

AMENDED IN SENATE APRIL 6, 2011

SENATE BILL

No. 543

Introduced by Senator Price

February 17, 2011

An act to amend Sections 5510, 5517, 5552.5, 5620, 5621, 5622, 6710, 6714, 7200, 7215.6, 8710, 18602, and 18613 of the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing

(1) *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.

(2) Existing law authorizes the California Architects Board to, by regulation, implement an intern development program until July 1, 2012.

This bill by deleting that termination date, would instead authorize the board to, by regulation, implement the intern development program indefinitely.

(3) Existing law authorizes the State Board of Guide Dogs for the Blind to establish an arbitration panel pilot project, until January 1, 2012, for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified.

This bill would instead authorize the arbitration panel pilot project until January 1, 2014.

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, 2016,
- 8 and as of that date is repealed, unless a later enacted statute, that
- 9 is enacted before January 1, 2016, deletes or extends that date.
- 10 Notwithstanding any other provision of law, the repeal of this
- 11 section renders the board subject to review by the appropriate
- 12 policy committees of the Legislature.
- 13 SEC. 2. Section 5517 of the Business and Professions Code is
- 14 amended to read:
- 15 5517. The board may appoint a person exempt from civil
- 16 service who shall be designated as an executive officer and who
- 17 shall exercise the powers and perform the duties delegated by the
- 18 board and vested in him or her by this chapter.
- 19 This section shall remain in effect only until January 1, 2016,
- 20 and as of that date is repealed, unless a later enacted statute, that
- 21 is enacted before January 1, 2016, deletes or extends that date.
- 22 SEC. 3. Section 5552.5 of the Business and Professions Code
- 23 is amended to read:

1 5552.5. The board may, by regulation, implement an intern
2 development program ~~until July 1, 2012.~~

3 ~~SEC. 3.~~

4 *SEC. 4.* Section 5620 of the Business and Professions Code is
5 amended to read:

6 5620. The duties, powers, purposes, responsibilities, and
7 jurisdiction of the California State Board of Landscape Architects
8 that were succeeded to and vested with the Department of
9 Consumer Affairs in accordance with Chapter 908 of the Statutes
10 of 1994 are hereby transferred to the California Architects Board.
11 The Legislature finds that the purpose for the transfer of power is
12 to promote and enhance the efficiency of state government and
13 that assumption of the powers and duties by the California
14 Architects Board shall not be viewed or construed as a precedent
15 for the establishment of state regulation over a profession or
16 vocation that was not previously regulated by a board, as defined
17 in Section 477.

18 (a) There is in the Department of Consumer Affairs a California
19 Architects Board as defined in Article 2 (commencing with Section
20 5510) of Chapter 3.

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

23 (b) Except as provided herein, the board may delegate its
24 authority under this chapter to the Landscape Architects Technical
25 Committee.

26 (c) After review of proposed regulations, the board may direct
27 the examining committee to notice and conduct hearings to adopt,
28 amend, or repeal regulations pursuant to Section 5630, provided
29 that the board itself shall take final action to adopt, amend, or
30 repeal those regulations.

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

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

37 ~~SEC. 4.~~

38 *SEC. 5.* Section 5621 of the Business and Professions Code is
39 amended to read:

1 5621. (a) There is hereby created within the jurisdiction of the
2 board, a Landscape Architects Technical Committee, hereinafter
3 referred to in this chapter as the landscape architects committee.

4 (b) The landscape architects committee shall consist of five
5 members who shall be licensed to practice landscape architecture
6 in this state. The Governor shall appoint three of the members.
7 The Senate Committee on Rules and the Speaker of the Assembly
8 shall appoint one member each.

9 (c) The initial members to be appointed by the Governor are as
10 follows: one member for a term of one year; one member for a
11 term of two years; and one member for a term of three years. The
12 Senate Committee on Rules and the Speaker of the Assembly shall
13 initially each appoint one member for a term of four years.
14 Thereafter, appointments shall be made for four-year terms,
15 expiring on June 1 of the fourth year and until the appointment
16 and qualification of his or her successor or until one year shall
17 have elapsed, whichever first occurs. Vacancies shall be filled for
18 the unexpired term.

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

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

24 ~~SEC. 5.~~

25 *SEC. 6.* Section 5622 of the Business and Professions Code is
26 amended to read:

27 5622. (a) The landscape architects committee may assist the
28 board in the examination of candidates for a landscape architect's
29 license and, after investigation, evaluate and make
30 recommendations regarding potential violations of this chapter.

