

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 163

Introduced by Assembly Member *Mendoza Eng*
(Coauthor: Senator Ridley-Thomas)

January 22, 2007

~~An act to add Article 3.5 (commencing with Section 14691) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to state buildings. An act to amend Sections 101 and 313.1 of the Business and Professions Code, and 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 therewith" approved by electors November 7, 1922, by amending Sections 1, 2, 3, 4, 6, 8, and 14 thereof and adding Sections 1.5, 6.5, and 18.5 thereto, relating to chiropractors, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 163, as amended, *Mendoza Eng*. ~~State buildings: bicycle facilities. Chiropractors.~~

(1) Existing law, the Chiropractic Act enacted by initiative, provides for the licensing and regulation of chiropractors by the State Board of Chiropractic Examiners, which is composed of 7 members appointed by the Governor. Under the act, the board is required to employ an

executive officer. Existing law establishes the Department of Consumer Affairs in the State and Consumer Services Agency, and the department is composed of various boards that regulate members of professions, including the healing arts, and vocations. Existing law prohibits a person from being denied admission to a chiropractic school, from being denied the right to take an examination, from being denied the right to receive a diploma or certificate of graduation from a chiropractic school, or from being denied licensure on the basis that he or she is blind.

This bill would enact the Chiropractor Consumer Protection Act, which would include the board in the Department of Consumer Affairs, would change 2 members of the board to public members appointed by the Senate Committee on Rules and the Speaker of the Assembly, and would require the members appointed by the Governor, including one public member, to be confirmed by the Senate. The bill would also prohibit the director from disapproving or rejecting any rule or regulation pertaining to chiropractic scope of practice or educational requirements. The bill would exempt the executive officer from civil service, and would specify that other employees of the board are subject to those provisions. The bill would also specify that protection of the public is the highest priority of the board. The bill would provide that the employment of legal counsel by the board be subject to certain requirements, and that the board be subject to specified meeting and disclosure requirements. The bill would also require that all appropriations from the State Board of Chiropractic Examiners' Fund be made by the Legislature in the annual Budget Act. This bill would prohibit a person from being denied admission to a chiropractic school, from being denied the right to take an examination, from being denied the right to receive a diploma or certificate of graduation from a chiropractic school, or from being denied licensure because he or she is disabled. The bill would also specify that certain general provisions applicable to health care providers and health care provider licensing boards be applicable to chiropractors and to the board. The bill would appropriate \$1,542,000 from the State Board of Chiropractic Examiners' Fund for purposes of the Chiropractic Act, as specified.

Because the bill would amend an initiative act, the bill would require certain of its provisions be submitted to the voters for approval on the June 3, 2008, primary election ballot. The bill would state the Legislature's intent to appropriate \$300,000 from the State Board of

Chiropractic Examiners’ Fund for specified costs incurred by the Secretary of State in placing these provisions on the ballot.

(2) This bill would incorporate additional changes in Section 101 of the Business and Professions Code, proposed by SB 534, to be operative only if both this bill and SB 534 are chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.

~~Existing law generally sets forth the centralized services to be provided by the Department of General Services with respect to state buildings and property, among other duties.~~

~~This bill would enact the Green and Healthy Workplace Bicycle Facilities Act of 2007, which would require the department, in consultation with the State Architect and other state agencies, to adopt regulations establishing standards for bicycle facilities, including parking areas, showers, and lockers in state-owned and state-leased buildings. The bill would require each state agency to develop programs to promote and encourage bicycle commuting and use of bicycles for work-related trips, as well as to manage its bicycle facilities.~~

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

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

- 1 SECTION 1. *This act shall be known and may be cited as the*
- 2 *Chiropractor Consumer Protection Act.*
- 3 SEC. 2. *Section 101 of the Business and Professions Code is*
- 4 *amended to read:*
- 5 101. The department is comprised of:
- 6 (a) The Dental Board of California.
- 7 (b) The Medical Board of California.
- 8 (c) The State Board of Optometry.
- 9 (d) The California State Board of Pharmacy.
- 10 (e) The Veterinary Medical Board.
- 11 (f) The California Board of Accountancy.
- 12 (g) The California Architects Board.
- 13 (h) The Bureau of Barbering and Cosmetology.
- 14 (i) The Board for Professional Engineers and Land Surveyors.
- 15 (j) The Contractors’ State License Board.
- 16 (k) The Bureau for Private Postsecondary and Vocational
- 17 Education.
- 18 (l) The Structural Pest Control Board.

