

AMENDED IN SENATE JUNE 27, 2025

AMENDED IN SENATE JUNE 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 129

Introduced by Committee on Budget (Assembly Members Gabriel (Chair), Addis, Ahrens, Alvarez, Bennett, Bonta, Connolly, Fong, Haney, Hart, Jackson, Lee, Muratsuchi, Ortega, Patel, Petrie-Norris, Quirk-Silva, Ramos, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Ward, and Wilson)

January 8, 2025

An act to amend Section 19878 of, and to add Sections 19816.22 and Section 20825.18 to, the Government Code, to amend Section 1872.83 of the Insurance Code, and to amend Section 62.5 of, to add Section 6717.2 to, and to repeal Section 62.6 of, the Labor Code, relating to labor, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 129, as amended, Committee on Budget. Labor.

(1) Existing law creates the Department of Human Resources in an effort to better serve the human resources and personnel needs of the state. Existing law establishes the In-Home Supportive Services (IHSS) program, which is administered by the State Department of Social Services, counties, and other entities, under which qualified aged, blind, or disabled persons are provided with supportive services in order to permit them to remain in their own homes.

This bill would require the Department of Human Resources, in collaboration with the State Department of Social Services, to appoint

~~a statewide bargaining advisory committee to review the full cost of care for IHSS provided through the IHSS program under a statewide collective bargaining model. The bill would require the advisory committee to submit reports, between January 1, 2027, and January 1, 2029, to the Legislature containing completed analyses covering key issues associated with any transition of IHSS to statewide bargaining, as specified. To inform the advisory committee's work, the bill would require the State Department of Social Services to provide a report to the advisory committee on approaches for cost containment associated with a statewide collective bargaining model in the In-Home Supportive Services program, no later than July 1, 2027. The bill would authorize the Department of Human Resources to enter into any contracts necessary for the performance of its duties under these provisions. The bill would state the intent of the Legislature that, upon submission of the completed analyses, the process of transitioning IHSS to a statewide collective bargaining model may commence and this may occur no earlier than January 1, 2030.~~

~~(2)~~

~~(1) Existing law, the State Civil Service Act, regulates employment with the state and vests in the Department of Human Resources all powers, duties, and authority necessary to operate the state civil service system. Existing law requires the department to designate positions of a high administrative and policy-influencing character for inclusion in or removal from the category of civil service appointment called "career executive assignments," subject to review by the State Personnel Board, as provided.~~

~~Under existing law, when an employee is disabled, whether temporarily or permanently, the employee is entitled, subject to certain conditions, to receive specified nonindustrial disability benefits, unless a memorandum of understanding conflicts with this requirement. Existing law defines "employee" for purposes of those provisions as a permanent or probationary full-time, part-time, or intermittent state officer or employee, as specified.~~

~~This bill would, effective October 1, 2025, for a disability benefit period commencing on or after July 1, 2025, additionally include a state officer or employee appointed to a career executive assignment in that definition of "employee." The bill would require these employees claiming benefits for a certain disability benefit period to file a completed claim no later than 41 days following the effective date of this provision.~~

(3)

(2) The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement System (PERS) for the purpose of providing pensions and benefits to state employees and their beneficiaries and prescribes the rights and duties of employers participating in the system. Under PERL, benefits are funded by investment income and employer and employee contributions, which are deposited into the Public Employees' Retirement Fund, a continuously appropriated trust fund administered by the system's board of administration.

PERL prescribes methods for the calculation and payment of the state employer contribution for its employees who are PERS members. PERL provides for an annual adjustment of the state's contribution in the budget and quarterly appropriations to the Public Employees' Retirement Fund from the General Fund and other funds that are responsible for payment of the employer contribution.

Existing law makes additional General Fund appropriations to the Public Employees' Retirement Fund for the 2020–21, 2021–22, 2022–23, 2023–24, and 2024–25 fiscal years. Supplemental payments connected with appropriations for those fiscal years are to be apportioned to the state employee member categories generally, as directed by the Department of Finance, and to specified state employee member categories, including to the state miscellaneous member category, the industrial member category, the state safety member category, and the state peace officer/firefighter member category.

The California Constitution establishes the Budget Stabilization Account in the General Fund and requires the Controller, in each fiscal year, to transfer from the General Fund to the Budget Stabilization Account amounts that include a sum equal to 1.5% of the estimated amount of General Fund revenues for that fiscal year. These provisions further require, until the 2029–30 fiscal year, that the Legislature appropriate a percentage of these moneys, the amount of which is generated pursuant to specified calculations, for certain obligations and purposes, including addressing unfunded liabilities for state-level pension plans.

This bill would appropriate \$584,000,000 from the General Fund for the purposes identified in the constitutional provisions described above, to supplement the state's appropriation to the Public Employees' Retirement Fund. The bill would specify that this appropriation represents a portion of the amount identified in a specific provision of the Budget Act of 2025. The bill would require the Department of

Finance to provide the Controller with a schedule establishing the timing of specific transfers. The bill would require the supplemental payment to the Public Employees' Retirement Fund to be apportioned to specified state employee member categories, not to exceed \$273,983,000 to the state miscellaneous member category, \$16,164,000 to the state industrial member category, \$32,150,000 to the state safety member category, and \$261,703,000 to the state peace officer/firefighter member category. The bill would require the appropriation described above to be applied to the unfunded state liabilities for the state employee member categories that are in excess of the base amounts for the 2025–26 fiscal year.

