

AMENDED IN ASSEMBLY JULY 12, 2011

AMENDED IN ASSEMBLY JUNE 23, 2011

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, 5000, 5015.6, 5076, 5076.1, 5510, 5517, 5552.5, 5620, 5621, 5622, 6510, 6530, 6710, 6714, 6763.1, 6797, 7000.5, 7011, 7200, 7215.6, 7885, 7886, 7887, 8710, 8800, 18602, 18613, and 18618 of, and to add Sections 5063.10 and 6582.2 to, 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 Board of Accountancy, the California Architects Board, the Landscape Architects Technical Committee, the Professional Fiduciaries Bureau, 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 and the State Athletic Commission, with certain exceptions, to appoint an executive officer and existing law authorizes the Governor to appoint the chief of the Professional Fiduciaries Bureau. 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, and except the Professional Fiduciaries Bureau, which would be extended until January 1, 2015. The bill would instead specify that these boards would be subject to review by the appropriate policy committees of the Legislature.

(3) With respect to accounting firms, existing law, until January 1, 2014, requires a firm, in order to renew its registration, to have a specified peer review report accepted by a California Board of Accountancy-recognized peer review group. Existing law, until January 1, 2014, requires the board to appoint a peer review oversight committee of certified public accountants to provide recommendations to the board relating to the effectiveness of mandatory peer review. Existing law also requires the board, by January 1, 2013, to provide the Legislature and the Governor with a report regarding specified peer review requirements that includes specified information.

This bill would extend the operation of the peer review report requirement and the peer review oversight committee ~~to January 1, 2016~~ *indefinitely*. The bill would require the report to the Legislature and the Governor to be submitted by January 1, 2015, and would require the report to include certain additional information and recommendations.

Existing law requires an accountant licensee to report to the board the occurrence of certain events taking place after January 1, 2003, including any restatement of a financial statement.

This bill would exempt any restatement that is included in any report filed with the United States Securities and Exchange Commission from this requirement.

(4) 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.

(5) Existing law prohibits a person from holding himself or herself out as a professional fiduciary without a license issued by the Professional Fiduciaries Bureau. Existing law exempts from the license requirement a person enrolled as an agent to practice before the Internal Revenue Service, as specified. Under existing law, a license may be suspended, revoked, denied, or other disciplinary action may be imposed for various reasons.

This bill would revise the exemption requirement by additionally requiring that the enrolled agent provide only fiduciary services that are ancillary to the primary services of an enrolled agent and that those services be provided at the request of a client with which the enrolled agent has an existing professional relationship. The bill would authorize the bureau, instead of issuing an accusation or statement of issues against a licensee or applicant, to enter into a specified settlement with a licensee or applicant.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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: 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 SEC. 2. Section 5000 of the Business and Professions Code is  
2 amended to read:

3 5000. There is in the Department of Consumer Affairs the  
4 California Board of Accountancy, which consists of 15 members,  
5 7 of whom shall be licensees, and 8 of whom shall be public  
6 members who shall not be licentiates of the board or registered by  
7 the board. The board has the powers and duties conferred by this  
8 chapter.

9 The Governor shall appoint four of the public members, and the  
10 seven licensee members as provided in this section. The Senate  
11 Committee on Rules and the Speaker of the Assembly shall each  
12 appoint two public members. In appointing the seven licensee  
13 members, the Governor shall appoint members representing a cross  
14 section of the accounting profession with at least two members  
15 representing a small public accounting firm. For the purposes of  
16 this chapter, a small public accounting firm shall be defined as a  
17 professional firm that employs a total of no more than four  
18 licensees as partners, owners, or full-time employees in the practice  
19 of public accountancy within the State of California.

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

23 Notwithstanding any other provision of law, the repeal of this  
24 section renders the board subject to review by the appropriate  
25 policy committees of the Legislature. However, the review of the  
26 board shall be limited to reports or studies specified in this chapter  
27 and those issues identified by the appropriate policy committees  
28 of the Legislature and the board regarding the implementation of  
29 new licensing requirements.

30 SEC. 3. Section 5015.6 of the Business and Professions Code  
31 is amended to read:

32 5015.6. The board may appoint a person exempt from civil  
33 service who shall be designated as an executive officer and who  
34 shall exercise the powers and perform the duties delegated by the  
35 board and vested in him or her by this chapter.

36 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.

