rehabilitation
5 to obtain quarterly wage data of former inmates who have been
6 incarcerated within the prison system in order to assess the impact
7 of rehabilitation services or the lack of these services on the
8 employment and earnings of these former inmates. Quarterly data
9 for a former inmate's employment status and wage history shall
10 be provided for a period of one year, three years, and five years
11 following release. The data shall only be used for the purpose of
12 tracking outcomes for former inmates in order to assess the
13 effectiveness of rehabilitation strategies on the wages and
14 employment histories of those formerly incarcerated. The
15 information shall be provided to the department to the extent not
16 prohibited by federal law.

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

28 ~~SECTION 1. Section 1095 of the Unemployment Insurance~~
29 ~~Code is amended to read:~~

30 ~~1095. The director shall permit the use of any information in~~
31 ~~his or her possession to the extent necessary for any of the~~
32 ~~following purposes and may require reimbursement for all direct~~
33 ~~costs incurred in providing any and all information specified in~~
34 ~~this section, except information specified in subdivisions (a) to~~
35 ~~(e), inclusive:~~

36 ~~(a) To enable the director or his or her representative to carry~~
37 ~~out his or her responsibilities under this code.~~

38 ~~(b) To properly present a claim for benefits.~~

39 ~~(c) To acquaint a worker or his or her authorized agent with his~~
40 ~~or her existing or prospective right to benefits.~~

1 ~~(d) To furnish an employer or his or her authorized agent with~~
2 ~~information to enable him or her to fully discharge his or her~~
3 ~~obligations or safeguard his or her rights under this division or~~
4 ~~Division 3 (commencing with Section 9000).~~

5 ~~(e) To enable an employer to receive a reduction in contribution~~
6 ~~rate.~~

7 ~~(f) To enable federal, state, or local governmental departments~~
8 ~~or agencies, subject to federal law, to verify or determine the~~
9 ~~eligibility or entitlement of an applicant for, or a recipient of, public~~
10 ~~social services provided pursuant to Division 9 (commencing with~~
11 ~~Section 10000) of the Welfare and Institutions Code, or Part A of~~
12 ~~Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et~~
13 ~~seq.), where the verification or determination is directly connected~~
14 ~~with, and limited to, the administration of public social services.~~

15 ~~(g) To enable county administrators of general relief or~~
16 ~~assistance, or their representatives, to determine entitlement to~~
17 ~~locally provided general relief or assistance, where the~~
18 ~~determination is directly connected with, and limited to, the~~
19 ~~administration of general relief or assistance.~~

20 ~~(h) To enable state or local governmental departments or~~
21 ~~agencies to seek criminal, civil, or administrative remedies in~~
22 ~~connection with the unlawful application for, or receipt of, relief~~
23 ~~provided under Division 9 (commencing with Section 10000) of~~
24 ~~the Welfare and Institutions Code or to enable the collection of~~
25 ~~expenditures for medical assistance services pursuant to Part 5~~
26 ~~(commencing with Section 17000) of Division 9 of the Welfare~~
27 ~~and Institutions Code.~~

28 ~~(i) To provide any law enforcement agency with the name,~~
29 ~~address, telephone number, birth date, social security number,~~
30 ~~physical description, and names and addresses of present and past~~
31 ~~employers, of any victim, suspect, missing person, potential~~
32 ~~witness, or person for whom a felony arrest warrant has been~~
33 ~~issued, when a request for this information is made by any~~
34 ~~investigator or peace officer as defined by Sections 830.1 and~~
35 ~~830.2 of the Penal Code, or by any federal law enforcement officer~~
36 ~~to whom the Attorney General has delegated authority to enforce~~
37 ~~federal search warrants, as defined under Sections 60.2 and 60.3~~
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39 ~~when the requesting officer has been designated by the head of~~
40 ~~the law enforcement agency and requests this information in the~~

1 course of and as a part of an investigation into the commission of
2 a crime when there is a reasonable suspicion that the crime is a
3 felony and that the information would lead to relevant evidence.
4 The information provided pursuant to this subdivision shall be
5 provided to the extent permitted by federal law and regulations,
6 and to the extent the information is available and accessible within
7 the constraints and configurations of existing department records.
8 Any person who receives any information under this subdivision
9 shall make a written report of the information to the law
10 enforcement agency that employs him or her, for filing under the
11 normal procedures of that agency.

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

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

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

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

26 (j) To provide public employee retirement systems in California
27 with information relating to the earnings of any person who has
28 applied for or is receiving a disability income, disability allowance,
29 or disability retirement allowance, from a public employee
30 retirement system. The earnings information shall be released only
31 upon written request from the governing board specifying that the
32 person has applied for or is receiving a disability allowance or
33 disability retirement allowance from its retirement system. The
34 request may be made by the chief executive officer of the system
35 or by an employee of the system so authorized and identified by
36 name and title by the chief executive officer in writing.

