

AMENDED IN ASSEMBLY JULY 5, 2012

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE APRIL 30, 2012

AMENDED IN SENATE APRIL 16, 2012

SENATE BILL

No. 1237

Introduced by Senator Price

February 23, 2012

An act to amend Sections 2006, 2450.3, 2602, 2607.5, 4001, 4003, 8000, 8005, 8027, 8030.2, ~~and~~ 8030.5, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9860, *and* 9863 of the Business and Professions Code, and to amend ~~Section~~ *Sections* 12529, 12529.5, *and* 12529.6 of the Government Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Price. Professions and vocations: regulatory boards.

(1) Existing law, until January 1, 2013, declares that using a vertical enforcement and prosecution model for the Medical Board of California's investigations is in the best interests of the people of California. Under existing law, a vertical enforcement and prosecution model is described as the joint assignment *of* a complaint to a board investigator and to a deputy attorney general responsible for prosecuting the case if the investigation results in the filing of an accusation. Existing law requires the board to, among other things, establish and implement a plan to locate specified staff in the same offices in order to carry out the intent of the vertical enforcement and prosecution model.

This bill would extend the operation of these provisions to January 1, 2014, and would also make a conforming change in that regard.

(2) Existing law, the Naturopathic Doctors Act, provides for the licensure and regulation of naturopathic doctors by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law repeals these provisions on January 1, 2014. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would make a conforming change with regard to the operation of these provisions until January 1, 2014, and the bill would also specify that this board would be subject to review by the appropriate policy committees of the Legislature.

(3) Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. Existing law authorizes the board to appoint an executive officer. Existing law makes these provisions inoperative on July 1, 2013, and repealed on January 1, 2014. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would delete the inoperative date and would instead repeal these provisions on January 1, 2014. The bill would also specify that this board would be subject to review by the appropriate policy committees of the Legislature.

(4) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies, pharmacists, pharmacy technicians, wholesalers of dangerous drugs or devices, and others by the California State Board of Pharmacy. Existing law authorizes the board to appoint an executive officer. Under existing law, the board and its authority to appoint an executive officer will be repealed on January 1, 2013. 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 the California State Board of Pharmacy and its authority to appoint an executive officer until January 1, 2017, and would specify that the board is subject to review by the appropriate policy committees of the Legislature.

(5) Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California within the Department of Consumer Affairs. Existing law authorizes this board to appoint an executive officer and committees as necessary. Existing law repeals these provisions on January 1, 2013.

This bill would extend the operation of these provisions until January 1, 2017, and would specify that the board is subject to review by the appropriate policy committees of the Legislature.

Existing law requires, until January 1, 2013, certain fees and revenues collected by the board to be deposited into the Transcript Reimbursement Fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases. Existing law authorizes, until January 1, 2013, low-income persons appearing pro se to apply for funds from the Transcript Reimbursement Fund, subject to specified requirements and limitations. Existing law requires the board, until January 1, 2013, to publicize the availability of the fund to prospective applicants. Existing law requires the unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2013, to be transferred to the Court Reporters' Fund.

This bill would extend the operation of these provisions until January 1, 2017, and would make a technical change to these provisions. By extending the operation of the Transcript Reimbursement Fund, which is a continuously appropriated fund, the bill would make an appropriation.

(6) Existing law, the Electronic and Appliance Repair Dealer Registration Law, provides for the registration and regulation of electronic and appliance service dealers and service contractors by the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation within the Department of Consumer Affairs and makes a failure to comply with its provisions a crime. Existing law, until January 1, 2013, requires a service contractor to pay specified fees to the bureau, including a registration fee and a registration renewal fee. Existing law, until January 1, 2013, requires the Director of Consumer Affairs to gather evidence of violations of the Electronic and Appliance Repair Dealer Registration Law, and any of its regulations, by a service contractor or by any employee, partner, officer, or member of any service contractor. Existing law, until January 1, 2013, requires a service contractor to maintain specified records to be open for inspection by the director and other law enforcement officials. Existing law, until January 1, 2013, also provides for the revocation of the registration of a service contractor by the director and for the superior court to issue a restraining order or injunction against a service contractor who violates these provisions.

This bill would extend the operation of these provisions to January 1, 2015. By extending the operation of certain of these provisions, the

violation of which is a crime, this bill would impose a state-mandated local program.

(7) Existing law, until January 1, 2013, establishes the Health Quality Enforcement Section within the Department of Justice for the purpose of investigating and prosecuting proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California. Existing law, until January 1, 2013, requires all complaints against licensees of these boards to be made available to the Health Quality Enforcement Section.

This bill would extend the operation of these provisions until January 1, 2014.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 2006 of the Business and Professions
2 Code is amended to read:

3 2006. (a) Any reference in this chapter to an investigation by
4 the board shall be deemed to refer to a joint investigation conducted
5 by employees of the Department of Justice and the board under
6 the vertical enforcement and prosecution model, as specified in
7 Section 12529.6 of the Government Code.

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

11 SEC. 2. Section 2450.3 of the Business and Professions Code
12 is amended to read:

13 2450.3. There is within the jurisdiction of the Osteopathic
14 Medical Board of California a Naturopathic Medicine Committee
15 authorized under the Naturopathic Doctors Act (Chapter 8.2
16 (commencing with Section 3610)). This section shall become

1 inoperative on January 1, 2014, and, as of that date is repealed,
2 unless a later enacted statute that is enacted before January 1, 2014,
3 deletes or extends that date. Notwithstanding any other provision
4 of law, the repeal of this section renders the Naturopathic Medicine
5 Committee subject to review by the appropriate policy committees
6 of the Legislature.

7 SEC. 3. Section 2602 of the Business and Professions Code is
8 amended to read:

9 2602. The Physical Therapy Board of California, hereafter
10 referred to as the board, shall enforce and administer this chapter.

