

AMENDED IN ASSEMBLY AUGUST 20, 2015

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 799

**Introduced by ~~Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)~~
Senators Hill and Glazer
(*Coauthors: Senators Allen, Block, Galgiani, Pavley, Roth, and Wolk*)
(*Coauthors: Assembly Members Bonilla, Brown, Calderon, Cooper, Gray, Irwin, Olsen, Salas, and Ting*)**

March 18, 2015

~~An act to amend Sections 5055, 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7685, 7818, 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. An act to amend Sections 42127 and 42127.01 of the Education Code, relating to school finance.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, ~~Committee on Business, Professions and Economic Development Hill. Business and professions. School finance: school districts: annual budgets: reserve balance.~~

Existing law requires the governing board of a school district, on or before July 1 of each year, to hold a hearing on, and adopt a budget for, the subsequent fiscal year. Existing law requires the governing board of a school district that proposes to adopt a budget that includes

a combined assigned and unassigned ending fund balance in excess of the minimum recommended reserve for economic uncertainties adopted by the State Board of Education to provide specified information for public review and discussion.

This bill would instead require the governing board of a school district that proposes to adopt a budget that includes unassigned ending balances in the school district's general fund and special reserve fund for other than capital outlay projects in excess of the minimum recommended reserve for economic uncertainties to provide specified information for public review and discussion. The bill would also require the governing board of a school district to adopt a policy establishing procedures for reporting the fund balances as reflected in the school district's governmental fund financial statements, as specified. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

Existing law limits the amount of the combined assigned or unassigned ending fund balance contained in a school district's annual budget in any fiscal year immediately after a fiscal year in which a transfer is made into the Public School System Stabilization Account. Existing law establishes formulas for calculating the maximum amount allowable for school districts with less than 400,000 units of average daily attendance and for school districts with more than 400,000 units of average daily attendance, as specified. Existing law authorizes the county superintendent of schools to grant an exemption from those requirements if the school district provides documentation indicating extraordinary fiscal circumstances substantiate the need for a combined assigned or unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties, as specified.

This bill would instead provide that the school district's budget shall not contain unassigned ending balances in the school district's general fund and special reserve fund for other than capital outlay projects in excess of 17% of those funds, and would require a county superintendent of schools to grant a school district an exemption if the school district provides documentation indicating extraordinary fiscal circumstances substantiate the need for those fund balances, as specified. The bill would also require each county superintendent of schools to adopt a policy establishing the procedures for submitting exemption requests and the criteria to be used to determine whether extraordinary fiscal circumstances exist.

Because the bill would impose additional duties on school districts and county superintendents of schools, 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.

~~(1) Existing law provides for the practice of accountancy by the California Board of Accountancy. Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license subject to specified requirements. 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 authorize an individual practicing public accountancy in this state under a practice privilege to be styled and known as a “certified public accountant” and use the abbreviation “C.P.A.” The bill would prohibit the board 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.~~

~~Existing law authorizes the board to issue a certified public accountant (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.~~

~~(2) 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.~~

~~(3) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. Existing law authorizes the board to issue licenses for guide dog training and instructional services. A violation of these licensing provisions is a misdemeanor.~~

~~This bill would also include dogs trained and provided for visually impaired persons within these licensing requirements. The bill would change reporting requirements from a calendar year to a fiscal year period and would make technical changes.~~

~~(4) Under the Funeral Directors and Embalmers Law, the Cemetery and Funeral Bureau regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral goods and services and prices to consumers. Existing law requires a funeral establishment that maintains an Internet Web site to also post that information on its Internet Web site provided by a link from the homepage. A violation of these provisions is a misdemeanor.~~

~~This bill would require that the funeral establishment's Internet Web site contain specified key words.~~

~~(5) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board. 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 registered companies 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 registered companies.~~

~~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.~~

~~(7) This bill would make various other nonsubstantive changes.~~

~~(8) 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 42127 of the Education Code is amended
2 to read:

3 42127. (a) On or before July 1 of each year, the governing
4 board of each school district shall accomplish the following:

5 (1) Hold a public hearing conducted in accordance with Section
6 42103 on the budget to be adopted for the subsequent fiscal year.
7 The budget to be adopted shall be prepared in accordance with
8 Section 42126. The agenda for that hearing shall be posted at least
9 72 hours before the public hearing and shall include the location
10 where the budget will be available for public inspection.

11 (2) (A) Adopt a budget. Not later than five days after that
12 adoption or by July 1, whichever occurs first, the governing board
13 of the school district shall file that budget with the county
14 superintendent of schools. The budget and supporting data shall
15 be maintained and made available for public review. If the
16 governing board of the school district does not want all or a portion
17 of the property tax requirement levied for the purpose of making
18 payments for the interest and redemption charges on indebtedness
19 as described in paragraph (1) or (2) of subdivision (b) of Section
20 1 of Article XIII A of the California Constitution, the budget shall
21 include a statement of the amount or portion for which a levy shall
22 not be made. For the 2014–15 fiscal year and each fiscal year
23 thereafter, the governing board of the school district shall not adopt
24 a budget before the governing board of the school district adopts
25 a local control and accountability plan, if an existing local control
26 and accountability plan or annual update to a local control and
27 accountability plan is not effective for the budget year. The
28 governing board of a school district shall not adopt a budget that
29 does not include the expenditures necessary to implement the local
30 control and accountability plan or the annual update to a local
31 control and accountability plan that is effective for the budget year.

32 (B) (i) Commencing with budgets adopted for the ~~2015–16~~
33 *2016–17* fiscal year, the governing board of a school district that
34 proposes to adopt a budget that includes ~~a combined assigned and~~
35 *unassigned ending fund balance balances in the school district's*

1 *general fund and special reserve fund for other than capital outlay*
 2 *projects that are in excess of the minimum recommended reserve*
 3 *for economic uncertainties adopted by the state board pursuant to*
 4 *subdivision (a) of Section ~~33128~~, 33128 shall, at the public hearing*
 5 *held pursuant to paragraph (1), provide all of the following for*
 6 *public review and discussion:*

7 (i)

8 (I) The minimum recommended reserve for economic
 9 uncertainties for each fiscal year identified in the budget.

10 (ii)

11 (II) ~~The combined assigned and unassigned ending fund balances~~
 12 *in the school district's general fund and special reserve fund for*
 13 *other than capital outlay projects that are in excess of the minimum*
 14 *recommended reserve for economic uncertainties for each fiscal*
 15 *year identified in the budget.*

16 (iii)

17 (III) ~~A statement of reasons that substantiates the need for an~~
 18 ~~assigned and explaining the unassigned ending fund balance that~~
 19 ~~is balances in the school district's general fund and special reserve~~
 20 ~~fund for other than capital outlay projects that are in excess of~~
 21 ~~the minimum recommended reserve for economic uncertainties~~
 22 ~~for each fiscal year that the school district identifies an assigned~~
 23 ~~and any unassigned ending fund balance balances that is are in~~
 24 ~~excess of the minimum recommended reserve for economic~~
 25 ~~uncertainties, as identified pursuant to clause (ii). subclause (II).~~

26 (ii) *Commencing with the 2016–17 fiscal year, the governing*
 27 *board of a school district shall adopt a policy establishing*
 28 *procedures for reporting the fund balances as reflected in the*
 29 *school district's governmental fund financial statements. The policy*
 30 *shall outline how the school district's fund balances are intended*
 31 *to ensure that adequate financial resources are available to*
 32 *address revenue shortfalls, unanticipated expenditures, planned*
 33 *future one-time expenses, and any other financial or educational*
 34 *needs of the district. The policy shall include a requirement for an*
 35 *annual report to the governing board of the school district in a*
 36 *public meeting at the same meeting as budget adoption.*

37 (C) The governing board of a school district shall include the
 38 information required pursuant to subparagraph (B) in its budgetary
 39 submission ~~each time at the time~~ it files an adopted ~~or revised~~
 40 budget with the county superintendent of schools. The information

1 required pursuant to subparagraph (B) shall be maintained and
2 made available for public review.