39 SEC. 4. Section 5063.10 is added to the Business and  
40 Professions Code, to read:

1 5063.10. (a) Any restatement of a financial statement that is  
2 included in any report filed with the United States Securities and  
3 Exchange Commission shall be exempt from the requirement  
4 described in paragraph (1) of subdivision (b) of Section 5063.

5 (b) Nothing in this section shall be construed to require the  
6 reporting of any restatement of a financial statement that is not  
7 required to be submitted to the board pursuant to Section 59 of  
8 Title 16 of the California Code of Regulations.

9 SEC. 5. Section 5076 of the Business and Professions Code is  
10 amended to read:

11 5076. (a) In order to renew its registration, a firm, as defined  
12 in Section 5035.1, shall have a peer review report of its accounting  
13 and auditing practice accepted by a board-recognized peer review  
14 program no less frequently than every three years.

15 (b) For purposes of this article, the following definitions apply:

16 (1) "Peer review" means a study, appraisal, or review conducted  
17 in accordance with professional standards of the professional work  
18 of a firm, and may include an evaluation of other factors in  
19 accordance with the requirements specified by the board in  
20 regulations. The peer review report shall be issued by an individual  
21 who has a valid and current license, certificate, or permit to practice  
22 public accountancy from this state or another state and is  
23 unaffiliated with the firm being reviewed.

24 (2) "Accounting and auditing practice" includes any services  
25 that are performed using professional standards defined by the  
26 board in regulations.

27 (c) The board shall adopt regulations as necessary to implement,  
28 interpret, and make specific the peer review requirements in this  
29 section, including, but not limited to, regulations specifying the  
30 requirements for board recognition of a peer review program,  
31 standards for administering a peer review, extensions of time for  
32 fulfilling the peer review requirement, exclusions from the peer  
33 review program, and document submission.

34 (d) The board shall adopt emergency regulations in accordance  
35 with the Administrative Procedure Act (Chapter 3.5 (commencing  
36 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
37 Government Code) to establish policies, guidelines, and procedures  
38 as outlined in subdivision (c). The adoption of the regulations shall  
39 be considered by the Office of Administrative Law to be necessary  
40 for the immediate preservation of the public peace, health and

1 safety, or general welfare. The emergency regulations shall be  
2 submitted to the Office of Administrative Law for filing with the  
3 Secretary of State and publication in the California Code of  
4 Regulations, and shall be replaced in accordance with the  
5 Administrative Procedure Act.

6 (e) Nothing in this section shall prohibit the board from initiating  
7 an investigation and imposing discipline against a firm or licensee,  
8 either as the result of a complaint that alleges violations of statutes,  
9 rules, or regulations, or from information contained in a peer review  
10 report received by the board.

11 (f) A firm issued a substandard peer review report, as defined  
12 by the board in regulation, shall submit a copy of that report to the  
13 board. The board shall establish in regulation the time period that  
14 a firm must submit the report to the board. This period shall not  
15 exceed 60 days from the time the report is accepted by a  
16 board-recognized peer review program provider to the date the  
17 report is submitted to the board.

18 (g) (1) A board-recognized peer review program provider shall  
19 file a copy with the board of all substandard peer review reports  
20 issued to California-licensed firms. The board shall establish in  
21 regulation the time period that a board-recognized peer review  
22 program provider shall file the report with the board. This period  
23 shall not exceed 60 days from the time the report is accepted by a  
24 board-recognized peer review program provider to the date the  
25 report is filed with the board. These reports may be filed with the  
26 board electronically.

27 (2) Nothing in this subdivision shall require a board-recognized  
28 peer review program provider, when administering peer reviews  
29 in another state, to violate the laws of that state.

30 (h) The board shall, by January 1, 2010, define a substandard  
31 peer review report in regulation.

32 (i) Any requirements imposed by a board-recognized peer review  
33 program on a firm in conjunction with the completion of a peer  
34 review shall be separate from, and in addition to, any action by  
35 the board pursuant to this section.

36 (j) Any report of a substandard peer review submitted to the  
37 board in conjunction with this section shall be collected for  
38 investigatory purposes.

39 (k) Nothing in this section affects the discovery or admissibility  
40 of evidence in a civil or criminal action.

1 (l) Nothing in this section requires any firm to become a member  
2 of any professional organization.

