

**Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)**

March 18, 2015

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An act to amend Sections 5070.1, 5087, 6735, 7083, 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as introduced, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law provides that an accountant whose license was canceled by operation of law, after nonrenewal, as specified, may, upon application to the board and meeting specified requirements, have his or her license placed into a retired status.

This bill would prohibit the California Board of Accountancy from restoring that license in retired status to active or inactive status and instead would require the individual to apply for a new license in order to restore his or her license.

(2) Existing law authorizes the California Board of Accountancy to issue a certified public account (CPA) license to an applicant who holds a valid and unrevoked CPA license in another state, under specified conditions.

This bill would require that an out-of-state applicant hold a current, active, and unrestricted CPA license in order to be issued a CPA license under this provision.

(3) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional

Engineers, Land Surveyors, and Geologists. A violation of the licensing provisions of the act is a misdemeanor. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures to be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. The bill would also repeal the requirements that all civil engineering plans and other specified documents for construction of specified hospital and medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

(4) The California Constitution provides that laborers of every class who have worked upon or have furnished material for a property have a lien upon that property for the value of the labor done and material furnished. The California Constitution requires the Legislature to provide, by law, for the speedy and efficient enforcement of those liens. Existing law requires specified structural pest control operators to provide notice regarding possible liens, as specified, to the owner of property prior to entering into a contract to provide work on that property. A violation of these provisions is a misdemeanor.

This bill would extend the notice requirements to all structural pest control operators.

(5) Existing law requires a structural pest control operator to provide a report detailing the results of an inspection for wood destroying pests or organisms prior to commencing work on a contract or expressing an opinion regarding the presence or absence of wood destroying pests or organisms, to the Structural Pest Control Board, within the Department of Consumer Affairs, as specified. Existing law requires that the pest control operator deliver a copy of the report to the person requesting

inspection, or designated agent, within 10 business days of the inspection. Existing law requires a pest control operator to deliver a copy of that report to the owner or the owner’s agent within 10 working days of an inspection.

This bill would remove the requirement that the pest control operator provide the owner of the property or the owner’s agent with a copy of the report, unless the owner was the person who requested the inspection.

(6) Existing law creates the California Travel and Tourism Commission and provides for the membership and meetings of the commission.

This bill would specify that all meetings of the commission take place in California and would authorize commissioners to attend meetings of the commission by conference telephone or other technology, as specified.

(7) Because this bill would expand the definition of a crime, it 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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 5070.1 of the Business and Professions
- 2 Code is amended to read:
- 3 5070.1. (a) The board may establish, by regulation, a system
- 4 for the placement of a license into a retired status, upon application,
- 5 for certified public accountants and public accountants who are
- 6 not actively engaged in the practice of public accountancy or any
- 7 activity~~which~~ *that* requires them to be licensed by the board.
- 8 (b) No licensee with a license in a retired status shall engage in
- 9 any activity for which a permit is required.
- 10 (c) The board shall deny an applicant’s application to place a
- 11 license in a retired status if the permit is subject to an outstanding
- 12 order of the board, is suspended, revoked, or otherwise punitively

1 restricted by the board, or is subject to disciplinary action under  
2 this chapter.

3 (d) (1) The holder of a license that was canceled pursuant to  
4 Section 5070.7 may apply for the placement of that license in a  
5 retired status pursuant to subdivision (a).

6 (2) Upon approval of an application made pursuant to paragraph  
7 (1), the board shall reissue that license in a retired status.

8 (3) The holder of a canceled license that was placed in retired  
9 status between January 1, 1994, and January 1, 1999, inclusive,  
10 shall not be required to meet the qualifications established pursuant  
11 to subdivision (e), but shall be subject to all other requirements of  
12 this section.

13 (e) The board shall establish minimum qualifications to place  
14 a license in retired status.

15 (f) The board may exempt the holder of a license in a retired  
16 status from the renewal requirements described in Section 5070.5.

17 (g) The board shall establish minimum qualifications for the  
18 restoration of a license in a retired status to an active status. These  
19 minimum qualifications shall include, but are not limited to,  
20 continuing education and payment of a fee as provided in  
21 subdivision (h) of Section 5134.