- 1 (m) The Bureau of Home Furnishings and Thermal Insulation.
 2 (n) The Board of Registered Nursing.
 3 (o) The Board of Behavioral Sciences.
 4 (p) The State Athletic Commission.
 5 (q) The Cemetery and Funeral Bureau.
 6 (r) The State Board of Guide Dogs for the Blind.
 7 (s) The Bureau of Security and Investigative Services.
 8 (t) The Court Reporters Board of California.
 9 (u) The Board of Vocational Nursing and Psychiatric
 10 Technicians.
 11 (v) The Landscape Architects Technical Committee.
 12 (w) The Bureau of Electronic and Appliance Repair.
 13 (x) The Division of Investigation.
 14 (y) The Bureau of Automotive Repair.
 15 (z) The State Board of Registration for Geologists and
 16 Geophysicists.
 17 (aa) The Respiratory Care Board of California.
 18 (ab) The Acupuncture Board.
 19 (ac) The Board of Psychology.
 20 (ad) The California Board of Podiatric Medicine.
 21 (ae) The Physical Therapy Board of California.
 22 (af) The Arbitration Review Program.
 23 (ag) The Committee on Dental Auxiliaries.
 24 (ah) The Hearing Aid Dispensers Bureau.
 25 (ai) The Physician Assistant Committee.
 26 (aj) The Speech-Language Pathology and Audiology Board.
 27 (ak) The California Board of Occupational Therapy.
 28 (al) The Osteopathic Medical Board of California.
 29 (am) The Bureau of Naturopathic Medicine.
 30 *(an) The State Board of Chiropractic Examiners. This*
 31 *subdivision shall be operative only if the amendments to the*
 32 *Chiropractic Act proposed by Assembly Bill 163 of the 2007–08*
 33 *Regular Session are approved by the voters at the June 3, 2008,*
 34 *primary election and become effective on that date.*
 35 ~~(an)~~
 36 (ao) Any other boards, offices, or officers subject to its
 37 jurisdiction by law.
 38 *SEC. 2.5. Section 101 of the Business and Professions Code*
 39 *is amended to read:*
 40 101. The department is comprised of:

- 1 (a) The Dental Board of California.
- 2 (b) The Medical Board of California.
- 3 (c) The State Board of Optometry.
- 4 (d) The California State Board of Pharmacy.
- 5 (e) The Veterinary Medical Board.
- 6 (f) The California Board of Accountancy.
- 7 (g) The California Architects Board.
- 8 (h) The Bureau of Barbering and Cosmetology.
- 9 (i) The Board for Professional Engineers and Land Surveyors.
- 10 (j) The Contractors' State License Board.
- 11 (k) The Bureau for Private Postsecondary and Vocational
- 12 Education.
- 13 (l) The Structural Pest Control Board.
- 14 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 15 (n) The Board of Registered Nursing.
- 16 (o) The Board of Behavioral Sciences.
- 17 (p) The State Athletic Commission.
- 18 (q) The Cemetery and Funeral Bureau.
- 19 (r) The State Board of Guide Dogs for the Blind.
- 20 (s) The Bureau of Security and Investigative Services.
- 21 (t) The Court Reporters Board of California.
- 22 (u) The Board of Vocational Nursing and Psychiatric
- 23 Technicians.
- 24 (v) The Landscape Architects Technical Committee.
- 25 (w) The Bureau of Electronic and Appliance Repair.
- 26 (x) The Division of Investigation.
- 27 (y) The Bureau of Automotive Repair.
- 28 (z) The State Board of Registration for Geologists and
- 29 Geophysicists.
- 30 (aa) The Respiratory Care Board of California.
- 31 (ab) The Acupuncture Board.
- 32 (ac) The Board of Psychology.
- 33 (ad) The California Board of Podiatric Medicine.
- 34 (ae) The Physical Therapy Board of California.
- 35 (af) The Arbitration Review Program.
- 36 (ag) ~~The Committee on Dental Auxiliaries~~ *Dental Hygiene*
- 37 *Committee of California.*
- 38 (ah) The Hearing Aid Dispensers Bureau.
- 39 (ai) The Physician Assistant Committee.
- 40 (aj) The Speech-Language Pathology and Audiology Board.

1 (ak) The California Board of Occupational Therapy.

2 (al) The Osteopathic Medical Board of California.

3 (am) The Bureau of Naturopathic Medicine.