3 (m) A peer reviewer shall not disclose information concerning  
4 licensees or their clients obtained during a peer review, unless  
5 specifically authorized pursuant to this section, Section 5076.1, or  
6 regulations prescribed by the board.

7 (n) (1) By January 1, 2015, the board shall provide the  
8 Legislature and Governor with a report regarding the peer review  
9 requirements of this section that includes, without limitation:

10 (A) The number of peer review reports completed to date and  
11 the number of reports which were submitted to the board as  
12 required in subdivision (f).

13 (B) The number of enforcement actions that were initiated as a  
14 result of an investigation conducted pursuant to subdivision (j).

15 (C) The number of firms that were recommended to take  
16 corrective actions to improve their practice through the mandatory  
17 peer review process, and the number of firms that took corrective  
18 actions to improve their practice following recommendations  
19 resulting from the mandatory peer review process.

20 (D) The extent to which mandatory peer review of accounting  
21 firms enhances consumer protection.

22 (E) The cost impact on firms undergoing mandatory peer review  
23 and the cost impact of mandatory peer review on the firm's clients.

24 (F) A recommendation as to whether the mandatory peer review  
25 program should continue.

26 (G) The extent to which mandatory peer review of small firms  
27 or sole practitioners that prepare nondisclosure compiled financial  
28 statements on an other comprehensive basis of accounting enhances  
29 consumer protection.

30 (H) The impact of peer review required by this section on small  
31 firms and sole practitioners that prepare nondisclosure compiled  
32 financial statements on an other comprehensive basis of accounting.

33 (I) The impact of peer review required by this section on small  
34 businesses, nonprofit corporations, and other entities that utilize  
35 small firms or sole practitioners for the purposes of nondisclosure  
36 compiled financial statements prepared on an other comprehensive  
37 basis of accounting.

38 (J) A recommendation as to whether the preparation of  
39 nondisclosure compiled financial statements on another

1 comprehensive basis of accounting should continue to be a part  
2 of the mandatory peer review program.

3 (2) A report to the Legislature pursuant to this section shall be  
4 submitted in compliance with Section 9795 of the Government  
5 Code.

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

9 SEC. 6. Section 5076.1 of the Business and Professions Code  
10 is amended to read:

11 5076.1. (a) The board shall appoint a peer review oversight  
12 committee of certified public accountants of this state who maintain  
13 a license in good standing and who are authorized to practice public  
14 accountancy to provide recommendations to the board on any  
15 matter upon which it is authorized to act to ensure the effectiveness  
16 of mandatory peer review.

17 (b) The committee may request any information from a  
18 board-recognized peer review program provider deemed necessary  
19 to ensure the provider is administering peer reviews in accordance  
20 with the standards adopted by the board in regulations. Failure of  
21 a board-recognized peer review program provider to respond to  
22 the committee shall result in referral by the committee of the  
23 provider to the board for further action. Any information obtained  
24 by the board, its representatives, or the peer review oversight  
25 committee in conjunction with its review of peer review program  
26 providers shall not be a public record, and shall be exempt from  
27 public disclosure, provided, however, this information may be  
28 disclosed under any of the following circumstances:

- 29 (1) In connection with disciplinary proceedings of the board.
- 30 (2) In connection with legal proceedings in which the board is  
31 a party.
- 32 (3) In response to an official inquiry by a federal or state  
33 governmental regulatory agency.
- 34 (4) In compliance with a subpoena or summons enforceable by  
35 court order.
- 36 (5) As otherwise specifically required by law.

37 (c) The members of the committee shall be appointed to  
38 two-year terms and may serve a maximum of four consecutive  
39 terms.

1 (d) The board may adopt, as necessary, regulations further  
2 defining the minimum qualifications for appointment as a  
3 committee member and additional administrative elements designed  
4 to ensure the effectiveness of mandatory peer review.

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

8 SEC. 7. Section 5510 of the Business and Professions Code is  
9 amended to read:

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

12 Any reference in law to the California Board of Architectural  
13 Examiners shall mean the California Architects Board.

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

20 SEC. 8. Section 5517 of the Business and Professions Code is  
21 amended to read:

22 5517. The board may appoint a person exempt from civil  
23 service who shall be designated as an executive officer and who  
24 shall exercise the powers and perform the duties delegated by the  
25 board and vested in him or her by this chapter.

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

29 SEC. 9. Section 5552.5 of the Business and Professions Code  
30 is amended to read:

31 5552.5. The board may, by regulation, implement an intern  
32 development program.