11 This section shall remain in effect only until January 1, 2014,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2014, deletes or extends that date.

14 Notwithstanding any other provision of law, the repeal of this
15 section renders the board subject to review by the appropriate
16 policy committees of the Legislature.

17 SEC. 4. Section 2607.5 of the Business and Professions Code
18 is amended to read:

19 2607.5. The board may appoint a person exempt from civil
20 service who shall be designated as an executive officer and who
21 shall exercise the powers and perform the duties delegated by the
22 board and vested in him or her by this chapter.

23 ¶
24 This section shall remain in effect only until January 1, 2014,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2014, deletes or extends that date.

27 SEC. 5. Section 4001 of the Business and Professions Code is
28 amended to read:

29 4001. (a) There is in the Department of Consumer Affairs a
30 California State Board of Pharmacy in which the administration
31 and enforcement of this chapter is vested. The board consists of
32 13 members.

33 (b) The Governor shall appoint seven competent pharmacists
34 who reside in different parts of the state to serve as members of
35 the board. The Governor shall appoint four public members, and
36 the Senate Committee on Rules and the Speaker of the Assembly
37 shall each appoint a public member who shall not be a licensee of
38 the board, any other board under this division, or any board referred
39 to in Section 1000 or 3600.

(c) At least five of the seven pharmacist appointees to the board shall be pharmacists who are actively engaged in the practice of pharmacy. Additionally, the membership of the board shall include at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. For the purposes of this subdivision, a “chain community pharmacy” means a chain of 75 or more stores in California under the same ownership, and an “independent community pharmacy” means a pharmacy owned by a person or entity who owns no more than four pharmacies in California.

(d) Members of the board shall be appointed for a term of four years. No person shall serve as a member of the board for more than two consecutive terms. Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

(e) Each member of the board shall receive a per diem and expenses as provided in Section 103.

(f) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 6. Section 4003 of the Business and Professions Code is amended to read:

4003. (a) The board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. The executive officer may or may not be a member of the board as the board may determine.

(b) The executive officer shall receive the compensation as established by the board with the approval of the Director of

1 Finance. The executive officer shall also be entitled to travel and
2 other expenses necessary in the performance of his or her duties.

3 (c) The executive officer shall maintain and update in a timely
4 fashion records containing the names, titles, qualifications, and
5 places of business of all persons subject to this chapter.

6 (d) The executive officer shall give receipts for all money
7 received by him or her and pay it to the department, taking its
8 receipt therefor. Besides the duties required by this chapter, the
9 executive officer shall perform other duties pertaining to the office
10 as may be required of him or her by the board.

11 (e) This section shall remain in effect only until January 1, 2017,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2017, deletes or extends that date.

14 SEC. 7. Section 8000 of the Business and Professions Code is
15 amended to read:

16 8000. (a) There is in the Department of Consumer Affairs a
17 Court Reporters Board of California, which consists of five
18 members, three of whom shall be public members and two of
19 whom shall be holders of certificates issued under this chapter
20 who have been actively engaged as shorthand reporters within this
21 state for at least five years immediately preceding their
22 appointment.

23 (b) This section shall remain in effect only until January 1, 2017,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2017, deletes or extends that date.

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

29 SEC. 8. Section 8005 of the Business and Professions Code is
30 amended to read:

31 8005. The Court Reporters Board of California is charged with
32 the executive functions necessary for effectuating the purposes of
33 this chapter. It may appoint committees as it deems necessary or
34 proper. The board may appoint, prescribe the duties, and fix the
35 salary of an executive officer. Except as provided by Section 159.5,
36 the board may also employ other employees as may be necessary,
37 subject to civil service and other provisions of law.

38 This section shall remain in effect only until January 1, 2017,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2017, deletes or extends that date.

1 SEC. 9. Section 8027 of the Business and Professions Code is
2 amended to read:

3 8027. (a) As used in this section, “school” means a court
4 reporter training program or an institution that provides a course
5 of instruction approved by the board and the Bureau for Private
6 Postsecondary Education, is a public school in this state, or is
7 accredited by the Western Association of Schools and Colleges.

8 (b) A court reporting school shall be primarily organized to train
9 students for the practice of shorthand reporting, as defined in
10 Sections 8016 and 8017. Its educational program shall be on the
11 postsecondary or collegiate level. It shall be legally organized and
12 authorized to conduct its program under all applicable laws of the
13 state, and shall conform to and offer all components of the
14 minimum prescribed course of study established by the board. Its
15 records shall be kept and shall be maintained in a manner to render
16 them safe from theft, fire, or other loss. The records shall indicate
17 positive daily and clock-hour attendance of each student for all
18 classes, apprenticeship and graduation reports, high school
19 transcripts or the equivalent or self-certification of high school
20 graduation or the equivalent, transcripts of other education, and
21 student progress to date, including all progress and counseling
22 reports.

23 (c) Any school intending to offer a program in court reporting
24 shall notify the board within 30 days of the date on which it
25 provides notice to, or seeks approval from, the State Department
26 of Education, the Bureau for Private Postsecondary Education, the
27 Office of the Chancellor of the California Community Colleges,
28 or the Western Association of Schools and Colleges, whichever
29 is applicable. The board shall review the proposed curriculum and
30 provide the school tentative approval, or notice of denial, within
31 60 days of receipt of the notice. The school shall apply for
32 provisional recognition pursuant to subdivision (d) within no more
33 than one year from the date it begins offering court reporting
34 classes.