4 *(an) The State Board of Chiropractic Examiners. This*
5 *subdivision shall be operative only if the amendments to the*
6 *Chiropractic Act proposed by Assembly Bill 163 of the 2007–08*
7 *Regular Session are approved by the voters at the June 3, 2008,*
8 *primary election and become effective on that date.*

9 ~~(an)~~

10 (ao) Any other boards, offices, or officers subject to its
11 jurisdiction by law.

12 *SEC. 3. Section 313.1 of the Business and Professions Code*
13 *is amended to read:*

14 313.1. (a) Notwithstanding any other provision of law to the
15 contrary, no rule or regulation, except those relating to
16 examinations and qualifications for licensure, and no fee change
17 proposed or promulgated by any of the boards, commissions, or
18 committees within the department, shall take effect pending
19 compliance with this section.

20 (b) The director shall be formally notified of and shall be
21 provided a full opportunity to review, in accordance with the
22 requirements of Article 5 (commencing with Section 11346) of
23 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
24 Code, and this section, all of the following:

25 (1) All notices of proposed action, any modifications and
26 supplements thereto, and the text of proposed regulations.

27 (2) Any notices of sufficiently related changes to regulations
28 previously noticed to the public, and the text of proposed
29 regulations showing modifications to the text.

30 (3) Final rulemaking records.

31 (c) The submission of all notices and final rulemaking records
32 to the director and the completion of the director's review, as
33 authorized by this section, shall be a precondition to the filing of
34 any rule or regulation with the Office of Administrative Law. The
35 Office of Administrative Law shall have no jurisdiction to review
36 a rule or regulation subject to this section until after the completion
37 of the director's review and only then if the director has not
38 disapproved it. The filing of any document with the Office of
39 Administrative Law shall be accompanied by a certification that

1 the board, commission, or committee has complied with the
2 requirements of this section.

3 (d) Following the receipt of any final rulemaking record subject
4 to subdivision (a), the director shall have the authority for a period
5 of 30 days to disapprove a proposed rule or regulation on the
6 ground that it is injurious to the public health, safety, or welfare.

7 (e) Final rulemaking records shall be filed with the director
8 within the one-year notice period specified in Section 11346.4 of
9 the Government Code. If necessary for compliance with this
10 section, the one-year notice period may be extended, as specified
11 by this subdivision.

12 (1) In the event that the one-year notice period lapses during
13 the director's 30-day review period, or within 60 days following
14 the notice of the director's disapproval, it may be extended for a
15 maximum of 90 days.

16 (2) If the director approves the final rulemaking record or
17 declines to take action on it within 30 days, the board, commission,
18 or committee shall have five days from the receipt of the record
19 from the director within which to file it with the Office of
20 Administrative Law.

21 (3) If the director disapproves a rule or regulation, it shall have
22 no force or effect unless, within 60 days of the notice of
23 disapproval, (A) the disapproval is overridden by a unanimous
24 vote of the members of the board, commission, or committee, and
25 (B) the board, commission, or committee files the final rulemaking
26 record with the Office of Administrative Law in compliance with
27 this section and the procedures required by Chapter 3.5
28 (commencing with Section 11340) of Part 1 of Division 3 of Title
29 2 of the Government Code.

30 (f) Nothing in this section shall be construed to prohibit the
31 director from affirmatively approving a proposed rule, regulation,
32 or fee change at any time within the 30-day period after it has been
33 submitted to him or her, in which event it shall become effective
34 upon compliance with this section and the procedures required by
35 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
36 3 of Title 2 of the Government Code.

37 (g) *The director shall not have the authority pursuant to this*
38 *section to disapprove, and subdivision (d) shall not apply to, any*
39 *rule or regulation pertaining to the legal scope of professional*
40 *practice for doctors of chiropractic as specified and permitted*

1 *pursuant to Section 7 of the Chiropractic Act, or any rule or*
 2 *regulation pertaining to the current minimum educational*
 3 *requirements as specified in Section 5 of the Chiropractic Act.*

4 *SEC. 4. Section 1 of the act cited in the title is amended to*
 5 *read:*

6 Section 1. A board is hereby created *in the Department of*
 7 *Consumer Affairs* to be known as the “State Board of Chiropractic
 8 Examiners,” hereinafter referred to as the board. The board shall
 9 consist of seven members. *Five members shall be* appointed by
 10 the Governor, *subject to confirmation by the Senate, one of whom*
 11 *shall be a public member. The Senate Committee on Rules and the*
 12 *Speaker of the Assembly shall each appoint one public member.*
 13 Each member shall be a citizen of the United States and shall have
 14 been a resident of California for five years. ~~Two members shall~~
 15 ~~be public members.~~ Each licensee member shall have had at least
 16 five years of licensure in this state prior to appointment. Each
 17 licensee member ~~must~~ shall have pursued a resident course in an
 18 approved chiropractic school or college, and ~~must~~ shall be a
 19 graduate thereof and hold a diploma therefrom.