3 (b) The county superintendent of schools may accept changes
4 in any statement included in the budget, pursuant to subdivision
5 (a), of the amount or portion for which a property tax levy shall
6 not be made. The county superintendent of schools or the county
7 auditor shall compute the actual amounts to be levied on the
8 property tax rolls of the school district for purposes that exceed
9 apportionments to the school district pursuant to Chapter 6
10 (commencing with Section 95) of Part 0.5 of Division 1 of the
11 Revenue and Taxation Code. Each school district shall provide all
12 data needed by the county superintendent of schools or the county
13 auditor to compute the amounts. On or before August 15, the
14 county superintendent of schools shall transmit the amounts
15 computed to the county auditor who shall compute the tax rates
16 necessary to produce the amounts. On or before September 1, the
17 county auditor shall submit the rate computed to the board of
18 supervisors for adoption.

19 (c) The county superintendent of schools shall do all of the
20 following:

21 (1) Examine the adopted budget to determine whether it
22 complies with the standards and criteria adopted by the state board
23 pursuant to Section 33127 for application to final local educational
24 agency budgets. The county superintendent of schools shall
25 identify, if necessary, technical corrections that are required to be
26 made to bring the budget into compliance with those standards
27 and criteria.

28 (2) Determine whether the adopted budget will allow the school
29 district to meet its financial obligations during the fiscal year and
30 is consistent with a financial plan that will enable the school district
31 to satisfy its multiyear financial commitments. In addition to his
32 or her own analysis of the budget of each school district, the county
33 superintendent of schools shall review and consider studies, reports,
34 evaluations, or audits of the school district that were commissioned
35 by the school district, the county superintendent of schools, the
36 Superintendent, and state control agencies and that contain
37 evidence that the school district is showing fiscal distress under
38 the standards and criteria adopted in Section 33127 or that contain
39 a finding by an external reviewer that more than 3 of the 15 most
40 common predictors of a school district needing intervention, as

1 determined by the County Office Fiscal Crisis and Management
2 Assistance Team, are present. The county superintendent of schools
3 shall either conditionally approve or disapprove a budget that does
4 not provide adequate assurance that the school district will meet
5 its current and future obligations and resolve any problems
6 identified in studies, reports, evaluations, or audits described in
7 this paragraph.

8 (3) Determine whether the adopted budget includes the
9 expenditures necessary to implement the local control and
10 accountability plan or annual update to the local control and
11 accountability plan approved by the county superintendent of
12 schools.

13 ~~(4) Determine whether the adopted budget includes a combined~~
14 ~~assigned and unassigned ending fund balance that exceeds the~~
15 ~~minimum recommended reserve for economic uncertainties. If the~~
16 ~~adopted budget includes a combined assigned and unassigned~~
17 ~~ending fund balance that exceeds the minimum recommended~~
18 ~~reserve for economic uncertainties, the county superintendent of~~
19 ~~schools shall verify~~

20 (4) *Verify* that the school district complied with the requirements
21 of subparagraphs (B) and (C) of paragraph (2) of subdivision (a).

22 (d) (1) On or before September 15, the county superintendent
23 of schools shall approve, conditionally approve, or disapprove the
24 adopted budget for each school district. For the 2014–15 fiscal
25 year and each fiscal year thereafter, the county superintendent of
26 schools shall disapprove a budget if the county superintendent of
27 schools determines that the budget does not include the
28 expenditures necessary to implement a local control and
29 accountability plan or an annual update to the local control and
30 accountability plan approved by the county superintendent of
31 schools. If the governing board of a school district does not submit
32 a budget to the county superintendent of schools, the county
33 superintendent of schools shall develop, at school district expense,
34 a budget for that school district by September 15 and transmit that
35 budget to the governing board of the school district. The budget
36 prepared by the county superintendent of schools shall be deemed
37 adopted, unless the county superintendent of schools approves any
38 modifications made by the governing board of the school district.
39 The budget prepared by the county superintendent of schools shall
40 also comply with the requirements of subparagraph (B) of

1 paragraph (2) of subdivision (a). The approved budget shall be
2 used as a guide for the school district's priorities. The
3 Superintendent shall review and certify the budget approved by
4 ~~the county~~: *county superintendent of schools*. If, pursuant to the
5 review conducted pursuant to subdivision (c), the county
6 superintendent of schools determines that the adopted budget for
7 a school district does not satisfy paragraph (1), (2), (3), or (4) of
8 that subdivision, he or she shall conditionally approve or
9 disapprove the budget and, not later than September 15, transmit
10 to the governing board of the school district, in writing, his or her
11 recommendations regarding revision of the budget and the reasons
12 for those recommendations, including, but not limited to, the
13 amounts of any budget adjustments needed before he or she can
14 approve that budget. The county superintendent of schools may
15 assign a fiscal adviser to assist the school district to develop a
16 budget in compliance with those revisions. In addition, the county
17 superintendent of schools may appoint a committee to examine
18 and comment on the ~~superintendent's~~ *county superintendent of*
19 *schools'* review and recommendations, subject to the requirement
20 that the committee report its findings to the county superintendent
21 of schools no later than September 20.

22 (2) Notwithstanding any other provision of this article, for the
23 2014–15 fiscal year and each fiscal year thereafter, the budget
24 shall not be adopted or approved by the county superintendent of
25 schools before a local control and accountability plan or update to
26 an existing local control and accountability plan for the budget
27 year is approved.

28 (3) If the adopted budget of a school district is conditionally
29 approved or disapproved pursuant to paragraph (1), on or before
30 October 8, the governing board of the school district, in conjunction
31 with the county superintendent of schools, shall review and respond
32 to the recommendations of the county superintendent of schools
33 at a regular meeting of the governing board of the school district.
34 The response shall include any revisions to the adopted budget
35 and other proposed actions to be taken, if any, as a result of those
36 recommendations.

37 (e) On or before October 22, the county superintendent of
38 schools shall provide a list to the Superintendent identifying all
39 school districts for which budgets may be disapproved.