33 SEC. 10. Section 5620 of the Business and Professions Code  
34 is amended to read:

35 5620. The duties, powers, purposes, responsibilities, and  
36 jurisdiction of the California State Board of Landscape Architects  
37 that were succeeded to and vested with the Department of  
38 Consumer Affairs in accordance with Chapter 908 of the Statutes  
39 of 1994 are hereby transferred to the California Architects Board.  
40 The Legislature finds that the purpose for the transfer of power is

1 to promote and enhance the efficiency of state government and  
2 that assumption of the powers and duties by the California  
3 Architects Board shall not be viewed or construed as a precedent  
4 for the establishment of state regulation over a profession or  
5 vocation that was not previously regulated by a board, as defined  
6 in Section 477.

7 (a) There is in the Department of Consumer Affairs a California  
8 Architects Board as defined in Article 2 (commencing with Section  
9 5510) of Chapter 3.

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

12 (b) Except as provided herein, the board may delegate its  
13 authority under this chapter to the Landscape Architects Technical  
14 Committee.

15 (c) After review of proposed regulations, the board may direct  
16 the examining committee to notice and conduct hearings to adopt,  
17 amend, or repeal regulations pursuant to Section 5630, provided  
18 that the board itself shall take final action to adopt, amend, or  
19 repeal those regulations.

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

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

26 SEC. 11. Section 5621 of the Business and Professions Code  
27 is amended to read:

28 5621. (a) There is hereby created within the jurisdiction of the  
29 board, a Landscape Architects Technical Committee, hereinafter  
30 referred to in this chapter as the landscape architects committee.

31 (b) The landscape architects committee shall consist of five  
32 members who shall be licensed to practice landscape architecture  
33 in this state. The Governor shall appoint three of the members.  
34 The Senate Committee on Rules and the Speaker of the Assembly  
35 shall appoint one member each.

36 (c) The initial members to be appointed by the Governor are as  
37 follows: one member for a term of one year; one member for a  
38 term of two years; and one member for a term of three years. The  
39 Senate Committee on Rules and the Speaker of the Assembly shall  
40 initially each appoint one member for a term of four years.

1 Thereafter, appointments shall be made for four-year terms,  
2 expiring on June 1 of the fourth year and until the appointment  
3 and qualification of his or her successor or until one year shall  
4 have elapsed, whichever first occurs. Vacancies shall be filled for  
5 the unexpired term.

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

8 (e) 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 SEC. 12. Section 5622 of the Business and Professions Code  
12 is amended to read:

13 5622. (a) The landscape architects committee may assist the  
14 board in the examination of candidates for a landscape architect's  
15 license and, after investigation, evaluate and make  
16 recommendations regarding potential violations of this chapter.

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

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

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

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

29 SEC. 13. Section 6510 of the Business and Professions Code  
30 is amended to read:

31 6510. (a) There is within the jurisdiction of the department  
32 the Professional Fiduciaries Bureau. The bureau is under the  
33 supervision and control of the director. The duty of enforcing and  
34 administering this chapter is vested in the chief of the bureau, who  
35 is responsible to the director. Every power granted or duty imposed  
36 upon the director under this chapter may be exercised or performed  
37 in the name of the director by a deputy director or by the chief,  
38 subject to conditions and limitations as the director may prescribe.

39 (b) The Governor shall appoint, subject to confirmation by the  
40 Senate, the chief of the bureau, at a salary to be fixed and

1 determined by the director with the approval of the Director of  
2 Finance. The chief shall serve under the direction and supervision  
3 of the director and at the pleasure of the Governor.

4 (c) This section shall remain in effect only until January 1, 2015,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2015, deletes or extends that date.

7 Notwithstanding any other provision of law, the repeal of this  
8 section renders the board subject to review by the appropriate  
9 policy committees of the Legislature.

10 Notwithstanding any other provision of law, upon the repeal of  
11 this section, the responsibilities and jurisdiction of the bureau shall  
12 be transferred to the Professional Fiduciaries Advisory Committee,  
13 as provided by Section 6511.

14 SEC. 14. Section 6530 of the Business and Professions Code  
15 is amended to read:

16 6530. (a) On and after January 1, 2009, no person shall act or  
17 hold himself or herself out to the public as a professional fiduciary  
18 unless that person is licensed as a professional fiduciary in  
19 accordance with the provisions of this chapter.

