

**Introduced by Senator Price**February 17, 2011

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An act to amend Sections 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7200, 8710, 18602, and 18613 of the Business and Professions Code, relating to business and professions.

## LEGISLATIVE COUNSEL'S DIGEST

SB 543, as introduced, Price. Business and professions: regulatory boards.

Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including, the California Architects Board, the Landscape Architects Technical Committee, the Board for Professional Engineers, Land Surveyors, and Geologists, the State Board of Guide Dogs for the Blind, and the State Athletic Commission. Existing law requires or authorizes these boards, with certain exceptions, to appoint an executive officer. Existing law repeals these provisions on January 1, 2012. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would extend the operation of these provisions until January 1, 2016, except the State Board of Guide Dogs for the Blind, which would be extended until January 1, 2014. The bill would instead specify that these boards would be subject to review by the appropriate policy committees of the Legislature.

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 5510 of the Business and Professions  
2 Code is amended to read:

3 5510. There is in the Department of Consumer Affairs a  
4 California Architects Board which consists of 10 members.

5 Any reference in law to the California Board of Architectural  
6 Examiners shall mean the California Architects Board.

7 This section shall remain in effect only until January 1, ~~2012~~  
8 2016, and as of that date is repealed, unless a later enacted statute,  
9 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
10 that date. ~~The repeal of this section renders the board subject to~~  
11 ~~the review required by Division 1.2 (commencing with Section~~  
12 ~~473). Notwithstanding any other provision of law, the repeal of~~  
13 ~~this section renders the board subject to review by the appropriate~~  
14 ~~policy committees of the Legislature.~~

15 SEC. 2. Section 5517 of the Business and Professions Code is  
16 amended to read:

17 5517. The board may appoint a person exempt from civil  
18 service who shall be designated as an executive officer and who  
19 shall exercise the powers and perform the duties delegated by the  
20 board and vested in him or her by this chapter.

21 This section shall remain in effect only until January 1, ~~2012~~  
22 2016, and as of that date is repealed, unless a later enacted statute,  
23 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
24 that date.

25 SEC. 3. Section 5620 of the Business and Professions Code is  
26 amended to read:

27 5620. The duties, powers, purposes, responsibilities, and  
28 jurisdiction of the California State Board of Landscape Architects  
29 that were succeeded to and vested with the Department of  
30 Consumer Affairs in accordance with Chapter 908 of the Statutes  
31 of 1994 are hereby transferred to the California Architects Board.  
32 The Legislature finds that the purpose for the transfer of power is  
33 to promote and enhance the efficiency of state government and  
34 that assumption of the powers and duties by the California  
35 Architects Board shall not be viewed or construed as a precedent  
36 for the establishment of state regulation over a profession or  
37 vocation that was not previously regulated by a board, as defined  
38 in Section 477.

1 (a) There is in the Department of Consumer Affairs a California  
2 Architects Board as defined in Article 2 (commencing with Section  
3 5510) of Chapter 3.

4 Whenever in this chapter “board” is used, it refers to the  
5 California Architects Board.

6 (b) Except as provided herein, the board may delegate its  
7 authority under this chapter to the Landscape Architects Technical  
8 Committee.

9 (c) After review of proposed regulations, the board may direct  
10 the examining committee to notice and conduct hearings to adopt,  
11 amend, or repeal regulations pursuant to Section 5630, provided  
12 that the board itself shall take final action to adopt, amend, or  
13 repeal those regulations.

14 (d) The board shall not delegate its authority to discipline a  
15 landscape architect or to take action against a person who has  
16 violated this chapter.

17 (e) This section shall remain in effect only until January 1, ~~2012~~  
18 2016, and as of that date is repealed, unless a later enacted statute,  
19 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
20 that date.

21 SEC. 4. Section 5621 of the Business and Professions Code is  
22 amended to read:

23 5621. (a) There is hereby created within the jurisdiction of the  
24 board, a Landscape Architects Technical Committee, hereinafter  
25 referred to in this chapter as the landscape architects committee.

26 (b) The landscape architects committee shall consist of five  
27 members who shall be licensed to practice landscape architecture  
28 in this state. The Governor shall appoint three of the members.  
29 The Senate Committee on Rules and the Speaker of the Assembly  
30 shall appoint one member each.