(4)

(3) Existing law establishes the Department of Industrial Relations in the Labor and Workforce Development Agency to perform specified functions, including fostering, promoting, and developing the welfare of the wage earners of California, to improve their working conditions and to advance their opportunities for profitable employment.

Existing law requires the director of the department to levy and collect assessments from specified employers, as specified, for purposes of collecting the aggregate amount determined by the Fraud Assessment Commission pursuant to specified provisions. Existing law requires revenues derived from the assessments to be deposited in the Workers' Compensation Fraud Account in the Insurance Fund and to only be expended, upon appropriation by the Legislature, for the investigation and prosecution of workers' compensation fraud and the willful failure to secure payment of workers' compensation, as prescribed. Existing law requires the director to promulgate reasonable rules and regulations governing the manner of collection of the assessments, as specified.

This bill would make technical changes to the above-described assessment provisions, and conforming changes related to those provisions.

Existing law, the Administrative Procedure Act (APA), governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

Existing law exempts from the rulemaking provisions of the APA regulations adopted by the director governing, among other things, the manner of collection of surcharges levied by the director upon specified employers for purposes of deposit in specified funds, including the Workers' Compensation Administration Revolving Fund.

This bill would also exempt from the rulemaking provisions of the APA regulations adopted pursuant to those promulgated by the director governing the manner of collection of the above-described assessments.

(5)

(4) Existing law authorizes the Occupational Safety and Health Standards Board to adopt, amend, or repeal occupational safety and health standards and orders. Existing law requires the Division of Occupational Safety and Health to propose to the board for its review and adoption, a standard that protects the health and safety of employees who engage in lead-related construction work and meets all requirements imposed by the federal Occupational Safety and Health Administration. Existing law requires the division to submit to the board a rulemaking proposal to revise the lead standards of the general industry safety orders and the construction safety orders, as specified, consistent with scientific research and findings. A violation of these standards and regulations under specific circumstances is a crime.

This bill would subject the work performed under any construction contract, including subcontracts, on the Golden Gate Bridge for the Suspension Bridge Seismic Retrofit Project that is awarded on or after January 1, 2025, and on or before December 31, 2025, to the division's lead standard regulations that were in effect on December 31, 2024. Because a violation of these provisions constitutes a crime, this bill would impose a state-mandated local program.

(5) *Existing law, the Budget Act of 2025, allocates \$3,300,000 from a specified schedule for state operations and personnel for statewide collective bargaining for In-Home Supportive Services providers.*

This bill would provide that, notwithstanding that provision in the Budget Act of 2025, those moneys are available for use and may be encumbered only if one of specified conditions is met.

(6) This bill would make legislative findings and declarations as to the necessity of a special statute for Golden Gate Bridge, Highway and Transportation District.

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

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

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 ~~SECTION 1. Section 19816.22 is added to the Government~~
2 ~~Code, to read:~~
3 ~~19816.22. (a) The department, in collaboration with the State~~
4 ~~Department of Social Services, shall appoint a statewide bargaining~~
5 ~~advisory committee to review the full cost of care for in-home~~
6 ~~supportive services provided through the In-Home Supportive~~
7 ~~Services program established pursuant to Article 7 (commencing~~
8 ~~with Section 12300) of Chapter 3 of Part 3 of Division 9 of the~~
9 ~~Welfare and Institutions Code under a statewide collective~~
10 ~~bargaining model.~~
11 ~~(b) The advisory committee shall submit reports, between~~
12 ~~January 1, 2027, and January 1, 2029, to the Legislature that~~
13 ~~contain completed analyses covering key issues associated with~~
14 ~~any transition of in-home supportive services to statewide~~
15 ~~bargaining, including, but not limited to, all of the following:~~
16 ~~(1) Identification of the comprehensive fiscal structure and~~
17 ~~impacts of an in-home supportive services statewide collective~~
18 ~~bargaining model, including any county maintenance of effort and~~
19 ~~potential impacts on realignment if the state were to adopt a~~
20 ~~statewide collective bargaining process with a continued county~~
21 ~~contribution.~~
22 ~~(2) Analysis of state versus county responsibilities, potential~~
23 ~~litigation and workplace liability costs, and the role of in-home~~
24 ~~supportive service recipients associated with a statewide collective~~
25 ~~bargaining model.~~
26 ~~(3) Analysis of in-home supportive services costs and savings,~~
27 ~~including all of the following:~~
28 ~~(A) Overall program cost growth, including to states and~~
29 ~~counties, on a yearly basis.~~
30 ~~(B) Estimates of in-home supportive services costs that may be~~
31 ~~considered during bargaining, including, but not limited to,~~
32 ~~elements such as retirement, travel, time off, sick leave, training,~~
33 ~~and benefits.~~
34 ~~(C) Automation and information technology changes associated~~
35 ~~with an in-home supportive services statewide bargaining model.~~