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

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

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

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

4 ~~SEC. 6.~~

5 *SEC. 7.* Section 6710 of the Business and Professions Code is
6 amended to read:

7 6710. (a) There is in the Department of Consumer Affairs a
8 Board for Professional Engineers, Land Surveyors, and Geologists,
9 which consists of 15 members.

10 (b) Any reference in any law or regulation to the Board of
11 Registration for Professional Engineers and Land Surveyors, or
12 the Board for Professional Engineers and Land Surveyors, is
13 deemed to refer to the Board for Professional Engineers, Land
14 Surveyors, and Geologists.

15 (c) This section shall remain in effect only until January 1, 2016,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2016, deletes or extends that date.
18 Notwithstanding any other provision of law, the repeal of this
19 section renders the board subject to review by the appropriate
20 policy committees of the Legislature.

21 ~~SEC. 7.~~

22 *SEC. 8.* Section 6714 of the Business and Professions Code is
23 amended to read:

24 6714. The board shall appoint an executive officer at a salary
25 to be fixed and determined by the board with the approval of the
26 Director of Finance.

27 This section shall remain in effect only until January 1, 2016,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2016, deletes or extends that date.

30 ~~SEC. 8.~~

31 *SEC. 9.* Section 7200 of the Business and Professions Code is
32 amended to read:

33 7200. (a) There is in the Department of Consumer Affairs a
34 State Board of Guide Dogs for the Blind in whom enforcement of
35 this chapter is vested. The board shall consist of seven members
36 appointed by the Governor. One member shall be the Director of
37 Rehabilitation or his or her designated representative. The
38 remaining members shall be persons who have shown a particular
39 interest in dealing with the problems of the blind, and at least two
40 of them shall be blind persons who use guide dogs.

1 (b) This section shall remain in effect only until January 1, 2014,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2014, deletes or extends that date.
4 Notwithstanding any other provision of law, the repeal of this
5 section renders the board subject to review by the appropriate
6 policy committees of the Legislature.

7 *SEC. 10. Section 7215.6 of the Business and Professions Code*
8 *is amended to read:*

9 7215.6. (a) In order to provide a procedure for the resolution
10 of disputes between guide dog users and guide dog schools relating
11 to the continued physical custody and use of a guide dog, in all
12 cases except those in which the dog user is the unconditional legal
13 owner of the dog, the following arbitration procedure shall be
14 established as a pilot project.

15 (b) This procedure establishes an arbitration panel for the
16 settlement of disputes between a guide dog user and a licensed
17 guide dog school regarding the continued use of a guide dog by
18 the user in all cases except those in which the dog user is the
19 unconditional legal owner of the dog. The disputes that may be
20 subject to this procedure concern differences between the user and
21 school over whether or not a guide dog should continue to be used,
22 differences between the user and school regarding the treatment
23 of a dog by the user, and differences over whether or not a user
24 should continue to have custody of a dog pending investigation of
25 charges of abuse. It specifically does not address issues such as
26 admissions to schools, training practices, or other issues relating
27 to school standards. The board and its representative are not parties
28 to any dispute described in this section.

29 (c) The licensed guide dog schools in California and the board
30 shall provide to guide dog users graduating from guide dog
31 programs in these schools a new avenue for the resolution of
32 disputes that involve continued use of a guide dog, or the actual
33 physical custody of a guide dog. Guide dog users who are
34 dissatisfied with decisions of schools regarding continued use of
35 guide dogs may appeal to the board to convene an arbitration panel
36 composed of all of the following:

- 37 (1) One person designated by the guide dog user.
- 38 (2) One person designated by the licensed guide dog school.
- 39 (3) A representative of the board who shall coordinate the
40 activities of the panel and serve as chair.

1 (d) If the guide dog user or guide dog school wishes to utilize
2 the arbitration panel, this must be stated in writing to the board.
3 The findings and decision of the arbitration panel shall be final
4 and binding. By voluntarily agreeing to having a dispute resolved
5 by the arbitration panel and subject to its procedures, each party
6 to the dispute shall waive any right for subsequent judicial review.

7 (e) A licensed guide dog school that fails to comply with any
8 provision of this section shall automatically be subject to a penalty
9 of two hundred fifty dollars (\$250) per day for each day in which
10 a violation occurs. The penalty shall be paid to the board. The
11 license of a guide dog school shall not be renewed until all penalties
12 have been paid.