37 (k) To enable the Division of Labor Standards Enforcement in
38 the Department of Industrial Relations to seek criminal, civil, or
39 administrative remedies in connection with the failure to pay, or
40 the unlawful payment of, wages pursuant to Chapter 1

1 ~~(commencing with Section 200) of Part 1 of Division 2 of, and~~
2 ~~Chapter 1 (commencing with Section 1720) of Part 7 of Division~~
3 ~~2 of, the Labor Code.~~

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

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9 ~~or agencies with wage and claim information in its possession that~~
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15 ~~or agencies with information concerning any individuals who are~~
16 ~~or have been:~~

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18 ~~finer, penalties, assessments, or fees as a result of a violation of~~
19 ~~law.~~

20 ~~(2) Delinquent or in default on guaranteed student loans or who~~
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23 ~~by the director for the purposes of this paragraph shall not include~~
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25 ~~(o) To provide an authorized governmental agency with any or~~
26 ~~all relevant information that relates to any specific workers'~~
27 ~~compensation insurance fraud investigation. The information shall~~
28 ~~be provided to the extent permitted by federal law and regulations.~~
29 ~~For the purposes of this subdivision, "authorized governmental~~
30 ~~agency" means the district attorney of any county, the office of~~
31 ~~the Attorney General, the Contractors' State License Board, the~~
32 ~~Department of Industrial Relations, and the Department of~~
33 ~~Insurance. An authorized governmental agency may disclose this~~
34 ~~information to the State Bar, the Medical Board of California, or~~
35 ~~any other licensing board or department whose licensee is the~~
36 ~~subject of a workers' compensation insurance fraud investigation.~~
37 ~~This subdivision shall not prevent any authorized governmental~~
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39 ~~misconduct of any licensee of that body.~~

1 ~~(p) To enable the Director of Consumer Affairs, or his or her~~
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6 ~~(commencing with Section 94800) of Part 59 of Division 10 of~~
7 ~~Title 3 of the Education Code.~~

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9 ~~of Mexico, if a reciprocal agreement exists. For purposes of this~~
10 ~~subdivision, “reciprocal agreement” means a formal agreement to~~
11 ~~exchange information between national taxing officials of Mexico~~
12 ~~and taxing authorities of the State Board of Equalization, the~~
13 ~~Franchise Tax Board, and the Employment Development~~
14 ~~Department. Furthermore, the reciprocal agreement shall be limited~~
15 ~~to the exchange of information that is essential for tax~~
16 ~~administration purposes only. Taxing authorities of the State of~~
17 ~~California shall be granted tax information only on California~~
18 ~~residents. Taxing authorities of Mexico shall be granted tax~~
19 ~~information only on Mexican nationals.~~

20 ~~(r) To enable city and county planning agencies to develop~~
21 ~~economic forecasts for planning purposes. The information shall~~
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37 ~~purposes to the extent permitted by federal law and regulations.~~

38 ~~(u) Nothing in this section shall be construed to authorize or~~
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40 ~~code by any private collection agency.~~

1 ~~(v) The disclosure of the name and address of an individual or~~
2 ~~business entity that was issued an assessment that included~~
3 ~~penalties under Section 1128 or 1128.1 shall not be in violation~~
4 ~~of Section 1094 if the assessment is final. The disclosure may also~~
5 ~~include any of the following:~~

6 ~~(1) The total amount of the assessment.~~

7 ~~(2) The amount of the penalty imposed under Section 1128 or~~
8 ~~1128.1 that is included in the assessment.~~

9 ~~(3) The facts that resulted in the charging of the penalty under~~
10 ~~Section 1128 or 1128.1.~~

11 ~~(w) To enable the Contractors' State License Board to verify~~
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13 ~~pursuant to Section 7068 of the Business and Professions Code.~~

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19 ~~investigation into the commission of a crime or other unlawful act~~
20 ~~when there is reasonable suspicion to believe that the crime or act~~
21 ~~may be connected to the information requested and would lead to~~
22 ~~relevant information regarding the crime or unlawful act.~~

23 ~~(y) To enable the Labor Commissioner of the Division of Labor~~
24 ~~Standards Enforcement in the Department of Industrial Relations~~
25 ~~to identify, pursuant to Section 90.3 of the Labor Code, unlawfully~~
26 ~~uninsured employers. The information shall be provided to the~~
27 ~~extent permitted by federal law and regulations.~~

28 ~~(z) To enable the Chancellor of the California Community~~
29 ~~Colleges, in accordance with the requirements of Section 84754.5~~
30 ~~of the Education Code, to obtain quarterly wage data, commencing~~
31 ~~January 1, 1993, on students who have attended one or more~~
32 ~~community colleges, to assess the impact of education on the~~
33 ~~employment and earnings of students, to conduct the annual~~
34 ~~evaluation of district-level and individual college performance in~~
35 ~~achieving priority educational outcomes, and to submit the required~~
36 ~~reports to the Legislature and the Governor. The information shall~~
37 ~~be provided to the extent permitted by federal statutes and~~
38 ~~regulations.~~

39 ~~(aa) To enable the Public Employees' Retirement System to~~
40 ~~seek criminal, civil, or administrative remedies in connection with~~

1 the unlawful application for, or receipt of, benefits provided under
2 Part 3 (commencing with Section 20000) of Division 5 of Title 2
3 of the Government Code.