1 ~~(4) A landscape analysis examining other states' in-home~~
2 ~~supportive services statewide collective bargaining models, and~~
3 ~~the potential costs associated with adopting a similar statewide~~
4 ~~model in California.~~

5 ~~(e) (1) The requirement for submitting a report imposed under~~
6 ~~subdivision (b) is inoperative on January 1, 2033, pursuant to~~
7 ~~Section 10231.5.~~

8 ~~(2) A report to be submitted pursuant to subdivision (b) shall~~
9 ~~be submitted in compliance with Section 9795.~~

10 ~~(d) To inform the advisory committee's work, the State~~
11 ~~Department of Social Services shall provide a report to the advisory~~
12 ~~committee on approaches for cost containment associated with a~~
13 ~~statewide collective bargaining model in the In-Home Supportive~~
14 ~~Services program, no later than July 1, 2027.~~

15 ~~(e) The department may enter into any contracts necessary for~~
16 ~~the performance of its duties under this section.~~

17 ~~(f) It is the intent of the Legislature that, upon submission of~~
18 ~~the completed analyses included in the reports described in~~
19 ~~subdivision (b), the process of transitioning in-home supportive~~
20 ~~services to a statewide collective bargaining model may commence~~
21 ~~and this may occur no earlier than January 1, 2030.~~

22 ~~SEC. 2.~~

23 *SECTION 1.* Section 19878 of the Government Code is
24 amended to read:

25 19878. (a) As used in this article:

26 (1) "Appeals board" means the California Unemployment
27 Insurance Appeals Board.

28 (2) "Disability" or "disabled" includes mental or physical illness
29 and mental or physical injury, including any illness or injury
30 resulting from pregnancy, childbirth, or related medical condition.
31 An employee is deemed disabled on any day in which, because of
32 the employee's physical, mental, or medical condition, the
33 employee is unable to perform their regular or customary work.

34 (3) "Disability benefit period," with respect to any individual,
35 means the continuous period of disability beginning with the first
36 day with respect to which the individual files a valid claim for
37 nonindustrial disability benefits or Nonindustrial Disability
38 Insurance Family Care Leave benefits. For the purposes of this
39 article, two consecutive periods of disability due to the same or

1 related cause or condition and separated by a period of not more
2 than 14 days shall be considered as one disability benefit period.

3 (4) “Employee” means any of the following:

4 (A) A permanent or probationary full-time state officer or
5 employee, regardless of period of service, who is a member of the
6 Public Employees’ Retirement System or the State Teachers’
7 Retirement System in compensated employment on and after
8 October 1, 1976. Commencing January 1, 1979, it also means a
9 full-time state officer or employee, whether or not a member of
10 those systems, who is an employee of the Legislature and is not a
11 member of the civil service.

12 (B) A permanent or probationary part-time or intermittent state
13 officer or employee, with at least the equivalent of six compensated
14 calendar months of service in the 18 calendar months immediately
15 preceding the pay period in which the disability begins, who is a
16 member of the Public Employees’ Retirement System or the State
17 Teachers’ Retirement System, in compensated employment on or
18 after January 1, 1979, or a part-time or intermittent employee of
19 the Legislature, whether or not a member of the Public Employees’
20 Retirement System, in compensated employment on or after
21 January 1, 1984.

22 (C) (i) Effective October 1, 2025, for a disability benefit period
23 commencing on or after July 1, 2025, a state officer or employee
24 appointed to a career executive assignment pursuant to Article 9
25 (commencing with Section 19889).

26 (ii) Notwithstanding Section 19884, a state officer or employee
27 appointed to a career executive assignment claiming benefits for
28 a disability benefit period commencing between July 1, 2025 and
29 October 1, 2025, must file a completed claim no later than 41 days
30 following the effective date of this subparagraph.

31 (5) “Full pay” means the gross base salary earnable by the
32 employee, and subject to retirement contribution on the date of
33 the commencement of the employee’s disability.

34 (6) “Nonindustrial Disability Insurance Family Care Leave”
35 has the same meaning as “family care leave” as defined in Section
36 3302 of the Unemployment Insurance Code. The definitions of
37 terms in Section 3302 of the Unemployment Insurance Code that
38 are relevant for purposes of the definition of “family care leave”
39 in that section shall also apply. “Nonindustrial Disability Insurance
40 Family Care Leave” shall also include for these purposes qualifying

1 exigency leave as described in Section 3302.2 of the
2 Unemployment Insurance Code.

3 (7) “Nonindustrial Disability Insurance Family Care Leave
4 benefits” or “Family Care Leave benefits” means benefits
5 authorized by Section 19878.5.

6 (b) If the provisions of this section are in conflict with the
7 provisions of a memorandum of understanding reached pursuant
8 to Section 3517.5, the memorandum of understanding shall be
9 controlling without further legislative action, except that if those
10 provisions of a memorandum of understanding require the
11 expenditure of funds, the provisions shall not become effective
12 unless approved by the Legislature in the annual Budget Act.

