

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 269**

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**Introduced by Assembly Member Correa**

February 16, 2001

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An act to amend Section 107 of, *and to add Article 3.5 (commencing with Section 315) to Chapter 4 of Division 1 of*, the Business and Professions Code, relating to professional and vocational licensing boards.

LEGISLATIVE COUNSEL'S DIGEST

AB 269, as amended, Correa. Professional and vocational licensing boards: ~~appointment of executive officers—oversight of performance.~~

Existing law permits professional and vocational licensing boards that are overseen by the Department of Consumer Affairs to appoint an executive officer. *These boards regulate and discipline persons practicing or engaging in professions and vocations regulated by the department.*

This bill would ~~require these boards to obtain the approval of the Director of Consumer Affairs before appointing an executive officer~~ *create the Division of Enforcement Oversight within the department and would require it, under the direction of the Director of Consumer Affairs, to monitor and evaluate the consumer complaint and discipline system of each board. The bill would provide that the executive officer of each board within the department would be appointed by a 3 member panel comprised of a representative of the board, the director, and the*

Governor’s appointments secretary. The bill would make related changes.

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

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

1 SECTION 1. Section 107 of the Business and Professions  
2 Code is amended to read:

3 107. Pursuant to subdivision (e) of Section 4 of Article VII of  
4 the California Constitution, each board may appoint a person  
5 exempt from civil service and may fix his or her salary, with the  
6 approval of the Department of Personnel Administration pursuant  
7 to Section 19825 of the Government Code, who shall be  
8 designated as an executive officer unless the licensing act of the  
9 particular board designates the person as a registrar. ~~Each board~~  
10 ~~shall receive the approval of the director before appointing an~~  
11 ~~executive officer.~~ *The executive officer of each board within the*  
12 *department shall be appointed by a three member panel consisting*  
13 *of a representative of the board, the director, and the Governor’s*  
14 *appointments secretary.*

15 SEC. 2. Article 3.5 (commencing with Section 315) is added  
16 to Chapter 4 of Division 1 of the Business and Professions Code,  
17 to read:

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19 Article 3.5. *Division Of Enforcement Oversight*

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21 315. (a) *It is the intent of the Legislature and the purpose of*  
22 *this article to promote and protect the interests of the people as*  
23 *consumers. The Legislature finds that the primary objective of*  
24 *each board within the department is to represent and protect*  
25 *consumers. The Legislature further finds that vigorous*  
26 *representation and protection of consumer interests are essential*  
27 *to the fair and efficient functioning of a free enterprise market*  
28 *economy. The Legislature declares that government advances the*  
29 *interests of consumers by facilitating the proper functioning of the*  
30 *free enterprise market economy through each of the following*  
31 *activities:*

32 (1) *Educating and informing the consumer to insure rational*  
33 *consumer choice in the marketplace.*



1 (2) *Protecting the consumer from the sale of goods and services*  
2 *through the use of deceptive methods, acts, or practices that are*  
3 *inimical to the general welfare of consumers.*

4 (3) *Fostering competition.*

5 (4) *Promoting effective representation of consumers' interests*  
6 *in all branches and levels of government.*

7 (b) *In order to fulfill the provisions of the Consumer Affairs Act,*  
8 *the Legislature finds that the department shall have a Division of*  
9 *Enforcement Oversight in order to assist the boards within the*  
10 *department and ensure the satisfactory performance of the boards'*  
11 *enforcement activities.*

12 316. *There is in the department a Division of Enforcement*  
13 *Oversight.*

14 317. *The director shall direct the division in the performance*  
15 *of its duties.*

16 318. *The division shall monitor and evaluate the consumer*  
17 *complaint and discipline systems and procedures of each board*  
18 *within the department.*

19 319. *Each board shall reimburse the department for all costs*  
20 *it incurs in administering this article.*

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