20 Not more than two persons shall serve simultaneously as
 21 members of ~~said~~ the board, whose first diplomas were issued by
 22 the same school or college of chiropractic, nor shall more than two
 23 members be residents of any one county of the state. And no person
 24 who is or within one year of the proposed appointment has been
 25 an administrator, policy board member, or paid employee of any
 26 chiropractic school or college shall be eligible for appointment to
 27 the board. Each member of the board shall receive a per diem in
 28 the amount provided in Section 103 of the Business and Professions
 29 Code for each day during which he *or she* is actually engaged in
 30 the discharge of his *or her* duties, together with his *or her* actual
 31 and necessary travel expenses incurred in connection with the
 32 performance of the duties of his *or her* office, ~~such and the~~ per
 33 diem, travel expenses and other incidental expenses of the board
 34 or of its members shall be paid out of the funds of the board
 35 hereinafter defined and not from the state’s taxes.

36 *The Legislature may, upon review, repeal this section and*
 37 *reconstitute the board.*

38 *SEC. 5. Section 1.5 is added to the act cited in the title, to read:*

39 Sec. 1.5. Protection of the public shall be the highest priority
 40 for the board in exercising its licensing, regulatory, and disciplinary

1 functions. Whenever the protection of the public is inconsistent
2 with the other interests sought to be promoted, the protection of
3 the public shall be paramount.

4 *SEC. 6. Section 2 of the act cited in the title is amended to*
5 *read:*

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

18 *SEC. 7. Section 3 of the act cited in the title is amended to*
19 *read:*

20 Sec. 3. The board shall elect a chairman and a vice chairman
21 and a secretary to be chosen from the members of the board. The
22 board shall ~~employ~~ *appoint a person exempt from civil service, by*
23 *and with the approval of the Director of Consumer Affairs, to be*
24 *designated as an executive officer* ~~and fix his salary with the~~
25 ~~approval of the Director of Finance.~~ Elections of the officers shall
26 occur annually at the January meeting of the board. A majority of
27 the board shall constitute a quorum.

28 It shall require the affirmative vote of four members of ~~said~~ *the*
29 board to carry any motion or resolution, to adopt any rule, or to
30 authorize the issuance of any license provided for in this act. The
31 executive officer shall receive a salary to be fixed by the board,
32 *with the approval of the Director of Finance,* together with his *or*
33 *her* actual and necessary traveling expenses incurred in connection
34 with the performance of the duties of his *or her* office, and shall
35 give bond to the state in ~~such~~ *a sum and* with such sureties as the
36 board may deem proper. He *or she* shall keep a record of the
37 proceedings of the board, which shall at times during business
38 hours be open to the public for inspection. He *or she* shall keep a
39 true and accurate account of all funds received and of all
40 expenditures incurred or authorized by the board, and on the first

1 day of December of each year he *or she* shall file with the Governor
2 or his *or her* designee, a report of all receipts and disbursements
3 and of the proceedings of the board for the preceding fiscal year.

4 *SEC. 8. Section 4 of the act cited in the title is amended to*
5 *read:*

6 Sec. 4. Powers of the board. The board shall have power:

7 (a) To adopt a seal, which shall be affixed to all licenses issued
8 by the board.

9 (b) To adopt from time to time ~~such~~ rules and regulations as the
10 board may deem proper and necessary for the performance of its
11 work, the effective enforcement and administration of this act, the
12 establishment of educational requirements for license renewal, and
13 the protection of the public. ~~Such~~ *These* rules and regulations shall
14 be adopted, amended, repealed and established in accordance with
15 the provisions of Chapter ~~4.5~~ 3.5 (commencing with Section ~~11371~~
16 *11340*) of Part 1 of Division 3 of Title 2 of the Government Code
17 as it now reads or as it may be hereafter amended by the
18 Legislature.

19 (c) To examine applicants and to issue and revoke licenses to
20 practice chiropractic, as ~~herein~~ provided *in this act*.

21 (d) To summon witnesses and to take testimony as to matters
22 pertaining to its duties; and each member shall have power to
23 administer oaths and take affidavits.