22 (h) *The board shall not restore to active or inactive status a*  
23 *license that was canceled by operation of law, pursuant to*  
24 *subdivision (a) of Section 5070.7, and then placed into retired*  
25 *status pursuant to subdivision (d). The individual shall instead*  
26 *apply for a new license, as described in subdivision (c) of Section*  
27 *5070.7, in order to restore his or her license.*

28 SEC. 2. Section 5087 of the Business and Professions Code is  
29 amended to read:

30 5087. (a) The board may issue a certified public accountant  
31 license to any applicant who is a holder of a ~~valid and unrevoked~~  
32 *current, active, and unrestricted* certified public accountant license  
33 issued under the laws of any state, if the board determines that the  
34 standards under which the applicant received the license are  
35 substantially equivalent to the standards of education, examination,  
36 and experience established under this chapter and the applicant  
37 has not committed acts or crimes constituting grounds for denial  
38 under Section 480. To be authorized to sign reports on attest  
39 engagements, the applicant shall meet the requirements of Section  
40 5095.

1 (b) The board may in particular cases waive any of the  
2 requirements regarding the circumstances in which the various  
3 parts of the examination were to be passed for an applicant from  
4 another state.

5 SEC. 3. Section 6735 of the Business and Professions Code is  
6 amended to read:

7 6735. (a) All civil (including structural and geotechnical)  
8 engineering plans, calculations, specifications, and reports  
9 (hereinafter referred to as “documents”) shall be prepared by, or  
10 under the responsible charge of, a licensed civil engineer and shall  
11 include his or her name and license number. Interim documents  
12 shall include a notation as to the intended purpose of the document,  
13 such as “preliminary,” “not for construction,” “for plan check  
14 only,” or “for review only.” All civil engineering plans and  
15 specifications that are permitted or that are to be released for  
16 construction shall bear the signature and seal or stamp of the  
17 licensee and the date of signing and sealing or stamping. All final  
18 civil engineering calculations and reports shall bear the signature  
19 and seal or stamp of the licensee, and the date of signing and  
20 sealing or stamping. If civil engineering plans are required to be  
21 signed and sealed or stamped and have multiple sheets, the  
22 signature, seal or stamp, and date of signing and sealing or  
23 stamping shall appear on each sheet of the plans. If civil  
24 engineering specifications, calculations, and reports are required  
25 to be signed and sealed or stamped and have multiple pages, the  
26 signature, seal or stamp, and date of signing and sealing or  
27 stamping shall appear at a minimum on the title sheet, cover sheet,  
28 or signature sheet.

29 ~~(b) (1) All civil engineering plans, calculations, specifications,~~  
30 ~~and reports for the construction of structures described in paragraph~~  
31 ~~(2) shall be prepared by, or under the responsible charge of, a~~  
32 ~~licensed architect holding a valid certificate under Chapter 3~~  
33 ~~(commencing with Section 5500) or a licensed civil engineer who~~  
34 ~~is also licensed as a structural engineer in accordance with Section~~  
35 ~~6736.~~

36 ~~(2) All public school structures, as provided under Chapter 3~~  
37 ~~(commencing with Section 17251) of Part 10.5 of Division 1 of~~  
38 ~~Title 1 of the Education Code.~~

39 ~~(e) (1) All civil engineering plans, calculations, specifications,~~  
40 ~~and reports for the construction of the structures described in~~

1 paragraph (2) shall be prepared by, or under the responsible charge  
 2 of, a licensed civil engineer who is also licensed as a structural  
 3 engineer in accordance with Section 6736.

4 ~~(2) Hospitals and other medical facilities having surgery and~~  
 5 ~~emergency treatment areas, as provided under Part 7 (commencing~~  
 6 ~~with Section 129675) of Division 107 of the Health and Safety~~  
 7 ~~Code.~~

8 ~~(d)~~

9 (b) Notwithstanding subdivision ~~(a) or (b)~~, (a), a licensed civil  
 10 engineer who signs civil engineering documents shall not be  
 11 responsible for damage caused by subsequent changes to or uses  
 12 of those documents, if the subsequent changes or uses, including  
 13 changes or uses made by state or local governmental agencies, are  
 14 not authorized or approved by the licensed civil engineer who  
 15 originally signed the documents, provided that the engineering  
 16 service rendered by the civil engineer who signed the documents  
 17 was not also a proximate cause of the damage.