35 (d) The board may grant provisional recognition to a new court
36 reporting school upon satisfactory evidence that it has met all of
37 the provisions of subdivision (b) and this subdivision. Recognition
38 may be granted by the board to a provisionally recognized school
39 after it has been in continuous operation for a period of no less
40 than three consecutive years from the date provisional recognition

1 was granted, during which period the school shall provide
 2 satisfactory evidence that at least one person has successfully
 3 completed the entire course of study established by the board and
 4 complied with the provisions of Section 8020, and has been issued
 5 a certificate to practice shorthand reporting as defined in Sections
 6 8016 and 8017. The board may, for good cause shown, extend the
 7 three-year provisional recognition period for not more than one
 8 year. Failure to meet the provisions and terms of this section shall
 9 require the board to deny recognition. Once granted, recognition
 10 may be withdrawn by the board for failure to comply with all
 11 applicable laws and regulations.

12 (e) Application for recognition of a court reporting school shall
 13 be made upon a form prescribed by the board and shall be
 14 accompanied by all evidence, statements, or documents requested.
 15 Each branch, extension center, or off-campus facility requires
 16 separate application.

17 (f) All recognized and provisionally recognized court reporting
 18 schools shall notify the board of any change in school name,
 19 address, telephone number, responsible court reporting program
 20 manager, owner of private schools, and the effective date thereof,
 21 within 30 days of the change. All of these notifications shall be
 22 made in writing.

23 (g) A school shall notify the board in writing immediately of
 24 the discontinuance or pending discontinuance of its court reporting
 25 program or any of the program's components. Within two years
 26 of the date this notice is sent to the board, the school shall
 27 discontinue its court reporting program in its entirety. The board
 28 may, for good cause shown, grant not more than two one-year
 29 extensions of this period to a school. If a student is to be enrolled
 30 after this notice is sent to the board, a school shall disclose to the
 31 student the fact of the discontinuance or pending discontinuance
 32 of its court reporting program or any of its program components.

33 (h) The board shall maintain a roster of currently recognized
 34 and provisionally recognized court reporting schools, including,
 35 but not limited to, the name, address, telephone number, and the
 36 name of the responsible court reporting program manager of each
 37 school.

38 (i) The board shall maintain statistics that display the number
 39 and passing percentage of all first-time examinees, including, but
 40 not limited to, those qualified by each recognized or provisionally

1 recognized school and those first-time examinees qualified by
2 other methods as defined in Section 8020.

3 (j) Inspections and investigations shall be conducted by the
4 board as necessary to carry out this section, including, but not
5 limited to, unannounced site visits.

6 (k) All recognized and provisionally recognized schools shall
7 print in their school or course catalog the name, address, and
8 telephone number of the board. At a minimum, the information
9 shall be in 8-point bold type and include the following statement:

10
11 “IN ORDER FOR A PERSON TO QUALIFY FROM A
12 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,
13 THE PERSON SHALL COMPLETE A PROGRAM AT A
14 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING
15 THE MINIMUM REQUIREMENTS THAT A COURT
16 REPORTING PROGRAM MUST MEET IN ORDER TO BE
17 RECOGNIZED, CONTACT: THE COURT REPORTERS
18 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE
19 NUMBER).”

20
21 (l) Each court reporting school shall file with the board, not
22 later than June 30 of each year, a current school catalog that shows
23 all course offerings and staff, and for private schools, the owner,
24 except that where there have been no changes to the catalog within
25 the previous year, no catalog need be sent. In addition, each school
26 shall also file with the board a statement certifying whether the
27 school is in compliance with all statutes and the rules and
28 regulations of the board, signed by the responsible court reporting
29 program manager.

30 (m) A school offering court reporting shall not make any written
31 or verbal claims of employment opportunities or potential earnings
32 unless those claims are based on verified data and reflect current
33 employment conditions.

34 (n) If a school offers a course of instruction that exceeds the
35 board’s minimum requirements, the school shall disclose orally
36 and in writing the board’s minimum requirements and how the
37 course of instruction differs from those criteria. The school shall
38 make this disclosure before a prospective student executes an
39 agreement obligating that person to pay any money to the school

1 for the course of instruction. The school shall also make this
2 disclosure to all students enrolled on January 1, 2002.

3 (o) Private and public schools shall provide each prospective
4 student with all of the following and have the prospective student
5 sign a document that shall become part of that individual's
6 permanent record, acknowledging receipt of each item:

7 (1) A student consumer information brochure published by the
8 board.

9 (2) A list of the school's graduation requirements, including the
10 number of tests, the pass point of each test, the speed of each test,
11 and the type of test, such as jury charge or literary.

12 (3) A list of requirements to qualify for the state-certified
13 shorthand reporter licensing examination, including the number
14 of tests, the pass point of each test, the speed of each test, and the
15 type of test, such as jury charge or literary, if different than those
16 requirements listed in paragraph (2).

17 (4) A copy of the school's board-approved benchmarks for
18 satisfactory progress as identified in subdivision (u).

19 (5) A report showing the number of students from the school
20 who qualified for each of the certified shorthand reporter licensing
21 examinations within the preceding two years, the number of those
22 students that passed each examination, the time, as of the date of
23 qualification, that each student was enrolled in court reporting
24 school, and the placement rate for all students that passed each
25 examination.

26 (6) On and after January 1, 2005, the school shall also provide
27 to prospective students the number of hours each currently enrolled
28 student who has qualified to take the next licensing test, exclusive
29 of transfer students, has attended court reporting classes.

30 (p) All enrolled students shall have the information in
31 subdivisions (n) and (o) on file no later than June 30, 2005.

32 (q) Public schools shall provide the information in subdivisions
33 (n) and (o) to each new student the first day he or she attends theory
34 or machine speed class, if it was not provided previously.