24 (e) To do any and all things necessary or incidental to the
25 exercise of the powers and duties ~~herein~~ granted or imposed *by*
26 *this act*.

27 (f) To determine minimum requirements for teachers in
28 chiropractic schools and colleges.

29 (g) To approve chiropractic schools and colleges whose
30 graduates may apply for licenses in this state. The following shall
31 be eligible for approval:

32 (1) Any chiropractic school or college having status with the
33 accrediting agency and meeting the requirements of Section 5 of
34 this act and the rules and regulations adopted by the board.

35 (2) Any chiropractic school or college initially commencing
36 instruction prior to the effective date of the amendments to this
37 section approved by the electors at the November, 1976, general
38 election, provided ~~such~~ *that the* school or college meets the
39 requirements of Section 5 of this act and the rules and regulations
40 adopted by the board and provided ~~such~~ *that the* school or college

1 attains status with the accrediting agency within a time period
2 commencing on the effective date of this provision and ending
3 March 1, 1980.

4 (3) Any chiropractic school or college initially commencing
5 instruction subsequent to the effective date of the amendments to
6 this section approved by the electors at the November, 1976,
7 general election, provided ~~such that the~~ school or college meets
8 the requirements of Section 5 of this act and the rules and
9 regulations adopted by the board and provided ~~such that the~~ school
10 or college attains status with the accrediting agency within a time
11 period not exceeding three years following ~~such the~~ commencement
12 of instruction.

13 Upon submission of evidence satisfactory to the board that the
14 accrediting agency has unreasonably denied status to a chiropractic
15 school or college approved under paragraph (2) or (3) of this
16 subdivision by not considering the application for status submitted
17 by that school or college in a timely manner, by denying the
18 application for status submitted by that school or college without
19 good cause, or by imposing arbitrary and capricious additional
20 requirements upon that school or college as conditions for the
21 attainment of status, the board shall grant an extension of the time
22 period for the attainment of status specified in the paragraph under
23 which that school or college is approved, as it applies to that school
24 or college, of at least six months but no more than one year. Prior
25 to the expiration of ~~such the~~ extension or of any additional
26 extension the board grants, the board shall determine whether that
27 school or college has been unreasonably denied status by the
28 accrediting agency for any of the reasons specified in the
29 immediately preceding sentence during the extension. Should the
30 board determine ~~such that~~ unreasonable denial of status during the
31 extension has occurred, the board shall grant an additional
32 extension of the time period for the attainment of status, as it
33 applies to that school or college, of at least six months but no more
34 than one year.

35 As used in this section, “accrediting agency” means (1) the
36 Accrediting Commission of the Council on Chiropractic Education,
37 other chiropractic school and college accrediting agencies as may
38 be recognized by the United States Commissioner of Education,
39 or chiropractic school and college accrediting agencies employing
40 equivalent standards for accreditation as determined by the board,

1 (2) in the event ~~such that the~~ commission ceases to exist or ceases
 2 to be recognized by ~~such the~~ commissioner, a chiropractic school
 3 and college accrediting agency as may be designated by the board
 4 or chiropractic school and college accrediting agencies employing
 5 equivalent standards for accreditation as determined by the board,
 6 or (3) in the event ~~such that the~~ commission ceases to exist or
 7 ceases to be recognized by ~~such the~~ commissioner, no other ~~such~~
 8 accrediting agency is recognized by ~~such the~~ commissioner, and
 9 no ~~such~~ accrediting agency is acceptable to the board, the board.

10 As used in this section, “status” means correspondent status,
 11 status as a recognized candidate for accreditation, accredited status,
 12 or other similar status as may be adopted and used by the
 13 accrediting agency.

14 As used in this section, “in a timely manner” means within the
 15 time deadlines as may be established by the accrediting agency
 16 for submission of applications, consideration of applications
 17 submitted, acceptance or rejection of applications submitted, and
 18 other similar functions, as those time deadlines are interpreted by
 19 the board.

20 As used in this section, “without good cause” means not in
 21 accordance with rules and regulations that may be established by
 22 the accrediting agency as conditions for the attainment of status,
 23 as those rules and regulations are interpreted by the board.

24 As used in this section, “arbitrary and capricious additional
 25 requirements” means requirements ~~which that~~ may be imposed by
 26 the accrediting agency as conditions for the attainment of status
 27 during the time period specified for the attainment of status by a
 28 chiropractic school or college that, in the board’s judgement, cannot
 29 be satisfied within ~~such the~~ time period or do not serve to improve
 30 the educational standards or quality of ~~such the~~ school or college.

