

AMENDED IN SENATE APRIL 14, 2011

AMENDED IN SENATE APRIL 6, 2011

**SENATE BILL**

**No. 543**

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**Introduced by Senator Price**

February 17, 2011

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An act to amend Sections 144, 5510, 5517, 5552.5, 5600, 5620, 5621, 5622, 6710, 6714, 6763.1, 6797, 7000.5, 7011, 7200, 7215.6, 7885, 7886, 7887, 8710, 8800, 18602, ~~and~~ 18613, *and 18618* of the Business and Professions Code, relating to business and professions, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law *authorizes a board to suspend or revoke a license on various grounds, including, but not limited to, conviction of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires applicants to certain boards to provide a full set of fingerprints for the purpose of conducting criminal history record checks.*

*This bill would make the fingerprinting requirement applicable to the Board for Professional Engineers, Land Surveyors, and Geologists.*

(2) 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 Contractors' State License Board*, 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 *and the State Athletic Commission*, 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)

(3) 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.

(4) *Existing law provides for the expiration of a license to practice architecture on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.*

*This bill would instead provide for the expiration of a license within 24 months after the issue date as established by the board.*

(3)

(5) 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.

(6) *Existing law requires an applicant to use the title “structural engineer” to have successfully passed both a written examination that incorporates a national examination for structural engineers and a supplemental California specific examination, as specified.*

*This bill would instead require these applicants to pass only a written examination for structural engineering that is administered by a nationally recognized entity approved by the board.*

(7) *Existing law establishes the Professional Engineer’s and Land Surveyor’s Fund, requires all money received by the Department of Consumer Affairs from the operation of the Professional Engineer’s*

*Act and the Professional Land Surveyor’s Act to be deposited in the fund, and appropriates the moneys in the fund for the purposes of those acts. Existing law establishes the Geology and Geophysics Fund and requires the Board for Professional Engineers, Land Surveyors, and Geologists to provide all money received by the board under the Geologists and Geophysicists Act to the State Treasury for credit to the Geology and Geophysics Fund.*

*This bill would abolish the Geology and Geophysics Fund, rename the Professional Engineer’s and Land Surveyor’s Fund as the Professional Engineer’s, Land Surveyor’s, Geologist’s, and Geophysicist’s Fund, and require all moneys received by the board under the Geologists and Geophysicists Act to be deposited in that fund. The bill would require all moneys paid into the fund pursuant to the Geologists and Geophysicists Act to be appropriated to carry out the provisions of the act.*

*(8) Existing law requires an applicant for registration as a geologist to pay an examination fee fixed by the board at an amount equal to the actual cost to the board to administer the examination, not to exceed \$450.*

*This bill would delete the provisions limiting the examination fee to \$450.*

*(9) Existing law requires the State Athletic Commission to provide a report to the Governor and the Legislature by July 30, 2010, regarding the condition of the State Athletic Commission Neurological Examination Account and the Boxers’ Pension Fund, as specified.*

*This bill would require the commission to provide the report to the Legislature by July 30, 2012.*

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.** *Section 144 of the Business and Professions Code*  
2 *is amended to read:*

3     144. (a) Notwithstanding any other provision of law, an agency  
4 designated in subdivision (b) shall require an applicant to furnish  
5 to the agency a full set of fingerprints for purposes of conducting  
6 criminal history record checks. Any agency designated in  
7 subdivision (b) may obtain and receive, at its discretion, criminal

1 history information from the Department of Justice and the United  
2 States Federal Bureau of Investigation.

