

AB 2130 (Huber)- Professions and Vocations: Sunset Review

Introduced February 18, 2010, Read second time. To third reading August 3, 2010

This bill makes specified boards subject to review by a new Joint Sunset Review Committee (JSRC), proposed by a companion measure, AB 1659 (Huber). This bill will not become operative unless AB 1659 is enacted. Based on the analysis provided by the Senate Committee on Business, Professions and Economic Development amendments, this bill:

- 1) Abolishes the current "Sunset Review" process and the ability of the Joint Committee to review boards and bureaus under the Department of Consumer Affairs. [It is intended that the review of boards scheduled for sunset will now be the responsibility of the Senate and Assembly Business and Professions committees. The same evaluative and review process performed by the former Joint Committee will be continued jointly by these committees as part of their oversight function.]
- 2) Repeals provisions which allow a board to become a bureau under the Department in the event that any board becomes inoperative or is repealed (sunset). [This will require the Legislature to take an affirmative action to decide on the appropriate changes and continuation of the board prior to its sunset date.]
- 3) Abolishes the authority granted to the Joint Committee in January of 2004, to review all existing state boards and other entities every four years.
- 4) Makes instead all "eligible agencies," as defined, subject to review by the new Joint Sunset Review Committee (JSRC) which would be established pursuant to AB 1659.
- 5) Specifies that the following four agencies would be subject to review by the JSRC in its first year of operation and would have sunset dates of January 1, 2013:
 - a) The State Race Track Leasing Commission.
 - b) The Capitol Area Committee.
 - c) The Continuing Care Advisory Committee.
 - d) The California Recreational Trails Committee.
- 6) Provides that the JSRC shall make a report available to the public and the Legislature on whether an agency should be terminated, or continued, or whether its functions should be revised or consolidated with those of another agency, and include any other recommendations as necessary to improve the effectiveness and efficiency of the agency.
- 7) Provides that if the JSRC deems it advisable, the report may include proposed bill to carry out its recommendations.
- 8) Specifies that the provisions of this measure would not become operative unless AB 1659 is enacted and establishes the JSRC.

According to the Author who is the Sponsor of the measure, this bill serves as the implementation bill for the JSRC created by her companion bill AB 1659 which creates the JSRC and outlines its duties and responsibilities in reviewing "eligible agencies," as defined in AB 1659. As indicated by the Author, this bill seeks to establish accountability

and oversight for government entities by requiring systematic review and evaluation of state entities. Under current law, as explained by the Author, the Joint Committee is granted the power to hold public hearings at specified times and to evaluate whether a board or regulatory program under the Department has demonstrated a need for its continued existence, and to also review all other 400 plus categories of administrative or regulatory boards, commissions, committees, councils, associations, and authorities. Joint Committee members have not been appointed to this committee since 2006, and the Joint Committee never implemented their new authority granted to it in 2004, to review all other types of appointed governmental entities.

The Author further indicates that this bill would abolish the Joint Committee and move the functions of the Joint Committee as it relates to review of appointed governmental entities to the JSRC. The JSRC would not, however, review those boards and bureaus under the Department. As earlier indicated, these agencies would continue to be reviewed and evaluated by the Business and Professions committees of the Senate and the Assembly. However, if at any time these committees no longer reviewed these agencies, then the JSRC would have the authority to continue such reviews.

As stated by the Author, "the purpose of AB 1659 and AB 2130 is to establish a long term process through which the state can conduct routine reviews of entities and determine if they are still necessary. It is not the intention of AB 1659 or AB 2130 to prohibit standing committees from conducting their own periodic reviews of boards and commissions under their jurisdiction."

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN ASSEMBLY JUNE 2, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2130

Introduced by Assembly Member Huber
(Coauthor: Assembly Member Niello)
(Coauthor: Senator DeSaulnier)

February 18, 2010

~~An act to amend Sections 22, 101.1, 1917.2, 2001, 2450.3, 2460, 2531, 2569, 2570.19, 2602, 2607.5, 2701, 2841, 3010.5, 3502.1, 3504, 3685, 3710, 4001, 4615, 4800, 4809.8, 4989, 4990.24, 5000, 5510, 5810, 6510, 6710, 7304, 7501, 8710, 9882, 11506, and 22259 of, to amend and repeal Section 1601.1 of, to add Sections 7200.2, 7611, and 9815 to, and to repeal Division 1.2 (commencing with Section 473) of, the Business and Professions Code, and to amend Sections 9148.51 and 9148.52 of the Government Code, relating to professions and vocations.~~
An act to amend Section 22 of, to repeal Section 101.1 of, and to repeal Division 1.2 (commencing with Section 473) of, the Business and Professions Code, to amend Section 4351 of, and to repeal Chapter 9 (commencing with Section 4351) of Part 3 of Division 3 of, the Food and Agricultural Code, to amend Sections 9148.51 and 9148.52 of, and to amend and repeal Sections 8164.1, 8164.2, and 8164.3 of, the Government Code, to amend and repeal Sections 1777, 1777.2, and 1777.4 of the Health and Safety Code, to amend and repeal Sections 5073.5, 5073.7, and 5074 of the Public Resources Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2130, as amended, Huber. Professions and vocations; sunset review.

Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings at specified times and to evaluate whether a board or regulatory program has demonstrated a need for its continued existence. Existing law states the intent of the Legislature that all existing and proposed state boards be subject to review every 4 years to evaluate and determine whether each has demonstrated a public need for its continued existence, as specified.

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection *and make other conforming changes*. ~~The bill would instead make specified boards and regulatory programs subject to review by the Joint Sunset Review Committee. The~~

Existing law provides that the Joint Committee on Boards, Commissions, and Consumer Protection review all state boards, except as specified, every four years.

This bill would instead require the Joint Sunset Review Committee to review all eligible agencies, as specified. The bill would require the committee to make a report pursuant to an evaluation which shall be available to the public and the Legislature, as specified. The bill would impose a sunset date of January 1, 2013, on the State Race Track Leasing Commission, the Capitol Area Committee, the Continuing Care Advisory Committee, and the California Recreational Trails Committee.

The bill would provide that its provisions would not become operative unless AB 1659 of the 2009–10 Regular Session is enacted and establishes the Joint Sunset Review Committee.

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

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

1 SECTION 1. Section 22 of the Business and Professions Code
2 is amended to read:

3 22. (a) “Board,” as used in any provision of this code, refers
4 to the board in which the administration of the provision is vested,
5 and unless otherwise expressly provided, shall include “bureau,”

1 “commission,” “committee,” “department,” “division,” “examining
2 committee,” “program,” and “agency.”

3 ~~(b) Whenever the regulatory program of a board that is subject
4 to review by the Joint Sunset Review Committee, as provided for
5 in Article 7.5 (commencing with Section 9147.7) of Chapter 1.5
6 of Part 1 of Division 2 of Title 2 of the Government Code, is taken
7 over by the department, that program shall be designated as a
8 “bureau.”~~

9 ~~SEC. 2. Section 101.1 of the Business and Professions Code
10 is amended to read:~~

11 ~~101.1. (a) It is the intent of the Legislature that all existing
12 and proposed consumer-related boards or categories of licensed
13 professionals be subject to a review every four years to evaluate
14 and determine whether each board has demonstrated a public need
15 for the continued existence of that board in accordance with
16 enumerated factors and standards as set forth in Article 7.5
17 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
18 Division 2 of Title 2 of the Government Code.~~

19 ~~(b) (1) If any board, as defined in Section 22, becomes
20 inoperative or is repealed in accordance with the act that added
21 this section, or by subsequent acts, the Department of Consumer
22 Affairs shall succeed to and is vested with all the duties, powers,
23 purposes, responsibilities and jurisdiction not otherwise repealed
24 or made inoperative of that board and its executive officer.~~