4 (ab) ~~To enable the State Department of Education, the University~~
5 ~~of California, the California State University, and the Chancellor~~
6 ~~of the California Community Colleges, pursuant to the~~
7 ~~requirements prescribed by the federal American Recovery and~~
8 ~~Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly~~
9 ~~wage data, commencing July 1, 2010, on students who have~~
10 ~~attended their respective systems to assess the impact of education~~
11 ~~on the employment and earnings of those students, to conduct the~~
12 ~~annual analysis of district-level and individual district or~~
13 ~~postsecondary education system performance in achieving priority~~
14 ~~educational outcomes, and to submit the required reports to the~~
15 ~~Legislature and the Governor. The information shall be provided~~
16 ~~to the extent permitted by federal statutes and regulations.~~

17 (ac) ~~To provide the Agricultural Labor Relations Board with~~
18 ~~employee, wage, and employer information, for use in the~~
19 ~~investigation or enforcement of the~~
20 ~~Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations~~
21 ~~Act of 1975 (Part 3.5 (commencing with Section 1140) of Division~~
22 ~~2 of the Labor Code). The information shall be provided to the~~
23 ~~extent permitted by federal statutes and regulations.~~

24 (ad) (1) ~~To enable the State Department of Health Care~~
25 ~~Services, the California Health Benefit Exchange, the Managed~~
26 ~~Risk Medical Insurance Board, and county departments and~~
27 ~~agencies to obtain information regarding employee wages,~~
28 ~~California employer names and account numbers, employer reports~~
29 ~~of wages and number of employees, and disability insurance and~~
30 ~~unemployment insurance claim information, for the purpose of:~~

31 (A) ~~Verifying or determining the eligibility of an applicant for,~~
32 ~~or a recipient of, state health subsidy programs, limited to the~~
33 ~~Medi-Cal Program, provided pursuant to Chapter 7 (commencing~~
34 ~~with Section 14000) of Part 3 of Division 9 of the Welfare and~~
35 ~~Institutions Code; the Healthy Families Program, provided pursuant~~
36 ~~to Part 6.2 (commencing with Section 12693) of Division 2 of the~~
37 ~~Insurance Code; and the Access for Infants and Mothers Program,~~
38 ~~provided pursuant to Part 6.3 (commencing with Section 12695)~~
39 ~~of Division 2 of the Insurance Code; where the verification or~~
40 ~~determination is directly connected with, and limited to, the~~

1 administration of the state health subsidy programs referenced in
2 this subparagraph.

3 (B) Verifying or determining the eligibility of an applicant for,
4 or a recipient of, federal subsidies offered through the California
5 Health Benefit Exchange, provided pursuant to Title 22
6 (commencing with Section 100500) of the Government Code,
7 including federal tax credits and cost-sharing assistance pursuant
8 to the federal Patient Protection and Affordable Care Act (Public
9 Law 111-148), as amended by the federal Health Care and
10 Education Reconciliation Act of 2010 (Public Law 111-152), where
11 the verification or determination is directly connected with, and
12 limited to, the administration of the California Health Benefit
13 Exchange.

14 (C) Verifying or determining the eligibility of employees and
15 employers for health coverage through the Small Business Health
16 Options Program, provided pursuant to Section 100502 of the
17 Government Code, where the verification or determination is
18 directly connected with, and limited to, the administration of the
19 Small Business Health Options Program.

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

24 (ae) To provide any peace officer with the Investigations
25 Division of the Department of Motor Vehicles with information
26 pursuant to subdivision (i), when the requesting peace officer has
27 been designated by the Chief of the Investigations Division and
28 requests this information in the course of, and as part of, an
29 investigation into identity theft, counterfeiting, document fraud,
30 or consumer fraud, and there is reasonable suspicion that the crime
31 is a felony and that the information would lead to relevant evidence
32 regarding the identity theft, counterfeiting, document fraud, or
33 consumer fraud. The information provided pursuant to this
34 subdivision shall be provided to the extent permitted by federal
35 law and regulations, and to the extent the information is available
36 and accessible within the constraints and configurations of existing
37 department records. Any person who receives any information
38 under this subdivision shall make a written report of the
39 information to the Investigations Division of the Department of

~~Motor Vehicles, for filing under the normal procedures of that division.~~

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

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

~~(ah) To enable the Department of Corrections and Rehabilitation to obtain quarterly wage data of former inmates who have been incarcerated within the prison system in order to assess the impact of rehabilitation services or the lack of these services on the employment and earnings of these former inmates. Quarterly data for a former inmate's employment status and wage history shall be provided for a period of one year, three years, and five years following release. The data shall only be used for the purpose of tracking outcomes for former inmates in order to assess the effectiveness of rehabilitation strategies on the wages and employment histories of those formerly incarcerated. The information shall be provided to the department to the extent not prohibited by federal law.~~

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide clarity to employers of Medi-Cal beneficiaries regarding the reporting requirements established by A.B. 1792 of

- 1 the 2014 Regular Session, which became effective on January 1,
- 2 2015, it is necessary that this act go into effect immediately.

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