1 (f) (1) The county superintendent of schools shall examine the
2 revised budget as provided in paragraph (3) of subdivision (d) to
3 determine whether it (A) complies with the standards and criteria
4 adopted by the state board pursuant to Section 33127 for
5 application to final local educational agency budgets, (B) allows
6 the school district to meet its financial obligations during the fiscal
7 year, (C) satisfies all conditions established by the county
8 superintendent of schools in the case of a conditionally approved
9 budget, (D) is consistent with a financial plan that will enable the
10 school district to satisfy its multiyear financial commitments, and,
11 not later than November 8, shall approve or disapprove the revised
12 budget, and (E) whether the revised budget complies with the
13 requirements of subparagraph (B) of paragraph (2) of subdivision
14 (a). If the county superintendent of schools disapproves the budget,
15 he or she shall call for the formation of a budget review committee
16 pursuant to Section 42127.1, unless the governing board of the
17 school district and the county superintendent of schools agree to
18 waive the requirement that a budget review committee be formed
19 and the department approves the waiver after determining that a
20 budget review committee is not necessary. Upon the grant of a
21 waiver, the county superintendent of schools immediately has the
22 authority and responsibility provided in Section 42127.3. Upon
23 approving a waiver of the budget review committee, the department
24 shall ensure that a balanced budget is adopted for the school district
25 by December 31. If no budget is adopted by December 31, the
26 Superintendent may adopt a budget for the school district. The
27 Superintendent shall report to the Legislature and the Director of
28 Finance by January 10 if any school district, including a school
29 district that has received a waiver of the budget review committee
30 process, does not have an adopted budget by December 31. This
31 report shall include the reasons why a budget has not been adopted
32 by the deadline, the steps being taken to finalize budget adoption,
33 the date the adopted budget is anticipated, and whether the
34 Superintendent has or will exercise his or her authority to adopt a
35 budget for the school district.

36 (2) Notwithstanding any other law, for the 2014–15 fiscal year
37 and each fiscal year thereafter, if the county superintendent of
38 schools disapproves the budget for the sole reason that the county
39 superintendent of schools has not approved a local control and
40 accountability plan or an annual update to the local control and

1 accountability plan filed by the governing board of the school
2 district pursuant to Section 52070, the county superintendent of
3 schools shall not call for the formation of a budget review
4 committee pursuant to Section 42127.1.

5 (g) Not later than November 8, the county superintendent of
6 schools shall submit a report to the Superintendent identifying all
7 school districts for which budgets have been disapproved or budget
8 review committees waived. The report shall include a copy of the
9 written response transmitted to each of those school districts
10 pursuant to paragraph (1) of subdivision (d).

11 (h) Not later than 45 days after the Governor signs the annual
12 Budget Act, the school district shall make available for public
13 review any revisions in revenues and expenditures that it has made
14 to its budget to reflect the funding made available by that Budget
15 Act.

16 (i) Any school district for which the county board of education
17 serves as the governing board of the school district is not subject
18 to subdivisions (c) to (h), inclusive, but is governed instead by the
19 budget procedures set forth in Section 1622.

20 *SEC. 2. Section 42127.01 of the Education Code is amended*
21 *to read:*

22 42127.01. (a) In a fiscal year immediately after a fiscal year
23 in which a transfer is made into the Public School System
24 Stabilization Account, a school district budget that is adopted ~~or~~
25 ~~revised~~ pursuant to Section 42127 shall not contain ~~a combined~~
26 ~~assigned or unassigned ending fund balance that is~~ *balances in the*
27 *school district's general fund and special reserve fund for other*
28 *than capital outlay projects in excess of the following: 17 percent*
29 *of those funds.*

30 ~~(1) For school districts with fewer than 400,000 units of average~~
31 ~~daily attendance, the sum of the school district's applicable~~
32 ~~minimum recommended reserve for economic uncertainties adopted~~
33 ~~by the state board pursuant to subdivision (a) of Section 33128,~~
34 ~~multiplied by two.~~

35 ~~(2) For school districts with more than 400,000 units of average~~
36 ~~daily attendance, the sum of the school district's applicable~~
37 ~~minimum recommended reserve for economic uncertainties adopted~~
38 ~~by the state board pursuant to subdivision (a) of Section 33128,~~
39 ~~multiplied by three.~~

1 (b) A county superintendent of schools ~~may~~ *shall* grant a school
2 district under its jurisdiction an exemption from the requirements
3 of subdivision (a) for up to two consecutive fiscal years within a
4 three-year period if the school district provides documentation
5 indicating that extraordinary fiscal circumstances, including, but
6 not limited to, multiyear infrastructure or technology projects,
7 substantiate the need for ~~a combined assigned or unassigned ending~~
8 ~~fund balance that is in excess of the minimum recommended~~
9 ~~reserve for economic uncertainties. As a condition of receiving an~~
10 ~~exception, a school district shall do all of the following:~~ *unassigned*
11 *ending balances in the school district's general fund and special*
12 *reserve fund for other than capital outlay projects in excess of the*
13 *amount described in subdivision (a).*

14 ~~(1) Provide a statement that substantiates the need for an~~
15 ~~assigned and unassigned ending fund balance that is in excess of~~
16 ~~the minimum recommended reserve for economic uncertainties.~~

17 ~~(2) Identify the funding amounts in the budget adopted by the~~
18 ~~school district that are associated with the extraordinary fiscal~~
19 ~~circumstances.~~

20 ~~(3) Provide documentation that no other fiscal resources are~~
21 ~~available to fund the extraordinary fiscal circumstances.~~

22 ~~(e) This section shall become operative on December 15, 2014,~~
23 ~~only if Assembly Constitutional Amendment No. 1 of the 2013–14~~
24 ~~Second Extraordinary Session is approved by the voters at the~~
25 ~~November 4, 2014, statewide general election. If Assembly~~
26 ~~Constitutional Amendment No. 1 of the 2013–14 Second~~
27 ~~Extraordinary Session is not approved by the voters at the~~
28 ~~November 4, 2014, statewide general election, this section shall~~
29 ~~not become operative and is repealed on January 1, 2015.~~

30 ~~(c) Each county superintendent of schools shall adopt a policy~~
31 ~~establishing the procedures for submitting exemption requests and~~
32 ~~the criteria by which the county superintendent of schools shall~~
33 ~~determine whether extraordinary fiscal circumstances exist.~~

34 ~~(d) This section shall not apply to school districts with fewer~~
35 ~~than 2,501 units of average daily attendance or to basic aid school~~
36 ~~districts, defined as those school districts that do not receive~~
37 ~~funding from the state pursuant to Section 42238.02 or 42238.03.~~

38 *SEC. 3. If the Commission on State Mandates determines that*
39 *this act contains costs mandated by the state, reimbursement to*
40 *local agencies and school districts for those costs shall be made*

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

3 SECTION 1. ~~Section 5055 of the Business and Professions~~
4 ~~Code is amended to read:~~

5 5055. ~~Any person who has received from the board a certificate~~
6 ~~of certified public accountant, or who is authorized to practice~~
7 ~~public accountancy in this state pursuant to Article 5.1~~
8 ~~(commencing with Section 5096), may, subject to Section 5051,~~
9 ~~be styled and known as a “certified public accountant” and may~~
10 ~~also use the abbreviation “C.P.A.” No other person, except a firm~~
11 ~~registered under this chapter, shall assume or use that title,~~
12 ~~designation, or abbreviation or any other title, designation, sign,~~
13 ~~card, or device tending to indicate that the person using it is a~~
14 ~~certified public accountant.~~