31 (h) The board may employ ~~such any~~ investigators, clerical
 32 assistants, commissioners on examination, and other employees
 33 as it may deem necessary to carry into effect the provisions of this
 34 act, and shall prescribe the duties of ~~such those~~ employees. *Persons*
 35 *employed pursuant to this subdivision shall be subject to the State*
 36 *Civil Service Act (Part 2 (commencing with Section 18500) of*
 37 *Division 5 of Title 5 of the Government Code).*

38 *SEC. 9. Section 6 of the act cited in the title is amended to*
 39 *read:*

1 Sec. 6. (a) The office of the board shall be in the City of
2 Sacramento. Suboffices may be established in Los Angeles and
3 San Francisco, and ~~such~~ any records as may be necessary may be
4 transferred temporarily to ~~such~~ the suboffices. Legal proceedings
5 against the board may be instituted in any one of the three cities.

6 (b) *All meetings of the board shall be conducted in accordance*
7 *with the provisions of the Bagley-Keene Open Meeting Act (Article*
8 *9 (commencing with Section 11120) of Chapter 1 of Part 1 of*
9 *Division 3 of Title 2 of the Government Code).*

10 ~~(b)~~

11 (c) The board shall meet as a board of examiners at least twice
12 each calendar year, at ~~such~~ times and places as may be found
13 necessary for the performance of its duties.

14 (d) *The board shall comply with the requirements of Chapter*
15 *22.5 (commencing with Section 7528) of Division 7 of Title 1 of*
16 *the Government Code and with the provisions of Article 10*
17 *(commencing with Section 11364) of Chapter 3.5 of Part 1 of*
18 *Division 3 of Title 2 of the Government Code.*

19 ~~(e)~~

20 (e) Examinations shall be written, oral, and practical, covering
21 chiropractic as taught in chiropractic schools or colleges, designed
22 to ascertain the fitness of the applicant to practice chiropractic.
23 ~~Said~~ The examination shall include at least each of the subjects as
24 set forth in Section 5 ~~hereof~~ of this act. Identity of the applicants
25 shall not be disclosed to the examiners until after examinations
26 have been given final grades. A license shall be granted to any
27 applicant who ~~shall make~~ makes a general average of 75 percent,
28 and *does* not fall below 60 percent in more than two subjects or
29 branches of the examination and ~~receive~~ receives a 75 percent
30 score in all parts of the practical examination as designated by the
31 board. Any applicant failing to make the required grade shall be
32 given credit for the branches passed, and may, without further cost,
33 take the examination at the next regular examination on the subjects
34 in which he *or she* failed. For each year of actual practice since
35 graduation the applicant shall be given a credit of 1 percent on the
36 general average.

37 ~~(f)~~

38 (f) An applicant having fulfilled the requirements of Section 5
39 and paid the fee thereunder, and having obtained a diplomate
40 certificate from the National Board of Chiropractic Examiners,

1 may offer ~~such~~ *the* certificate together with a transcript of grades
 2 secured in ~~said~~ *the* national board examination, and the California
 3 Board of Chiropractic Examiners may accept ~~same~~ *those* in lieu
 4 of all or a portion of the California board examination, as
 5 determined by the board.

6 *SEC. 10. Section 6.5 is added to the act cited in the title, to*
 7 *read:*

8 Sec. 6.5. The employment of legal counsel by the board is
 9 subject to the requirements of Section 11040 of the Government
 10 Code.

11 *SEC. 11. Section 8 of the act cited in this title is amended to*
 12 *read:*

13 Sec. 8. No ~~blind~~ person shall be denied admission into any
 14 college or school of chiropractic or denied the right to take any
 15 examination given by such school or college or denied a diploma
 16 or certificate of graduation or a degree or denied admission into
 17 any examination for a state license or denied a regular license to
 18 practice chiropractic ~~on the ground that he or she is blind~~ *because*
 19 *of a disability, as defined by the Americans with Disability Act of*
 20 *1990 (42 U.S.C. Sec. 12101, et seq.).*