25 ~~(2) Any provision of existing law that provides for the
26 appointment of board members and specifies the qualifications
27 and tenure of board members shall not be implemented and shall
28 have no force or effect while that board is inoperative or repealed.
29 Every reference to the inoperative or repealed board, as defined
30 in Section 22, shall be deemed to be a reference to the department.~~

31 ~~(3) Notwithstanding Section 107, any provision of law
32 authorizing the appointment of an executive officer by a board
33 subject to the review described in Article 7.5 (commencing with
34 Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2
35 of the Government Code, or prescribing his or her duties, shall not
36 be implemented and shall have no force or effect while the
37 applicable board is inoperative or repealed. Any reference to the
38 executive officer of an inoperative or repealed board shall be
39 deemed to be a reference to the director or his or her designee.~~

1 ~~(c) It is the intent of the Legislature that subsequent legislation~~
2 ~~to extend or repeal the inoperative date for any board shall be a~~
3 ~~separate bill for that purpose.~~

4 ~~SEC. 2. Section 101.1 of the Business and Professions Code~~
5 ~~is repealed.~~

6 ~~101.1. (a) It is the intent of the Legislature that all existing~~
7 ~~and proposed consumer-related boards or categories of licensed~~
8 ~~professionals be subject to a review every four years to evaluate~~
9 ~~and determine whether each board has demonstrated a public need~~
10 ~~for the continued existence of that board in accordance with~~
11 ~~enumerated factors and standards as set forth in Division 1.2~~
12 ~~(commencing with Section 473).~~

13 ~~(b) (1) In the event that any board, as defined in Section 477,~~
14 ~~becomes inoperative or is repealed in accordance with the act that~~
15 ~~added this section, or by subsequent acts, the Department of~~
16 ~~Consumer Affairs shall succeed to and is vested with all the duties,~~
17 ~~powers, purposes, responsibilities and jurisdiction not otherwise~~
18 ~~repealed or made inoperative of that board and its executive officer.~~

19 ~~(2) Any provision of existing law that provides for the~~
20 ~~appointment of board members and specifies the qualifications~~
21 ~~and tenure of board members shall not be implemented and shall~~
22 ~~have no force or effect while that board is inoperative or repealed.~~
23 ~~Every reference to the inoperative or repealed board, as defined~~
24 ~~in Section 477, shall be deemed to be a reference to the department.~~

25 ~~(3) Notwithstanding Section 107, any provision of law~~
26 ~~authorizing the appointment of an executive officer by a board~~
27 ~~subject to the review described in Division 1.2 (commencing with~~
28 ~~Section 473), or prescribing his or her duties, shall not be~~
29 ~~implemented and shall have no force or effect while the applicable~~
30 ~~board is inoperative or repealed. Any reference to the executive~~
31 ~~officer of an inoperative or repealed board shall be deemed to be~~
32 ~~a reference to the director or his or her designee.~~

33 ~~(c) It is the intent of the Legislature that subsequent legislation~~
34 ~~to extend or repeal the inoperative date for any board shall be a~~
35 ~~separate bill for that purpose.~~

36 ~~SEC. 3. Division 1.2 (commencing with Section 473) of the~~
37 ~~Business and Professions Code is repealed.~~

38 ~~SEC. 4. Section 1601.1 of the Business and Professions Code,~~
39 ~~as added by Section 1 of Chapter 35 of the Statutes of 2008, is~~
40 ~~amended to read:~~

1 ~~1601.1. (a) There shall be in the Department of Consumer~~
2 ~~Affairs the Dental Board of California in which the administration~~
3 ~~of this chapter is vested. The board shall consist of eight practicing~~
4 ~~dentists, one registered dental hygienist, one registered dental~~
5 ~~assistant, and four public members. Of the eight practicing dentists,~~
6 ~~one shall be a member of a faculty of any California dental college,~~
7 ~~and one shall be a dentist practicing in a nonprofit community~~
8 ~~clinic. The appointing powers, described in Section 1603, may~~
9 ~~appoint to the board a person who was a member of the prior board.~~
10 ~~The board shall be organized into standing committees dealing~~
11 ~~with examinations, enforcement, and other subjects as the board~~
12 ~~deems appropriate.~~

13 ~~(b) For purposes of this chapter, any reference in this chapter~~
14 ~~to the Board of Dental Examiners shall be deemed to refer to the~~
15 ~~Dental Board of California.~~

16 ~~(c) The board shall have all authority previously vested in the~~
17 ~~existing board under this chapter. The board may enforce all~~
18 ~~disciplinary actions undertaken by the previous board.~~

19 ~~(d) This section shall remain in effect only until January 1, 2012,~~
20 ~~and as of that date is repealed, unless a later enacted statute, that~~
21 ~~is enacted before January 1, 2012, deletes or extends that date. The~~
22 ~~repeal of this section renders the board subject to the review~~
23 ~~required by Article 7.5 (commencing with Section 9147.7) of~~
24 ~~Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government~~
25 ~~Code.~~

26 ~~SEC. 5. Section 1601.1 of the Business and Professions Code,~~
27 ~~as added by Section 3 of Chapter 31 of the Statutes of 2008, is~~
28 ~~repealed.~~

29 ~~SEC. 6. Section 1917.2 of the Business and Professions Code~~
30 ~~is amended to read:~~

31 ~~1917.2. (a) The committee shall license as a registered dental~~
32 ~~hygienist a third- or fourth-year dental student who is in good~~
33 ~~standing at an accredited California dental school and who satisfies~~
34 ~~the following requirements:~~

35 ~~(1) Satisfactorily performs on a clinical examination and an~~
36 ~~examination in California law and ethics as prescribed by the~~
37 ~~committee.~~

38 ~~(2) Satisfactorily completes a national written dental hygiene~~
39 ~~examination approved by the committee.~~

~~(b) A dental student who is granted a registered dental hygienist license pursuant to this section may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other government programs, or a dental practice that has a sliding scale fee system based on income.~~

~~(c) Upon receipt of a license to practice dentistry pursuant to Section 1634, a registered dental hygienist license issued pursuant to this section is automatically revoked.~~

~~(d) The dental hygienist license is granted for two years upon passage of the dental hygiene examination, without the ability for renewal.~~

~~(e) Notwithstanding subdivision (d), if a dental student fails to remain in good standing at an accredited California dental school, or fails to graduate from the dental program, a registered dental hygienist license issued pursuant to this section shall be revoked. The student shall be responsible for submitting appropriate verifying documentation to the committee.~~

~~(f) The provisions of this section shall be reviewed pursuant to Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code. However, the review shall be limited to the fiscal feasibility and impact on the committee.~~

~~(g) This section shall become inoperative on January 1, 2012.~~

~~SEC. 7. Section 2001 of the Business and Professions Code is amended to read:~~

~~2001. (a) There is in the Department of Consumer Affairs a Medical Board of California that consists of 15 members, seven of whom shall be public members.~~

~~(b) The Governor shall appoint 13 members to the board, subject to confirmation by the Senate, five of whom shall be public members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.~~

~~(c) Notwithstanding any other provision of law, to reduce the membership of the board to 15, the following shall occur:~~

~~(1) Two positions on the board that are public members having a term that expires on June 1, 2010, shall terminate instead on January 1, 2008.~~

~~(2) Two positions on the board that are not public members having a term that expires on June 1, 2008, shall terminate instead on August 1, 2008.~~

1 ~~(3) Two positions on the board that are not public members~~
2 ~~having a term that expires on June 1, 2011, shall terminate instead~~
3 ~~on January 1, 2008.~~

4 ~~(d) This section shall remain in effect only until January 1, 2013,~~
5 ~~and as of that date is repealed, unless a later enacted statute, that~~
6 ~~is enacted before January 1, 2013, deletes or extends that date. The~~
7 ~~repeal of this section renders the board subject to the review~~
8 ~~required by Article 7.5 (commencing with Section 9147.7) of~~
9 ~~Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government~~
10 ~~Code.~~