35 (r) Each enrolled student shall be provided written notification
36 of any change in qualification or graduation requirements that is
37 being implemented due to the requirements of any one of the
38 school's oversight agencies. This notice shall be provided to each
39 affected student at least 30 days before the effective date of the
40 change and shall state the new requirement and the name, address,

1 and telephone number of the agency that is requiring it of the
2 school. Each student shall initial and date a document
3 acknowledging receipt of that information and that document, or
4 a copy thereof, shall be made part of the student's permanent file.

5 (s) Schools shall make available a comprehensive final
6 examination in each academic subject to any student desiring to
7 challenge an academic class in order to obtain credit towards
8 certification for the state licensing examination. The points required
9 to pass a challenge examination shall not be higher than the
10 minimum points required of other students completing the
11 academic class.

12 (t) An individual serving as a teacher, instructor, or reader shall
13 meet the qualifications specified by regulation for his or her
14 position.

15 (u) Each school shall provide a substitute teacher or instructor
16 for any class for which the teacher or instructor is absent for two
17 consecutive days or more.

18 (v) The board has the authority to approve or disapprove
19 benchmarks for satisfactory progress which each school shall
20 develop for its court reporting program. Schools shall use only
21 board-approved benchmarks to comply with the provisions of
22 paragraph (4) of subdivision (o) and subdivision (u).

23 (w) Each school shall counsel each student a minimum of one
24 time within each 12-month period to identify the level of attendance
25 and progress, and the prognosis for completing the requirements
26 to become eligible to sit for the state licensing examination. If the
27 student has not progressed in accordance with the board-approved
28 benchmarks for that school, the student shall be counseled a
29 minimum of one additional time within that same 12-month period.

30 (x) The school shall provide to the board, for each student
31 qualifying through the school as eligible to sit for the state licensing
32 examination, the number of hours the student attended court
33 reporting classes, both academic and machine speed classes,
34 including theory.

35 (y) The pass rate of first-time examination takers for each school
36 offering court reporting shall meet or exceed the average pass rate
37 of all first-time test takers for a majority of examinations given
38 for the preceding three years. Failure to do so shall require the
39 board to conduct a review of the program. In addition, the board
40 may place the school on probation and may withdraw recognition

1 if the school continues to place below the above-described standard
2 on the two examinations that follow the three-year period.

3 (z) A school shall not require more than one 10-minute
4 qualifying examination, as defined in the regulations of the board,
5 for a student to be eligible to sit for the state certification
6 examination.

7 (aa) A school shall provide the board the actual number of hours
8 of attendance for each applicant the school qualifies for the state
9 licensing examination.

10 (ab) The board shall, by December 1, 2001, do the following
11 by regulation as necessary:

12 (1) Establish the format that shall be used by schools to report
13 tracking of all attendance hours and actual timeframes for
14 completed coursework.

15 (2) Require schools to provide a minimum of 10 hours of live
16 dictation class each school week for every full-time student.

17 (3) Require schools to provide students with the opportunity to
18 read back from their stenographic notes a minimum of one time
19 each day to his or her instructor.

20 (4) Require schools to provide students with the opportunity to
21 practice with a school-approved speed-building audio recording,
22 or other assigned material, a minimum of one hour per day after
23 school hours as a homework assignment and provide the notes
24 from this audio recording to their instructor the following day for
25 review.

26 (5) Develop standardization of policies on the use and
27 administration of qualifier examinations by schools.

28 (6) Define qualifier examination as follows: the qualifier
29 examination shall consist of 4-voice testimony of 10-minute
30 duration at 200 words per minute, graded at 97.5 percent accuracy,
31 and in accordance with the guidelines followed by the board.
32 Schools shall be required to date and number each qualifier and
33 announce the date and number to the students at the time of
34 administering the qualifier. All qualifiers shall indicate the actual
35 dictation time of the test and the school shall catalog and maintain
36 the qualifier for a period of not less than three years for the purpose
37 of inspection by the board.

38 (7) Require schools to develop a program to provide students
39 with the opportunity to interact with professional court reporters

1 to provide skill support, mentoring, or counseling that they can
2 document at least quarterly.

3 (8) Define qualifications and educational requirements required
4 of instructors and readers that read test material and qualifiers.

5 (ac) The board shall adopt regulations to implement the
6 requirements of this section not later than September 1, 2002.

7 (ad) The board may recover costs for any additional expenses
8 incurred under the enactment amending this section in the 2001–02
9 Regular Session of the Legislature pursuant to its fee authority in
10 Section 8031.

11 SEC. 10. Section 8030.2 of the Business and Professions Code
12 is amended to read:

13 8030.2. (a) To provide shorthand reporting services to
14 low-income litigants in civil cases, who are unable to otherwise
15 afford those services, funds generated by fees received by the board
16 pursuant to subdivision (c) of Section 8031 in excess of funds
17 needed to support the board's operating budget for the fiscal year
18 in which a transfer described below is made shall be used by the
19 board for the purpose of establishing and maintaining a Transcript
20 Reimbursement Fund. The Transcript Reimbursement Fund shall
21 be established by a transfer of funds from the Court Reporters'
22 Fund in the amount of three hundred thousand dollars (\$300,000)
23 at the beginning of each fiscal year. Notwithstanding any other
24 provision of this article, a transfer to the Transcript Reimbursement
25 Fund in excess of the fund balance established at the beginning of
26 each fiscal year shall not be made by the board if the transfer will
27 result in the reduction of the balance of the Court Reporters' Fund
28 to an amount less than six months' operating budget.

29 (b) All moneys held in the Court Reporters' Fund on the
30 effective date of this section in excess of the board's operating
31 budget for the 1996–97 fiscal year shall be used as provided in
32 subdivision (a).

33 (c) Refunds and unexpended funds that are anticipated to remain
34 in the Transcript Reimbursement Fund at the end of the fiscal year
35 shall be considered by the board in establishing the fee assessment
36 pursuant to Section 8031 so that the assessment shall maintain the
37 level of funding for the Transcript Reimbursement Fund, as
38 specified in subdivision (a), in the following fiscal year.