13 ~~SEC. 3.~~

14 *SEC. 2.* Section 20825.18 is added to the Government Code,
15 to read:

16 20825.18. (a) (1) In addition to the appropriation required
17 pursuant to Section 20814, the Legislature hereby appropriates
18 five hundred eighty-four million dollars (\$584,000,000) from the
19 General Fund, for the purposes described in subclause (IV) of
20 clause (ii) of subparagraph (B) of paragraph (1) of subdivision (c)
21 of Section 20 of Article XVI of the California Constitution to
22 supplement the state’s appropriation to the Public Employees’
23 Retirement Fund. The appropriation made by this section represents
24 a portion of the amount identified in paragraph (3) of subdivision
25 (d) of Section 35.50 of the Budget Act of 2025. The appropriation
26 shall be consistent with the requirements of this section and at the
27 direction of the Department of Finance. The Department of Finance
28 shall provide to the Controller a schedule establishing the timing
29 of specific transfers to be used as described in subdivision (b).

30 (2) The supplemental payment to the Public Employees’
31 Retirement Fund described in paragraph (1) shall be apportioned
32 to the following state employee member categories, as directed by
33 the Department of Finance, not to exceed the following amounts:

34 (A) Two hundred seventy-three million nine hundred
35 eighty-three thousand dollars (\$273,983,000) to the state
36 miscellaneous member category.

37 (B) Sixteen million one hundred sixty-four thousand dollars
38 (\$16,164,000) to the state industrial member category.

39 (C) Thirty-two million one hundred fifty thousand dollars
40 (\$32,150,000) to the state safety member category.

(D) Two hundred sixty-one million seven hundred three thousand dollars (\$261,703,000) to the state peace officer/firefighter member category.

(b) The appropriation made in paragraph (1) of subdivision (a) shall be applied to the unfunded state liabilities for the state employee member categories described in paragraph (2) of subdivision (a) that are in excess of the base amounts for the 2025–26 fiscal year.

~~SEC. 4.~~

SEC. 3. Section 1872.83 of the Insurance Code is amended to read:

1872.83. (a) The commissioner shall ensure that the Fraud Division aggressively pursues all reported incidents of probable workers' compensation fraud, as defined in Sections 11760 and 11880, and in subdivision (a) of Section 1871.4, and in Section 549 of the Penal Code, and forwards to the appropriate disciplinary body the names, along with all supporting evidence, of any individuals licensed under the Business and Professions Code who are suspected of actively engaging in fraudulent activity. The Fraud Division shall forward to the Insurance Commissioner or the Director of Industrial Relations, as appropriate, the name, along with all supporting evidence, of any insurer, as defined in subdivision (c) of Section 1877.1, suspected of actively engaging in the fraudulent denial of claims.

(b) To fund increased investigation and prosecution of workers' compensation fraud, and of willful failure to secure payment of workers' compensation, in violation of Section 3700.5 of the Labor Code, there shall be an annual assessment as follows:

(1) The aggregate amount of the assessment shall be determined by the Fraud Assessment Commission, which is hereby established. The commission shall be composed of seven members consisting of two representatives of organized labor, two representatives of self-insured employers, one representative of insured employers, one representative of workers' compensation insurers, and the President of the State Compensation Insurance Fund, or ~~his or her~~ *their* designee.

The Governor shall appoint members representing organized labor, self-insured employers, insured employers, and insurers. The term of office of members of the commission shall be four years, and a member shall hold office until the appointment of a

1 successor. The President of the State Compensation Insurance
2 Fund shall be an ex officio, voting member of the commission.
3 Members of the commission shall receive one hundred dollars
4 (\$100) for each day of actual attendance at commission meetings
5 and other official commission business, and shall also receive their
6 actual and necessary traveling expenses incurred in the performance
7 of commission duties. Payment of per diem and travel expenses
8 shall be made from the Workers' Compensation Fraud Account
9 in the Insurance Fund, established in paragraph (4), upon
10 appropriation by the Legislature.

11 (2) In determining the aggregate amount of the assessment, the
12 Fraud Assessment Commission shall consider the advice and
13 recommendations of the Fraud Division and the commissioner.

14 (3) The aggregate amount of the assessment shall be collected
15 by the Director of Industrial Relations pursuant to Section 62.5 of
16 the Labor Code. The Fraud Assessment Commission shall annually
17 advise the Director of Industrial Relations, not later than March
18 15, of the aggregate amount to be assessed for the next fiscal year.

19 (4) The amount collected, together with the fines collected for
20 violations of the unlawful acts specified in Sections 1871.4, 11760,
21 and 11880, Section 3700.5 of the Labor Code, and Section 549 of
22 the Penal Code, shall be deposited in the Workers' Compensation
23 Fraud Account in the Insurance Fund, which is hereby created,
24 and may be used, upon appropriation by the Legislature, only for
25 enhanced investigation and prosecution of workers' compensation
26 fraud and of willful failure to secure payment of workers'
27 compensation as provided in this section.