15 SEC. 2. ~~Section 5070.1 of the Business and Professions Code~~
16 ~~is amended to read:~~

17 5070.1. (a) ~~The board may establish, by regulation, a system~~
18 ~~for the placement of a license into a retired status, upon application,~~
19 ~~for certified public accountants and public accountants who are~~
20 ~~not actively engaged in the practice of public accountancy or any~~
21 ~~activity that requires them to be licensed by the board.~~

22 (b) ~~No licensee with a license in a retired status shall engage in~~
23 ~~any activity for which a permit is required.~~

24 (c) ~~The board shall deny an applicant’s application to place a~~
25 ~~license in a retired status if the permit is subject to an outstanding~~
26 ~~order of the board, is suspended, revoked, or otherwise punitively~~
27 ~~restricted by the board, or is subject to disciplinary action under~~
28 ~~this chapter.~~

29 (d) (1) ~~The holder of a license that was canceled pursuant to~~
30 ~~Section 5070.7 may apply for the placement of that license in a~~
31 ~~retired status pursuant to subdivision (a).~~

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

34 (3) ~~The holder of a canceled license that was placed in retired~~
35 ~~status between January 1, 1994, and January 1, 1999, inclusive,~~
36 ~~shall not be required to meet the qualifications established pursuant~~
37 ~~to subdivision (c), but shall be subject to all other requirements of~~
38 ~~this section.~~

39 (e) ~~The board shall establish minimum qualifications to place~~
40 ~~a license in retired status.~~

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

3 ~~(g) The board shall establish minimum qualifications for the~~
4 ~~restoration of a license in a retired status to an active status. These~~
5 ~~minimum qualifications shall include, but are not limited to,~~
6 ~~continuing education and payment of a fee as provided in~~
7 ~~subdivision (h) of Section 5134.~~

8 ~~(h) The board shall not restore to active or inactive status a~~
9 ~~license that was canceled by operation of law, pursuant to~~
10 ~~subdivision (a) of Section 5070.7, and then placed into retired~~
11 ~~status pursuant to subdivision (d). The individual shall instead~~
12 ~~apply for a new license, as described in subdivision (e) of Section~~
13 ~~5070.7, in order to restore his or her license.~~

14 ~~SEC. 3.— Section 5087 of the Business and Professions Code is~~
15 ~~amended to read:~~

16 ~~5087. (a) The board may issue a certified public accountant~~
17 ~~license to any applicant who is a holder of a current, active, and~~
18 ~~unrestricted certified public accountant license issued under the~~
19 ~~laws of any state, if the board determines that the standards under~~
20 ~~which the applicant received the license are substantially equivalent~~
21 ~~to the standards of education, examination, and experience~~
22 ~~established under this chapter and the applicant has not committed~~
23 ~~acts or crimes constituting grounds for denial under Section 480.~~
24 ~~To be authorized to sign reports on attest engagements, the~~
25 ~~applicant shall meet the requirements of Section 5095.~~

26 ~~(b) The board may in particular cases waive any of the~~
27 ~~requirements regarding the circumstances in which the various~~
28 ~~parts of the examination were to be passed for an applicant from~~
29 ~~another state.~~

30 ~~SEC. 4.— Section 6735 of the Business and Professions Code is~~
31 ~~amended to read:~~

32 ~~6735. (a) All civil (including structural and geotechnical)~~
33 ~~engineering plans, calculations, specifications, and reports~~
34 ~~(hereinafter referred to as “documents”) shall be prepared by, or~~
35 ~~under the responsible charge of, a licensed civil engineer and shall~~
36 ~~include his or her name and license number. Interim documents~~
37 ~~shall include a notation as to the intended purpose of the document,~~
38 ~~such as “preliminary,” “not for construction,” “for plan check~~
39 ~~only,” or “for review only.” All civil engineering plans and~~
40 ~~specifications that are permitted or that are to be released for~~

1 construction shall bear the signature and seal or stamp of the
 2 licensee and the date of signing and sealing or stamping. All final
 3 civil engineering calculations and reports shall bear the signature
 4 and seal or stamp of the licensee, and the date of signing and
 5 sealing or stamping. If civil engineering plans are required to be
 6 signed and sealed or stamped and have multiple sheets, the
 7 signature, seal or stamp, and date of signing and sealing or
 8 stamping shall appear on each sheet of the plans. If civil
 9 engineering specifications, calculations, and reports are required
 10 to be signed and sealed or stamped and have multiple pages, the
 11 signature, seal or stamp, and date of signing and sealing or
 12 stamping shall appear at a minimum on the title sheet, cover sheet,
 13 or signature sheet.

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

23 SEC. 5. Section 7083 of the Business and Professions Code is
 24 amended to read:

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

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

36 (c) Failure to notify the registrar of the changes within the 90
 37 days is grounds for disciplinary action.

38 SEC. 6. Section 7200 of the Business and Professions Code is
 39 amended to read:

1 ~~7200.—(a) There is in the Department of Consumer Affairs a~~
2 ~~State Board of Guide Dogs for the Blind in whom enforcement of~~
3 ~~this chapter is vested. The board shall consist of seven members~~
4 ~~appointed by the Governor. One member shall be the Director of~~
5 ~~Rehabilitation or his or her designated representative. The~~
6 ~~remaining members shall be persons who have shown a particular~~
7 ~~interest in dealing with the problems of persons who are blind or~~
8 ~~visually impaired and at least two of them shall be persons who~~
9 ~~are blind or visually impaired who use guide dogs.~~

10 ~~(b) This section shall remain in effect only until January 1, 2018,~~
11 ~~and as of that date is repealed, unless a later enacted statute, that~~
12 ~~is enacted before January 1, 2018, deletes or extends that date.~~
13 ~~Notwithstanding any other law, the repeal of this section renders~~
14 ~~the board subject to review by the appropriate policy committees~~
15 ~~of the Legislature.~~

16 ~~SEC. 7.— Section 7200.5 of the Business and Professions Code~~
17 ~~is amended to read:~~

18 ~~7200.5.— The board shall have exclusive authority in this state~~
19 ~~to issue licenses for the instruction of persons who are blind or~~
20 ~~visually impaired in the use of guide dogs and for the training of~~
21 ~~guide dogs for use by persons who are blind or visually impaired.~~
22 ~~It shall also have exclusive authority in this state to issue licenses~~
23 ~~to operate schools for the training of guide dogs and the instruction~~
24 ~~of persons who are blind or visually impaired in the use of guide~~
25 ~~dogs.~~

26 ~~SEC. 8.— Section 7200.7 of the Business and Professions Code~~
27 ~~is amended to read:~~

28 ~~7200.7.— A fee equal to no more than 0.005 of all school~~
29 ~~expenses incurred in the most recently concluded school fiscal~~
30 ~~year, as specified in the audit required under Section 7217, shall~~
31 ~~be paid no later than April 30 of each year for renewal of a school's~~
32 ~~license pursuant to Section 7200.5. The board shall, by regulation,~~
33 ~~define the exact amount of the fee. All fees collected pursuant to~~
34 ~~this section shall be deposited into the Guide Dogs for the Blind~~
35 ~~Fund, which is hereby created.~~