18 SEC. 4. Section 7083 of the Business and Professions Code is  
 19 amended to read:

20 7083. ~~AH~~(a) *Notwithstanding any other law*, licensees shall  
 21 notify the registrar, on a form prescribed by the registrar, in writing  
 22 within 90 days of any change to information recorded under this  
 23 chapter. This notification requirement shall include, but not be  
 24 limited to, changes in business address, personnel, business name,  
 25 qualifying individual bond exemption pursuant to Section 7071.9,  
 26 or exemption to qualify multiple licenses pursuant to Section  
 27 7068.1.

28 ~~Failure~~

29 (b) *Failure* of the licensee to notify the registrar of any change  
 30 to information within 90 days shall cause the change to be effective  
 31 the date the written notification is received at the board's  
 32 headquarters office.

33 ~~Failure~~

34 (c) *Failure* to notify the registrar of the changes within the 90  
 35 days is grounds for disciplinary action.

36 SEC. 5. Section 8508 of the Business and Professions Code is  
 37 amended to read:

38 8508. "Household" means any structure and its contents ~~which~~  
 39 *that* are used for ~~man~~ *persons* and ~~his~~ *their* convenience.

1 SEC. 6. Section 8513 of the Business and Professions Code is  
2 amended to read:

3 8513. (a) The board shall prescribe a form entitled “Notice to  
4 Owner” that shall describe, in nontechnical language and in a clear  
5 and coherent manner using words with common and everyday  
6 meaning, the pertinent provisions of this state’s mechanics lien  
7 laws and the rights and responsibilities of an owner of property  
8 and a registered pest control company thereunder. Each company  
9 registered under this chapter, prior to entering into a contract with  
10 an owner for work for which a company registration is required,  
11 shall give a copy of this “Notice to Owner” to the owner, his or  
12 her agent, or the payer.

13 (b) No company that is required to be registered under this  
14 chapter shall require or request a waiver of lien rights from any  
15 subcontractor, employee, or supplier.

16 (c) Each company registered under this chapter that acts as a  
17 subcontractor for another company registered under this chapter  
18 shall, within 20 days of commencement of any work for which a  
19 company registration is required, give the preliminary notice in  
20 accordance with Chapter 2 (commencing with Section 8200) of  
21 Title 2 of Part 6 of Division 4 of the Civil Code, to the owner, his  
22 or her agent, or the payer.

23 (d) Each company registered under this chapter that acts as a  
24 prime contractor for work for which a company registration is  
25 required shall, prior to accepting payment for the work, furnish to  
26 the owner, his or her agent, or the payer a full and unconditional  
27 release from any claim of mechanics lien by any subcontractor  
28 entitled to enforce a mechanics lien pursuant to Section 8410 of  
29 the Civil Code.

30 (e) Each company registered under this chapter that subcontracts  
31 to another company registered under this chapter work for which  
32 a company registration is required shall furnish to the subcontractor  
33 the name of the owner, his or her agent, or the payer.

34 ~~(f) The provisions of this section shall be applicable only to~~  
35 ~~those registered companies, as defined in Section 8506.1, operating~~  
36 ~~pursuant to a Branch 1 or Branch 3 registration.~~

37 ~~(g)~~

38 (f) A violation of the provisions of this section is a ground for  
39 disciplinary action.

1 SEC. 7. Section 8516.5 of the Business and Professions Code  
2 is repealed.

3 ~~8516.5. Any registered company that makes an inspection of~~  
4 ~~any property relating to the absence or presence of wood destroying~~  
5 ~~pests or organisms on such property and makes a report of such~~  
6 ~~inspection shall furnish a copy of the report either to the owner of~~  
7 ~~the property or to the agent of the owner, within 10 working days~~  
8 ~~after the date the inspection is commenced, except an inspection~~  
9 ~~report prepared for use by an attorney for litigation is not required~~  
10 ~~to be furnished.~~