11 ~~SEC. 8. Section 2450.3 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~2450.3. There is within the jurisdiction of the Osteopathic~~
14 ~~Medical Board of California a Naturopathic Medicine Committee~~
15 ~~authorized under the Naturopathic Doctors Act (Chapter 8.2~~
16 ~~(commencing with Section 3610)). This section shall become~~
17 ~~inoperative on January 1, 2013, and, as of that date is repealed,~~
18 ~~unless a later enacted statute that is enacted before January 1, 2013,~~
19 ~~deletes or extends that date. The repeal of this section renders the~~
20 ~~Naturopathic Medicine Committee subject to the review required~~
21 ~~by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5~~
22 ~~of Part 1 of Division 2 of Title 2 of the Government Code.~~

23 ~~SEC. 9. Section 2460 of the Business and Professions Code is~~
24 ~~amended to read:~~

25 ~~2460. (a) There is created within the jurisdiction of the Medical~~
26 ~~Board of California the California Board of Podiatric Medicine.~~

27 ~~(b) This section shall remain in effect only until January 1, 2013,~~
28 ~~and as of that date is repealed, unless a later enacted statute, that~~
29 ~~is enacted before January 1, 2013, deletes or extends that date. The~~
30 ~~repeal of this section renders the California Board of Podiatric~~
31 ~~Medicine subject to the review required by Article 7.5~~
32 ~~(commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
33 ~~Division 2 of Title 2 of the Government Code.~~

34 ~~SEC. 10. Section 2531 of the Business and Professions Code~~
35 ~~is amended to read:~~

36 ~~2531. (a) There is in the Department of Consumer Affairs a~~
37 ~~Speech-Language Pathology and Audiology and Hearing Aid~~
38 ~~Dispensers Board in which the enforcement and administration of~~
39 ~~this chapter are vested. The Speech-Language Pathology and~~

1 Audiology and Hearing Aid Dispensers Board shall consist of nine
2 members, three of whom shall be public members.

3 ~~(b) This section shall remain in effect only until January 1, 2012,~~
4 ~~and as of that date is repealed, unless a later enacted statute, that~~
5 ~~is enacted before January 1, 2012, deletes or extends that date. The~~
6 ~~repeal of this section renders the board subject to the review~~
7 ~~required by Article 7.5 (commencing with Section 9147.7) of~~
8 ~~Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government~~
9 ~~Code.~~

10 SEC. 11. ~~Section 2569 of the Business and Professions Code~~
11 ~~is amended to read:~~

12 ~~2569. The powers and duties of the board, as set forth in this~~
13 ~~chapter, shall be subject to the review required by Article 7.5~~
14 ~~(commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
15 ~~Division 2 of Title 2 of the Government Code.~~

16 SEC. 12. ~~Section 2570.19 of the Business and Professions~~
17 ~~Code is amended to read:~~

18 ~~2570.19. (a) There is hereby created a California Board of~~
19 ~~Occupational Therapy, hereafter referred to as the board. The board~~
20 ~~shall enforce and administer this chapter.~~

21 ~~(b) The members of the board shall consist of the following:~~

22 ~~(1) Three occupational therapists who shall have practiced~~
23 ~~occupational therapy for five years.~~

24 ~~(2) One occupational therapy assistant who shall have assisted~~
25 ~~in the practice of occupational therapy for five years.~~

26 ~~(3) Three public members who shall not be licentiates of the~~
27 ~~board or of any board referred to in Section 1000 or 3600.~~

28 ~~(c) The Governor shall appoint the three occupational therapists~~
29 ~~and one occupational therapy assistant to be members of the board.~~
30 ~~The Governor, the Senate Rules Committee, and the Speaker of~~
31 ~~the Assembly shall each appoint a public member. Not more than~~
32 ~~one member of the board shall be appointed from the full-time~~
33 ~~faculty of any university, college, or other educational institution.~~

34 ~~(d) All members shall be residents of California at the time of~~
35 ~~their appointment. The occupational therapist and occupational~~
36 ~~therapy assistant members shall have been engaged in rendering~~
37 ~~occupational therapy services to the public, teaching, or research~~
38 ~~in occupational therapy for at least five years preceding their~~
39 ~~appointments.~~

1 ~~(e) The public members may not be or have ever been~~
2 ~~occupational therapists or occupational therapy assistants or in~~
3 ~~training to become occupational therapists or occupational therapy~~
4 ~~assistants. The public members may not be related to, or have a~~
5 ~~household member who is, an occupational therapist or an~~
6 ~~occupational therapy assistant, and may not have had, within two~~
7 ~~years of the appointment, a substantial financial interest in a person~~
8 ~~regulated by the board.~~

9 ~~(f) The Governor shall appoint two board members for a term~~
10 ~~of one year, two board members for a term of two years, and one~~
11 ~~board member for a term of three years. Appointments made~~
12 ~~thereafter shall be for four-year terms, but no person shall be~~
13 ~~appointed to serve more than two consecutive terms. Terms shall~~
14 ~~begin on the first day of the calendar year and end on the last day~~
15 ~~of the calendar year or until successors are appointed, except for~~
16 ~~the first appointed members who shall serve through the last~~
17 ~~calendar day of the year in which they are appointed, before~~
18 ~~commencing the terms prescribed by this section. Vacancies shall~~
19 ~~be filled by appointment for the unexpired term. The board shall~~
20 ~~annually elect one of its members as president.~~

21 ~~(g) The board shall meet and hold at least one regular meeting~~
22 ~~annually in the Cities of Sacramento, Los Angeles, and San~~
23 ~~Francisco. The board may convene from time to time until its~~
24 ~~business is concluded. Special meetings of the board may be held~~
25 ~~at any time and place designated by the board.~~

26 ~~(h) Notice of each meeting of the board shall be given in~~
27 ~~accordance with the Bagley-Keene Open Meeting Act (Article 9~~
28 ~~commencing with Section 11120) of Chapter 1 of Part 1 of~~
29 ~~Division 3 of Title 2 of the Government Code).~~

30 ~~(i) Members of the board shall receive no compensation for~~
31 ~~their services, but shall be entitled to reasonable travel and other~~
32 ~~expenses incurred in the execution of their powers and duties in~~
33 ~~accordance with Section 103.~~

34 ~~(j) The appointing power shall have the power to remove any~~
35 ~~member of the board from office for neglect of any duty imposed~~
36 ~~by state law, for incompetency, or for unprofessional or~~
37 ~~dishonorable conduct.~~

38 ~~(k) A loan is hereby authorized from the General Fund to the~~
39 ~~Occupational Therapy Fund on or after July 1, 2000, in an amount~~
40 ~~of up to one million dollars (\$1,000,000) to fund operating,~~

1 personnel, and other startup costs of the board. Six hundred ten
2 thousand dollars (\$610,000) of this loan amount is hereby
3 appropriated to the board to use in the 2000-01 fiscal year for the
4 purposes described in this subdivision. In subsequent years, funds
5 from the Occupational Therapy Fund shall be available to the board
6 upon appropriation by the Legislature in the annual Budget Act.
7 The loan shall be repaid to the General Fund over a period of up
8 to five years, and the amount paid shall also include interest at the
9 rate accruing to moneys in the Pooled Money Investment Account.
10 The loan amount and repayment period shall be minimized to the
11 extent possible based upon actual board financing requirements
12 as determined by the Department of Finance.

13 (f) This section shall become inoperative on July 1, 2013, and,
14 as of January 1, 2014, is repealed, unless a later enacted statute
15 that is enacted before January 1, 2014, deletes or extends the dates
16 on which it becomes inoperative and is repealed. The repeal of
17 this section renders the board subject to the review required by
18 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
19 Part 1 of Division 2 of Title 2 of the Government Code.

20 SEC. 13. Section 2602 of the Business and Professions Code
21 is amended to read:

22 2602. The Physical Therapy Board of California, hereafter
23 referred to as the board, shall enforce and administer this chapter.
24 This section shall become inoperative on July 1, 2013, and, as of
25 January 1, 2014, is repealed, unless a later enacted statute, which
26 becomes effective on or before January 1, 2014, deletes or extends
27 the dates on which it becomes inoperative and is repealed.