3 (b) Subdivision (a) applies to the following:

4 (1) California Board of Accountancy.  
5 (2) State Athletic Commission.  
6 (3) Board of Behavioral Sciences.  
7 (4) Court Reporters Board of California.  
8 (5) State Board of Guide Dogs for the Blind.  
9 (6) California State Board of Pharmacy.  
10 (7) Board of Registered Nursing.  
11 (8) Veterinary Medical Board.  
12 (9) Registered Veterinary Technician Committee.  
13 (10) Board of Vocational Nursing and Psychiatric Technicians.  
14 (11) Respiratory Care Board of California.  
15 (12) Hearing Aid Dispensers Advisory Commission.  
16 (13) Physical Therapy Board of California.  
17 (14) Physician Assistant Committee of the Medical Board of  
18 California.  
19 (15) Speech-Language Pathology and Audiology Board.  
20 (16) Medical Board of California.  
21 (17) State Board of Optometry.  
22 (18) Acupuncture Board.  
23 (19) Cemetery and Funeral Bureau.  
24 (20) Bureau of Security and Investigative Services.  
25 (21) Division of Investigation.  
26 (22) Board of Psychology.  
27 (23) The California Board of Occupational Therapy.  
28 (24) Structural Pest Control Board.  
29 (25) Contractors' State License Board.  
30 (26) Bureau of Naturopathic Medicine.  
31 (27) The Professional Fiduciaries Bureau.  
32 (28) *Board for Professional Engineers, Land Surveyors, and*  
33 *Geologists.*

34 (c) The provisions of paragraph (24) of subdivision (b) shall  
35 become operative on July 1, 2004. The provisions of paragraph  
36 (25) of subdivision (b) shall become operative on the date on which  
37 sufficient funds are available for the Contractors' State License  
38 Board and the Department of Justice to conduct a criminal history  
39 record check pursuant to this section or on July 1, 2005, whichever  
40 occurs first.

1 SECTION 1.

2 SEC. 2. Section 5510 of the Business and Professions Code is  
3 amended to read:

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

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

8 This section shall remain in effect only until January 1, 2016,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2016, deletes or extends that date.  
11 Notwithstanding any other provision of law, the repeal of this  
12 section renders the board subject to review by the appropriate  
13 policy committees of the Legislature.

14 ~~SEC. 2.~~

15 SEC. 3. 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, 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. 3.~~

25 SEC. 4. Section 5552.5 of the Business and Professions Code  
26 is amended to read:

27 5552.5. The board may, by regulation, implement an intern  
28 development program.

29 SEC. 5. *Section 5600 of the Business and Professions Code is*  
30 *amended to read:*

31 ~~5600. (a) All licenses issued or renewed under this chapter~~  
32 ~~shall expire at 12 midnight on the last day of the birth month of~~  
33 ~~the licenseholder in each odd-numbered year following the issuance~~  
34 ~~or renewal of the license.~~ *Licenses issued under this chapter shall*  
35 *expire no more than 24 months after the issue date. The expiration*  
36 *date of the original license shall be set by the board in a manner*  
37 *to best distribute renewal procedures throughout each year.*

38 (b) To renew an unexpired license, the licenseholder shall,  
39 ~~before the time at which the license would otherwise expire on or~~  
40 ~~before the expiration date of the license,~~ apply for renewal on a

1 form prescribed by the board, and pay the renewal fee prescribed  
2 by this chapter.

3 (c) The renewal form shall include a statement specifying  
4 whether the licensee was convicted of a crime or disciplined by  
5 another public agency during the preceding renewal period and  
6 that the licensee's representations on the renewal form are true,  
7 correct, and contain no material omissions of fact, to the best  
8 knowledge and belief of the licensee.

9 ~~SEC. 4.~~

10 *SEC. 6.* Section 5620 of the Business and Professions Code  
11 is amended to read:

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

24 (a) There is in the Department of Consumer Affairs a California  
25 Architects Board as defined in Article 2 (commencing with Section  
26 5510) of Chapter 3.

27 Whenever in this chapter "board" is used, it refers to the  
28 California Architects Board.

29 (b) Except as provided herein, the board may delegate its  
30 authority under this chapter to the Landscape Architects Technical  
31 Committee.

32 (c) After review of proposed regulations, the board may direct  
33 the examining committee to notice and conduct hearings to adopt,  
34 amend, or repeal regulations pursuant to Section 5630, provided  
35 that the board itself shall take final action to adopt, amend, or  
36 repeal those regulations.