11 SEC. 8. Section 8552 of the Business and Professions Code is  
12 amended to read:

13 8552. It is unlawful for any person to advertise or represent in  
14 any manner that any pest control work, in whole or in part, has  
15 been done upon any structure, unless the work has been performed  
16 by a ~~company registered under~~ *registered company, except as*  
17 *otherwise provided in this chapter.*

18 SEC. 9. Section 8611 of the Business and Professions Code is  
19 amended to read:

20 8611. (a) Each branch office shall have a branch supervisor  
21 designated by the registered company to supervise and assist the  
22 company's employees who are located at that branch. The branch  
23 supervisor shall be an individual who is licensed by the board as  
24 an operator or a field representative *in the branch or branches of*  
25 *business being conducted* and his or her license shall be  
26 prominently displayed in the branch office.

27 ~~¶~~

28 (b) *If a branch supervisor ceases for any reason to be connected*  
29 *with a registered company, the company shall notify the registrar*  
30 *in writing within 10 days from that cessation. If this notice is given,*  
31 *the company's branch office registration shall remain in force for*  
32 *a reasonable length of time to be determined by rules of the board,*  
33 *during which period the company shall submit to the registrar in*  
34 *writing the name of another qualified branch supervisor.*

35 SEC. 10. Section 17913 of the Business and Professions Code  
36 is amended to read:

37 17913. (a) The fictitious business name statement shall contain  
38 all of the information required by this subdivision and shall be  
39 substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as

\* \_\_\_\_\_  
at \*\* \_\_\_\_\_:  
\*\*\* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This business is conducted by \*\*\*\* \_\_\_\_\_

The registrant commenced to transact business under the fictitious business name or names listed above on

\*\*\*\*\* \_\_\_\_\_

I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)

Registrant signature \_\_\_\_\_

Statement filed with the County Clerk of \_\_\_\_ County on \_\_\_\_\_

NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH IN THE STATEMENT PURSUANT TO SECTION 17913 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THE EXPIRATION.

THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE SECTION 14411 ET SEQ., BUSINESS AND PROFESSIONS CODE).

1 (b) The fictitious business name statement shall contain the  
2 following information set forth in the manner indicated in the form  
3 provided by subdivision (a):

4 (1) Where the asterisk (\*) appears in the form, insert the  
5 fictitious business name or names. Only those businesses operated  
6 at the same address and under the same ownership may be listed  
7 on one fictitious business name statement.

8 (2) Where the two asterisks (\*\*) appear in the form: If the  
9 registrant has a place of business in this state, insert the street  
10 address, and county, of his or her principal place of business in  
11 this state. If the registrant has no place of business in this state,  
12 insert the street address, and county, of his or her principal place  
13 of business outside this state.

14 (3) Where the three asterisks (\*\*\*) appear in the form: If the  
15 registrant is an individual, insert his or her full name and residence  
16 address. If the registrants are a married couple, insert the full name  
17 and residence address of both parties to the marriage. If the  
18 registrant is a general partnership, copartnership, joint venture, or  
19 limited liability partnership, insert the full name and residence  
20 address of each general partner. If the registrant is a limited  
21 partnership, insert the full name and residence address of each  
22 general partner. If the registrant is a limited liability company,  
23 insert the name and address of the limited liability company, as  
24 set out in its articles of organization on file with the California  
25 Secretary of State, and the state of organization. If the registrant  
26 is a trust, insert the full name and residence address of each trustee.  
27 If the registrant is a corporation, insert the name and address of  
28 the corporation, as set out in its articles of incorporation on file  
29 with the California Secretary of State, and the state of  
30 incorporation. If the registrants are state or local registered  
31 domestic partners, insert the full name and residence address of  
32 each domestic partner. If the registrant is an unincorporated  
33 association other than a partnership, insert the name of each person  
34 who is interested in the business of the association and whose  
35 liability with respect to the association is substantially the same  
36 as that of a general partner.

37 (4) Where the four asterisks (\*\*\*\*) appear in the form, insert  
38 whichever of the following best describes the nature of the  
39 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a  
40 limited partnership,” (iv) “a limited liability company,” (v) “an

1 unincorporated association other than a partnership,” (vi) “a  
2 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “ a married  
3 couple,” (x) “joint venture,” (xi) “state or local registered domestic  
4 partners,” or (xii) “a limited liability partnership.”

