

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2793

Introduced by Assembly Member Jones

February 19, 2016

An act to amend Section ~~53091~~ 51033 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2793, as amended, Jones. Local government: ~~building and zoning~~. *business license: massage: bowenwork.*

Existing law, the Massage Therapy Act, provides for the voluntary certification of the practice of massage therapy by the California Massage Therapy Council. Existing law authorizes a city, county, or city and county to license, regulate, prohibit, or permit an individual who provides massage for compensation without a certificate.

Existing law authorizes the legislative body of a city or county for incorporated areas to enact an ordinance providing for the licensing for regulation of the business of massage when carried on within the city or county. Existing law authorizes an ordinance to condition the issuance of a license to engage in the business of massage upon proof that a massage business meets specified reasonable standards set by the ordinance.

This bill would provide that those ordinance provisions do not apply to a person practicing bowenwork who has been certified by a professional organization, as provided. By requiring a local legislative body to determine whether a person practicing bowenwork satisfies the requirements for exemption, the bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires each local agency to comply with all applicable building and zoning ordinances of the county or city in which the territory of the local agency is situated. Existing law provides that each local agency and each school district whose school buildings are subject to inspection by a county or city are subject to the payment of any applicable fees, but requires that those fees not exceed the amount charged to nongovernmental agencies for the same services or permits.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 51033 of the Government Code is
2 amended to read:

3 51033. (a) This chapter does not apply to cosmetologists,
4 barbers, or to persons licensed to practice any healing art pursuant
5 to Division 2 (commencing with Section 500) of the Business and
6 Professions Code or the Chiropractic Act when engaging in this
7 practice within the scope of his or her license.

8 (b) Notwithstanding any other provision of law, this chapter
9 shall apply to an independent contractor of any person described
10 in subdivision (a) if the independent contractor is engaged in, or
11 is purported to be engaged in, the business of massage.

12 (c) *This chapter does not apply to a person practicing*
13 *bowenwork who has been certified by a professional organization.*
14 *A person practicing bowenwork does not practice massage therapy*
15 *and limits bowenwork practice to one or more of the following*
16 *practices:*

17 (1) *Using touch, words, and directed movement to deepen*
18 *awareness of existing patterns of movement and suggest new*
19 *possibilities of movement.*

1 (2) *Using minimal touch over specific points on the body to*
2 *facilitate balance in the nervous system.*

3 (3) *Using touch to affect the energy systems, channels, or energy*
4 *of the body.*

5 *SEC. 2. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*

10 ~~SECTION 1. Section 53091 of the Government Code is~~
11 ~~amended to read:~~

12 ~~53091. (a) Each local agency shall comply with all applicable~~
13 ~~building ordinances and zoning ordinances of the county or city~~
14 ~~in which the territory of the local agency is situated.~~

15 ~~(b) On projects for which state school building aid is requested~~
16 ~~by a local agency for construction of school facilities, the county~~
17 ~~or city planning commission in which the local agency is located~~
18 ~~shall consider in its review for approval information relating to~~
19 ~~attendance area enrollment, adequacy of the site upon which the~~
20 ~~construction is proposed, safety features of the site and proposed~~
21 ~~construction, and present and future land utilization, and report~~
22 ~~thereon to the State Allocation Board. If the local agency is situated~~
23 ~~in more than one city or county or partly in a city and partly in a~~
24 ~~county, the local agency shall comply with the ordinances of each~~
25 ~~county or city with respect to the territory of the local agency that~~
26 ~~is situated in the particular county or city, and the ordinances of a~~
27 ~~county or city shall not be applied to any portion of the territory~~
28 ~~of the local agency that is situated outside the boundaries of the~~
29 ~~county or city. Notwithstanding the preceding provisions of this~~
30 ~~section, this section does not require a school district or the state~~
31 ~~when acting under the State Contract Act (Article 1 (commencing~~
32 ~~with Section 10100) of Chapter 1 of Part 2 of Division 2 of the~~
33 ~~Public Contract Code) to comply with the building ordinances of~~
34 ~~a county or city.~~

35 ~~(c) Each local agency required to comply with building~~
36 ~~ordinances and zoning ordinances pursuant to this section and each~~
37 ~~school district whose school buildings are inspected by a county~~
38 ~~or city pursuant to Section 53092 shall be subject to the applicable~~
39 ~~ordinances of a county or city requiring the payment of fees, but~~
40 ~~the amount of fees charged to a local agency or school district shall~~

1 not exceed the amount charged under the ordinance to
2 nongovernmental agencies for the same services or permits.

3 ~~(d) Building ordinances of a county or city shall not apply to~~
4 ~~the location or construction of facilities for the production,~~
5 ~~generation, storage, treatment, or transmission of water,~~
6 ~~wastewater, or electrical energy by a local agency.~~

7 ~~(e) Zoning ordinances of a county or city shall not apply to the~~
8 ~~location or construction of facilities for the production, generation,~~
9 ~~storage, treatment, or transmission of water, or for the production~~
10 ~~or generation of electrical energy, facilities that are subject to~~
11 ~~Section 12808.5 of the Public Utilities Code, or electrical~~
12 ~~substations in an electrical transmission system that receives~~
13 ~~electricity at less than 100,000 volts. Zoning ordinances of a county~~
14 ~~or city shall apply to the location or construction of facilities for~~
15 ~~the storage or transmission of electrical energy by a local agency,~~
16 ~~if the zoning ordinances make provision for those facilities.~~