39 (d) The Transcript Reimbursement Fund is hereby created in
40 the State Treasury. Notwithstanding Section 13340 of the

Government Code, moneys in the Transcript Reimbursement Fund are continuously appropriated for the purposes of this chapter.

(e) (1) Applicants, including applicants pursuant to Section 8030.5, who have been reimbursed pursuant to this chapter for services provided to litigants and who are awarded court costs or attorney's fees by judgment or by settlement agreement shall refund the full amount of that reimbursement to the fund within 90 days of receipt of the award or settlement.

(2) An applicant pursuant to Section 8030.5 who has been reimbursed for services provided to litigants under this chapter shall refund the full amount reimbursed if a court orders the applicant's fee waiver withdrawn or denied retroactively pursuant to Section 68636 of the Government Code, within 90 days of the court's order withdrawing or denying the fee waiver.

(f) Subject to the limitations of this chapter, the board shall maintain the fund at a level that is sufficient to pay all qualified claims. To accomplish this objective, the board shall utilize all refunds, unexpended funds, fees, and any other moneys received by the board.

(g) Notwithstanding Section 16346 of the Government Code, all unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2017, shall be transferred to the Court Reporters' Fund.

(h) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 11. Section 8030.5 of the Business and Professions Code is amended to read:

8030.5. (a) Notwithstanding subdivision (e) of Section 8030.4, as used in this chapter the term "applicant" also means an indigent person, as defined in subdivision (f) of Section 8030.4, appearing pro se to represent himself or herself at any stage of the case and applying to receive funds from the Transcript Reimbursement Fund established by this chapter.

(b) Notwithstanding Section 8030.6, total disbursements to cover the cost of providing transcripts to all applicants pursuant to this section shall not exceed thirty thousand dollars (\$30,000) annually and shall not exceed one thousand five hundred dollars (\$1,500) per case.

(c) The board shall provide a report to the Senate and Assembly Committees on Judiciary by March 1, 2012, that includes a summary of the expenditures and claims relating to this article, including the initial fund balance as of January 1, 2011; all funds received, including the amount of, and reason for, any refunds pursuant to subdivision (e) of Section 8030.2; all claims received, including the type of case, court involved, service for which reimbursement was sought, amount paid, and amount denied, if any, and the reason for denial; and all administrative fees. This report shall be provided using existing resources.

(d) The Legislature finds and declares that there are funds available for indigent pro se parties under this article only because the Transcript Reimbursement Fund has not been fully utilized in recent years by the eligible applicants for whom its use has been intended, despite the evident financial need among legal services organizations and pro bono attorneys. Accordingly, the board shall, using existing resources, undertake further efforts to publicize the availability of the Transcript Reimbursement Fund to prospective applicants, as defined in subdivision (e) of Section 8030.4, through appropriate entities serving these applicants, including the State Bar of California, the California Commission on Access to Justice, and the Legal Aid Association of California. These efforts shall be described in the report required by subdivision (c).

(e) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2017, deletes or extends that date.

SEC. 12. Section 9812.5 of the Business and Professions Code is amended to read:

9812.5. The director shall gather evidence of violations of this chapter and of any regulation established hereunder by any service contractor, whether registered or not, and by any employee, partner, officer, or member of any service contractor. The director shall, on his or her own initiative, conduct spot check investigations of service contractors throughout the state on a continuous basis. This section shall remain in effect only until January 1, ~~2013~~ 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2013~~ 2015, deletes or extends that date.

SEC. 13. Section 9830.5 of the Business and Professions Code is amended to read:

9830.5. Each service contractor shall pay the fee required by this chapter for each place of business operated by him or her in this state and shall register with the bureau upon forms prescribed by the director. The forms shall contain sufficient information to identify the service contractor, including name, address, retail seller's permit number, if a permit is required under the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), a copy of the certificate of qualification as filed with the Secretary of State if the service contractor is a foreign corporation, and other identifying data to be prescribed by the bureau. If the business is to be carried on under a fictitious name, that fictitious name shall be stated. If the service contractor is a partnership, identifying data shall be stated for each partner. If the service contractor is a private company that does not file an annual report on Form 10-K with the Securities and Exchange Commission, data shall be included for each of the officers and directors of the company as well as for the individual in charge of each place of the service contractor's business in the State of California, subject to any regulations the director may adopt. If the service contractor is a publicly held corporation or a private company that files an annual report on Form 10-K with the Securities and Exchange Commission, it shall be sufficient for purposes of providing data for each of the officers and directors of the corporation or company to file with the director the most recent annual report on Form 10-K that is filed with the Securities and Exchange Commission.

A service contractor who does not operate a place of business in this state but who sells, issues, or administers service contracts in this state, shall hold a valid registration issued by the bureau and shall pay the registration fee required by this chapter as if he or she had a place of business in this state.

This section shall remain in effect only until January 1, ~~2013~~ 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2013~~ 2015, deletes or extends that date.

SEC. 14. Section 9832.5 of the Business and Professions Code is amended to read:

9832.5. (a) Registrations issued under this chapter shall expire no more than 12 months after the issue date. The expiration date

1 of registrations shall be set by the director in a manner to best
2 distribute renewal procedures throughout the year.

3 (b) To renew an unexpired registration, the service contractor
4 shall, on or before the expiration date of the registration, apply for
5 renewal on a form prescribed by the director, and pay the renewal
6 fee prescribed by this chapter.

7 (c) To renew an expired registration, the service contractor shall
8 apply for renewal on a form prescribed by the director, pay the
9 renewal fee in effect on the last regular renewal date, and pay all
10 accrued and unpaid delinquency and renewal fees.