28 (c) For each fiscal year, the total amount of revenues derived
29 from the assessment pursuant to subdivision (b) shall, together
30 with amounts collected pursuant to fines imposed for unlawful
31 acts described in Sections 1871.4, 11760, and 11880, Section
32 3700.5 of the Labor Code, and Section 549 of the Penal Code, not
33 be less than three million dollars (\$3,000,000). Any funds
34 appropriated by the Legislature pursuant to subdivision (b) that
35 are not expended in the fiscal year for which they have been
36 appropriated, and that have not been allocated under subdivision
37 (f), may be applied to satisfy for the immediately following fiscal
38 year the minimum total amount required by this subdivision or,
39 subject to appropriation by the Legislature, may be used to augment

1 funding in the immediately following fiscal year. The money shall
2 not be transferred to the General Fund.

3 (d) After incidental expenses, at least 40 percent of the funds
4 to be used for the purposes of this section shall be provided to the
5 Fraud Division of the Department of Insurance for enhanced
6 investigative efforts, and at least 40 percent of the funds shall be
7 distributed to district attorneys, pursuant to a determination by the
8 commissioner with the advice and consent of the division and the
9 Fraud Assessment Commission, as to the most effective distribution
10 of moneys for purposes of the investigation and prosecution of
11 workers' compensation fraud cases and cases relating to the willful
12 failure to secure the payment of workers' compensation. Each
13 district attorney seeking a portion of the funds shall submit to the
14 commissioner an application setting forth in detail the proposed
15 use of any funds provided. A district attorney receiving funds
16 pursuant to this subdivision shall submit an annual report to the
17 commissioner with respect to the success of ~~his or her~~ *their* efforts.
18 Upon receipt, the commissioner shall provide copies to the Fraud
19 Division and the Fraud Assessment Commission of any application,
20 annual report, or other documents with respect to the allocation of
21 money pursuant to this subdivision. Both the application for
22 moneys and the distribution of moneys shall be public documents.
23 Information submitted to the commissioner pursuant to this section
24 concerning criminal investigations, whether active or inactive,
25 shall be confidential.

26 (e) If a district attorney is determined by the commissioner to
27 be unable or unwilling to investigate and prosecute workers'
28 compensation fraud claims or claims relating to the willful failure
29 to secure the payment of workers' compensation, the commissioner
30 shall discontinue distribution of funds allocated for that county
31 and may redistribute those funds according to this subdivision.

32 (1) The commissioner shall promptly determine whether any
33 other county could assert jurisdiction to prosecute the fraud claims
34 or claims relating to the willful failure to secure the payment of
35 workers' compensation that would have been brought in the
36 nonparticipating county, and, if so, the commissioner may award
37 funds to conduct the prosecutions redirected pursuant to this
38 subdivision. These funds may be in addition to any other fraud
39 prosecution funds or claims relating to the willful failure to secure
40 the payment of workers' compensation prosecution otherwise

1 awarded under this section. Any district attorney receiving funds
2 pursuant to this subdivision shall first agree that the funds shall be
3 used solely for investigating and prosecuting those cases of
4 workers' compensation fraud or claims relating to the willful failure
5 to secure the payment of workers' compensation that are redirected
6 pursuant to this subdivision and submit an annual report to the
7 commissioner with respect to the success of the district attorney's
8 efforts. The commissioner shall keep the Fraud Assessment
9 Commission fully informed of all reallocations of funds under this
10 paragraph.

11 (2) If the commissioner determines that no district attorney is
12 willing or able to investigate and prosecute the workers'
13 compensation fraud claims or claims relating to the willful failure
14 to secure the payment of workers' compensation arising in the
15 nonparticipating county, the commissioner, with the advice and
16 consent of the Fraud Assessment Commission, may award to the
17 Attorney General some or all of the funds previously awarded to
18 the nonparticipating county. Before the commissioner may award
19 any funds, the Attorney General shall submit to the commissioner
20 an application setting forth in detail ~~his or her~~ *their* proposed use
21 of any funds provided and agreeing that any funds awarded shall
22 be used solely for investigating and prosecuting those cases of
23 workers' compensation fraud or claims relating to the willful failure
24 to secure the payment of workers' compensation that are redirected
25 pursuant to this subdivision. The Attorney General shall submit
26 an annual report to the commissioner with respect to the success
27 of the fraud prosecution efforts of ~~his or her~~ *their* office.

28 (3) Neither the Attorney General nor any district attorney shall
29 be required to relinquish control of any investigation or prosecution
30 undertaken pursuant to this subdivision unless the commissioner
31 determines that satisfactory progress is no longer being made on
32 the case or the case has been abandoned.

33 (4) A county that has become a nonparticipating county due to
34 the inability or unwillingness of its district attorney to investigate
35 and prosecute workers' compensation fraud or the willful failure
36 to secure the payment of workers' compensation shall not become
37 eligible to receive funding under this section until it has submitted
38 a new application that meets the requirements of subdivision (d)
39 and the applicable regulations.