28 The repeal of this section renders the board subject to the review
29 required by Article 7.5 (commencing with Section 9147.7) of
30 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
31 Code.

32 SEC. 14. Section 2607.5 of the Business and Professions Code
33 is amended to read:

34 2607.5. The board may appoint a person exempt from civil
35 service who shall be designated as an executive officer and who
36 shall exercise the powers and perform the duties delegated by the
37 board and vested in him or her by this chapter.

38 This section shall become inoperative on July 1, 2013, and, as
39 of January 1, 2014, is repealed, unless a later enacted statute, which

1 becomes effective on or before January 1, 2014, deletes or extends
2 the dates on which it becomes inoperative and is repealed.

3 SEC. 15. Section 2701 of the Business and Professions Code
4 is amended to read:

5 2701. (a) There is in the Department of Consumer Affairs the
6 Board of Registered Nursing consisting of nine members.

7 (b) Within the meaning of this chapter, board, or the board,
8 refers to the Board of Registered Nursing. Any reference in state
9 law to the Board of Nurse Examiners of the State of California or
10 California Board of Nursing Education and Nurse Registration
11 shall be construed to refer to the Board of Registered Nursing.

12 (c) This section shall remain in effect only until January 1, 2013,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2013, deletes or extends that date. The
15 repeal of this section renders the board subject to the review
16 required by Article 7.5 (commencing with Section 9147.7) of
17 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
18 Code.

19 SEC. 16. Section 2841 of the Business and Professions Code
20 is amended to read:

21 2841. (a) There is in the Department of Consumer Affairs a
22 Board of Vocational Nursing and Psychiatric Technicians of the
23 State of California, consisting of 11 members.

24 (b) Within the meaning of this chapter, "board," or "the board,"
25 refers to the Board of Vocational Nursing and Psychiatric
26 Technicians of the State of California.

27 (c) This section shall remain in effect only until January 1, 2012,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2012, deletes or extends that date. The
30 repeal of this section renders the board subject to the review
31 required by Article 7.5 (commencing with Section 9147.7) of
32 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
33 Code.

34 SEC. 17. Section 3010.5 of the Business and Professions Code
35 is amended to read:

36 3010.5. (a) There is in the Department of Consumer Affairs
37 a State Board of Optometry in which the enforcement of this
38 chapter is vested. The board consists of 11 members, five of whom
39 shall be public members.

40 Six members of the board shall constitute a quorum.

~~(b) The board shall, with respect to conducting investigations, inquiries, and disciplinary actions and proceedings, have the authority previously vested in the board as created pursuant to Section 3010. The board may enforce any disciplinary actions undertaken by that board.~~

~~(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date. The repeal of this section renders the board subject to the review required by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.~~

~~SEC. 18. Section 3502.1 of the Business and Professions Code is amended to read:~~

~~3502.1. (a) In addition to the services authorized in the regulations adopted by the board, and except as prohibited by Section 3502, while under the supervision of a licensed physician and surgeon or physicians and surgeons authorized by law to supervise a physician assistant, a physician assistant may administer or provide medication to a patient, or transmit orally, or in writing on a patient's record or in a drug order, an order to a person who may lawfully furnish the medication or medical device pursuant to subdivisions (c) and (d).~~

~~(1) A supervising physician and surgeon who delegates authority to issue a drug order to a physician assistant may limit this authority by specifying the manner in which the physician assistant may issue delegated prescriptions.~~

~~(2) Each supervising physician and surgeon who delegates the authority to issue a drug order to a physician assistant shall first prepare and adopt, or adopt, a written, practice specific, formulary and protocols that specify all criteria for the use of a particular drug or device, and any contraindications for the selection. Protocols for Schedule II controlled substances shall address the diagnosis of illness, injury, or condition for which the Schedule II controlled substance is being administered, provided, or issued. The drugs listed in the protocols shall constitute the formulary and shall include only drugs that are appropriate for use in the type of practice engaged in by the supervising physician and surgeon. When issuing a drug order, the physician assistant is acting on behalf of and as an agent for a supervising physician and surgeon.~~

~~(b) "Drug order" for purposes of this section means an order for medication that is dispensed to or for a patient, issued and signed by a physician assistant acting as an individual practitioner within the meaning of Section 1306.02 of Title 21 of the Code of Federal Regulations. Notwithstanding any other provision of law, (1) a drug order issued pursuant to this section shall be treated in the same manner as a prescription or order of the supervising physician, (2) all references to "prescription" in this code and the Health and Safety Code shall include drug orders issued by physician assistants pursuant to authority granted by their supervising physicians and surgeons, and (3) the signature of a physician assistant on a drug order shall be deemed to be the signature of a prescriber for purposes of this code and the Health and Safety Code.~~

~~(c) A drug order for any patient cared for by the physician assistant that is issued by the physician assistant shall either be based on the protocols described in subdivision (a) or shall be approved by the supervising physician and surgeon before it is filled or carried out.~~

~~(1) A physician assistant shall not administer or provide a drug or issue a drug order for a drug other than for a drug listed in the formulary without advance approval from a supervising physician and surgeon for the particular patient. At the direction and under the supervision of a physician and surgeon, a physician assistant may hand to a patient of the supervising physician and surgeon a properly labeled prescription drug prepackaged by a physician and surgeon, manufacturer as defined in the Pharmacy Law, or a pharmacist.~~

~~(2) A physician assistant may not administer, provide, or issue a drug order to a patient for Schedule II through Schedule V controlled substances without advance approval by a supervising physician and surgeon for that particular patient unless the physician assistant has completed an education course that covers controlled substances and that meets standards, including pharmacological content, approved by the committee. The education course shall be provided either by an accredited continuing education provider or by an approved physician assistant training program. If the physician assistant will administer, provide, or issue a drug order for Schedule II controlled substances, the course shall contain a minimum of three hours exclusively on~~

~~Schedule II controlled substances. Completion of the requirements set forth in this paragraph shall be verified and documented in the manner established by the committee prior to the physician assistant's use of a registration number issued by the United States Drug Enforcement Administration to the physician assistant to administer, provide, or issue a drug order to a patient for a controlled substance without advance approval by a supervising physician and surgeon for that particular patient.~~

~~(3) Any drug order issued by a physician assistant shall be subject to a reasonable quantitative limitation consistent with customary medical practice in the supervising physician and surgeon's practice.~~

~~(d) A written drug order issued pursuant to subdivision (a), except a written drug order in a patient's medical record in a health facility or medical practice, shall contain the printed name, address, and phone number of the supervising physician and surgeon, the printed or stamped name and license number of the physician assistant, and the signature of the physician assistant. Further, a written drug order for a controlled substance, except a written drug order in a patient's medical record in a health facility or a medical practice, shall include the federal controlled substances registration number of the physician assistant and shall otherwise comply with the provisions of Section 11162.1 of the Health and Safety Code. Except as otherwise required for written drug orders for controlled substances under Section 11162.1 of the Health and Safety Code, the requirements of this subdivision may be met through stamping or otherwise imprinting on the supervising physician and surgeon's prescription blank to show the name, license number, and if applicable, the federal controlled substances number of the physician assistant, and shall be signed by the physician assistant. When using a drug order, the physician assistant is acting on behalf of and as the agent of a supervising physician and surgeon.~~

~~(e) The medical record of any patient cared for by a physician assistant for whom the physician assistant's Schedule II drug order has been issued or carried out shall be reviewed and countersigned and dated by a supervising physician and surgeon within seven days.~~

~~(f) All physician assistants who are authorized by their supervising physicians to issue drug orders for controlled~~

1 substances shall register with the United States Drug Enforcement
2 Administration (DEA):

