

AMENDED IN SENATE APRIL 17, 2002

SENATE BILL

No. 1244

Introduced by Senator Figueroa

(Coauthor: Senator Alpert)

(Coauthors: Assembly Members Alquist, Bates, and Salinas)

January 7, 2002

An act to amend an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith” approved by electors November 7, 1922, by amending Section 2 thereof, and to add Section 108.3 to the Business and Professions Code, relating to professional and vocational boards, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1244, as amended, Figueroa. Professional and vocational boards.

Existing law provides for various boards contained within the Department of Consumer Affairs. The initiative act known as the Chiropractic Act provides for the State Board of Chiropractic Examiners and requires that the Governor appoint members of that board.

This bill would require the Governor to fill a board vacancy on a board within the Department of Consumer Affairs or the State Board of Chiropractic Examiners within 30 days, and would provide that if the Governor fails to make an appointment the Senate Committee on Rules may make the appointment.

This bill would require the provisions relating to the State Board of Chiropractic Examiners, which was created by initiative statute, to be submitted to the voters for approval consistent with that initiative statute.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 108.3 is added to the Business and
2 Professions Code, to read:

3 108.3. Notwithstanding any other provision of law, the
4 Governor shall fill any vacancy on any board within the
5 department within 30 days of the date on which the vacancy
6 occurs. If the Governor fails to make an appointment within the
7 30-day period, the Senate Committee on Rules may make an
8 appointment to fill the vacancy.

9 SEC. 2. Section 2 of the act cited in the title is amended to
10 read:

11 Sec. 2. (a) The Governor shall appoint the members of the
12 board. Each appointment shall be for the term of four years, except
13 that an appointment to fill a vacancy shall be for the unexpired
14 term only. Each member shall serve until ~~his~~ a successor has been
15 ~~appointment~~ appointed and qualified or until one year has elapsed
16 since the expiration of ~~his term~~ his or her term, whichever first
17 occurs. No person shall serve more than two consecutive terms on
18 the board nor be eligible for appointment thereafter until the
19 expiration of four years from the expiration of ~~such~~ the second
20 consecutive term, effective January 2, 1974. The Governor may
21 remove a member from the board after receiving sufficient proof
22 of the inability or misconduct of ~~said~~ the member.

23 (b) The Governor shall fill any vacancy on the board within 30
24 days of the date on which the vacancy occurs. If the Governor fails
25 to make an appointment within the 30-day period, the Senate
26 Committee on Rules may make an appointment to fill the vacancy.

27 SEC. 3. Section 2 of this act shall not become operative until
28 approved by the voters. The Secretary of State is hereby directed
29 to place those provisions on the ballot of the next statewide



1 election for approval by the voters in accordance with applicable
2 provisions of law.

3 SEC. 4. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 In order to avoid vacancies on the State Board of Chiropractic
8 Examiners and to keep a quorum present so that the board may
9 conduct its business, it is necessary that this act take effect
10 immediately as an urgency statute.

O