36 ~~SEC. 9.— Section 7201 of the Business and Professions Code is~~
37 ~~amended to read:~~

38 ~~7201.— No person shall be eligible to membership in the board~~
39 ~~who is a stockholder in, or an owner of, or financially interested~~
40 ~~directly or indirectly, in any company, organization, or concern~~

1 ~~supplying, delivering, or furnishing any guide dogs for use by~~
2 ~~persons who are blind or visually impaired.~~

3 ~~SEC. 10. Section 7202 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~7202. Each of the appointed members of the board shall hold~~
6 ~~office for a term of four years and until his or her successor is~~
7 ~~appointed and qualified or until one year shall have elapsed since~~
8 ~~the expiration of the term for which he or she was appointed,~~
9 ~~whichever first occurs. No person shall serve as an appointed~~
10 ~~member of the board for more than two consecutive terms.~~

11 ~~SEC. 11. Section 7208 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~7208. Pursuant to the provisions of the Administrative~~
14 ~~Procedure Act the board may make such rules and regulations as~~
15 ~~are reasonably necessary to:~~

- 16 ~~(a) Govern the procedure of the board.~~
- 17 ~~(b) Govern the admission of applicants for examination for~~
18 ~~license to instruct persons who are blind or visually impaired in~~
19 ~~the use of guide dogs or to engage in the business of training,~~
20 ~~selling, hiring, or being in the business of supplying guide dogs~~
21 ~~for persons who are blind or visually impaired.~~
- 22 ~~(c) Govern the operation of schools which furnish guide dogs~~
23 ~~and train persons who are blind or visually impaired to use guide~~
24 ~~dogs.~~
- 25 ~~(d) The reissuance of licenses.~~
- 26 ~~(e) The reexamination of licensees.~~

27 ~~SEC. 12. Section 7209 of the Business and Professions Code~~
28 ~~is amended to read:~~

29 ~~7209. A person to be eligible for examination as an instructor~~
30 ~~must (a) have a knowledge of the special problems of persons~~
31 ~~who are blind or visually impaired and how to teach them, (b) be~~
32 ~~able to demonstrate by actual blindfold test under traffic conditions~~
33 ~~his or her ability to train guide dogs with whom persons who are~~
34 ~~blind or visually impaired would be safe, (c) be suited~~
35 ~~temperamentally and otherwise to instruct persons who are blind~~
36 ~~or visually impaired in the use of guide dogs, and (d) have had at~~
37 ~~least three years' actual experience, comprising such number of~~
38 ~~hours as the board may require, as an instructor, and have handled~~
39 ~~22 person-dog units; or its equivalent, as determined by the board,~~

1 as an apprentice under a licensed instructor or under an instructor
2 in a school satisfactory to the board.

3 ~~SEC. 13. Section 7209.5 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~7209.5. Except as the context otherwise requires, as used in~~
6 ~~this chapter the term “instructor” means a person who instructs~~
7 ~~persons who are blind or visually impaired in the use of guide dogs~~
8 ~~or who engages in the business of training, selling, hiring, or~~
9 ~~supplying guide dogs for persons who are blind or visually~~
10 ~~impaired.~~

11 ~~SEC. 14. Section 7210.5 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~7210.5. It is unlawful to solicit funds for any person purporting~~
14 ~~to provide guide dogs for persons who are blind or visually~~
15 ~~impaired in this state unless the person for whose benefit the~~
16 ~~solicitation is made holds a valid and unimpaired license issued~~
17 ~~by the State Board of Guide Dogs for the Blind.~~

18 ~~As used in this section “person” means an individual, firm,~~
19 ~~partnership, association, corporation, limited liability company,~~
20 ~~or cooperative association.~~

21 ~~SEC. 15. Section 7211.1 of the Business and Professions Code~~
22 ~~is amended to read:~~

23 ~~7211.1. (a) As a condition of renewal of an instructor’s license,~~
24 ~~the instructor shall provide proof of completion of not less than 8~~
25 ~~hours of continuing education. The board shall determine the form~~
26 ~~of proof.~~

27 ~~(b) Continuing education shall meet the criteria specified in~~
28 ~~Section 166, and shall be in one or more of the following subject~~
29 ~~matter areas:~~

30 ~~(1) Blindness and mobility.~~

31 ~~(2) Health issues relating to blindness.~~

32 ~~(3) Instructing persons who are blind or visually impaired.~~

33 ~~(4) Care and training of dogs.~~

34 ~~SEC. 16. Section 7211.2 of the Business and Professions Code~~
35 ~~is amended to read:~~

36 ~~7211.2. A plea or verdict of guilty or a conviction following a~~
37 ~~plea of nolo contendere is deemed to be a conviction within the~~
38 ~~meaning of this article. The board may order the license suspended~~
39 ~~or revoked, or may decline to issue a license, when the time for~~
40 ~~appeal has elapsed, or the judgment of conviction has been affirmed~~

1 on appeal or when an order granting probation is made suspending
2 the imposition of sentence, irrespective of a subsequent order under
3 the provisions of Section 1203.4 of the Penal Code allowing such
4 person to withdraw his or her plea of guilty and to enter a plea of
5 not guilty, or setting aside the verdict of guilty, or dismissing the
6 accusation, information, or indictment.

7 ~~SEC. 17. Section 7215 of the Business and Professions Code~~
8 ~~is amended to read:~~

9 ~~7215. No person shall sell, give, or furnish any guide dog to a~~
10 ~~person who is blind or visually impaired unless the following~~
11 ~~requirements have been met:~~

- 12 ~~(a) The dog has been immunized against distemper and rabies.~~
- 13 ~~(b) The dog has been spayed or neutered.~~
- 14 ~~(c) The dog has been examined by a licensed veterinarian and~~
15 ~~found to be in good health.~~

16 ~~A certificate from a veterinarian certifying to the foregoing shall~~
17 ~~be delivered to the recipient of the dog at the time the dog is~~
18 ~~assigned to a client.~~

19 ~~SEC. 18. Section 7215.5 of the Business and Professions Code~~
20 ~~is amended to read:~~

21 ~~7215.5. (a) During the first year following the successful~~
22 ~~training of each person-dog unit, and release from a guide dog~~
23 ~~training school of the trained person supplied with a guide dog,~~
24 ~~the school may retain title to the trained dog. During this~~
25 ~~probationary year, the school may enter into a contractual~~
26 ~~agreement with the user of the dog describing the conditions under~~
27 ~~which the user may maintain the status of legal custodian of the~~
28 ~~dog. During the probationary year, the school, acting in what it~~
29 ~~deems to be the best interest of the user, the dog, or the public,~~
30 ~~may temporarily or permanently resume possession of the dog.~~

31 ~~(b) Within 15 days after the end of each fiscal year, each~~
32 ~~licensed school shall report to the board the following:~~

- 33 ~~(1) The number of dog ownership titles transferred to dog users~~
34 ~~pursuant to this section during the calendar year.~~
- 35 ~~(2) The number of title recoveries and repossessions made by~~
36 ~~the school pursuant to this section during the calendar year.~~
- 37 ~~(3) The number, type, and amount of charges assessed for~~
38 ~~followup training, instruction, veterinary, or boarding services,~~
39 ~~pursuant to this section, which make a distinction between users~~

1 who have acquired title to their dogs and users who have not
2 acquired title.