20 (b) This section does not apply to a person licensed as an  
21 attorney under the State Bar Act (Chapter 4 (commencing with  
22 Section 6000)).

23 (c) This section does not apply to a person licensed as, and  
24 acting within the scope of practice of, a certified public accountant  
25 pursuant to Chapter 1 (commencing with Section 5000) of Division  
26 3.

27 (d) This section does not apply to a person enrolled as an agent  
28 to practice before the Internal Revenue Service pursuant to Part  
29 10 of Title 31 of the Code of Federal Regulations, who is providing  
30 fiduciary services that are ancillary to the primary services of an  
31 enrolled agent, and those services are provided at the request of a  
32 client with which the enrolled agent has an existing professional  
33 relationship. However, an enrolled agent who is soliciting clients  
34 for fiduciary services or holding himself or herself out as a  
35 professional fiduciary shall hold a license in accordance with this  
36 chapter.

37 SEC. 15. Section 6582.2 is added to the Business and  
38 Professions Code, to read:

39 6582.2. (a) Notwithstanding Section 6582 and Section  
40 11415.60 of the Government Code, the bureau may enter into a

1 settlement with a licensee or applicant instead of the issuance of  
2 an accusation or statement of issues against that licensee or  
3 applicant.

4 (b) The settlement shall identify the factual basis for the action  
5 being taken and the statutes or regulations violated.

6 (c) Any settlement with a licensee executed pursuant to this  
7 section shall be considered discipline and a public record and shall  
8 be posted on the bureau's Internet Web site. Any settlement with  
9 an applicant executed pursuant to this section shall be considered  
10 a public record and shall be posted on the bureau's Internet Web  
11 site.

12 SEC. 16. Section 6710 of the Business and Professions Code  
13 is amended to read:

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

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

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

28 SEC. 17. 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. 18. 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 for structural

1 engineering that is administered by a nationally recognized entity  
2 approved by the board.

3 SEC. 19. Section 6797 of the Business and Professions Code  
4 is amended to read:

5 6797. The department shall receive and account for all money  
6 derived from the operation of this chapter and, at the end of each  
7 month, shall report such money to the State Controller and shall  
8 pay it to the State Treasurer, who shall keep the money in a separate  
9 fund known as the Professional Engineer’s, Land Surveyor’s,  
10 Geologist’s, and Geophysicist’s Fund.

11 For accounting and recordkeeping purposes, the Professional  
12 Engineer’s, Land Surveyor’s, Geologist’s, and Geophysicist’s  
13 Fund shall be deemed to be a single special fund, and shall be  
14 available for expenditure only for the purposes as are now or may  
15 hereafter be provided by law.

16 The fees and civil penalties received under this chapter shall be  
17 deposited in the Professional Engineer’s, Land Surveyor’s,  
18 Geologist’s, and Geophysicist’s Fund. All moneys in the fund are  
19 hereby appropriated for the purposes of this chapter.

20 SEC. 20. Section 7000.5 of the Business and Professions Code  
21 is amended to read:

22 7000.5. (a) There is in the Department of Consumer Affairs  
23 a Contractors’ State License Board, which consists of 15 members.

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

27 (c) 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. 21. Section 7011 of the Business and Professions Code  
31 is amended to read:

32 7011. (a) The board, by and with the approval of the director,  
33 shall appoint a registrar of contractors and fix his or her  
34 compensation.

35 (b) The registrar shall be the executive officer and secretary of  
36 the board and shall carry out all of the administrative duties as  
37 provided in this chapter and as delegated to him or her by the  
38 board.

39 (c) For the purpose of administration of this chapter, there may  
40 be appointed a deputy registrar, a chief reviewing and hearing

1 officer, and, subject to Section 159.5, other assistants and  
2 subordinates as may be necessary.

3 (d) Appointments shall be made in accordance with the  
4 provisions of civil service laws.

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

8 SEC. 22. Section 7200 of the Business and Professions Code  
9 is amended to read:

10 7200. (a) There is in the Department of Consumer Affairs a  
11 State Board of Guide Dogs for the Blind in whom enforcement of  
12 this chapter is vested. The board shall consist of seven members  
13 appointed by the Governor. One member shall be the Director of  
14 Rehabilitation or his or her designated representative. The  
15 remaining members shall be persons who have shown a particular  
16 interest in dealing with the problems of the blind, and at least two  
17 of them shall be blind persons who use guide dogs.