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

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. 5.~~

5 *SEC. 7.* Section 5621 of the Business and Professions Code is  
6 amended to read:

7 5621. (a) There is hereby created within the jurisdiction of the  
8 board, a Landscape Architects Technical Committee, hereinafter  
9 referred to in this chapter as the landscape architects committee.

10 (b) The landscape architects committee shall consist of five  
11 members who shall be licensed to practice landscape architecture  
12 in this state. The Governor shall appoint three of the members.  
13 The Senate Committee on Rules and the Speaker of the Assembly  
14 shall appoint one member each.

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

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

27 (e) 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. 6.~~

31 *SEC. 8.* Section 5622 of the Business and Professions Code is  
32 amended to read:

33 5622. (a) The landscape architects committee may assist the  
34 board in the examination of candidates for a landscape architect's  
35 license and, after investigation, evaluate and make  
36 recommendations regarding potential violations of this chapter.

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

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

4 (d) The landscape architects committee may send a  
5 representative to all meetings of the full board to report on the  
6 committee’s activities.

7 (e) 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 ~~SEC. 7.~~

11 *SEC. 9.* Section 6710 of the Business and Professions Code is  
12 amended to read:

13 6710. (a) There is in the Department of Consumer Affairs a  
14 Board for Professional Engineers, Land Surveyors, and Geologists,  
15 which consists of 15 members.

16 (b) Any reference in any law or regulation to the Board of  
17 Registration for Professional Engineers and Land Surveyors, or  
18 the Board for Professional Engineers and Land Surveyors, is  
19 deemed to refer to the Board for Professional Engineers, Land  
20 Surveyors, and Geologists.

21 (c) 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 Notwithstanding any other provision of law, the repeal of this  
25 section renders the board subject to review by the appropriate  
26 policy committees of the Legislature.

27 ~~SEC. 8.~~

28 *SEC. 10.* Section 6714 of the Business and Professions Code  
29 is amended to read:

30 6714. The board shall appoint an executive officer at a salary  
31 to be fixed and determined by the board with the approval of the  
32 Director of Finance.

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

36 *SEC. 11. Section 6763.1 of the Business and Professions Code*  
37 *is amended to read:*

38 6763.1. An applicant to use the title “structural engineer” shall  
39 have successfully passed a written examination ~~that incorporates~~  
40 ~~a national examination~~ for structural engineering *that is*

1 *administered* by a nationally recognized entity approved by the  
2 board, ~~if available, and a supplemental California specific~~  
3 ~~examination. The California specific examination shall test the~~  
4 ~~applicant's knowledge of state laws, rules, and regulations, and of~~  
5 ~~seismicity and structural engineering unique to practice in this~~  
6 ~~state. The board shall use the national examination on or before~~  
7 ~~December 31, 2004.~~

8 *SEC. 12. Section 6797 of the Business and Professions Code*  
9 *is amended to read:*

10 6797. The department shall receive and account for all money  
11 derived from the operation of this chapter and, at the end of each  
12 month, shall report such money to the State Controller and shall  
13 pay it to the State Treasurer, who shall keep the money in a separate  
14 fund known as the Professional Engineer's ~~and~~, Land Surveyor's,  
15 *Geologist's, and Geophysicist's* Fund.

16 For accounting and recordkeeping purposes, the Professional  
17 Engineer's ~~and~~, Land Surveyor's, *Geologist's, and Geophysicist's*  
18 Fund shall be deemed to be a single special fund, and shall be  
19 available for expenditure only for the purposes as are now or may  
20 hereafter be provided by law.

21 The fees and civil penalties received under this chapter shall be  
22 deposited in the Professional Engineer's ~~and~~, Land Surveyor's,  
23 *Geologist's, and Geophysicist's* Fund. All moneys in the fund are  
24 hereby appropriated for the purposes of this chapter.

25 *SEC. 13. Section 7000.5 of the Business and Professions Code*  
26 *is amended to read:*

27 7000.5. (a) There is in the Department of Consumer Affairs  
28 a Contractors' State License Board, which consists of 15 members.