3 ~~(g) The committee shall consult with the Medical Board of~~
4 ~~California and report during its sunset review required by Article~~
5 ~~7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
6 ~~Division 2 of Title 2 of the Government Code the impacts of~~
7 ~~exempting Schedule III and Schedule IV drug orders from the~~
8 ~~requirement for a physician and surgeon to review and countersign~~
9 ~~the affected medical record of a patient.~~

10 SEC. 19. Section 3504 of the Business and Professions Code
11 is amended to read:

12 3504. ~~There is established a Physician Assistant Committee~~
13 ~~of the Medical Board of California. The committee consists of~~
14 ~~nine members. This section shall become inoperative on July 1,~~
15 ~~2011, and, as of January 1, 2012, is repealed, unless a later enacted~~
16 ~~statute, which becomes effective on or before January 1, 2012,~~
17 ~~deletes or extends the dates on which it becomes inoperative and~~
18 ~~is repealed. The repeal of this section renders the committee subject~~
19 ~~to the review required by Article 7.5 (commencing with Section~~
20 ~~9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the~~
21 ~~Government Code.~~

22 SEC. 20. Section 3685 of the Business and Professions Code
23 is amended to read:

24 3685. ~~The repeal of this chapter renders the committee subject~~
25 ~~to the review required by Article 7.5 (commencing with Section~~
26 ~~9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the~~
27 ~~Government Code.~~

28 SEC. 21. Section 3710 of the Business and Professions Code
29 is amended to read:

30 3710. ~~(a) The Respiratory Care Board of California, hereafter~~
31 ~~referred to as the board, shall enforce and administer this chapter.~~

32 ~~(b) This section shall remain in effect only until January 1, 2013,~~
33 ~~and as of that date is repealed, unless a later enacted statute, that~~
34 ~~is enacted before January 1, 2013, deletes or extends that date. The~~
35 ~~repeal of this section renders the board subject to the review~~
36 ~~required by Article 7.5 (commencing with Section 9147.7) of~~
37 ~~Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government~~
38 ~~Code.~~

39 SEC. 22. Section 4001 of the Business and Professions Code
40 is amended to read:

1 ~~4001. (a) There is in the Department of Consumer Affairs a~~
2 ~~California State Board of Pharmacy in which the administration~~
3 ~~and enforcement of this chapter is vested. The board consists of~~
4 ~~13 members.~~

5 ~~(b) The Governor shall appoint seven competent pharmacists~~
6 ~~who reside in different parts of the state to serve as members of~~
7 ~~the board. The Governor shall appoint four public members, and~~
8 ~~the Senate Committee on Rules and the Speaker of the Assembly~~
9 ~~shall each appoint a public member who shall not be a licensee of~~
10 ~~the board, any other board under this division, or any board referred~~
11 ~~to in Section 1000 or 3600.~~

12 ~~(c) At least five of the seven pharmacist appointees to the board~~
13 ~~shall be pharmacists who are actively engaged in the practice of~~
14 ~~pharmacy. Additionally, the membership of the board shall include~~
15 ~~at least one pharmacist representative from each of the following~~
16 ~~practice settings: an acute care hospital, an independent community~~
17 ~~pharmacy, a chain community pharmacy, and a long-term health~~
18 ~~care or skilled nursing facility. The pharmacist appointees shall~~
19 ~~also include a pharmacist who is a member of a labor union that~~
20 ~~represents pharmacists. For the purposes of this subdivision, a~~
21 ~~“chain community pharmacy” means a chain of 75 or more stores~~
22 ~~in California under the same ownership, and an “independent~~
23 ~~community pharmacy” means a pharmacy owned by a person or~~
24 ~~entity who owns no more than four pharmacies in California.~~

25 ~~(d) Members of the board shall be appointed for a term of four~~
26 ~~years. No person shall serve as a member of the board for more~~
27 ~~than two consecutive terms. Each member shall hold office until~~
28 ~~the appointment and qualification of his or her successor or until~~
29 ~~one year shall have elapsed since the expiration of the term for~~
30 ~~which the member was appointed, whichever first occurs.~~
31 ~~Vacancies occurring shall be filled by appointment for the~~
32 ~~unexpired term.~~

33 ~~(e) Each member of the board shall receive a per diem and~~
34 ~~expenses as provided in Section 103.~~

35 ~~(f) This section shall remain in effect only until January 1, 2013,~~
36 ~~and as of that date is repealed, unless a later enacted statute, that~~
37 ~~is enacted before January 1, 2013, deletes or extends that date. The~~
38 ~~repeal of this section renders the board subject to the review~~
39 ~~required by Article 7.5 (commencing with Section 9147.7) of~~

1 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
2 Code.

3 SEC. 23. ~~Section 4615 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~4615. This chapter shall be subject to the review required by~~
6 ~~Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of~~
7 ~~Part 1 of Division 2 of Title 2 of the Government Code.~~

8 SEC. 24. ~~Section 4800 of the Business and Professions Code~~
9 ~~is amended to read:~~

10 ~~4800. There is in the Department of Consumer Affairs a~~
11 ~~Veterinary Medical Board in which the administration of this~~
12 ~~chapter is vested. The board consists of seven members, three of~~
13 ~~whom shall be public members.~~

14 ~~This section shall become inoperative on July 1, 2011, and, as~~
15 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~
16 ~~becomes effective on or before January 1, 2012, deletes or extends~~
17 ~~the dates on which it becomes inoperative and is repealed.~~

18 ~~The repeal of this section renders the board subject to the review~~
19 ~~provided for by Article 7.5 (commencing with Section 9147.7) of~~
20 ~~Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government~~
21 ~~Code.~~

22 SEC. 25. ~~Section 4809.8 of the Business and Professions Code~~
23 ~~is amended to read:~~

24 ~~4809.8. (a) The board shall appoint a voluntary, advisory~~
25 ~~multidisciplinary committee to assist, advise, and make~~
26 ~~recommendations for the implementation of rules and regulations~~
27 ~~necessary to ensure proper administration and enforcement of this~~
28 ~~chapter. Members of the committee shall be appointed from lists~~
29 ~~of nominees solicited by the board. The committee shall consist~~
30 ~~of no more than nine members.~~

31 ~~(b) The committee shall be subject to the requirements of Article~~
32 ~~9 (commencing with Section 11120) of Chapter 1 of Part 1 of~~
33 ~~Division 2 of Title 2 of the Government Code.~~

34 ~~(c) Committee members shall receive a per diem as provided~~
35 ~~in Section 103 and shall be compensated for their actual travel~~
36 ~~expenses in accordance with the rules and regulations adopted by~~
37 ~~the Department of Personnel Administration.~~

38 ~~(d) This section shall become inoperative on July 1, 2011, and~~
39 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
40 ~~that becomes operative on or before January 1, 2012, deletes or~~

1 extends the dates on which it becomes inoperative and is repealed.
2 The repeal of this section renders the committee subject to the
3 review required by Article 7.5 (commencing with Section 9147.7)
4 of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
5 Code.