5 (5) Where the five asterisks (\*\*\*\*\*) appear in the form, insert  
6 the date on which the registrant first commenced to transact  
7 business under the fictitious business name or names listed, if  
8 already transacting business under that name or names. If the  
9 registrant has not yet commenced to transact business under the  
10 fictitious business name or names listed, insert the statement, “Not  
11 applicable.”

12 (c) The registrant shall declare that all of the information in the  
13 fictitious business statement is true and correct. A registrant who  
14 declares as true any material matter pursuant to this section that  
15 the registrant knows to be false is guilty of a misdemeanor  
16 punishable by a fine not to exceed one thousand dollars (\$1,000).

17 (d) (1) At the time of filing of the fictitious business name  
18 statement, the registrant filing on behalf of the registrant shall  
19 present personal identification in the form of a California driver’s  
20 license or other government identification acceptable to the county  
21 clerk to adequately determine the identity of the registrant filing  
22 on behalf of the registrant as provided in subdivision (e) and the  
23 county clerk may require the registrant to complete and sign an  
24 affidavit of identity.

25 (2) In the case of a registrant utilizing an agent for submission  
26 of the registrant’s fictitious business name statement for filing, at  
27 the time of filing of the fictitious business name statement, the  
28 agent filing on behalf of the registrant shall present personal  
29 identification in the form of a California driver’s license or other  
30 government identification acceptable to the county clerk to  
31 adequately determine the identity of the agent filing on behalf of  
32 the registrant as provided in subdivision (e). The county clerk may  
33 also require the agent to submit a notarized statement signed by  
34 the registrant declaring the registrant has authorized the agent to  
35 submit the filing on behalf of the registrant.

36 (e) If the registrant is a corporation, a limited liability company,  
37 a limited partnership, or a limited liability partnership, the county  
38 clerk may require documentary evidence issued by the *California*  
39 Secretary of State and deemed acceptable by the county clerk,  
40 indicating the current existence and good standing of that business

1 entity to be attached to a completed and notarized affidavit of  
2 identity, for purposes of subdivision (d).

3 (f) The county clerk may require a registrant that mails a  
4 fictitious business name statement to a county clerk’s office for  
5 filing to submit a completed and notarized affidavit of identity. A  
6 registrant that is a corporation, limited liability company, limited  
7 partnership, or limited liability partnership, if required by the  
8 county clerk to submit an affidavit of identity, shall also submit  
9 documentary evidence issued by the *California* Secretary of State  
10 indicating the current existence and good standing of that business  
11 entity.

12 (g) A county clerk that chooses to establish procedures pursuant  
13 to this section shall prescribe the form of affidavit of identity for  
14 filing by a registrant in that county.

15 SEC. 11. Section 13995.40 of the Government Code is amended  
16 to read:

17 13995.40. (a) Upon approval of the initial referendum, the  
18 office shall establish a nonprofit mutual benefit corporation named  
19 the California Travel and Tourism Commission. The commission  
20 shall be under the direction of a board of commissioners, which  
21 shall function as the board of directors for purposes of the  
22 Nonprofit Corporation Law.

23 (b) The board of commissioners shall consist of 37  
24 commissioners comprising the following:

25 (1) The director, who shall serve as chairperson.

26 (2) (A) Twelve members, who are professionally active in the  
27 tourism industry, and whose primary business, trade, or profession  
28 is directly related to the tourism industry, shall be appointed by  
29 the Governor. Each appointed commissioner shall represent only  
30 one of the 12 tourism regions designated by the office, and the  
31 appointed commissioners shall be selected so as to represent, to  
32 the greatest extent possible, the diverse elements of the tourism  
33 industry. Appointed commissioners are not limited to individuals  
34 who are employed by or represent assessed businesses.

35 (B) If an appointed commissioner ceases to be professionally  
36 active in the tourism industry or his or her primary business, trade,  
37 or profession ceases to be directly related to the tourism industry,  
38 he or she shall automatically cease to be an appointed  
39 commissioner 90 days following the date on which he or she ceases  
40 to meet both of the eligibility criteria specified in subparagraph

1 (A), unless the commissioner becomes eligible again within that  
2 90-day period.