11 (d) Renewal is effective on the date that the application is filed,
12 the renewal fee is paid, and all delinquency fees are paid.

13 (e) For purposes of implementing the distribution of the renewal
14 of registrations throughout the year, the director may extend, by
15 not more than six months, the date fixed by law for renewal of a
16 registration, except that, in that event, any renewal fee that may
17 be involved shall be prorated in such a manner that no person shall
18 be required to pay a greater or lesser fee than would have been
19 required had the change in renewal dates not occurred.

20 (f) This section shall remain in effect only until January 1, ~~2013~~
21 2015, and as of that date is repealed, unless a later enacted statute,
22 which is enacted before January 1, ~~2013~~ 2015, deletes or extends
23 that date.

24 *SEC. 15. Section 9847.5 of the Business and Professions Code*
25 *is amended to read:*

26 9847.5. Each service contractor shall maintain those records
27 as are required by the regulations adopted to carry out the
28 provisions of this chapter for a period of at least three years. These
29 records shall be open for reasonable inspection by the director or
30 other law enforcement officials.

31 This section shall remain in effect only until January 1, ~~2013~~
32 2015, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, ~~2013~~ 2015, deletes or extends
34 that date.

35 *SEC. 16. Section 9849 of the Business and Professions Code,*
36 *as amended by Section 49 of Chapter 354 of the Statutes of 2007,*
37 *is amended to read:*

38 9849. The expiration of a valid registration shall not deprive
39 the director of jurisdiction to proceed with any investigation or
40 hearing on a cease and desist order against a service dealer or

1 service contractor or to render a decision to suspend, revoke, or
2 place on probation a registration.

3 This section shall remain in effect only until January 1, ~~2013~~
4 2015, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, ~~2013~~ 2015, deletes or extends
6 that date.

7 *SEC. 17. Section 9849 of the Business and Professions Code,*
8 *as amended by Section 50 of Chapter 354 of the Statutes of 2007,*
9 *is amended to read:*

10 9849. The expiration of a valid registration shall not deprive
11 the director of jurisdiction to proceed with any investigation or
12 hearing on a cease and desist order against a service dealer or to
13 render a decision to suspend, revoke, or place on probation a
14 registration.

15 This section shall become operative on January 1, ~~2013~~ 2015.

16 *SEC. 18. Section 9851 of the Business and Professions Code,*
17 *as amended by Section 51 of Chapter 354 of the Statutes of 2007,*
18 *is amended to read:*

19 9851. The superior court in and for the county wherein any
20 person carries on, or attempts to carry on, business as a service
21 dealer or service contractor in violation of the provisions of this
22 chapter, or any regulation thereunder, shall, on application of the
23 director, issue an injunction or other appropriate order restraining
24 that conduct.

25 The proceedings under this section shall be governed by Chapter
26 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
27 of Civil Procedure, except that the director shall not be required
28 to allege facts necessary to show or tending to show lack of an
29 adequate remedy at law or irreparable injury.

30 This section shall remain in effect only until January 1, ~~2013~~
31 2015, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, ~~2013~~ 2015, deletes or extends
33 that date.

34 *SEC. 19. Section 9851 of the Business and Professions Code,*
35 *as amended by Section 52 of Chapter 354 of the Statutes of 2007,*
36 *is amended to read:*

37 9851. The superior court in and for the county wherein any
38 person carries on, or attempts to carry on, business as a service
39 dealer in violation of the provisions of this chapter, or any

1 regulation thereunder, shall, on application of the director, issue
2 an injunction or other appropriate order restraining that conduct.

3 The proceedings under this section shall be governed by Chapter
4 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
5 of Civil Procedure, except that the director shall not be required
6 to allege facts necessary to show or tending to show lack of an
7 adequate remedy at law or irreparable injury.

8 This section shall become operative on January 1, ~~2013~~ 2015.

9 *SEC. 20. Section 9853 of the Business and Professions Code,*
10 *as amended by Section 53 of Chapter 354 of the Statutes of 2007,*
11 *is amended to read:*

12 9853. A plea or verdict of guilty or a conviction following a
13 plea of nolo contendere made to a charge substantially related to
14 the qualifications, functions, and duties of a service dealer or
15 service contractor is deemed to be a conviction within the meaning
16 of this article. The director may suspend, revoke, or place on
17 probation a registration, or may deny registration, when the time
18 for appeal has elapsed, or the judgment of conviction has been
19 affirmed on appeal or when an order granting probation is made
20 suspending the imposition of sentence, irrespective of a subsequent
21 order under Section 1203.4 of the Penal Code, allowing that person
22 to withdraw his or her plea of guilty and to enter a plea of not
23 guilty, or setting aside the verdict of guilty, or dismissing the
24 accusation, information, or indictment.

25 This section shall remain in effect only until January 1, ~~2013~~
26 2015, and as of that date is repealed, unless a later enacted statute,
27 that is enacted before January 1, ~~2013~~ 2015, deletes or extends
28 that date.

29 *SEC. 21. Section 9853 of the Business and Professions Code,*
30 *as amended by Section 54 of Chapter 354 of the Statutes of 2007,*
31 *is amended to read:*

32 9853. A plea or verdict of guilty or a conviction following a
33 plea of nolo contendere made to a charge substantially related to
34 the qualifications, functions, and duties of a service dealer is
35 deemed to be a conviction within the meaning of this article. The
36 director may suspend, revoke, or place on probation a registration,
37 or may deny registration, when the time for appeal has elapsed, or
38 the judgment of conviction has been affirmed on appeal or when
39 an order granting probation is made suspending the imposition of
40 sentence, irrespective of a subsequent order under Section 1203.4

1 of the Penal Code allowing that person to withdraw his or her plea
2 of guilty and to enter a plea of not guilty, or setting aside the verdict
3 of guilty, or dismissing the accusation, information, or indictment.