6 SEC. 26. ~~Section 4989 of the Business and Professions Code~~
7 ~~is amended to read:~~

8 ~~4989. The powers and duties of the board, as set forth in this~~
9 ~~chapter, shall be subject to the review required by Article 7.5~~
10 ~~(commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
11 ~~Division 2 of Title 2 of the Government Code.~~

12 SEC. 27. ~~Section 4990.24 of the Business and Professions~~
13 ~~Code is amended to read:~~

14 ~~4990.24. The powers and duties of the board, as set forth in~~
15 ~~this chapter, shall be subject to the review required by Article 7.5~~
16 ~~(commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
17 ~~Division 2 of Title 2 of the Government Code.~~

18 SEC. 28. ~~Section 5000 of the Business and Professions Code~~
19 ~~is amended to read:~~

20 ~~5000. There is in the Department of Consumer Affairs the~~
21 ~~California Board of Accountancy, which consists of 15 members,~~
22 ~~seven of whom shall be licensees, and eight of whom shall be~~
23 ~~public members who shall not be licentiates of the board or~~
24 ~~registered by the board. The board has the powers and duties~~
25 ~~conferred by this chapter.~~

26 ~~The Governor shall appoint four of the public members, and the~~
27 ~~seven licensee members as provided in this section. The Senate~~
28 ~~Rules Committee and the Speaker of the Assembly shall each~~
29 ~~appoint two public members. In appointing the seven licensee~~
30 ~~members, the Governor shall appoint members representing a cross~~
31 ~~section of the accounting profession with at least two members~~
32 ~~representing a small public accounting firm. For the purposes of~~
33 ~~this chapter, a small public accounting firm shall be defined as a~~
34 ~~professional firm that employs a total of no more than four~~
35 ~~licensees as partners, owners, or full-time employees in the practice~~
36 ~~of public accountancy within the State of California.~~

37 ~~This section shall become inoperative on July 1, 2011, and as~~
38 ~~of January 1, 2012, is repealed, unless a later enacted statute, that~~
39 ~~becomes effective on or before January 1, 2012, deletes or extends~~
40 ~~the dates on which this section becomes inoperative and is repealed.~~

1 The repeal of this section renders the board subject to the review
2 required by Article 7.5 (commencing with Section 9147.7) of
3 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
4 Code. However, the review of the board shall be limited to reports
5 or studies specified in this chapter and those issues identified by
6 the Joint Sunset Review Committee and the board regarding the
7 implementation of new licensing requirements.

8 SEC. 29. Section 5510 of the Business and Professions Code
9 is amended to read:

10 5510. There is in the Department of Consumer Affairs a
11 California Architects Board which consists of 10 members.

12 Any reference in law to the California Board of Architectural
13 Examiners shall mean the California Architects Board.

14 This section shall become inoperative on July 1, 2011, and, as
15 of January 1, 2012, is repealed, unless a later enacted statute, which
16 becomes effective on or before January 1, 2012, deletes or extends
17 the dates on which it becomes inoperative and is repealed. The
18 repeal of this section renders the board subject to the review
19 required by Article 7.5 (commencing with Section 9147.7) of
20 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
21 Code.

22 SEC. 30. Section 5810 of the Business and Professions Code
23 is amended to read:

24 5810. (a) This chapter shall be subject to the review required
25 by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5
26 of Part 1 of Division 2 of Title 2 of the Government Code.

27 (b) This chapter shall remain in effect only until January 1,
28 2013, and as of that date is repealed, unless a later enacted statute,
29 that is enacted before January 1, 2013, deletes or extends that date.

30 SEC. 31. Section 6510 of the Business and Professions Code
31 is amended to read:

32 6510. (a) There is within the jurisdiction of the department
33 the Professional Fiduciaries Bureau. The bureau is under the
34 supervision and control of the director. The duty of enforcing and
35 administering this chapter is vested in the chief of the bureau, who
36 is responsible to the director. Every power granted or duty imposed
37 upon the director under this chapter may be exercised or performed
38 in the name of the director by a deputy director or by the chief,
39 subject to conditions and limitations as the director may prescribe.

~~(b) The Governor shall appoint, subject to confirmation by the Senate, the chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.~~

~~(c) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the bureau subject to the review required by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.~~

~~Notwithstanding any other provision of law, upon the repeal of this section, the responsibilities and jurisdiction of the bureau shall be transferred to the Professional Fiduciaries Advisory Committee, as provided by Section 6511.~~

~~SEC. 32. Section 6710 of the Business and Professions Code is amended to read:~~

~~6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.~~

~~(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.~~

~~(c) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.~~

~~SEC. 33. Section 7200.2 is added to the Business and Professions Code, to read:~~

~~7200.2. The board shall be subject to the review required by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.~~

1 ~~SEC. 34. Section 7304 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 ~~7304. The board shall be subject to review pursuant to Article~~
4 ~~7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
5 ~~Division 2 of Title 2 of the Government Code.~~

6 ~~SEC. 35. Section 7501 of the Business and Professions Code~~
7 ~~is amended to read:~~

8 ~~7501. (a) There is in the Department of Consumer Affairs a~~
9 ~~Bureau of Security and Investigative Services. The bureau is under~~
10 ~~the supervision and control of the director. The director shall~~
11 ~~administer and enforce the provisions of this chapter.~~

12 ~~(b) The bureau shall be subject to the review required by Article~~
13 ~~7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
14 ~~Division 2 of Title 2 of the Government Code.~~

15 ~~SEC. 36. Section 7611 is added to the Business and Professions~~
16 ~~Code, to read:~~

17 ~~7611. The bureau shall be subject to the review required by~~
18 ~~Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of~~
19 ~~Part 1 of Division 2 of Title 2 of the Government Code.~~

20 ~~SEC. 37. Section 8710 of the Business and Professions Code~~
21 ~~is amended to read:~~

22 ~~8710. (a) The Board for Professional Engineers and Land~~
23 ~~Surveyors is vested with power to administer the provisions and~~
24 ~~requirements of this chapter, and may make and enforce rules and~~
25 ~~regulations that are reasonably necessary to carry out its provisions.~~

26 ~~(b) The board may adopt rules and regulations of professional~~
27 ~~conduct that are not inconsistent with state and federal law. The~~
28 ~~rules and regulations may include definitions of incompetence and~~
29 ~~negligence. Every person who holds a license or certificate issued~~
30 ~~by the board pursuant to this chapter, or a license or certificate~~
31 ~~issued to a civil engineer pursuant to Chapter 7 (commencing with~~
32 ~~Section 6700), shall be governed by these rules and regulations.~~

33 ~~(c) This section shall become inoperative on July 1, 2011, and,~~
34 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
35 ~~which becomes effective on or before January 1, 2012, deletes or~~
36 ~~extends the dates on which it becomes inoperative and is repealed.~~
37 ~~The repeal of this section shall render the board subject to the~~
38 ~~review required by Article 7.5 (commencing with Section 9147.7)~~
39 ~~of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government~~
40 ~~Code.~~

1 ~~SEC. 38. Section 9815 is added to the Business and Professions~~
2 ~~Code, to read:~~

3 ~~9815. The bureau shall be subject to the review required by~~
4 ~~Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of~~
5 ~~Part 1 of Division 2 of Title 2 of the Government Code.~~

6 ~~SEC. 39. Section 9882 of the Business and Professions Code~~
7 ~~is amended to read:~~

8 ~~9882. (a) There is in the Department of Consumer Affairs a~~
9 ~~Bureau of Automotive Repair under the supervision and control~~
10 ~~of the director. The duty of enforcing and administering this chapter~~
11 ~~is vested in the chief who is responsible to the director. The director~~
12 ~~may adopt and enforce those rules and regulations that he or she~~
13 ~~determines are reasonably necessary to carry out the purposes of~~
14 ~~this chapter and declaring the policy of the bureau, including a~~
15 ~~system for the issuance of citations for violations of this chapter~~
16 ~~as specified in Section 125.9. These rules and regulations shall be~~
17 ~~adopted pursuant to Chapter 3.5 (commencing with Section 11340)~~
18 ~~of Part 1 of Division 3 of Title 2 of the Government Code.~~

19 ~~(b) In 2003 and every four years thereafter, the Joint Sunset~~
20 ~~Review Committee shall hold a public hearing to receive testimony~~
21 ~~from the Director of Consumer Affairs and the bureau. In those~~
22 ~~hearings, the bureau shall have the burden of demonstrating a~~
23 ~~compelling public need for the continued existence of the bureau~~
24 ~~and its regulatory program, and that its function is the least~~
25 ~~restrictive regulation consistent with the public health, safety, and~~
26 ~~welfare. The committee shall evaluate and review the effectiveness~~
27 ~~and efficiency of the bureau and shall report its findings and~~
28 ~~recommendations to the Legislature as specified in Article 7.5~~
29 ~~(commencing with Section 9147.7) of Chapter 1.5 of Part 1 of~~
30 ~~Division 2 of Title 2 of the Government Code. The bureau shall~~
31 ~~prepare an analysis and submit a report to the committee as~~
32 ~~specified in subdivision (c) of Section 9147.7 of the Government~~
33 ~~Code.~~