1 (f) If in any fiscal year the Fraud Division does not use all of
2 the funds made available to it under subdivision (d), any remaining
3 funds may be distributed to district attorneys pursuant to a
4 determination by the commissioner in accordance with the same
5 procedures set forth in subdivision (d).

6 (g) The commissioner shall adopt rules and regulations to
7 implement this section in accordance with the rulemaking
8 provisions of the Administrative Procedure Act (Chapter 3.5
9 (commencing with Section 11340) of Part 1 of Division 3 of Title
10 2 of the Government Code). Included in the rules and regulations
11 shall be the criteria for redistributing funds to district attorneys
12 and the Attorney General. The adoption of the rules and regulations
13 shall be deemed to be an emergency and necessary for the
14 immediate preservation of the public peace, health, and safety, or
15 general welfare.

16 (h) The department shall report to the Governor, the Legislature,
17 to the committees of the Senate and Assembly having jurisdiction
18 over insurance, and the Fraud Assessment Commission on the
19 activities of the Fraud Division and district attorneys supported
20 by the funds provided by this section in the annual report submitted
21 pursuant to Section 12922.

22 The annual report shall include, but is not limited to, all of the
23 following information for the department and each district
24 attorney's office:

25 (1) All allocations, distributions, and expenditures of funds.

26 (2) The number of search warrants issued.

27 (3) The number of arrests and prosecutions, and the aggregate
28 number of parties involved in each.

29 (4) The number of convictions and the names of all convicted
30 fraud perpetrators.

31 (5) The estimated value of all assets frozen, penalties assessed,
32 and restitutions made for each conviction.

33 (6) Any additional items necessary to fully inform the Fraud
34 Assessment Commission and the Legislature of the fraud-fighting
35 efforts financed through this section.

36 (i) In order to meet the requirements of subdivision (g), the
37 department shall submit a biannual information request to those
38 district attorneys who have applied for and received funding
39 through the annual assessment process under this section.

(j) Assessments levied or collected to fight workers' compensation fraud and insurance fraud are not taxes. Those funds are entrusted to the state to fight fraud and the willful failure to secure the payment of workers' compensation by funding state and local investigation and prosecution efforts. Accordingly, any funds resulting from assessments, fees, penalties, fines, restitution, or recovery of costs of investigation and prosecution deposited in the Insurance Fund shall not be deemed "unexpended" funds for any purpose and, if remaining in that account at the end of any fiscal year, shall be applied as provided in subdivision (f) and to offset or augment subsequent years' program funding.

~~SEC. 5.~~

SEC. 4. Section 62.5 of the Labor Code is amended to read:

62.5. (a) (1) The Workers' Compensation Administration Revolving Fund is hereby created as a special account in the State Treasury. Money in the fund may be expended by the department, upon appropriation by the Legislature, for all of the following purposes, and may not be used or borrowed for any other purpose:

(A) For the administration of the workers' compensation program set forth in this division and Division 4 (commencing with Section 3200), other than the activities financed pursuant to paragraph (2) of subdivision (a) of Section 3702.5.

(B) For the Return-to-Work Program set forth in Section 139.48.

(C) For the enforcement of the insurance coverage program established and maintained by the Labor Commissioner pursuant to Section 90.3.

(2) The fund shall consist of surcharges made pursuant to subparagraph (A) of paragraph (1) of subdivision (f).

(b) (1) The Uninsured Employers Benefits Trust Fund is hereby created as a special trust fund account in the State Treasury, of which the director is trustee, and its sources of funds are as provided in subparagraph (A) of paragraph (1) of subdivision (f). Notwithstanding Section 13340 of the Government Code, the fund is continuously appropriated for the payment of nonadministrative expenses of the workers' compensation program for workers injured while employed by uninsured employers in accordance with Article 2 (commencing with Section 3710) of Chapter 4 of Part 1 of Division 4, and shall not be used for any other purpose. All moneys collected shall be retained in the trust fund until paid as benefits to workers injured while employed by uninsured

1 employers. Nonadministrative expenses include audits and reports
2 of services prepared pursuant to subdivision (b) of Section 3716.1.
3 The surcharge amount for this fund shall be stated separately.

4 (2) Notwithstanding any other provision of law, all references
5 to the Uninsured Employers Fund shall mean the Uninsured
6 Employers Benefits Trust Fund.

7 (3) Notwithstanding paragraph (1), in the event that budgetary
8 restrictions or impasse prevent the timely payment of administrative
9 expenses from the Workers' Compensation Administration
10 Revolving Fund, those expenses shall be advanced from the
11 Uninsured Employers Benefits Trust Fund. Expense advances
12 made pursuant to this paragraph shall be reimbursed in full to the
13 Uninsured Employers Benefits Trust Fund upon enactment of the
14 annual Budget Act.