29 (b) ~~The Notwithstanding any other provision of law, the repeal~~  
30 ~~of this section renders the board subject to the review required by~~  
31 ~~Division 1.2 (commencing with Section 473). However, the review~~  
32 ~~of this board by the department shall be limited to only those~~  
33 ~~unresolved issues identified by the Joint Committee on Boards,~~  
34 ~~Commissions, and Consumer Protection review by the appropriate~~  
35 ~~policy committees of the Legislature.~~

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.

1 The repeal of this section renders the board subject to the review  
2 required by Division 1.2 (commencing with Section 473):

3 *SEC. 14. Section 7011 of the Business and Professions Code*  
4 *is amended to read:*

5 7011. (a) The board, by and with the approval of the director,  
6 shall appoint a registrar of contractors and fix his or her  
7 compensation.

8 ~~The~~

9 (b) *The* registrar shall be the executive officer and secretary of  
10 the board and shall carry out all of the administrative duties as  
11 provided in this chapter and as delegated to him or her by the  
12 board.

13 ~~For~~

14 (c) *For* the purpose of administration of this chapter, there may  
15 be appointed a deputy registrar, a chief reviewing and hearing  
16 officer, and, subject to Section 159.5, other assistants and  
17 subordinates as may be necessary.

18 ~~Appointments~~

19 (d) *Appointments* shall be made in accordance with the  
20 provisions of civil service laws.

21 ~~This~~

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. 9.~~

27 *SEC. 15. Section 7200 of the Business and Professions Code*  
28 *is amended to read:*

29 7200. (a) There is in the Department of Consumer Affairs a  
30 State Board of Guide Dogs for the Blind in whom enforcement of  
31 this chapter is vested. The board shall consist of seven members  
32 appointed by the Governor. One member shall be the Director of  
33 Rehabilitation or his or her designated representative. The  
34 remaining members shall be persons who have shown a particular  
35 interest in dealing with the problems of the blind, and at least two  
36 of them shall be blind persons who use guide dogs.

37 (b) This section shall remain in effect only until January 1, 2014,  
38 and as of that date is repealed, unless a later enacted statute, that  
39 is enacted before January 1, 2014, deletes or extends that date.  
40 Notwithstanding any other provision of law, the repeal of this

1 section renders the board subject to review by the appropriate  
2 policy committees of the Legislature.

3 ~~SEC. 10.~~

4 *SEC. 16.* Section 7215.6 of the Business and Professions Code  
5 is amended to read:

6 7215.6. (a) In order to provide a procedure for the resolution  
7 of disputes between guide dog users and guide dog schools relating  
8 to the continued physical custody and use of a guide dog, in all  
9 cases except those in which the dog user is the unconditional legal  
10 owner of the dog, the following arbitration procedure shall be  
11 established as a pilot project.

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

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

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

38 (d) If the guide dog user or guide dog school wishes to utilize  
39 the arbitration panel, this must be stated in writing to the board.  
40 The findings and decision of the arbitration panel shall be final

1 and binding. By voluntarily agreeing to having a dispute resolved  
2 by the arbitration panel and subject to its procedures, each party  
3 to the dispute shall waive any right for subsequent judicial review.

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

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

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

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

38 All arbitration hearings shall be held at sites convenient to the  
39 parties and with a view to minimizing costs. Each party to the

1 arbitration shall bear its own costs, except that the arbitration panel,  
2 by unanimous agreement, may modify this arrangement.

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

7 (i) This section shall remain in effect only until January 1, 2014,  
8 and as of that date is repealed, unless a later enacted statute, that  
9 is enacted before January 1, 2014, deletes or extends that date.