3 (4) The views of the governing entity of the school as to any
4 problems or concerns relative to compliance with the provisions
5 of this section, along with recommendations for appropriate
6 legislative or administrative changes commensurate with the
7 purposes of this section.

8 (e) Immediately upon completion of the first year following the
9 successful training referred to above, if the training school and the
10 dog user are mutually satisfied with the operation of the person-dog
11 unit, title to the dog shall be transferred to the user who is blind
12 or visually impaired if the user so desires. Transfer of title shall
13 be evidenced by a transfer of title agreement executed by both
14 parties thereto. The school may retain an option to recover title
15 and possession to the guide dog subject to conditions described in
16 the transfer of title agreement. These conditions may include, but
17 are not limited to, the following:

18 (1) If in the school's opinion, the guide dog is being misused
19 or neglected or mistreated by its user who is blind or visually
20 impaired.

21 (2) If the user to whom the dog was furnished has ceased to use
22 the dog as a guide and the dog is not too old to be retrained as a
23 guide for another person who is blind or visually impaired.

24 (3) If, in the school's opinion, the dog is no longer a safe guide
25 and the user refuses to cease using the dog as a guide after being
26 requested by the school to cease this use.

27 (d) The guide dog school shall make no distinction as to the
28 quality or extent of followup or supportive services available to
29 its blind graduates based on whether they elect to acquire title to
30 their dogs or allow title to remain with the school after the
31 probationary year. The school may, however, make this distinction
32 when assessing reasonable and appropriate charges for followup
33 training, instruction, veterinary, or boarding services.

34 (e) No applicant for admission to a guide dog training school,
35 nor any enrolled student, shall be required by the school prior to
36 completion of his or her training to sign any instrument or to
37 announce his or her intention regarding transfer of title of the dog
38 from the school to himself or herself upon completion of the
39 training and probation period.

1 ~~SEC. 19.— Section 7217 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 ~~7217.—(a) Within 60 days after the termination of the fiscal~~
4 ~~year of a school, there shall be furnished to the board the following:~~

5 ~~(1) A list of students accepted for training and those who have~~
6 ~~completed training.~~

7 ~~(2) A list of the number of dogs trained.~~

8 ~~(b) Within 90 days after the end of a fiscal year, there shall be~~
9 ~~furnished to the board an independent audit of the school's finances~~
10 ~~by a certified public accountant licensed by this state.~~

11 ~~SEC. 20.— Section 7685 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~7685.—(a) (1) Every funeral director shall provide to any~~
14 ~~person, upon beginning discussion of prices or of the funeral goods~~
15 ~~and services offered, a written or printed list containing, but not~~
16 ~~necessarily limited to, the price for professional services offered,~~
17 ~~which may include the funeral director's services, the preparation~~
18 ~~of the body, the use of facilities, and the use of automotive~~
19 ~~equipment. All services included in this price or prices shall be~~
20 ~~enumerated. The funeral director shall also provide a statement on~~
21 ~~that list that gives the price range for all caskets offered for sale.~~

22 ~~(2) The list shall also include a statement indicating that the~~
23 ~~survivor of the deceased who is handling the funeral arrangements,~~
24 ~~or the responsible party, is entitled to receive, prior to the drafting~~
25 ~~of any contract, a copy of any preneed agreement that has been~~
26 ~~signed and paid for, in full or in part, by or on behalf of the~~
27 ~~deceased, and that is in the possession of the funeral establishment.~~

28 ~~(3) The funeral director shall also provide a written statement~~
29 ~~or list that, at a minimum, specifically identifies a particular casket~~
30 ~~or caskets by price and by thickness of metal, or type of wood, or~~
31 ~~other construction, interior and color, in addition to other casket~~
32 ~~identification requirements under Part 453 of Title 16 of the Code~~
33 ~~of Federal Regulations and any subsequent version of this~~
34 ~~regulation, when a request for specific information on a casket or~~
35 ~~caskets is made in person by any individual. Prices of caskets and~~
36 ~~other identifying features such as thickness of metal, or type of~~
37 ~~wood, or other construction, interior and color, in addition to other~~
38 ~~casket identification requirements required to be given over the~~
39 ~~telephone by Part 453 of Title 16 of the Code of Federal~~

1 Regulations and any subsequent version of this regulation, shall
2 be provided over the telephone, if requested.

3 (b) (1) Each licensed funeral establishment that maintains an
4 Internet Web site shall post on its Internet Web site the list of
5 funeral goods and services that are required to be included in the
6 establishment's general price list, pursuant to federal rule, and a
7 statement that the general price list is available upon request.

8 (2) Information posted pursuant to paragraph (1) shall be
9 provided by a link from the homepage of the Internet Web site
10 with a word or combination of words, including, but not limited
11 to, "goods," "merchandise," "products," or "services."

12 (3) An establishment that posts on its Internet Web site home
13 page the words "price information" or a similar phrase that includes
14 the word "price," with a link that leads to the establishment's
15 general price list, need not comply with paragraphs (1) or (2).

16 (4) Nothing in this subdivision shall be construed to affect an
17 establishment's obligations under federal or state law effective
18 prior to January 1, 2013.

19 (5) This subdivision shall become operative on January 1, 2013.

20 SEC. 21.— Section 7818 of the Business and Professions Code
21 is amended to read:

22 7818.— The board, pursuant to the provisions contained in
23 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
24 3 of Title 2 of the Government Code, may adopt, amend or repeal
25 rules and regulations to carry out the provisions of this chapter.

26 SEC. 22.— Section 8508 of the Business and Professions Code
27 is amended to read:

28 8508.— "Household" means any structure and its contents that
29 are used for persons and their convenience.

30 SEC. 23.— Section 8513 of the Business and Professions Code
31 is amended to read:

32 8513. (a) The board shall prescribe a form entitled "Notice to
33 Owner" that shall describe, in nontechnical language and in a clear
34 and coherent manner using words with common and everyday
35 meaning, the pertinent provisions of this state's mechanics lien
36 laws and the rights and responsibilities of an owner of property
37 and a registered pest control company thereunder. Each company
38 registered under this chapter, prior to entering into a contract with
39 an owner for work for which a company registration is required,

1 shall give a copy of this “Notice to Owner” to the owner, his or
2 her agent, or the payer.