13 The fine shall be assessed without advance hearing, but the
14 licensee may apply to the board for a hearing on the issue of
15 whether the fine should be modified or set aside. This application
16 shall be in writing and shall be received by the board within 30
17 days after service of notice of the fine. Upon receipt of this written
18 request, the board shall set the matter for hearing within 60 days.

19 (f) As a general rule, custody of the guide dog shall remain with
20 the guide dog user pending a resolution by the arbitration panel.
21 In circumstances where the immediate health and safety of the
22 guide dog user or guide dog is threatened, the licensed school may
23 take custody of the dog at once. However, if the dog is removed
24 from the user's custody without the user's concurrence, the school
25 shall provide to the board the evidence that caused this action to
26 be taken at once and without fail; and within five calendar days a
27 special committee of two members of the board shall make a
28 determination regarding custody of the dog pending hearing by
29 the arbitration panel.

30 (g) The arbitration panel shall decide the best means to
31 determine final resolution in each case. This shall include, but is
32 not limited to, a hearing of the matter before the arbitration panel
33 at the request of either party to the dispute, an opportunity for each
34 party in the dispute to make presentations before the arbitration
35 panel, examination of the written record, or any other inquiry as
36 will best reveal the facts of the disputes. In any case, the panel
37 shall make its findings and complete its examination within 45
38 calendar days of the date of filing the request for arbitration, and
39 a decision shall be rendered within 10 calendar days of the
40 examination.

1 All arbitration hearings shall be held at sites convenient to the
2 parties and with a view to minimizing costs. Each party to the
3 arbitration shall bear its own costs, except that the arbitration panel,
4 by unanimous agreement, may modify this arrangement.

5 (h) The board may study the effectiveness of the arbitration
6 panel pilot project in expediting resolution and reducing conflict
7 in disputes between guide dog users and guide dog schools and
8 may share its findings with the Legislature upon request.

9 (i) This section shall ~~become inoperative on July 1, 2011, and~~
10 ~~as of January 1, 2012, remain in effect only until January 1, 2014,~~
11 ~~and as of that date~~ is repealed, unless a later enacted statute, ~~which~~
12 ~~that~~ is enacted before January 1, ~~2012~~ 2014, deletes or extends
13 that date.

14 ~~SEC. 9.~~

15 *SEC. 11.* Section 8710 of the Business and Professions Code
16 is amended to read:

17 8710. (a) The Board for Professional Engineers and Land
18 Surveyors is vested with power to administer the provisions and
19 requirements of this chapter, and may make and enforce rules and
20 regulations that are reasonably necessary to carry out its provisions.

21 (b) The board may adopt rules and regulations of professional
22 conduct that are not inconsistent with state and federal law. The
23 rules and regulations may include definitions of incompetence and
24 negligence. Every person who holds a license or certificate issued
25 by the board pursuant to this chapter, or a license or certificate
26 issued to a civil engineer pursuant to Chapter 7 (commencing with
27 Section 6700), shall be governed by these rules and regulations.

28 (c) This section shall remain in effect only until January 1, 2016,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2016, deletes or extends that date.
31 Notwithstanding any other provision of law, the repeal of this
32 section renders the board subject to review by the appropriate
33 policy committees of the Legislature.

34 ~~SEC. 10.~~

35 *SEC. 12.* Section 18602 of the Business and Professions Code
36 is amended to read:

37 18602. (a) Except as provided in this section, there is in the
38 Department of Consumer Affairs the State Athletic Commission,
39 which consists of seven members. Five members shall be appointed
40 by the Governor, one member shall be appointed by the Senate

1 Rules Committee, and one member shall be appointed by the
2 Speaker of the Assembly.

3 The members of the commission appointed by the Governor are
4 subject to confirmation by the Senate pursuant to Section 1322 of
5 the Government Code.

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

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

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

18 (2) Financial management.

19 (3) Public safety.

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

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

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

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

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

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

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

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

4 ~~SEC. 11.~~

5 *SEC. 13.* Section 18613 of the Business and Professions Code
6 is amended to read:

7 18613. (a) (1) The commission shall appoint a person exempt
8 from civil service who shall be designated as an executive officer
9 and who shall exercise the powers and perform the duties delegated
10 by the commission and vested in him or her by this chapter. The
11 appointment of the executive officer is subject to the approval of
12 the Director of Consumer Affairs.

13 (2) The commission may employ in accordance with Section
14 154 other personnel as may be necessary for the administration of
15 this chapter.

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