21 *SEC. 12. Section 14 of the act cited in the title is amended to*
 22 *read:*

23 Sec. 14. The executive officer shall at the end of each month
 24 report to the ~~State~~ Controller the total amount of money received
 25 by the board from all sources, and shall deposit with the ~~State~~
 26 Treasurer the entire amount of ~~such~~ *those* receipts, and the ~~State~~
 27 Treasurer shall place the money so received in a special fund, to
 28 be known as the “State Board of Chiropractic Examiners’ Fund”.
 29 ~~Such~~ *Moneys in the* fund shall be expended in accordance with
 30 law for all necessary and proper expenses in carrying out the
 31 provisions of this act, upon proper claims approved by ~~said~~ *the*
 32 board or a finance committee thereof. *All appropriations from the*
 33 *fund shall be made by the Legislature in the annual Budget Act.*

34 *SEC. 13. Section 18.5 is added to the act cited in this title, to*
 35 *read:*

36 Sec. 18.5. The provisions of any other statute of general
 37 application to health care providers or health care related boards
 38 within the Department of Consumer Affairs within the Business
 39 and Professions Code, including, but not limited to, Sections 12.5,
 40 23.9, 29.5, 30, 31, 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6,

1 136, 137, 140, 141, 143, 163.5, 461, 462, 475, 480, 484, 485, 487,
2 489, 490, 490.5, 491, 494, 495, 496, 498, 499, 510, 511, 512, 701,
3 702, 703, 704, 710, 716, 730.5, 731, and 851 of, and Article 6
4 (commencing with Section 650) and Article 11 (commencing with
5 Section 800) of Chapter 1 of Division 2 of, the Business and
6 Professions Code, are applicable to persons licensed by the board
7 under this act and are applicable to the board. Additionally, any
8 provisions of the Government Code that are generally applicable
9 to state agency officials and employees are applicable to the board
10 and its staff under this act.

11 *SEC. 14. (a) In addition to the appropriation made by Item*
12 *8500–001–0152 of Section 2.00 of the Budget Act of 2007, the sum*
13 *of one million five hundred forty-two thousand dollars (\$1,542,000)*
14 *is hereby appropriated from the revenue in the State Board of*
15 *Chiropractic Examiners Fund that consists of fees paid for the*
16 *issuance and renewal of licenses, for the support of the Board of*
17 *Chiropractic Examiners.*

18 *(b) It is the intent of the Legislature, either by the Budget Act*
19 *of 2008 or by another bill, to appropriate three hundred thousand*
20 *dollars (\$300,000) from the State Board of Chiropractic*
21 *Examiner’s Fund to reimburse to the Secretary of State the printing*
22 *costs incurred in placing Section 1 and Sections 4 to 13, inclusive,*
23 *of this act on the ballot at the June 3, 2008, primary election, as*
24 *described in Section 15 of this act.*

25 *SEC. 15. Section 1 and Sections 4 to 13, inclusive, of this act*
26 *shall become effective only when submitted to and if approved by*
27 *the electors pursuant to subdivision (c) of Section 10 of Article II*
28 *of the California Constitution. The Secretary of State is hereby*
29 *directed to place those provisions on the ballot of the June 3, 2008,*
30 *primary election for approval by the electors in accordance with*
31 *the applicable provisions of law.*

32 *SEC. 16. Section 2.5 of this bill incorporates amendments to*
33 *Section 101 of the Business and Professions Code proposed by*
34 *both this bill and SB 534. It shall only become operative if (1) both*
35 *bills are enacted and become effective on or before January 1,*
36 *2008, (2) each bill amends Section 101 of the Business and*
37 *Professions Code, and (3) this bill is enacted after SB 534, in which*
38 *case Section 2 of this bill shall not become operative.*

39 ~~SECTION 1. The Legislature finds and declares all of the~~
40 ~~following:~~

1 ~~(a) The State of California endeavors to meet certain goals~~
2 ~~regarding more transportation choices, reducing traffic congestion,~~
3 ~~improving air quality, conserving energy, reducing greenhouse~~
4 ~~gas emissions, improving social equity, and increasing physical~~
5 ~~activity to promote public health. Increased levels of bicycling~~
6 ~~rate by state employees and by visitors to state offices would help~~
7 ~~reach these goals.~~

8 ~~(b) The state invests approximately \$2 billion annually for~~
9 ~~design, construction, and renovation, and more than six hundred~~
10 ~~million dollars (\$600,000,000) annually for energy, water, and~~
11 ~~waste disposal at state-funded facilities.~~

12 ~~(c) The state invests an unspecified amount in funding for~~
13 ~~automobile parking for state employees and visitors.~~

14 ~~(d) An opportunity exists for the state to foster continued~~
15 ~~economic growth and provide environmental leadership by~~
16 ~~incorporating bicycle facilities into the state capital outlay and~~
17 ~~building management processes.~~

