

AMENDED IN ASSEMBLY JANUARY 12, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1588

Introduced by Assembly Member Negrete McLeod

February 22, 2005

An act to amend Section 473.3 of the Business and Professions Code, relating to licensing boards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, as amended, Negrete McLeod. Professional licensing boards: review and repeals.

Existing law creates various boards, *bureaus*, and programs to license and regulate professions and vocations and other matters. Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings and evaluate whether a board or program has demonstrated a need for its continued existence. Existing law gives ~~each board and program~~ *the Joint Committee on Boards, Commissions, and Consumer Protection* the burden of demonstrating, among other things, that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

This bill *would instead give the Joint Committee on Boards, Commissions, and Consumer Protection the burden of demonstrating, among other things, that its function of licensing and enforcing licensing standards is the least restrictive regulation consistent with the public health, safety, and welfare. The bill would also give*~~each board or program~~ *specified bureaus* the burden of demonstrating that

its ~~enforcement~~ function is the least restrictive regulation consistent with the purpose of protecting and promoting public health, safety, and welfare.

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 473.3 of the Business and Professions
2 Code is amended to read:

3 473.3. (a) Prior to the termination, continuation, or
4 reestablishment of any board or any of the board’s functions, the
5 Joint Committee on Boards, Commissions, and Consumer
6 Protection shall, during the interim recess preceding the date
7 upon which a board becomes inoperative, hold public hearings to
8 receive testimony from the Director of Consumer Affairs, the
9 board involved, and the public and regulated industry. In that
10 hearing, each board shall have the burden of demonstrating a
11 compelling public need for the continued existence of the board
12 or regulatory program, and that its ~~licensing and enforcement~~
13 *function function of licensing and enforcing licensing standards*
14 is the least restrictive regulation consistent with the purpose of
15 protecting and promoting public health, safety, and welfare.

16 (b) In addition to subdivision (a), in 2002 and every four years
17 thereafter, the committee, in cooperation with the California
18 Postsecondary Education Commission, shall hold a public
19 hearing to receive testimony from the Director of Consumer
20 Affairs, the Bureau for Private Postsecondary and Vocational
21 Education, private postsecondary educational institutions
22 regulated by the bureau, and students of those institutions. In
23 those hearings, the bureau shall have the burden of demonstrating
24 a compelling public need for the continued existence of the
25 bureau and its regulatory program, and that its function is the
26 least restrictive regulation consistent with the purpose of
27 protecting and promoting public health, safety, and welfare.

28 (c) The committee, in cooperation with the California
29 Postsecondary Education Commission, shall evaluate and review
30 the effectiveness and efficiency of the Bureau for Private
31 Postsecondary and Vocational Education, based on factors and
32 minimum standards of performance that are specified in Section

1 473.4. The committee shall report its findings and
2 recommendations as specified in Section 473.5. The bureau shall
3 prepare an analysis and submit a report to the committee as
4 specified in Section 473.2.

5 (d) In addition to subdivision (a), in 2003 and every four years
6 thereafter, the committee shall hold a public hearing to receive
7 testimony from the Director of Consumer Affairs and the Bureau
8 of Automotive Repair. In those hearings, the bureau shall have
9 the burden of demonstrating a compelling public need for the
10 continued existence of the bureau and its regulatory program, and
11 that its function is the least restrictive regulation consistent with
12 the purpose of protecting and promoting public health, safety,
13 and welfare.

14 (e) The committee shall evaluate and review the effectiveness
15 and efficiency of the Bureau of Automotive Repair based on
16 factors and minimum standards of performance that are specified
17 in Section 473.4. The committee shall report its findings and
18 recommendations as specified in Section 473.5. The bureau shall
19 prepare an analysis and submit a report to the committee as
20 specified in Section 473.2.