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

24 SEC. 23. Section 7215.6 of the Business and Professions Code  
25 is amended to read:

26 7215.6. (a) In order to provide a procedure for the resolution  
27 of disputes between guide dog users and guide dog schools relating  
28 to the continued physical custody and use of a guide dog, in all  
29 cases except those in which the dog user is the unconditional legal  
30 owner of the dog, the following arbitration procedure shall be  
31 established as a pilot project.

32 (b) This procedure establishes an arbitration panel for the  
33 settlement of disputes between a guide dog user and a licensed  
34 guide dog school regarding the continued use of a guide dog by  
35 the user in all cases except those in which the dog user is the  
36 unconditional legal owner of the dog. The disputes that may be  
37 subject to this procedure concern differences between the user and  
38 school over whether or not a guide dog should continue to be used,  
39 differences between the user and school regarding the treatment  
40 of a dog by the user, and differences over whether or not a user

1 should continue to have custody of a dog pending investigation of  
2 charges of abuse. It specifically does not address issues such as  
3 admissions to schools, training practices, or other issues relating  
4 to school standards. The board and its representative are not parties  
5 to any dispute described in this section.

6 (c) The licensed guide dog schools in California and the board  
7 shall provide to guide dog users graduating from guide dog  
8 programs in these schools a new avenue for the resolution of  
9 disputes that involve continued use of a guide dog, or the actual  
10 physical custody of a guide dog. Guide dog users who are  
11 dissatisfied with decisions of schools regarding continued use of  
12 guide dogs may appeal to the board to convene an arbitration panel  
13 composed of all of the following:

- 14 (1) One person designated by the guide dog user.
- 15 (2) One person designated by the licensed guide dog school.
- 16 (3) A representative of the board who shall coordinate the  
17 activities of the panel and serve as chair.

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

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

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

36 (f) As a general rule, custody of the guide dog shall remain with  
37 the guide dog user pending a resolution by the arbitration panel.  
38 In circumstances where the immediate health and safety of the  
39 guide dog user or guide dog is threatened, the licensed school may  
40 take custody of the dog at once. However, if the dog is removed

1 from the user’s custody without the user’s concurrence, the school  
2 shall provide to the board the evidence that caused this action to  
3 be taken at once and without fail; and within five calendar days a  
4 special committee of two members of the board shall make a  
5 determination regarding custody of the dog pending hearing by  
6 the arbitration panel.

7 (g) The arbitration panel shall decide the best means to  
8 determine final resolution in each case. This shall include, but is  
9 not limited to, a hearing of the matter before the arbitration panel  
10 at the request of either party to the dispute, an opportunity for each  
11 party in the dispute to make presentations before the arbitration  
12 panel, examination of the written record, or any other inquiry as  
13 will best reveal the facts of the disputes. In any case, the panel  
14 shall make its findings and complete its examination within 45  
15 calendar days of the date of filing the request for arbitration, and  
16 a decision shall be rendered within 10 calendar days of the  
17 examination.

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

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

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

29 SEC. 24. Section 7885 of the Business and Professions Code  
30 is amended to read:

31 7885. The board shall report each month to the State Controller  
32 the amount and source of all revenue received by it pursuant to  
33 this chapter and at the same time pay the entire amount thereof  
34 into the State Treasury for credit to the Professional Engineer’s,  
35 Land Surveyor’s, Geologist’s, and Geophysicist’s Fund, established  
36 in Section 6797.

37 SEC. 25. Section 7886 of the Business and Professions Code  
38 is amended to read:

39 7886. The moneys paid into the Professional Engineer’s, Land  
40 Surveyor’s, Geologist’s, and Geophysicist’s Fund pursuant to this

1 chapter are hereby appropriated to be used by the board to carry  
2 out the provisions of this chapter.

3 SEC. 26. Section 7887 of the Business and Professions Code  
4 is amended to read:

5 7887. The amount of the fees prescribed by this chapter shall  
6 be fixed by the board in accordance with the following schedule:

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

11 (b) The registration fee for a geologist or for a geophysicist and  
12 the fee for the certification in a specialty shall be fixed at an amount  
13 equal to the renewal fee in effect on the last regular renewal date  
14 before the date on which the certificate is issued, except that, with  
15 respect to certificates that will expire less than one year after  
16 issuance, the fee shall be fixed at an amount equal to 50 percent  
17 of the renewal fee in effect on the last regular renewal date before  
18 the date on which the certificate is issued. The board may, by  
19 appropriate regulation, provide for the waiver or refund of the  
20 initial certificate fee where the certificate is issued less than 45  
21 days before the date on which it will expire.