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

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

13 ~~(d) Each company registered under this chapter that acts as a~~
14 ~~prime contractor for work for which a company registration is~~
15 ~~required shall, prior to accepting payment for the work, furnish to~~
16 ~~the owner, his or her agent, or the payer a full and unconditional~~
17 ~~release from any claim of mechanics lien by any subcontractor~~
18 ~~entitled to enforce a mechanics lien pursuant to Section 8410 of~~
19 ~~the Civil Code.~~

20 ~~(e) Each company registered under this chapter that subcontracts~~
21 ~~to another company registered under this chapter work for which~~
22 ~~a company registration is required shall furnish to the subcontractor~~
23 ~~the name of the owner, his or her agent, or the payer.~~

24 ~~(f) A violation of the provisions of this section is a ground for~~
25 ~~disciplinary action.~~

26 ~~SEC. 24. Section 8516.5 of the Business and Professions Code~~
27 ~~is repealed.~~

28 ~~SEC. 25. Section 8552 of the Business and Professions Code~~
29 ~~is amended to read:~~

30 ~~8552. It is unlawful for any person to advertise or represent in~~
31 ~~any manner that any pest control work, in whole or in part, has~~
32 ~~been done upon any structure, unless the work has been performed~~
33 ~~by a registered company, except as otherwise provided in this~~
34 ~~chapter.~~

35 ~~SEC. 26. Section 8611 of the Business and Professions Code~~
36 ~~is amended to read:~~

37 ~~8611. (a) Each branch office shall have a branch supervisor~~
38 ~~designated by the registered company to supervise and assist the~~
39 ~~company’s employees who are located at that branch. The branch~~
40 ~~supervisor shall be an individual who is licensed by the board as~~

1 an operator or a field representative in the branch or branches of
2 business being conducted and his or her license shall be
3 prominently displayed in the branch office.

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

11 SEC. 27. Section 17913 of the Business and Professions Code
12 is amended to read:

13 17913. (a) The fictitious business name statement shall contain
14 all of the information required by this subdivision and shall be
15 substantially in the following form:

16
17 FICTITIOUS BUSINESS NAME STATEMENT

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

19 * _____
20 at ** _____:
21 *** _____
22 _____
23 _____
24 _____

25 —This business is conducted by *** _____

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

28 ***** _____

29 —I declare that all information in this statement is true and correct. (A registrant
30 who declares as true any material matter pursuant to Section 17913 of the
31 Business and Professions Code that the registrant knows to be false is guilty
32 of a misdemeanor punishable by a fine not to exceed one thousand dollars
33 (\$1,000).)

34 Registrant signature _____

35 —Statement filed with the County Clerk of _____ County on _____

36
37 NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF
38 SECTION 17920, A FICTITIOUS NAME STATEMENT
39 GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM
40 THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF

1 THE COUNTY CLERK, EXCEPT, AS PROVIDED IN
2 SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES
3 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH
4 IN THE STATEMENT PURSUANT TO SECTION 17913
5 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS
6 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS
7 NAME STATEMENT MUST BE FILED BEFORE THE
8 EXPIRATION.

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

15
16 (b) The fictitious business name statement shall contain the
17 following information set forth in the manner indicated in the form
18 provided by subdivision (a):

19 (1) Where the asterisk (*) appears in the form, insert the
20 fictitious business name or names. Only those businesses operated
21 at the same address and under the same ownership may be listed
22 on one fictitious business name statement.

23 (2) Where the two asterisks (**) appear in the form: If the
24 registrant has a place of business in this state, insert the street
25 address, and county, of his or her principal place of business in
26 this state. If the registrant has no place of business in this state,
27 insert the street address, and county, of his or her principal place
28 of business outside this state.

29 (3) Where the three asterisks (***) appear in the form: If the
30 registrant is an individual, insert his or her full name and residence
31 address. If the registrants are a married couple, insert the full name
32 and residence address of both parties to the marriage. If the
33 registrant is a general partnership, copartnership, joint venture, or
34 limited liability partnership, insert the full name and residence
35 address of each general partner. If the registrant is a limited
36 partnership, insert the full name and residence address of each
37 general partner. If the registrant is a limited liability company,
38 insert the name and address of the limited liability company, as
39 set out in its articles of organization on file with the California
40 Secretary of State, and the state of organization. If the registrant

1 is a trust, insert the full name and residence address of each trustee.
2 If the registrant is a corporation, insert the name and address of
3 the corporation, as set out in its articles of incorporation on file
4 with the California Secretary of State, and the state of
5 incorporation. If the registrants are state or local registered
6 domestic partners, insert the full name and residence address of
7 each domestic partner. If the registrant is an unincorporated
8 association other than a partnership, insert the name of each person
9 who is interested in the business of the association and whose
10 liability with respect to the association is substantially the same
11 as that of a general partner.

12 ~~(4) Where the four asterisks (****) appear in the form, insert~~
13 ~~whichever of the following best describes the nature of the~~
14 ~~business: (i) “an individual,” (ii) “a general partnership,” (iii) “a~~
15 ~~limited partnership,” (iv) “a limited liability company,” (v) “an~~
16 ~~unincorporated association other than a partnership,” (vi) “a~~
17 ~~corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married~~
18 ~~couple,” (x) “joint venture,” (xi) “state or local registered domestic~~
19 ~~partners,” or (xii) “a limited liability partnership.”~~

20 ~~(5) Where the five asterisks (*****) appear in the form, insert~~
21 ~~the date on which the registrant first commenced to transact~~
22 ~~business under the fictitious business name or names listed, if~~
23 ~~already transacting business under that name or names. If the~~
24 ~~registrant has not yet commenced to transact business under the~~
25 ~~fictitious business name or names listed, insert the statement, “Not~~
26 ~~applicable.”~~

27 ~~(e) The registrant shall declare that all of the information in the~~
28 ~~fictitious business statement is true and correct. A registrant who~~
29 ~~declares as true any material matter pursuant to this section that~~
30 ~~the registrant knows to be false is guilty of a misdemeanor~~
31 ~~punishable by a fine not to exceed one thousand dollars (\$1,000).~~

32 ~~(d) (1) At the time of filing of the fictitious business name~~
33 ~~statement, the registrant filing on behalf of the registrant shall~~
34 ~~present personal identification in the form of a California driver’s~~
35 ~~license or other government identification acceptable to the county~~
36 ~~clerk to adequately determine the identity of the registrant filing~~
37 ~~on behalf of the registrant as provided in subdivision (e) and the~~
38 ~~county clerk may require the registrant to complete and sign an~~
39 ~~affidavit of identity.~~

1 ~~(2) In the case of a registrant utilizing an agent for submission~~
2 ~~of the registrant's fictitious business name statement for filing, at~~
3 ~~the time of filing of the fictitious business name statement, the~~
4 ~~agent filing on behalf of the registrant shall present personal~~
5 ~~identification in the form of a California driver's license or other~~
6 ~~government identification acceptable to the county clerk to~~
7 ~~adequately determine the identity of the agent filing on behalf of~~
8 ~~the registrant as provided in subdivision (c). The county clerk may~~
9 ~~also require the agent to submit a notarized statement signed by~~
10 ~~the registrant declaring the registrant has authorized the agent to~~
11 ~~submit the filing on behalf of the registrant.~~

12 ~~(e) If the registrant is a corporation, a limited liability company,~~
13 ~~a limited partnership, or a limited liability partnership, the county~~
14 ~~clerk may require documentary evidence issued by the California~~
15 ~~Secretary of State and deemed acceptable by the county clerk,~~
16 ~~indicating the current existence and good standing of that business~~
17 ~~entity to be attached to a completed and notarized affidavit of~~
18 ~~identity, for purposes of subdivision (d).~~