34 ~~SEC. 40. Section 11506 of the Business and Professions Code~~
35 ~~is amended to read:~~

36 ~~11506. This part shall be subject to the review required by~~
37 ~~Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of~~
38 ~~Part 1 of Division 2 of Title 2 of the Government Code. This part~~
39 ~~shall remain in effect only until January 1, 2012, and as of that~~

1 ~~date is repealed, unless a later enacted statute, that is enacted before~~
2 ~~January 1, 2012, deletes or extends that date.~~

3 ~~SEC. 41. Section 22259 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~22259. This chapter shall be subject to the review required by~~
6 ~~Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of~~
7 ~~Part 1 of Division 2 of Title 2 of the Government Code.~~

8 ~~This chapter shall remain in effect only until January 1, 2012,~~
9 ~~and as of that date is repealed, unless a later enacted statute, that~~
10 ~~is enacted before January 1, 2012, deletes or extends that date.~~

11 ~~SEC. 4. Section 4351 of the Food and Agricultural Code is~~
12 ~~amended to read:~~

13 ~~4351. (a) There is hereby created the State Race Track Leasing~~
14 ~~Commission which shall be composed of the Director of Food and~~
15 ~~Agriculture, the Director of Finance, and the Director of General~~
16 ~~Services and three individuals, appointed by the Governor, who~~
17 ~~are members of the Board of Directors of the 22nd District~~
18 ~~Agricultural Association. The Director of Finance shall serve as~~
19 ~~chairperson of the commission. All meetings of the commission~~
20 ~~shall be open and public.~~

21 ~~(b) This chapter shall remain in effect only until January 1,~~
22 ~~2013, and as of that date is repealed, unless a later enacted statute,~~
23 ~~that is enacted before January 1, 2013, deletes or extends that~~
24 ~~date.~~

25 ~~SEC. 5. Section 8164.1 of the Government Code is amended~~
26 ~~to read:~~

27 ~~8164.1. There is in state government a Capitol Area Committee~~
28 ~~consisting of nine members who shall be appointed in the following~~
29 ~~manner:~~

30 ~~(a) Four members of the committee shall be appointed by the~~
31 ~~Governor of which at least one member shall be appointed from~~
32 ~~a list of three candidates submitted by the City of Sacramento and~~
33 ~~at least one member shall be appointed from a list of three~~
34 ~~candidates submitted by the County of Sacramento. Two members~~
35 ~~shall be appointed for a term expiring December 31, 1979, and~~
36 ~~two for a term expiring December 31, 1981.~~

37 ~~(b) Two members shall be appointed by the Speaker of the~~
38 ~~Assembly, one of whom may be a Member of the Assembly, and~~
39 ~~two members shall be appointed by the Senate Rules Committee,~~
40 ~~one of whom may be a Member of the Senate. Legislative members~~

1 of the committee shall meet and, except as otherwise provided by
2 the Constitution, advise the department to the extent that the
3 advisory participation is not incompatible with their respective
4 positions as Members of the Legislature. Of the four appointments
5 by the Legislature, two shall be appointed for a term expiring
6 December 31, 1979, and two for a term expiring December 31,
7 1981.

8 (c) One shall be appointed by and serve at the pleasure of the
9 director.

10 Subsequent appointments pursuant to subdivisions (a) and (b)
11 shall be for terms of four years, ending on December 31st of the
12 fourth year after the end of the prior term, except that appointments
13 to fill vacancies occurring for any reason other than the expiration
14 of the term shall be for the unexpired portion of the term in which
15 they occur. The members of the board shall hold office until their
16 successors are appointed and qualify.

17 The members of the committee shall not receive compensation
18 from the state for their services under this article but, when called
19 to attend a meeting of the committee, shall be reimbursed for their
20 actual and necessary expenses incurred in connection with the
21 meeting in accordance with the rules of the Department of
22 Personnel Administration.

23 (d) *This section shall remain in effect only until January 1, 2013,*
24 *and as of that date is repealed, unless a later enacted statute, that*
25 *is enacted before January 1, 2013, deletes or extends that date.*

26 SEC. 6. *Section 8164.2 of the Government Code is amended*
27 *to read:*

28 8164.2. (a) The committee shall elect a chairperson. The
29 committee shall meet at least quarterly or upon the call of the
30 chairperson or the written request of any three members.

31 (b) *This section shall remain in effect only until January 1, 2013,*
32 *and as of that date is repealed, unless a later enacted statute, that*
33 *is enacted before January 1, 2013, deletes or extends that date.*

34 SEC. 7. *Section 8164.3 of the Government Code is amended*
35 *to read:*

36 8164.3. (a) It is the purpose of the committee to independently
37 review the reports of the department to the Legislature and counsel
38 and advise the department in the carrying out of its responsibilities
39 related to the Capitol Area Plan. The committee may submit
40 separate comments on the departmental reports on the Capitol Area

1 Plan to the Legislature. The committee shall involve a broad cross
2 section of interested citizens in the form of an advisory body. The
3 advisory body shall serve without compensation.

4 *(b) This section shall remain in effect only until January 1, 2013,*
5 *and as of that date is repealed, unless a later enacted statute, that*
6 *is enacted before January 1, 2013, deletes or extends that date.*

7 ~~SEC. 42.~~

8 SEC. 8. Section 9148.51 of the Government Code is amended
9 to read:

10 9148.51. (a) It is the intent of the Legislature that all existing
11 and proposed ~~state boards~~ *eligible agencies, as defined in*
12 *subdivision (a) of Section 9147.7,* be subject to review ~~every four~~
13 ~~years~~ to evaluate and determine whether each has demonstrated a
14 public need for its continued existence in accordance with
15 enumerated factors and standards as set forth in Article 7.5
16 (commencing with Section 9147.7).

17 (b) If any state board becomes inoperative or is repealed in
18 accordance with the act that added this section, any provision of
19 existing law that provides for the appointment of board members
20 and specifies the qualifications and tenure of board members shall
21 not be implemented and shall have no force or effect while that
22 state board is inoperative or repealed.

23 (c) Any provision of law authorizing the appointment of an
24 executive officer by a state board subject to the review described
25 in Article 7.5 (commencing with Section 9147.7), or prescribing
26 his or her duties, shall not be implemented and shall have no force
27 or effect while the applicable state board is inoperative or repealed.

28 ~~(d) It is the intent of the Legislature that subsequent legislation~~
29 ~~to extend or repeal the inoperative date for any state board shall~~
30 ~~be a separate bill for that purpose.~~

31 ~~SEC. 43.~~

32 SEC. 9. Section 9148.52 of the Government Code is amended
33 to read:

34 9148.52. (a) The Joint Sunset Review Committee established
35 pursuant to Section 9147.7 shall review all ~~state boards, as defined~~
36 ~~in Section 9148.2,~~ *every four years eligible agencies.*

37 (b) The committee shall evaluate and make determinations
38 pursuant to Article 7.5 (commencing with Section 9147.7).

39 (c) *Pursuant to an evaluation made as specified in this section,*
40 *the committee shall make a report which shall be available to the*

1 public and the Legislature on whether an agency should be
2 terminated, or continued, or whether its functions should be revised
3 or consolidated with those of another agency, and include any
4 other recommendations as necessary to improve the effectiveness
5 and efficiency of the agency. If the committee deems it advisable,
6 the report may include proposed legislative proposals that would
7 carry out its recommendations.

8 SEC. 10. Section 1777 of the Health and Safety Code is
9 amended to read:

10 1777. (a) The Continuing Care Advisory Committee of the
11 department shall act in an advisory capacity to the department on
12 matters relating to continuing care contracts.

