

AMENDED IN SENATE JULY 14, 1995

AMENDED IN SENATE JULY 3, 1995

AMENDED IN ASSEMBLY MAY 1, 1995

AMENDED IN ASSEMBLY APRIL 5, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 778**

**Introduced by Assembly Member Aguiar**

February 22, 1995

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An act to amend Sections 2569, 7607.5, and 7801 of, and to amend and repeal Sections 2701, 3710, 3716, 3910, 4832, 5000, and 7810 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 778, as amended, Aguiar. Professions and vocations: legislative sunset review.

Existing law, establishes the Joint Legislative Sunset Review Committee and requires the committee to evaluate and review certain licensing boards in accordance with a prescribed procedure. Existing law requires the licensing boards subject to that review to prepare an analysis and submit a report containing certain information to the committee by certain dates. Under existing law, the boards subject to review by the committee are made inoperative and are repealed on certain dates.

This bill would make additional boards inoperative and subject to repeal and to the review of the committee, and would revise the dates certain of the boards subject to the review would become inoperative and be repealed.

This bill would incorporate additional changes in Section 4832 of the Business and Professions Code, proposed by SB 42, to be operative only if SB 42 and this bill are both chaptered and become effective on or before January 1, 1996, and this bill is chaptered last.

*This bill would provide that if this bill and AB 587 are both enacted and become effective on January 1, 1996, the amendments that this bill makes to Section 7607.5 of the Business and Professions Code would not become operative.*

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

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

1 SECTION 1. Section 2569 of the Business and  
2 Professions Code is amended to read:

3 2569. The powers and duties of the board, as set forth  
4 in this chapter, shall be subject to the review required by  
5 Division 1.2 (commencing with Section 473). The first  
6 review shall be performed as if this chapter were  
7 scheduled to become inoperative on July 1, 1999, and  
8 would be repealed as of January 1, 2000, as described in  
9 Section 473.1.

10 SEC. 2. Section 2701 of the Business and Professions  
11 Code is amended to read:

12 2701. There is in the Department of Consumer Affairs  
13 the Board of Registered Nursing consisting of nine  
14 members.

15 Within the meaning of this chapter, board, or the  
16 board, refers to the Board of Registered Nursing. Any  
17 reference in state law to the Board of Nurse Examiners of  
18 the State of California or California Board of Nursing  
19 Education and Nurse Registration shall be construed to  
20 refer to the Board of Registered Nursing.

21 This section shall become inoperative on July 1, 1998,  
22 and, as of January 1, 1999, is repealed, unless a later



1 enacted statute, that becomes operative on or before  
2 January 1, 1999, deletes or extends the dates on which it  
3 becomes inoperative and is repealed. The repeal of this  
4 section renders the board subject to the review required  
5 by Division 1.2 (commencing with Section 473).

6 SEC. 3. Section 3710 of the Business and Professions  
7 Code is amended to read:

8 3710. There is hereby created within the jurisdiction  
9 of the Medical Board of California, the Respiratory Care  
10 Board of California, hereafter referred to as the board.  
11 The board shall enforce and administer this chapter.

12 This section shall become inoperative on July 1, 1999,  
13 and, as of January 1, 2000, is repealed, unless a later  
14 enacted statute, that becomes operative on or before  
15 January 1, 2000, deletes or extends the dates on which it  
16 becomes inoperative and is repealed. The repeal of this  
17 section renders the Respiratory Care Board of California  
18 subject to the review required by Division 1.2  
19 (commencing with Section 473).

20 SEC. 4. Section 3716 of the Business and Professions  
21 Code is amended to read:

22 3716. The board may employ an executive officer  
23 exempt from civil service and, subject to the provisions of  
24 law relating to civil service, clerical assistants and, except  
25 as provided in Section 159.5, other employees as it may  
26 deem necessary to carry out its powers and duties.

27 This section shall become inoperative on July 1, 1999,  
28 and, as of January 1, 2000, is repealed, unless a later  
29 enacted statute, that becomes operative on or before  
30 January 1, 2000, deletes or extends the dates on which it  
31 becomes inoperative and is repealed. The repeal of this  
32 section renders the Respiratory Care Board of California  
33 subject to the review required by Division 1.2  
34 (commencing with Section 473).

35 SEC. 5. Section 3910 of the Business and Professions  
36 Code is amended to read:

37 3910. There is hereby created in the Department of  
38 Consumer Affairs a State Board of Nursing Home  
39 Administrators which shall consist of nine members, all of



1 whom shall be citizens of the United States and residents  
2 of this state.

3 This section shall become inoperative on July 1, 1998,  
4 and, as of January 1, 1999, is repealed, unless a later  
5 enacted statute, that becomes operative on or before  
6 January 1, 1999, deletes or extends the dates on which it  
7 becomes inoperative and is repealed. The repeal of this  
8 section renders the board subject to the review required  
9 by Division 1.2 (commencing with Section 473).

