

AMENDED IN SENATE MAY 22, 2002

**SENATE BILL**

**No. 2018**

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**Introduced by Senator Figueroa**

February 22, 2002

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An act to add Section 207 to the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 2018, as amended, Figueroa. Consumer boards and committees: funds subject to appropriation.

Existing law creates certain funds for the boards, committees, and programs under the jurisdiction of the Department of Consumer Affairs established to regulate various professions and vocations. Under existing law, the boards, committees, and programs obtain revenue from licensing and other regulatory fees collected from the persons subject to their licensing and regulatory provisions, which revenue is deposited into a particular fund. Existing law provides in some cases for revenue derived from administrative fines, civil penalties, and criminal penalties or other enforcement actions imposed or undertaken by the regulating board, committee, or program to be deposited in the same fund. Existing law provides in some cases that the money in the fund, including both regulatory fees and penalties, is continuously appropriated for certain purposes. Thus, a proposed statute changing the purposes for which money in a continuously appropriated fund may be expended, or providing an increase in the revenues deposited in a continuously appropriated fund, constitutes an appropriation.

This bill, notwithstanding any other provision of law, would provide that the money in certain funds that is attributable to fines, penalties, or other enforcement actions is not continuously appropriated. The bill

would provide that these moneys shall only be available for expenditure upon appropriation by the Legislature. The bill would also authorize the annual Budget Act to appropriate, in a single budget item *for each individual fund*, the entire amount available for expenditure in the budget year from ~~any of these funds~~ *that individual fund*. That appropriation could include the portion of a fund that is continuously appropriated and the portion that is not continuously appropriated.

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 207 is added to the Business and  
 2 Professions Code, to read:  
 3 207. (a) Notwithstanding any other provision of law, the  
 4 money in any fund described in Section 205 that is attributable to  
 5 administrative fines, civil penalties, and criminal penalties  
 6 imposed by a regulating entity, or cost recovery by a regulating  
 7 entity from enforcement actions and case settlements, shall not be  
 8 continuously appropriated. The money in each fund that is not  
 9 continuously appropriated shall be available for expenditure as  
 10 provided in this code only upon appropriation by the Legislature.  
 11 (b) Notwithstanding any other provision of law, the annual  
 12 Budget Act may appropriate, in a single budget item *for each*  
 13 *individual fund described in paragraphs (1) to (40), inclusive, of*  
 14 *subdivision (a) of Section 205*, the entire amount available for  
 15 expenditure in the budget year for ~~any fund described in Section~~  
 16 ~~205~~ *that fund*. That appropriation may include funds that are  
 17 continuously appropriated and funds that are not continuously  
 18 appropriated.