4 This section shall become operative on January 1, ~~2013~~ 2015.

5 *SEC. 22. Section 9860 of the Business and Professions Code,*
6 *as amended by Section 58 of Chapter 354 of the Statutes of 2007,*
7 *is amended to read:*

8 9860. The director shall establish procedures for accepting
9 complaints from the public against any service dealer or service
10 contractor.

11 This section shall remain in effect only until January 1, ~~2013~~
12 2015, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, ~~2013~~ 2015, deletes or extends
14 that date.

15 *SEC. 23. Section 9860 of the Business and Professions Code,*
16 *as amended by Section 59 of Chapter 354 of the Statutes of 2007,*
17 *is amended to read:*

18 9860. The director shall establish procedures for accepting
19 complaints from the public against any service dealer.

20 This section shall become operative on January 1, ~~2013~~ 2015.

21 *SEC. 24. Section 9863 of the Business and Professions Code,*
22 *as amended by Section 61 of Chapter 354 of the Statutes of 2007,*
23 *is amended to read:*

24 9863. If, upon summary investigation, it appears probable to
25 the director that a violation of this chapter, or the regulations
26 thereunder, has occurred, the director, in his or her discretion, may
27 suggest measures that in the director's judgment would compensate
28 the complainant for the damages he or she has suffered as a result
29 of the alleged violation. If the service dealer or service contractor
30 accepts the director's suggestions and performs accordingly, the
31 director shall give that fact due consideration in any subsequent
32 disciplinary proceeding. If the service dealer or service contractor
33 declines to abide by the suggestions of the director, the director
34 may investigate further and may institute disciplinary proceedings
35 in accordance with the provisions of this chapter.

36 This section shall remain in effect only until January 1, ~~2013~~
37 2015, and as of that date is repealed, unless a later enacted statute,
38 that is enacted before January 1, ~~2013~~ 2015, deletes or extends
39 that date.

1 *SEC. 25. Section 9863 of the Business and Professions Code,*
2 *as amended by Section 62 of Chapter 354 of the Statutes of 2007,*
3 *is amended to read:*

4 9863. If, upon summary investigation, it appears probable to
5 the director that a violation of this chapter, or the regulations
6 thereunder, has occurred, the director, in his or her discretion, may
7 suggest measures that in the director's judgment would compensate
8 the complainant for the damages he or she has suffered as a result
9 of the alleged violation. If the service dealer accepts the director's
10 suggestions and performs accordingly, the director shall give that
11 fact due consideration in any subsequent disciplinary proceeding.
12 If the service dealer declines to abide by the suggestions of the
13 director, the director may investigate further and may institute
14 disciplinary proceedings in accordance with the provisions of this
15 chapter.

16 This section shall become operative on January 1, ~~2013~~ 2015.

17 *SEC. 26. Section 12529 of the Government Code, as amended*
18 *by Section 8 of Chapter 505 of the Statutes of 2009, is amended*
19 *to read:*

20 12529. (a) There is in the Department of Justice the Health
21 Quality Enforcement Section. The primary responsibility of the
22 section is to investigate and prosecute proceedings against licensees
23 and applicants within the jurisdiction of the Medical Board of
24 California, the California Board of Podiatric Medicine, the Board
25 of Psychology, or any committee under the jurisdiction of the
26 Medical Board of California.

27 (b) The Attorney General shall appoint a Senior Assistant
28 Attorney General of the Health Quality Enforcement Section. The
29 Senior Assistant Attorney General of the Health Quality
30 Enforcement Section shall be an attorney in good standing licensed
31 to practice in the State of California, experienced in prosecutorial
32 or administrative disciplinary proceedings and competent in the
33 management and supervision of attorneys performing those
34 functions.

35 (c) The Attorney General shall ensure that the Health Quality
36 Enforcement Section is staffed with a sufficient number of
37 experienced and able employees that are capable of handling the
38 most complex and varied types of disciplinary actions against the
39 licensees of the board.

(d) Funding for the Health Quality Enforcement Section shall be budgeted in consultation with the Attorney General from the special funds financing the operations of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

(e) This section shall remain in effect only until January 1, ~~2013~~ 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2013~~ 2014, deletes or extends that date.

SEC. 27. Section 12529 of the Government Code, as amended by Section 9 of Chapter 505 of the Statutes of 2009, is amended to read:

12529. (a) There is in the Department of Justice the Health Quality Enforcement Section. The primary responsibility of the section is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions, as provided in subdivision (b) of Section 12529.5.

(b) The Attorney General shall appoint a Senior Assistant Attorney General of the Health Quality Enforcement Section. The Senior Assistant Attorney General of the Health Quality Enforcement Section shall be an attorney in good standing licensed to practice in the State of California, experienced in prosecutorial or administrative disciplinary proceedings and competent in the management and supervision of attorneys performing those functions.

(c) The Attorney General shall ensure that the Health Quality Enforcement Section is staffed with a sufficient number of experienced and able employees that are capable of handling the most complex and varied types of disciplinary actions against the licensees of the board.

(d) Funding for the Health Quality Enforcement Section shall be budgeted in consultation with the Attorney General from the special funds financing the operations of the Medical Board of California, the California Board of Podiatric Medicine, the Board

1 of Psychology, and the committees under the jurisdiction of the
2 Medical Board of California, with the intent that the expenses be
3 proportionally shared as to services rendered.

4 (e) This section shall become operative January 1, ~~2013~~ 2014.

5 *SEC. 28. Section 12529.5 of the Government Code, as amended*
6 *by Section 10 of Chapter 505 of the Statutes of 2009, is amended*
7 *to read:*

8 12529.5. (a) All complaints or relevant information concerning
9 licensees that are within the jurisdiction of the Medical Board of
10 California, the California Board of Podiatric Medicine, or the
11 Board of Psychology shall be made available to the Health Quality
12 Enforcement Section.