31 (c) The initial members to be appointed by the Governor are as  
32 follows: one member for a term of one year; one member for a  
33 term of two years; and one member for a term of three years. The  
34 Senate Committee on Rules and the Speaker of the Assembly shall  
35 initially each appoint one member for a term of four years.  
36 Thereafter, appointments shall be made for four-year terms,  
37 expiring on June 1 of the fourth year and until the appointment  
38 and qualification of his or her successor or until one year shall  
39 have elapsed, whichever first occurs. Vacancies shall be filled for  
40 the unexpired term.

1 (d) No person shall serve as a member of the landscape  
2 architects committee for more than two consecutive terms.

3 (e) This section shall remain in effect only until January 1, ~~2012~~  
4 2016, and as of that date is repealed, unless a later enacted statute,  
5 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
6 that date.

7 SEC. 5. Section 5622 of the Business and Professions Code is  
8 amended to read:

9 5622. (a) The landscape architects committee may assist the  
10 board in the examination of candidates for a landscape architect's  
11 license and, after investigation, evaluate and make  
12 recommendations regarding potential violations of this chapter.

13 (b) The landscape architects committee may investigate, assist,  
14 and make recommendations to the board regarding the regulation  
15 of landscape architects in this state.

16 (c) The landscape architects committee may perform duties and  
17 functions that have been delegated to it by the board pursuant to  
18 Section 5620.

19 (d) The landscape architects committee may send a  
20 representative to all meetings of the full board to report on the  
21 committee's activities.

22 (e) This section shall remain in effect only until January 1, ~~2012~~  
23 2016, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
25 that date.

26 SEC. 6. Section 6710 of the Business and Professions Code is  
27 amended to read:

28 6710. (a) There is in the Department of Consumer Affairs a  
29 Board for Professional Engineers, Land Surveyors, and Geologists,  
30 which consists of 15 members.

31 (b) Any reference in any law or regulation to the Board of  
32 Registration for Professional Engineers and Land Surveyors, or  
33 the Board for Professional Engineers and Land Surveyors, is  
34 deemed to refer to the Board for Professional Engineers, Land  
35 Surveyors, and Geologists.

36 (c) This section shall remain in effect only until January 1, ~~2012~~  
37 2016, and as of that date is repealed, unless a later enacted statute,  
38 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
39 that date. ~~The repeal of this section renders the board subject to~~  
40 ~~the review required by Division 1.2 (commencing with Section~~

1 ~~473): Notwithstanding any other provision of law, the repeal of~~  
2 ~~this section renders the board subject to review by the appropriate~~  
3 ~~policy committees of the Legislature.~~

4 SEC. 7. Section 6714 of the Business and Professions Code is  
5 amended to read:

6 6714. The board shall appoint an executive officer at a salary  
7 to be fixed and determined by the board with the approval of the  
8 Director of Finance.

9 This section shall remain in effect only until January 1, ~~2012~~  
10 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
11 that is enacted before January 1, ~~2012~~ ~~2016~~, deletes or extends  
12 that date.

13 SEC. 8. Section 7200 of the Business and Professions Code is  
14 amended to read:

15 7200. (a) There is in the Department of Consumer Affairs a  
16 State Board of Guide Dogs for the Blind in whom enforcement of  
17 this chapter is vested. The board shall consist of seven members  
18 appointed by the Governor. One member shall be the Director of  
19 Rehabilitation or his or her designated representative. The  
20 remaining members shall be persons who have shown a particular  
21 interest in dealing with the problems of the blind, and at least two  
22 of them shall be blind persons who use guide dogs.

23 (b) This section shall remain in effect only until January 1, ~~2012~~  
24 ~~2014~~, and as of that date is repealed, unless a later enacted statute,  
25 that is enacted before January 1, ~~2012~~ ~~2014~~, deletes or extends  
26 that date. ~~The repeal of this section renders the board subject to~~  
27 ~~the review required by Division 1.2 (commencing with Section~~  
28 ~~473): Notwithstanding any other provision of law, the repeal of~~  
29 ~~this section renders the board subject to review by the appropriate~~  
30 ~~policy committees of the Legislature.~~

31 SEC. 9. Section 8710 of the Business and Professions Code is  
32 amended to read:

33 8710. (a) The Board for Professional Engineers and Land  
34 Surveyors is vested with power to administer the provisions and  
35 requirements of this chapter, and may make and enforce rules and  
36 regulations that are reasonably necessary to carry out its provisions.