10 *SEC. 17. Section 7885 of the Business and Professions Code*  
11 *is amended to read:*

12 7885. The board shall report each month to the State Controller  
13 the amount and source of all revenue received by it pursuant to  
14 this chapter and at the same time pay the entire amount thereof  
15 into the State Treasury for credit to the ~~Geology and Geophysics~~  
16 ~~Fund, which fund is hereby created~~ *Professional Engineer's, Land*  
17 *Surveyor's, Geologist's, and Geophysicist's Fund, established in*  
18 *Section 6797.*

19 *SEC. 18. Section 7886 of the Business and Professions Code*  
20 *is amended to read:*

21 7886. ~~The money moneys~~ paid into the ~~Geology and~~  
22 ~~Geophysics~~ *Professional Engineer's, Land Surveyor's, Geologist's,*  
23 *and Geophysicist's Fund shall pursuant to this chapter are hereby*  
24 *appropriated* to be used by the board to carry out the provisions  
25 of this chapter.

26 *SEC. 19. Section 7887 of the Business and Professions Code*  
27 *is amended to read:*

28 7887. The amount of the fees prescribed by this chapter shall  
29 be fixed by the board in accordance with the following schedule:

30 (a) The fee for filing each application for registration as a  
31 geologist or a geophysicist or certification as a specialty geologist  
32 or a specialty geophysicist and for administration of the  
33 examination at not more than two hundred and fifty dollars (\$250).

34 (b) The registration fee for a geologist or for a geophysicist and  
35 the fee for the certification in a specialty shall be fixed at an amount  
36 equal to the renewal fee in effect on the last regular renewal date  
37 before the date on which the certificate is issued, except that, with  
38 respect to certificates that will expire less than one year after  
39 issuance, the fee shall be fixed at an amount equal to 50 percent  
40 of the renewal fee in effect on the last regular renewal date before

1 the date on which the certificate is issued. The board may, by  
2 appropriate regulation, provide for the waiver or refund of the  
3 initial certificate fee where the certificate is issued less than 45  
4 days before the date on which it will expire.

5 (c) The duplicate certificate fee at not more than six dollars  
6 (\$6).

7 (d) The temporary registration fee for a geologist or for a  
8 geophysicist at not more than eighty dollars (\$80).

9 (e) The renewal fee for a geologist or for a geophysicist shall  
10 be fixed by the board at not more than four hundred dollars (\$400).

11 (f) The renewal fee for a specialty geologist or for a specialty  
12 geophysicist at not more than one hundred dollars (\$100).

13 (g) Notwithstanding Section 163.5, the delinquency fee for a  
14 certificate is an amount equal to 50 percent of the renewal fee in  
15 effect on the last regular renewal date.

16 (h) Each applicant for registration as a geologist shall pay an  
17 examination fee fixed by the board at an amount equal to the actual  
18 cost to the board to administer the examination described in  
19 subdivision (d) of Section 7841 that shall not exceed four hundred  
20 fifty dollars (\$450).

21 (i) Each applicant for registration as a geophysicist or  
22 certification as an engineering geologist or certification as a  
23 hydrogeologist shall pay an examination fee fixed by the board at  
24 an amount equal to the actual cost to the board for the development  
25 and maintenance of the written examination, and shall not exceed  
26 one hundred dollars (\$100).

27 ~~SEC. 11.~~

28 *SEC. 20.* Section 8710 of the Business and Professions Code  
29 is amended to read:

30 8710. (a) The Board for Professional Engineers and Land  
31 Surveyors is vested with power to administer the provisions and  
32 requirements of this chapter, and may make and enforce rules and  
33 regulations that are reasonably necessary to carry out its provisions.

34 (b) The board may adopt rules and regulations of professional  
35 conduct that are not inconsistent with state and federal law. The  
36 rules and regulations may include definitions of incompetence and  
37 negligence. Every person who holds a license or certificate issued  
38 by the board pursuant to this chapter, or a license or certificate  
39 issued to a civil engineer pursuant to Chapter 7 (commencing with  
40 Section 6700), shall be governed by these rules and regulations.