13 (b) The Senior Assistant Attorney General of the Health Quality
14 Enforcement Section shall assign attorneys to work on location at
15 the intake unit of the boards described in subdivision (d) of Section
16 12529 to assist in evaluating and screening complaints and to assist
17 in developing uniform standards and procedures for processing
18 complaints.

19 (c) The Senior Assistant Attorney General or his or her deputy
20 attorneys general shall assist the boards or committees in designing
21 and providing initial and in-service training programs for staff of
22 the boards or committees, including, but not limited to, information
23 collection and investigation.

24 (d) The determination to bring a disciplinary proceeding against
25 a licensee of the boards shall be made by the executive officer of
26 the boards or committees as appropriate in consultation with the
27 senior assistant.

28 (e) This section shall remain in effect only until January 1, ~~2013~~
29 2014, and as of that date is repealed, unless a later enacted statute,
30 that is enacted before January 1, ~~2013~~ 2014, deletes or extends
31 that date.

32 *SEC. 29. Section 12529.5 of the Government Code, as amended*
33 *by Section 11 of Chapter 505 of the Statutes of 2009, is amended*
34 *to read:*

35 12529.5. (a) All complaints or relevant information concerning
36 licensees that are within the jurisdiction of the Medical Board of
37 California, the California Board of Podiatric Medicine, or the
38 Board of Psychology shall be made available to the Health Quality
39 Enforcement Section.

(b) The Senior Assistant Attorney General of the Health Quality Enforcement Section shall assign attorneys to assist the boards in intake and investigations and to direct discipline-related prosecutions. Attorneys shall be assigned to work closely with each major intake and investigatory unit of the boards, to assist in the evaluation and screening of complaints from receipt through disposition and to assist in developing uniform standards and procedures for the handling of complaints and investigations.

A deputy attorney general of the Health Quality Enforcement Section shall frequently be available on location at each of the working offices at the major investigation centers of the boards, to provide consultation and related services and engage in case review with the boards' investigative, medical advisory, and intake staff. The Senior Assistant Attorney General and deputy attorneys general working at his or her direction shall consult as appropriate with the investigators of the boards, medical advisors, and executive staff in the investigation and prosecution of disciplinary cases.

(c) The Senior Assistant Attorney General or his or her deputy attorneys general shall assist the boards or committees in designing and providing initial and in-service training programs for staff of the boards or committees, including, but not limited to, information collection and investigation.

(d) The determination to bring a disciplinary proceeding against a licensee of the boards shall be made by the executive officer of the boards or committees as appropriate in consultation with the senior assistant.

(e) This section shall become operative January 1, ~~2013~~ 2014.

~~SEC. 12.~~

SEC. 30. Section 12529.6 of the Government Code is amended to read:

12529.6. (a) The Legislature finds and declares that the Medical Board of California, by ensuring the quality and safety of medical care, performs one of the most critical functions of state government. Because of the critical importance of the board's public health and safety function, the complexity of cases involving alleged misconduct by physicians and surgeons, and the evidentiary burden in the board's disciplinary cases, the Legislature finds and declares that using a vertical enforcement and prosecution model

1 for those investigations is in the best interests of the people of
2 California.

3 (b) Notwithstanding any other provision of law, as of January
4 1, 2006, each complaint that is referred to a district office of the
5 board for investigation shall be simultaneously and jointly assigned
6 to an investigator and to the deputy attorney general in the Health
7 Quality Enforcement Section responsible for prosecuting the case
8 if the investigation results in the filing of an accusation. The joint
9 assignment of the investigator and the deputy attorney general
10 shall exist for the duration of the disciplinary matter. During the
11 assignment, the investigator so assigned shall, under the direction
12 but not the supervision of the deputy attorney general, be
13 responsible for obtaining the evidence required to permit the
14 Attorney General to advise the board on legal matters such as
15 whether the board should file a formal accusation, dismiss the
16 complaint for a lack of evidence required to meet the applicable
17 burden of proof, or take other appropriate legal action.

18 (c) The Medical Board of California, the Department of
19 Consumer Affairs, and the Office of the Attorney General shall,
20 if necessary, enter into an interagency agreement to implement
21 this section.

22 (d) This section does not affect the requirements of Section
23 12529.5 as applied to the Medical Board of California where
24 complaints that have not been assigned to a field office for
25 investigation are concerned.

26 (e) It is the intent of the Legislature to enhance the vertical
27 enforcement and prosecution model as set forth in subdivision (a).
28 The Medical Board of California shall do all of the following:

29 (1) Increase its computer capabilities and compatibilities with
30 the Health Quality Enforcement Section in order to share case
31 information.

32 (2) Establish and implement a plan to locate its enforcement
33 staff and the staff of the Health Quality Enforcement Section in
34 the same offices, as appropriate, in order to carry out the intent of
35 the vertical enforcement and prosecution model.

36 (3) Establish and implement a plan to assist in team building
37 between its enforcement staff and the staff of the Health Quality
38 Enforcement Section in order to ensure a common and consistent
39 knowledge base.

1 (f) 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 *SEC. 31. No reimbursement is required by this act pursuant*
5 *to Section 6 of Article XIII B of the California Constitution because*
6 *the only costs that may be incurred by a local agency or school*
7 *district will be incurred because this act creates a new crime or*
8 *infraction, eliminates a crime or infraction, or changes the penalty*
9 *for a crime or infraction, within the meaning of Section 17556 of*
10 *the Government Code, or changes the definition of a crime within*
11 *the meaning of Section 6 of Article XIII B of the California*
12 *Constitution.*