15 (4) Any moneys from penalties collected pursuant to Section
16 3722 as a result of the insurance coverage program established
17 under Section 90.3 shall be deposited in the State Treasury to the
18 credit of the Workers' Compensation Administration Revolving
19 Fund created under this section, to cover expenses incurred by the
20 director under the insurance coverage program. The amount of
21 any penalties in excess of payment of administrative expenses
22 incurred by the director for the insurance coverage program
23 established under Section 90.3 shall be deposited in the State
24 Treasury to the credit of the Uninsured Employers Benefits Trust
25 Fund for nonadministrative expenses, as prescribed in paragraph
26 (1), and notwithstanding paragraph (1), shall only be available
27 upon appropriation by the Legislature.

28 (c) (1) The Subsequent Injuries Benefits Trust Fund is hereby
29 created as a special trust fund account in the State Treasury, of
30 which the director is trustee, and its sources of funds are as
31 provided in subparagraph (A) of paragraph (1) of subdivision (f).
32 Notwithstanding Section 13340 of the Government Code, the fund
33 is continuously appropriated for the nonadministrative expenses
34 of the workers' compensation program for workers who have
35 suffered serious injury and who are suffering from previous and
36 serious permanent disabilities or physical impairments, in
37 accordance with Article 5 (commencing with Section 4751) of
38 Chapter 2 of Part 2 of Division 4, and Section 4 of Article XIV of
39 the California Constitution, and shall not be used for any other
40 purpose. All moneys collected shall be retained in the trust fund

1 until paid as benefits to workers who have suffered serious injury
2 and who are suffering from previous and serious permanent
3 disabilities or physical impairments. Nonadministrative expenses
4 include audits and reports of services pursuant to subdivision (c)
5 of Section 4755. The surcharge amount for this fund shall be stated
6 separately.

7 (2) Notwithstanding any other law, all references to the
8 Subsequent Injuries Fund shall mean the Subsequent Injuries
9 Benefits Trust Fund.

10 (3) Notwithstanding paragraph (1), in the event that budgetary
11 restrictions or impasse prevent the timely payment of administrative
12 expenses from the Workers' Compensation Administration
13 Revolving Fund, those expenses shall be advanced from the
14 Subsequent Injuries Benefits Trust Fund. Expense advances made
15 pursuant to this paragraph shall be reimbursed in full to the
16 Subsequent Injuries Benefits Trust Fund upon enactment of the
17 annual Budget Act.

18 (d) (1) The Occupational Safety and Health Fund is hereby
19 created as a special account in the State Treasury. Moneys in the
20 account may be expended by the department, upon appropriation
21 by the Legislature, for support of the Division of Occupational
22 Safety and Health, the Occupational Safety and Health Standards
23 Board, and the Occupational Safety and Health Appeals Board,
24 and the activities these entities perform as set forth in this division,
25 and Division 5 (commencing with Section 6300).

26 (2) On and after the effective date of the act amending this
27 section to add this paragraph in the 2013–14 Regular Session of
28 the Legislature, any moneys in the Cal-OSHA Targeted Inspection
29 and Consultation Fund and any assets, liabilities, revenues,
30 expenditures, and encumbrances of that fund, less five million
31 dollars (\$5,000,000), shall be transferred to the Occupational Safety
32 and Health Fund. On June 30, 2014, the remaining five million
33 dollars (\$5,000,000) in the Cal-OSHA Targeted Inspection and
34 Consultation Fund, or any remaining balance in that fund, shall
35 be transferred to, and become part of, the Occupational Safety and
36 Health Fund.

37 (e) The Labor Enforcement and Compliance Fund is hereby
38 created as a special account in the State Treasury. Moneys in the
39 fund may be expended by the department, upon appropriation by
40 the Legislature, for the support of the activities that the Division

1 of Labor Standards Enforcement performs pursuant to this division
2 and Division 2 (commencing with Section 200), Division 3
3 (commencing with Section 2700), and Division 4 (commencing
4 with Section 3200).

5 (f) (1) (A) Separate surcharges shall be levied by the director
6 upon all employers, as defined in Section 3300, for purposes of
7 deposit in the Workers' Compensation Administration Revolving
8 Fund, the Uninsured Employers Benefits Trust Fund, the
9 Subsequent Injuries Benefits Trust Fund, and the Occupational
10 Safety and Health Fund. The total amount of the surcharges shall
11 be allocated between self-insured employers and insured employers
12 in proportion to payroll respectively paid in the most recent year
13 for which payroll information is available. The director shall adopt
14 reasonable regulations governing the manner of collection of the
15 surcharges. The regulations shall require the surcharges to be paid
16 by self-insurers to be expressed as a percentage of indemnity paid
17 during the most recent year for which information is available,
18 and the surcharges to be paid by insured employers to be expressed
19 as a percentage of premium. In no event shall the surcharges paid
20 by insured employers be considered a premium for computation
21 of a gross premium tax or agents' commission. In no event shall
22 the total amount of the surcharges paid by insured and self-insured
23 employers exceed the amounts reasonably necessary to carry out
24 the purposes of this section.