13 (b) The members of the committee shall include:

14 (1) Three representatives of nonprofit continuing care providers
15 pursuant to this chapter, each of whom shall have offered
16 continuing care services for at least five years prior to appointment.
17 One member shall represent a multifacility provider and shall be
18 appointed by the Governor in even years. One member shall be
19 appointed by the Senate Committee on Rules in odd years. One
20 member shall be appointed by the Speaker of the Assembly in odd
21 years.

22 (2) Three senior citizens who are not eligible for appointment
23 pursuant to paragraphs (1) and (4) who shall represent consumers
24 of continuing care services, all of whom shall be residents of
25 continuing care retirement communities but not residents of the
26 same provider. One senior citizen member shall be appointed by
27 the Governor in even years. One senior citizen member shall be
28 appointed by the Senate Committee on Rules in odd years. One
29 senior citizen member shall be appointed by the Speaker of the
30 Assembly in odd years.

31 (3) A certified public accountant with experience in the
32 continuing care industry, who is not a provider of continuing care
33 services. This member shall be appointed by the Governor in even
34 years.

35 (4) A representative of a for-profit provider of continuing care
36 contracts pursuant to this chapter. This member shall be appointed
37 by the Governor in even years.

38 (5) An actuary. This member shall be appointed by the
39 Governor in even years.

1 (6) One representative of residents of continuing care retirement
2 communities appointed by the senior citizen representatives on
3 the committee.

4 (7) One representative of either nonprofit or for-profit providers
5 appointed by the representatives of nonprofit and for-provider
6 providers on the committee.

7 (c) Commencing January 1, 1997, all members shall serve
8 two-year terms and be appointed based on their interest and
9 expertise in the subject area. The Governor shall designate the
10 chairperson for the committee with the advice and consent of the
11 Senate. A member may be reappointed at the pleasure of the
12 appointing power. The appointing power shall fill all vacancies
13 on the committee within 60 days. All members shall continue to
14 serve until their successors are appointed and qualified.

15 (d) The members of the committee shall serve without
16 compensation, except that each member shall be paid from the
17 Continuing Care Provider Fee Fund a per diem of twenty-five
18 dollars (\$25) for each day's attendance at a meeting of the
19 committee not to exceed six days in any month. The members of
20 the committee shall also receive their actual and necessary travel
21 expenses incurred in the course of their duties. Reimbursement of
22 travel expenses shall be at rates not to exceed those applicable to
23 comparable state employees under Department of Personnel
24 Administration regulations.

25 (e) Prior to commencement of service, each member shall file
26 with the department a statement of economic interest and a
27 statement of conflict of interest pursuant to Article 3 (commencing
28 with Section 87300) of the Government Code.

29 (f) If, during the period of appointment, any member no longer
30 meets the qualifications of subdivision (b), that member shall
31 submit his or her resignation to their appointing power and a
32 qualified new member shall be appointed by the same power to
33 fulfill the remainder of the term.

34 (g) *This section shall remain in effect only until January 1, 2013,*
35 *and as of that date is repealed, unless a later enacted statute, that*
36 *is enacted before January 1, 2013, deletes or extends that date.*

37 SEC. 11. Section 1777.2 of the Health and Safety Code is
38 amended to read:

39 1777.2. (a) The Continuing Care Advisory Committee shall:

1 (1) Review the financial and managerial condition of continuing
2 care retirement communities operating under a certificate of
3 authority.

4 (2) Review the financial condition of any continuing care
5 retirement community that the committee determines is indicating
6 signs of financial difficulty and may be in need of close
7 supervision.

8 (3) Monitor the condition of those continuing care retirement
9 communities that the department or the chair of the committee
10 may request.

11 (4) Make available consumer information on the selection of
12 continuing care contracts and necessary contract protections in the
13 purchase of continuing care contracts.

14 (5) Review new applications regarding financial, actuarial, and
15 marketing feasibility as requested by the department.

16 (b) The committee shall make recommendations to the
17 department regarding needed changes in its rules and regulations
18 and upon request provide advice regarding the feasibility of new
19 continuing care retirement communities and the correction of
20 problems relating to the management or operation of any
21 continuing care retirement community. The committee shall also
22 perform any other advisory functions necessary to improve the
23 management and operation of continuing care retirement
24 communities.

25 (c) The committee may report on its recommendations directly
26 to the director of the department.

27 (d) The committee may hold meetings, as deemed necessary
28 to the performance of its duties.

29 (e) *This section shall remain in effect only until January 1, 2013,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2013, deletes or extends that date.*

32 SEC. 12. *Section 1777.4 of the Health and Safety Code is*
33 *amended to read:*

34 1777.4. (a) Any member of the Continuing Care Advisory
35 Committee is immune from civil liability based on acts performed
36 in his or her official capacity. Costs of defending civil actions
37 brought against a member for acts performed in his or her official
38 capacity shall be borne by the complainant. However, nothing in
39 this section immunizes any member for acts or omissions
40 performed with malice or in bad faith.

1 **(b)** *This section shall remain in effect only until January 1, 2013,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2013, deletes or extends that date.*

4 **SEC. 13.** *Section 5073.5 of the Public Resources Code is*
5 *amended to read:*

6 5073.5. **(a)** The Governor shall establish a California
7 Recreational Trails Committee to advise the director in the
8 development and coordination of the system. The committee shall
9 consist of seven members appointed by the Governor. Two
10 members shall be selected from the northern, two members from
11 the southern, and two members from the central portions of the
12 state, and one member shall be selected at large. Members shall
13 be selected from lists submitted by private organizations which
14 have a demonstrated interest in the establishment of recreation
15 trails. The chairman of the committee shall be elected by the
16 members from their membership.

17 **(b)** *This section shall remain in effect only until January 1, 2013,*
18 *and as of that date is repealed, unless a later enacted statute, that*
19 *is enacted before January 1, 2013, deletes or extends that date.*

20 **SEC. 14.** *Section 5073.7 of the Public Resources Code is*
21 *amended to read:*

22 5073.7. **(a)** The terms of the members of the committee shall
23 be four years, except that such members first appointed to the
24 committee shall classify themselves by lot so that the term of three
25 members shall expire January 15, 1976, the term of two members
26 shall expire January 15, 1977, and the term of two members shall
27 expire January 15, 1978.

28 Members of the committee shall serve without compensation,
29 but shall be reimbursed for actual and necessary expenses,
30 including traveling expenses, incurred in the performance of their
31 duties.

32 **(b)** *This section shall remain in effect only until January 1, 2013,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2013, deletes or extends that date.*

35 **SEC. 15.** *Section 5074 of the Public Resources Code is*
36 *amended to read:*

37 5074. The committee shall have the following powers and
38 duties:

39 **(a)** Coordinate trail planning and development among cities,
40 counties, and districts. In carrying out this responsibility, the

1 committee shall review records of easements and other interests
2 in lands which are available for recreational trail usage, including
3 public lands, utility easements, other rights-of-way, gifts, or surplus
4 public lands which may be adaptable for such use, and shall advise
5 the director in the development of standards for trail construction
6 so that uniform construction standards may be available to cities,
7 counties, and districts.

8 (b) Advise the director in the preparation and maintenance of
9 the plan.

10 (c) Study the problems and opportunities presented by the use
11 of private property for recreational trail use and advise the director
12 on measures to mitigate undesirable aspects of such usage.

13 (d) *This section shall remain in effect only until January 1, 2013,*
14 *and as of that date is repealed, unless a later enacted statute, that*
15 *is enacted before January 1, 2013, deletes or extends that date.*

16 ~~SEC. 44.~~

17 *SEC. 16.* The provisions of this act shall not become operative
18 unless Assembly Bill 1659 of the 2009–10 Regular Session is also
19 enacted and becomes operative on or before January 1, 2011, and
20 adds Article 7.5 (commencing with Section 9147.7) to Chapter
21 1.5 of Part 1 of Division 2 of Title 2 of the Government Code to
22 establish the Joint Sunset Review Committee.