22 (c) The duplicate certificate fee at not more than six dollars  
23 (\$6).

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

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

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

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

33 (h) Each applicant for registration as a geologist shall pay an  
34 examination fee fixed by the board at an amount equal to the actual  
35 cost to the board to administer the examination described in  
36 subdivision (d) of Section 7841.

37 (i) Each applicant for registration as a geophysicist or  
38 certification as an engineering geologist or certification as a  
39 hydrogeologist shall pay an examination fee fixed by the board at  
40 an amount equal to the actual cost to the board for the development

1 and maintenance of the written examination, and shall not exceed  
2 one hundred dollars (\$100).

3 SEC. 27. Section 8710 of the Business and Professions Code  
4 is amended to read:

5 8710. (a) The Board for Professional Engineers and Land  
6 Surveyors is vested with power to administer the provisions and  
7 requirements of this chapter, and may make and enforce rules and  
8 regulations that are reasonably necessary to carry out its provisions.

9 (b) The board may adopt rules and regulations of professional  
10 conduct that are not inconsistent with state and federal law. The  
11 rules and regulations may include definitions of incompetence and  
12 negligence. Every person who holds a license or certificate issued  
13 by the board pursuant to this chapter, or a license or certificate  
14 issued to a civil engineer pursuant to Chapter 7 (commencing with  
15 Section 6700), shall be governed by these rules and regulations.

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

22 SEC. 28. Section 8800 of the Business and Professions Code  
23 is amended to read:

24 8800. The department shall receive and account for all money  
25 derived under the operation of this chapter and, at the end of each  
26 month, shall report such money to the State Controller and shall  
27 pay it to the State Treasurer, who shall keep the money in a separate  
28 fund known as the Professional Engineer's, Land Surveyor's,  
29 Geologist's, and Geophysicist's Fund.

30 For accounting and recordkeeping purposes, the Professional  
31 Engineer's, Land Surveyor's, Geologist's, and Geophysicist's  
32 Fund shall be deemed to be a single special fund, and shall be  
33 available for expenditure only for the purposes as are now or may  
34 hereafter be provided by law.

35 The fees and civil penalties received under this chapter shall be  
36 deposited in the Professional Engineer's, Land Surveyor's,  
37 Geologist's, and Geophysicist's Fund. All moneys in the fund are  
38 hereby appropriated for the purposes of this chapter.

39 SEC. 29. Section 18602 of the Business and Professions Code  
40 is amended to read:

1 18602. (a) Except as provided in this section, there is in the  
2 Department of Consumer Affairs the State Athletic Commission,  
3 which consists of seven members. Five members shall be appointed  
4 by the Governor, one member shall be appointed by the Senate  
5 Rules Committee, and one member shall be appointed by the  
6 Speaker of the Assembly.

7 The members of the commission appointed by the Governor are  
8 subject to confirmation by the Senate pursuant to Section 1322 of  
9 the Government Code.

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

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

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

22 (2) Financial management.

23 (3) Public safety.

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

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

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

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

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

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

1 (e) 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. 30. Section 18613 of the Business and Professions Code  
8 is amended to read:

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

15 (2) The commission may employ in accordance with Section  
16 154 other personnel as may be necessary for the administration of  
17 this chapter.

18 (b) This section shall remain in effect only until January 1, 2014,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2014, deletes or extends that date.

21 SEC. 31. Section 18618 of the Business and Professions Code  
22 is amended to read:

23 18618. The commission shall furnish to the Governor and the  
24 Legislature a report, on or before July 30, 2012, on the following:

25 (a) The condition of the State Athletic Commission Neurological  
26 Examination Account. This report shall include the amount of the  
27 assessment collected from each promoter pursuant to Section  
28 18711, the purposes for which moneys in the account are expended,  
29 and findings and recommendations on the amounts,  
30 appropriateness, and effectiveness of these assessments. The report  
31 shall also include a recommendation on the viability and need for  
32 creating a medical database that would be used for identifying  
33 trends in medical records and data associated with injuries and  
34 deaths related to competing.

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

O