18 ~~(e) The widespread adoption of bicycle facilities principles~~
19 ~~would result in significant long-term benefits to the state's~~
20 ~~environment, including reductions in smog generation and~~
21 ~~greenhouse gas emissions, increased employee and public health,~~
22 ~~and reduced congestion.~~

23 ~~(f) It is critical that the state provide leadership to both private~~
24 ~~and public sectors to provide bicycle facilities for employees and~~
25 ~~visitors.~~

26 ~~(g) It is the policy of the state to site, design, deconstruct,~~
27 ~~construct, renovate, operate, and maintain state buildings that are~~
28 ~~models of energy efficiency, while encouraging energy-efficient~~
29 ~~travel to and from buildings, and providing healthy, productive,~~
30 ~~and comfortable indoor environments and long-term benefits to~~
31 ~~Californians.~~

32 ~~(h) It is the intent of the Legislature in enacting this act to~~
33 ~~increase the availability and usefulness of bicycle facilities in~~
34 ~~state-owned and state-leased buildings by providing safe and secure~~
35 ~~bicycle parking and storage and comfortable changing and~~
36 ~~showering areas, and to promote alternative transportation to the~~
37 ~~workplace.~~

38 ~~SEC. 2. Article 3.5 (commencing with Section 14691) is added~~
39 ~~to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government~~
40 ~~Code, to read:~~

1 Article 3.5. ~~Green and Healthy Workplace Bicycle Facilities~~
2 ~~Act of 2007~~

3
4 14691. ~~This act shall be known, and may be cited, as the Green~~
5 ~~and Healthy Workplace Bicycle Facilities Act of 2007.~~

6 14692. ~~(a) On or before July 1, 2009, the department shall~~
7 ~~adopt regulations for the construction and renovation of~~
8 ~~state-owned buildings used primarily for office functions and other~~
9 ~~state-owned buildings as deemed appropriate by the department~~
10 ~~that establish standards regarding bicycle facilities, including~~
11 ~~short-term visitor bicycle parking, long-term employee bicycle~~
12 ~~parking, showers, and clothing lockers.~~

13 ~~(b) When adopting regulations pursuant to subdivision (a), the~~
14 ~~department shall consider those aspects of existing relevant~~
15 ~~information and guidelines that maximize the utility of bicycle~~
16 ~~facilities, and shall allow for flexibility to meet the state's building~~
17 ~~standards. The existing relevant guidelines and information shall~~
18 ~~include, but are not limited to, both of the following:~~

19 ~~(1) The Sacramento Area Bicycle Advocates State Bicycle~~
20 ~~Facilities—Statewide Policies and Recommendations.~~

21 ~~(2) The Association of Pedestrian and Bicycle~~
22 ~~Professionals—Bicycle Parking Guidelines.~~

23 ~~(c) In adopting the regulations pursuant to subdivision (a), the~~
24 ~~department shall consult with the State Architect and other~~
25 ~~appropriate state agencies, the building and construction industry,~~
26 ~~recognized bicycle advocacy groups, the League of California~~
27 ~~Cities, the California State Association of Counties, other interested~~
28 ~~organizations, and the public.~~

29 14692.5. ~~(a) For an existing state-owned building without~~
30 ~~short-term visitor bicycle parking, meeting the regulations adopted~~
31 ~~pursuant to Section 14692, short-term bicycle parking meeting the~~
32 ~~regulations adopted pursuant to Section 14692 shall be added~~
33 ~~before December 31, 2009.~~

34 ~~(b) For an existing state-owned building without bicycle~~
35 ~~facilities for employees meeting the regulations adopted pursuant~~
36 ~~to Section 14692, the addition of secure long-term bicycle parking,~~
37 ~~showers, and clothing lockers shall be a priority when the building~~
38 ~~is renovated.~~

39 ~~(c) For state-leased buildings used primarily for office functions~~
40 ~~and other state-leased buildings as deemed appropriate by the~~

1 department, the state, when negotiating or renegotiating a lease,
2 shall make every effort to include provision of facilities for bicycle
3 commuters and bicycle parking for visitors.
4 14693. Each state agency shall develop a program to manage
5 its bicycle facilities so that bicycle parking and lockers are fairly
6 assigned and access to showers is available. Facilities shall be
7 available for workers at state buildings, whether they are state
8 employees, contract employees, interns, or volunteers.
9 14693.5. Each state agency shall develop a program to promote
10 and encourage bicycle commuting and the use of bicycles for
11 work-related trips.