37 (b) The board may adopt rules and regulations of professional  
38 conduct that are not inconsistent with state and federal law. The  
39 rules and regulations may include definitions of incompetence and  
40 negligence. Every person who holds a license or certificate issued

1 by the board pursuant to this chapter, or a license or certificate  
2 issued to a civil engineer pursuant to Chapter 7 (commencing with  
3 Section 6700), shall be governed by these rules and regulations.

4 (c) This section shall remain in effect only until January 1, 2012  
5 2016, and as of that date is repealed, unless a later enacted statute,  
6 that is enacted before January 1, 2012 2016, deletes or extends  
7 that date. ~~The repeal of this section shall render the board subject~~  
8 ~~to the review required by Division 1.2 (commencing with Section~~  
9 ~~473). Notwithstanding any other provision of law, the repeal of~~  
10 ~~this section renders the board subject to review by the appropriate~~  
11 ~~policy committees of the Legislature.~~

12 SEC. 10. Section 18602 of the Business and Professions Code  
13 is amended to read:

14 18602. (a) Except as provided in this section, there is in the  
15 Department of Consumer Affairs the State Athletic Commission,  
16 which consists of seven members. Five members shall be appointed  
17 by the Governor, one member shall be appointed by the Senate  
18 Rules Committee, and one member shall be appointed by the  
19 Speaker of the Assembly.

20 The members of the commission appointed by the Governor are  
21 subject to confirmation by the Senate pursuant to Section 1322 of  
22 the Government Code.

23 No person who is currently licensed, or who was licensed within  
24 the last two years, under this chapter may be appointed or  
25 reappointed to, or serve on, the commission.

26 (b) In appointing commissioners under this section, the  
27 Governor, the Senate Rules Committee, and the Speaker of the  
28 Assembly shall make every effort to ensure that at least four of  
29 the members of the commission shall have experience and  
30 demonstrate expertise in one of the following areas:

31 (1) A licensed physician or surgeon having expertise or  
32 specializing in neurology, neurosurgery, head trauma, or sports  
33 medicine. Sports medicine includes, but is not limited to,  
34 physiology, kinesiology, or other aspects of sports medicine.

35 (2) Financial management.

36 (3) Public safety.

37 (4) Past experience in the activity regulated by this chapter,  
38 either as a contestant, a referee or official, a promoter, or a venue  
39 operator.

1 (c) Each member of the commission shall be appointed for a  
2 term of four years. All terms shall end on January 1. Vacancies  
3 occurring prior to the expiration of the term shall be filled by  
4 appointment for the unexpired term. No commission member may  
5 serve more than two consecutive terms.

6 (d) Notwithstanding any other provision of this chapter,  
7 members first appointed shall be subject to the following terms:

8 (1) The Governor shall appoint two members for two years, two  
9 members for three years, and one member for four years.

10 (2) The Senate Committee on Rules shall appoint one member  
11 for four years.

12 (3) The Speaker of the Assembly shall appoint one member for  
13 four years.

14 (e) This section shall remain in effect only until January 1, ~~2012~~  
15 *2016*, and as of that date is repealed, unless a later enacted statute,  
16 that is enacted before January 1, ~~2012~~ *2016*, deletes or extends  
17 that date.

18 ~~The repeal of this section renders the commission subject to the~~  
19 ~~review required by Division 1.2 (commencing with Section 473).~~

20 *Notwithstanding any other provision of law, the repeal of this*  
21 *section renders the board subject to review by the appropriate*  
22 *policy committees of the Legislature.*

23 SEC. 11. Section 18613 of the Business and Professions Code  
24 is amended to read:

25 18613. (a) (1) The commission shall appoint a person exempt  
26 from civil service who shall be designated as an executive officer  
27 and who shall exercise the powers and perform the duties delegated  
28 by the commission and vested in him or her by this chapter. The  
29 appointment of the executive officer is subject to the approval of  
30 the Director of Consumer Affairs.

31 (2) The commission may employ in accordance with Section  
32 154 other personnel as may be necessary for the administration of  
33 this chapter.

34 (b) This section shall remain in effect only until January 1, ~~2012~~  
35 *2016*, and as of that date is repealed, unless a later enacted statute,  
36 that is enacted before January 1, ~~2012~~ *2016*, deletes or extends  
37 that date.