

Senate Bill No. 447

CHAPTER 199

An act to amend Section 12096.3 of, to add Article 16 (commencing with Section 12100.170) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of, and to repeal Section 11139.8 of, the Government Code, and to amend Section 4646 of the Welfare and Institutions Code, relating to economic development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 13, 2023. Filed with
Secretary of State September 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 447, Atkins. GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project.

(1) Existing law establishes the Governor's Office of Business and Economic Development (GO-Biz) to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this regard, existing law authorizes GO-Biz to make recommendations to the Governor and the Legislature on new state policies and to provide data, information, and assistance, as specified.

This bill would further authorize GO-Biz to establish the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project) to promote social equity, civil rights, and antidiscrimination through marketing and advertising campaigns. The bill would establish the BRIDGE Project Fund and would make the money available to the office upon appropriation by the Legislature for the purpose of implementing the project, and would authorize the office to receive donations into the fund. The bill would authorize the office to contract with a private, nonprofit agency, as specified, and to use the services of volunteer advertising agencies and donated media to conduct marketing activities. The bill would require the office to convene an advisory committee of no more than 10 members, as defined, to advise the office on BRIDGE Project media campaigns, as specified. The bill would authorize the office to consult with any state agency with expertise relating to the purpose of the BRIDGE Project, as specified.

The bill would provide that any media campaign funded pursuant to this project may, among other things, be on a national scale and, to the extent possible, may target audiences in a state or states, or a media market that includes a state or states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, an existing state or local protection against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of

sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. The bill would also add a provision specifying that nothing in the provisions regarding GO-Biz shall be interpreted to require a state employee or officer to travel to a state or states that have enacted a law that would discriminate on the basis of sex, sexual orientation, gender identity, or gender expression, or that has the effect of prohibiting conduct or activities otherwise protected under the laws of this state.

(2) Existing law prohibits a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or from approving a request for state-funded or state-sponsored travel to, any state that has enacted a law that voids or repeals, or that has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or that has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, as specified.

This bill would repeal those provisions prohibiting a state agency and the Legislature from requiring travel to specified states and would make a conforming change.

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

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

SECTION 1. Section 11139.8 of the Government Code is repealed.

SEC. 2. Section 12096.3 of the Government Code is amended to read:

12096.3. The office shall serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this capacity, the office may:

(a) Recommend to the Governor and the Legislature new state policies, programs, and actions, or amendments to existing programs, advance statewide economic goals and respond to emerging economic problems and opportunities, and ensure that all state policies and programs conform to the adopted state economic and business development goals.

(b) Coordinate the development of policies and criteria to ensure that federal grants administered or directly expended by state government advance statewide economic goals and objectives.

(c) Market the business and investment opportunities available in California by working in partnership with local, regional, federal, and other state public and private institutions to encourage business development and investment in the state.

(d) Provide, including, but not limited to, all of the following:

- (1) Economic and demographic data.
- (2) Financial information to help link businesses with state and local public and private programs.
- (3) Workforce information, including, but not limited to, labor availability, training, and education programs.
- (4) Transportation and infrastructure information.
- (5) Assistance in obtaining state and local permits.
- (6) Information on tax credits and other incentives.
- (7) Permitting, siting, and other regulatory information pertinent to business operations in the state.
- (e) Establish a well-advertised telephone number, an interactive internet website, and an administrative structure that effectively supports the facilitation of business development and investment in the state.
- (f) Encourage collaboration among research institutions, startup companies, local governments, venture capitalists, and economic development agencies to promote innovation.
- (g) In cooperation with the federal government, foster relationships with overseas entities to improve the state's image as a destination for business investment and expansion.
- (h) Conduct research on the state's business climate, including, but not limited to, research on how the state can remain on the leading edge of innovation and emerging sectors.
- (i) Support small businesses by providing information about accessing capital, complying with regulations, and supporting state initiatives that support small business.
- (j) Establish the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project) to promote social equity, civil rights, and antidiscrimination through marketing and advertising campaigns.

SEC. 3. Article 16 (commencing with Section 12100.170) is added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 16. Building and Reinforcing Inclusive, Diverse,
Gender-Supportive Equity Project

12100.170. This article shall be known, and may be cited, as the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project).

12100.171. (a) There is hereby established, within the office, the BRIDGE Project.

(b) The purpose of the BRIDGE Project is to raise public awareness and promote civil rights and antidiscrimination through education, advertising, and marketing activities.

(c) There is hereby created the BRIDGE Project Fund within the office. Moneys in the account shall be available, upon appropriation by the

Legislature, for the purposes of this article. The office is authorized to receive donations into the fund.

(d) The office may contract with a private, nonprofit agency that is the leading producer of public service advertisements and is able to use the services of volunteer advertising agencies and donated media to conduct the marketing activities required by this article.

(e) Any media campaign funded pursuant to this article is subject to all of the following requirements:

(1) A media campaign funded pursuant to this article shall not promote a political purpose or feature in any manner the image or voice of any elected public official or candidate for elected office, or directly represent the views of any elected public official or candidate for elected office.