1 (c) 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 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. 21. Section 8800 of the Business and Professions Code*  
8 *is amended to read:*

9 8800. The department shall receive and account for all money  
10 derived under the operation of this chapter and, at the end of each  
11 month, shall report such money to the State Controller and shall  
12 pay it to the State Treasurer, who shall keep the money in a separate  
13 fund known as the Professional Engineer's~~and~~, Land Surveyor's,  
14 *Geologist's, and Geophysicist's* Fund.

15 For accounting and recordkeeping purposes, the Professional  
16 Engineer's~~and~~, Land Surveyor's, *Geologist's, and Geophysicist's*  
17 Fund shall be deemed to be a single special fund, and shall be  
18 available for expenditure only for the purposes as are now or may  
19 hereafter be provided by law.

20 The fees and civil penalties received under this chapter shall be  
21 deposited in the Professional Engineer's~~and~~, Land Surveyor's,  
22 *Geologist's, and Geophysicist's* Fund. All moneys in the fund are  
23 hereby appropriated for the purposes of this chapter.

24 ~~SEC. 12.~~

25 *SEC. 22. Section 18602 of the Business and Professions Code*  
26 *is amended to read:*

27 18602. (a) Except as provided in this section, there is in the  
28 Department of Consumer Affairs the State Athletic Commission,  
29 which consists of seven members. Five members shall be appointed  
30 by the Governor, one member shall be appointed by the Senate  
31 Rules Committee, and one member shall be appointed by the  
32 Speaker of the Assembly.

33 The members of the commission appointed by the Governor are  
34 subject to confirmation by the Senate pursuant to Section 1322 of  
35 the Government Code.

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

39 (b) In appointing commissioners under this section, the  
40 Governor, the Senate Rules Committee, and the Speaker of the

1 Assembly shall make every effort to ensure that at least four of  
2 the members of the commission shall have experience and  
3 demonstrate expertise in one of the following areas:

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

8 (2) Financial management.

9 (3) Public safety.

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

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

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

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

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

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

26 (e) This section shall remain in effect only until January 1, ~~2016~~  
27 *2014*, and as of that date is repealed, unless a later enacted statute,  
28 that is enacted before January 1, ~~2016~~ *2014*, deletes or extends  
29 that date.

30 Notwithstanding any other provision of law, the repeal of this  
31 section renders the board subject to review by the appropriate  
32 policy committees of the Legislature.

33 ~~SEC. 13.~~

34 *SEC. 23.* Section 18613 of the Business and Professions Code  
35 is amended to read:

36 18613. (a) (1) The commission shall appoint a person exempt  
37 from civil service who shall be designated as an executive officer  
38 and who shall exercise the powers and perform the duties delegated  
39 by the commission and vested in him or her by this chapter. The

1 appointment of the executive officer is subject to the approval of  
2 the Director of Consumer Affairs.

3 (2) The commission may employ in accordance with Section  
4 154 other personnel as may be necessary for the administration of  
5 this chapter.

6 (b) This section shall remain in effect only until January 1, ~~2016~~  
7 2014, and as of that date is repealed, unless a later enacted statute,  
8 that is enacted before January 1, ~~2016~~ 2014, deletes or extends  
9 that date.

10 *SEC. 24. Section 18618 of the Business and Professions Code*  
11 *is amended to read:*

12 18618. The commission shall furnish to the Governor and the  
13 Legislature a report, on or before July 30, ~~2010~~ 2012, on the  
14 following:

15 (a) The condition of the State Athletic Commission Neurological  
16 Examination Account. This report shall include the amount of the  
17 assessment collected from each promoter pursuant to Section  
18 18711, the purposes for which moneys in the account are expended,  
19 and findings and recommendations on the amounts,  
20 appropriateness, and effectiveness of these assessments. The report  
21 shall also include a recommendation on the viability and need for  
22 creating a medical database that would be used for identifying  
23 trends in medical records and data associated with injuries and  
24 deaths related to competing.

25 (b) The condition of the Boxers' Pension Fund. This report shall  
26 include a recommendation on whether the fund should be continued  
27 and, if so, whether it should be expanded to include all athletes  
28 licensed under this chapter and appropriate fees paid into the fund.