25 (B) Assessments shall be levied by the director upon all
26 employers, as defined in Section 3300, as necessary, to collect the
27 aggregate amount determined by the Fraud Assessment
28 Commission pursuant to Section 1872.83 of the Insurance Code.
29 Revenues derived from the assessments shall be deposited in the
30 Workers' Compensation Fraud Account in the Insurance Fund and
31 shall only be expended, upon appropriation by the Legislature, for
32 the investigation and prosecution of workers' compensation fraud
33 and the willful failure to secure payment of workers' compensation,
34 as prescribed by Section 1872.83 of the Insurance Code. The total
35 amount of the assessment shall be allocated between self-insured
36 employers and insured employers in proportion to payroll
37 respectively paid in the most recent year for which payroll
38 information is available. The director shall promulgate reasonable
39 rules and regulations governing the manner of collection of the
40 assessment. The rules and regulations shall require the assessment

1 to be paid by self-insurers to be expressed as a percentage of
2 indemnity paid during the most recent year for which information
3 is available, and the assessment to be paid by insured employers
4 to be expressed as a percentage of premium. In no event shall the
5 assessment paid by insured employers be considered a premium
6 for computation of a gross premium tax or agents' commission.

7 (2) The surcharge levied by the director for the Occupational
8 Safety and Health Fund, pursuant to subparagraph (A) of paragraph
9 (1), shall not generate revenues in excess of fifty-seven million
10 dollars (\$57,000,000) on and after the 2013–14 fiscal year, adjusted
11 for each fiscal year as appropriate to fund any increases in the
12 appropriation as approved by the Legislature, and to reconcile any
13 over/under assessments from previous fiscal years pursuant to
14 Sections 15606 and 15609 of Title 8 of the California Code of
15 Regulations. For the 2013–14 fiscal year only, the revenue cap
16 established in this paragraph shall be reduced by an amount
17 equivalent to the balance transferred from the Cal-OSHA Targeted
18 Inspection and Consultation Fund established in Section 62.7, less
19 any amount of that balance loaned to the State Public Works
20 Enforcement Fund, to the Occupational Safety and Health Fund
21 pursuant to subdivision (d).

22 (3) A separate surcharge shall be levied by the director upon all
23 employers, as defined in Section 3300, for purposes of deposit in
24 the Labor Enforcement and Compliance Fund. The total amount
25 of the surcharges shall be allocated between employers in
26 proportion to payroll respectively paid in the most recent year for
27 which payroll information is available. The director shall adopt
28 reasonable regulations governing the manner of collection of the
29 surcharges. In no event shall the total amount of the surcharges
30 paid by employers exceed the amounts reasonably necessary to
31 carry out the purposes of this section.

32 (4) The surcharge levied by the director for the Labor
33 Enforcement and Compliance Fund shall not exceed forty-six
34 million dollars (\$46,000,000) in the 2013–14 fiscal year, adjusted
35 as appropriate to fund any increases in the appropriation as
36 approved by the Legislature, and to reconcile any over/under
37 assessments from previous fiscal years pursuant to Sections 15606
38 and 15609 of Title 8 of the California Code of Regulations.

39 (5) The regulations adopted pursuant to paragraph (1) to (4),
40 inclusive, shall be exempt from the rulemaking provisions of the

1 Administrative Procedure Act (Chapter 3.5 (commencing with
2 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
3 Code).

4 ~~SEC. 6.~~

5 *SEC. 5.* Section 62.6 of the Labor Code is repealed.

6 ~~SEC. 7.~~

7 *SEC. 6.* Section 6717.2 is added to the Labor Code, to read:

8 6717.2. Notwithstanding any other provision in law or
9 regulation, the work performed under any construction contract,
10 including subcontracts thereof, on the Golden Gate Bridge for the
11 Suspension Bridge Seismic Retrofit Project that is awarded after
12 January 1, 2025, and before December 31, 2025, is subject to the
13 lead standards of the construction safety orders, found at Section
14 1532.1 of Title 8 of the California Code of Regulations, and the
15 general industry safety orders, found at Section 5198 of Title 8 of
16 the California Code of Regulations, that were in effect on
17 December 31, 2024.

18 *SEC. 7. Notwithstanding Provision 5 of Item 7501-001-0001*
19 *of the Budget Act of 2025, the three million three hundred thousand*
20 *dollars (\$3,300,000) allocated from Schedule (1) of the item*
21 *pursuant to Provision 5 shall be available for use and may be*
22 *encumbered only upon enactment of either of the following:*

23 *(a) A bill providing for an appropriation related to the Budget*
24 *Bill that specifies the use of the moneys.*

25 *(b) Assembly Bill 283 of the 2025–26 Regular Session.*

26 *SEC. 8.* The Legislature finds and declares that a special statute
27 is necessary and that a general statute cannot be made applicable
28 within the meaning of Section 16 of Article IV of the California
29 Constitution because of the unique circumstances facing the Golden
30 Gate Bridge, Highway and Transportation District.

31 *SEC. 9.* No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within
38 the meaning of Section 6 of Article XIII B of the California
39 Constitution.

1 SEC. 10. This act is a bill providing for appropriations related
2 to the Budget Bill within the meaning of subdivision (e) of Section
3 12 of Article IV of the California Constitution, has been identified
4 as related to the budget in the Budget Bill, and shall take effect
5 immediately.

O