3 (3) Twenty-four elected commissioners, including at least one  
4 representative of a travel agency or tour operator that is an assessed  
5 business.

6 (c) The commission established pursuant to Section 15364.52  
7 shall be inoperative so long as the commission established pursuant  
8 to this section is in existence.

9 (d) Elected commissioners shall be elected by industry category  
10 in a referendum. Regardless of the number of ballots received for  
11 a referendum, the nominee for each commissioner slot with the  
12 most weighted votes from assessed businesses within that industry  
13 category shall be elected commissioner. In the event that an elected  
14 commissioner resigns, dies, or is removed from office during his  
15 or her term, the commission shall appoint a replacement from the  
16 same industry category that the commissioner in question  
17 represented, and that commissioner shall fill the remaining term  
18 of the commissioner in question. The number of commissioners  
19 elected from each industry category shall be determined by the  
20 weighted percentage of assessments from that category.

21 (e) The director may remove any elected commissioner  
22 following a hearing at which the commissioner is found guilty of  
23 abuse of office or moral turpitude.

24 (f) (1) The term of each elected commissioner shall commence  
25 July 1 of the year next following his or her election, and shall  
26 expire on June 30 of the fourth year following his or her election.  
27 If an elected commissioner ceases to be employed by or with an  
28 assessed business in the category and segment which he or she  
29 was representing, his or her term as an elected commissioner shall  
30 automatically terminate 90 days following the date on which he  
31 or she ceases to be so employed, unless, within that 90-day period,  
32 the commissioner again is employed by or with an assessed  
33 business in the same category and segment.

34 (2) Terms of elected commissioners that would otherwise expire  
35 effective December 31 of the year during which legislation adding  
36 this subdivision is enacted shall automatically be extended until  
37 June 30 of the following year.

38 (g) With the exception of the director, no commissioner shall  
39 serve for more than two consecutive terms. For purposes of this

1 subdivision, the phrase “two consecutive terms” shall not include  
 2 partial terms.

3 (h) Except for the original commissioners, all commissioners  
 4 shall serve four-year terms. One-half of the commissioners  
 5 originally appointed or elected shall serve a two-year term, while  
 6 the remainder shall serve a four-year term. Every two years  
 7 thereafter, one-half of the commissioners shall be appointed or  
 8 elected by referendum.

9 (i) The selection committee shall determine the initial slate of  
 10 candidates for elected commissioners. Thereafter the  
 11 commissioners, by adopted resolution, shall nominate a slate of  
 12 candidates, and shall include any additional candidates complying  
 13 with the procedure described in Section 13995.62.

14 (j) The commissioners shall elect a vice chairperson from the  
 15 elected commissioners.

16 (k) The commission may lease space from the office.

17 (l) The commission and the office shall be the official state  
 18 representatives of California tourism.

19 ~~(m) A California location shall be available for all commission~~  
 20 ~~meetings.~~

21 *(m) (1) All commission meetings shall be held in California.*

22 *(2) Commissioners may participate in meetings by means of*  
 23 *conference telephone and other technology, as authorized pursuant*  
 24 *to paragraph (6) of subdivision (a) of Section 7211 of the*  
 25 *Corporations Code.*

26 (n) No person shall receive compensation for serving as a  
 27 commissioner, but each commissioner shall receive reimbursement  
 28 for reasonable expenses incurred while on authorized commission  
 29 business.

30 (o) Assessed businesses shall vote only for commissioners  
 31 representing their industry category.

32 (p) Commissioners shall comply with the requirements of the  
 33 Political Reform Act of 1974 (Title 9 (commencing with Section  
 34 81000)). The Legislature finds and declares that commissioners  
 35 appointed or elected on the basis of membership in a particular  
 36 tourism segment are appointed or elected to represent and serve  
 37 the economic interests of those tourism segments and that the  
 38 economic interests of these members are the same as those of the  
 39 public generally.

1 (q) Commission meetings shall be subject to the requirements  
2 of the Bagley-Keene Open Meeting Act (Article 9 (commencing  
3 with Section 11120) of Chapter 1 of Part 1).

4 (r) The executive director of the commission shall serve as  
5 secretary to the commission, a nonvoting position, and shall keep  
6 the minutes and records of all commission meetings.

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