19 ~~(f) The county clerk may require a registrant that mails a~~
20 ~~fictitious business name statement to a county clerk's office for~~
21 ~~filing to submit a completed and notarized affidavit of identity. A~~
22 ~~registrant that is a corporation, limited liability company, limited~~
23 ~~partnership, or limited liability partnership, if required by the~~
24 ~~county clerk to submit an affidavit of identity, shall also submit~~
25 ~~documentary evidence issued by the California Secretary of State~~
26 ~~indicating the current existence and good standing of that business~~
27 ~~entity.~~

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

31 ~~SEC. 28. Section 13995.40 of the Government Code is amended~~
32 ~~to read:~~

33 ~~13995.40. (a) Upon approval of the initial referendum, the~~
34 ~~office shall establish a nonprofit mutual benefit corporation named~~
35 ~~the California Travel and Tourism Commission. The commission~~
36 ~~shall be under the direction of a board of commissioners, which~~
37 ~~shall function as the board of directors for purposes of the~~
38 ~~Nonprofit Corporation Law.~~

39 ~~(b) The board of commissioners shall consist of 37~~
40 ~~commissioners comprising the following:~~

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

2 ~~(2) (A) Twelve members, who are professionally active in the~~
3 ~~tourism industry, and whose primary business, trade, or profession~~
4 ~~is directly related to the tourism industry, shall be appointed by~~
5 ~~the Governor. Each appointed commissioner shall represent only~~
6 ~~one of the 12 tourism regions designated by the office, and the~~
7 ~~appointed commissioners shall be selected so as to represent, to~~
8 ~~the greatest extent possible, the diverse elements of the tourism~~
9 ~~industry. Appointed commissioners are not limited to individuals~~
10 ~~who are employed by or represent assessed businesses.~~

11 ~~(B) If an appointed commissioner ceases to be professionally~~
12 ~~active in the tourism industry or his or her primary business, trade,~~
13 ~~or profession ceases to be directly related to the tourism industry,~~
14 ~~he or she shall automatically cease to be an appointed~~
15 ~~commissioner 90 days following the date on which he or she ceases~~
16 ~~to meet both of the eligibility criteria specified in subparagraph~~
17 ~~(A), unless the commissioner becomes eligible again within that~~
18 ~~90-day period.~~

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

22 ~~(e) The commission established pursuant to Section 15364.52~~
23 ~~shall be inoperative so long as the commission established pursuant~~
24 ~~to this section is in existence.~~

25 ~~(d) Elected commissioners shall be elected by industry category~~
26 ~~in a referendum. Regardless of the number of ballots received for~~
27 ~~a referendum, the nominee for each commissioner slot with the~~
28 ~~most weighted votes from assessed businesses within that industry~~
29 ~~category shall be elected commissioner. In the event that an elected~~
30 ~~commissioner resigns, dies, or is removed from office during his~~
31 ~~or her term, the commission shall appoint a replacement from the~~
32 ~~same industry category that the commissioner in question~~
33 ~~represented, and that commissioner shall fill the remaining term~~
34 ~~of the commissioner in question. The number of commissioners~~
35 ~~elected from each industry category shall be determined by the~~
36 ~~weighted percentage of assessments from that category.~~

37 ~~(e) The director may remove any elected commissioner~~
38 ~~following a hearing at which the commissioner is found guilty of~~
39 ~~abuse of office or moral turpitude.~~

1 ~~(f) (1) The term of each elected commissioner shall commence~~
2 ~~July 1 of the year next following his or her election, and shall~~
3 ~~expire on June 30 of the fourth year following his or her election.~~
4 ~~If an elected commissioner ceases to be employed by or with an~~
5 ~~assessed business in the category and segment which he or she~~
6 ~~was representing, his or her term as an elected commissioner shall~~
7 ~~automatically terminate 90 days following the date on which he~~
8 ~~or she ceases to be so employed, unless, within that 90-day period,~~
9 ~~the commissioner again is employed by or with an assessed~~
10 ~~business in the same category and segment.~~

11 ~~(2) Terms of elected commissioners that would otherwise expire~~
12 ~~effective December 31 of the year during which legislation adding~~
13 ~~this subdivision is enacted shall automatically be extended until~~
14 ~~June 30 of the following year.~~

15 ~~(g) With the exception of the director, no commissioner shall~~
16 ~~serve for more than two consecutive terms. For purposes of this~~
17 ~~subdivision, the phrase “two consecutive terms” shall not include~~
18 ~~partial terms.~~

19 ~~(h) Except for the original commissioners, all commissioners~~
20 ~~shall serve four-year terms. One-half of the commissioners~~
21 ~~originally appointed or elected shall serve a two-year term, while~~
22 ~~the remainder shall serve a four-year term. Every two years~~
23 ~~thereafter, one-half of the commissioners shall be appointed or~~
24 ~~elected by referendum.~~

25 ~~(i) The selection committee shall determine the initial slate of~~
26 ~~candidates for elected commissioners. Thereafter the~~
27 ~~commissioners, by adopted resolution, shall nominate a slate of~~
28 ~~candidates, and shall include any additional candidates complying~~
29 ~~with the procedure described in Section 13995.62.~~

30 ~~(j) The commissioners shall elect a vice chairperson from the~~
31 ~~elected commissioners.~~

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

33 ~~(l) The commission and the office shall be the official state~~
34 ~~representatives of California tourism.~~

35 ~~(m) (1) All commission meetings shall be held in California.~~

36 ~~(2) Commissioners may participate in meetings by means of~~
37 ~~conference telephone and other technology.~~

38 ~~(n) No person shall receive compensation for serving as a~~
39 ~~commissioner, but each commissioner shall receive reimbursement~~

1 for reasonable expenses incurred while on authorized commission
2 business.

3 ~~(o) Assessed businesses shall vote only for commissioners~~
4 ~~representing their industry category.~~

5 ~~(p) Commissioners shall comply with the requirements of the~~
6 ~~Political Reform Act of 1974 (Title 9 (commencing with Section~~
7 ~~81000)). The Legislature finds and declares that commissioners~~
8 ~~appointed or elected on the basis of membership in a particular~~
9 ~~tourism segment are appointed or elected to represent and serve~~
10 ~~the economic interests of those tourism segments and that the~~
11 ~~economic interests of these members are the same as those of the~~
12 ~~public generally.~~

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

16 ~~(r) The executive director of the commission shall serve as~~
17 ~~secretary to the commission, a nonvoting position, and shall keep~~
18 ~~the minutes and records of all commission meetings.~~

19 ~~SEC. 29.—No reimbursement is required by this act pursuant to~~
20 ~~Section 6 of Article XIII B of the California Constitution because~~
21 ~~the only costs that may be incurred by a local agency or school~~
22 ~~district will be incurred because this act creates a new crime or~~
23 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
24 ~~for a crime or infraction, within the meaning of Section 17556 of~~
25 ~~the Government Code, or changes the definition of a crime within~~
26 ~~the meaning of Section 6 of Article XIII B of the California~~
27 ~~Constitution.~~