(2) Media campaigns may be on a national scale and, to the extent possible, may target audiences in a state or states, or a media market that includes a state or states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, an existing state or local protection against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

(3) Media campaigns funded pursuant to this article shall be designed to educate the public and promote antidiscrimination, issues LGBTQ+ communities face, civil rights, acceptance and inclusion of all people regardless of race, religion, gender, sexual orientation, age, and ability.

(f) The office shall convene an advisory committee of no more than 10 members to advise the office on BRIDGE Project media campaigns, including, but not limited to, the content of media campaigns, emerging issues relevant to the purpose of the BRIDGE Project, evaluation of current and potential campaigns, and strategic outreach to communities affected by the campaign. The advisory committee members shall include LGBTQ+ advocates, marketing and public relations professionals, and representatives from research institutions as necessary to develop and evaluate media campaigns funded pursuant to this article. The advisory committee members shall be determined by the director.

(g) Nothing in this article shall be interpreted to require a state employee or officer to travel to a state or states that have enacted a law that would discriminate on the basis of sex, sexual orientation, gender identity, or gender expression, or that has the effect of prohibiting conduct or activities otherwise protected under the laws of this state.

(h) When implementing this article, the office may consult with any state agency with expertise relating to the purpose of the BRIDGE Project, as outlined in subdivision (b).

SEC. 4. Section 4646 of the Welfare and Institutions Code, as amended by Section 17 of Chapter 44 of the Statutes of 2023, is amended to read:

4646. (a) It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, if appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, if appropriate, the individual's parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan.

(c) An individual program plan shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed within 60 days of the completion of the assessment. At the time of intake, the regional center shall inform the consumer and, if appropriate, the consumer's parents, legal guardian or conservator, or authorized representative, of the services available through the state council and the protection and advocacy agency designated by the Governor pursuant to federal law, and shall provide the address and telephone numbers of those agencies.

(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

(e) Regional centers shall comply with the request of a consumer or, if appropriate, the request of the consumer's parents, legal guardian, conservator, or authorized representative, that a designated representative receive written notice of all meetings to develop or revise the individual program plan and of all notices sent to the consumer pursuant to Section 4710. The designated representative may be a parent or family member.

(f) Notwithstanding any other law, until June 30, 2024, a meeting regarding the provision of services and supports by the regional center, including a meeting to develop or revise the individual program plan, shall be held by remote electronic communications if requested by the consumer or, if appropriate, if requested by the consumer's parents, legal guardian, conservator, or authorized representative.

(g) At the conclusion of an individual program plan meeting, an authorized representative of the regional center shall provide to the consumer, in written or electronic format, a list of the agreed-upon services and

supports, and, if known, the projected start date, the frequency and duration of the services and supports, and the provider. The authorized representative of the regional center shall sign the list of agreed-upon services and supports at that time. The consumer, or if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative shall sign the list of agreed-upon services and supports prior to its implementation. The consumer, or if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, may elect to delay receipt of the list of agreed-upon services and supports pending final agreement, as described in subdivision (h). If the consumer, or if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, elects to delay the receipt of the list of agreed-upon services and supports for 15 days, the list shall be provided in the preferred language of the consumer, or of the consumer's parent, legal guardian, or authorized representative.

(h) If a final agreement regarding the services and supports to be provided to the consumer cannot be reached at a program plan meeting, then a subsequent program plan meeting shall be convened within 15 days, or later at the request of the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative or if agreed to by the planning team. The list of the agreed-upon services and supports described in subdivision (g) and signed by the authorized representative of the regional center shall be provided, in writing or electronically, at the conclusion of the subsequent program plan meeting, and shall be provided in the preferred language of the consumer, or of the consumer's parent, legal guardian, conservator, or authorized representative. Additional program plan meetings may be held with the agreement of the regional center representative and the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative.

(i) An authorized representative of the regional center and the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative shall sign the individual program plan and the list of the agreed-upon services and supports prior to its implementation. If the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, does not agree with all components of the individual program plan, the consumer may indicate that disagreement on the plan. Disagreement with specific plan components shall not prohibit the implementation of services and supports agreed to by the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative. If the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, does not agree with the plan in whole or in part, the consumer shall be sent written notice of their appeal rights, as required by Sections 4701 and 4710.

(j) (1) A regional center shall communicate in the consumer's preferred language, or, if appropriate, the preferred language of the consumer's family, legal guardian, conservator, or authorized representative, during the planning process for the individual program plan, including during the program plan meeting, and including providing alternative communication services, as

required by Sections 11135 to 11139, inclusive, of the Government Code and implementing regulations.

(2) A regional center shall provide alternative communication services, including providing copies of the list of services and supports, and the individual program plan in the preferred language of the consumer or the consumer's family, legal guardian, conservator, or authorized representative, or both, as required by Sections 11135 to 11139, inclusive, of the Government Code and implementing regulations.

(3) The preferred language of the consumer or the consumer's family, legal guardian, conservator, or authorized representative, or both, shall be documented in the individual program plan.

SEC. 5. 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 California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To protect civil rights and prevent discrimination, it is necessary that this act go into effect immediately.