10 SEC. 6. Section 4832 of the Business and Professions  
11 Code is amended to read:

12 4832. (a) There is hereby created within the  
13 jurisdiction of the board, an Animal Health Technician  
14 Examining Committee, hereinafter referred to as the  
15 examining committee.

16 (b) The examining committee shall consist of eight  
17 members. The examining committee shall consist of  
18 three veterinarians licensed to practice veterinary  
19 medicine in the State of California, one of whom shall be  
20 involved in educating animal health technicians, two  
21 public members and three members who shall be  
22 registered as animal health technicians in the State of  
23 California, who shall serve at the pleasure of the  
24 appointing power. Appointments may be made from lists,  
25 if any, submitted by appropriate professional associations  
26 and societies.

27 The Governor shall appoint the six licensed and  
28 registered members qualified as provided in this  
29 subdivision. The Senate Rules Committee and the  
30 Speaker of the Assembly shall each appoint a public  
31 member, and their initial appointment shall be made to  
32 fill, respectively, the first and second public member  
33 vacancies which occur on or after January 1, 1983.

34 The Governor shall appoint the additional animal  
35 health technician member, provided for by the statute  
36 enacted during the 1984 portion of the 1984–85 Regular  
37 Session, upon the expiration of the term of the public  
38 member appointed by the Governor.

39 (c) All members of the examining committee shall be  
40 citizens of the United States and residents of the State of



1 California. All doctors of veterinary medicine who are  
2 appointed members of the examining committee, shall  
3 have been licensed to practice veterinary medicine, at  
4 least five years preceding their appointments.

5 (d) The members of the examining committee shall  
6 serve for a term of four years, except that the original  
7 examining committee appointments may be staggered to  
8 achieve rotational terms. No person may serve as a  
9 member of the committee for more than two consecutive  
10 terms.

11 (e) The first animal health technician appointed to the  
12 committee shall upon appointment become a registered  
13 animal health technician, provided such person meets  
14 the eligibility requirements to take the written and  
15 practical examination as established in Section 4841.5.

16 (f) This section shall become inoperative on July 1,  
17 1998, and, as of January 1, 1999, is repealed, unless a later  
18 enacted statute, that becomes operative on or before  
19 January 1, 1999, deletes or extends the dates on which it  
20 becomes inoperative and is repealed. The repeal of this  
21 section renders the committee subject to the review  
22 required by Division 1.2 (commencing with Section 473).

23 SEC. 6.5. Section 4832 of the Business and Professions  
24 Code is amended to read:

25 4832. (a) There is hereby created within the  
26 jurisdiction of the board, a Registered Veterinary  
27 Technician Examining Committee, hereinafter referred  
28 to as the examining committee.

29 (b) The examining committee shall consist of eight  
30 members. The examining committee shall consist of  
31 three veterinarians licensed to practice veterinary  
32 medicine in the State of California, two public members  
33 and three members who shall be registered as veterinary  
34 technicians in the State of California. Appointments may  
35 be made from lists, if any, submitted by appropriate  
36 professional associations and societies.

37 The Governor shall appoint the six licensed and  
38 registered members qualified as provided in this  
39 subdivision. The Senate Rules Committee and the



1 Speaker of the Assembly shall each appoint a public  
2 member.

3 The Governor shall appoint the additional animal  
4 health technician member, provided for by the statute  
5 enacted during the 1984 portion of the 1984–85 Regular  
6 Session, upon the expiration of the term of the public  
7 member appointed by the Governor.

8 (c) All doctors of veterinary medicine who are  
9 appointed members of the examining committee, shall  
10 have been licensed to practice veterinary medicine at  
11 least five years preceding their appointment. All  
12 veterinary technicians who are appointed members of  
13 the examining committee shall have been registered as  
14 an animal health or veterinary technician at least five  
15 years preceding their appointment.

16 (d) The members of the examining committee shall  
17 serve for a term of four years, except that the original  
18 examining committee appointments may be staggered to  
19 achieve rotational terms. No person may serve as a  
20 member of the committee for more than two consecutive  
21 terms.

22 (e) This section shall become inoperative on July 1,  
23 1998, and, as of January 1, 1999, is repealed, unless a later  
24 enacted statute, that becomes operative on or before  
25 January 1, 1999, deletes or extends the dates on which it  
26 becomes inoperative and is repealed. The repeal of this  
27 section renders the committee subject to the review  
28 required by Division 1.2 (commencing with Section 473).

29 SEC. 7. Section 5000 of the Business and Professions  
30 Code, as amended by Section 2 of Chapter 1273 of the  
31 Statutes of 1994, is amended to read:

32 5000. (a) There is in the Department of Consumer  
33 Affairs a State Board of Accountancy, which consists of 12  
34 members, seven of whom shall be certified public  
35 accountants, one of whom shall be a public accountant,  
36 and four of whom shall be public members who shall not  
37 be licentiates of the board or registered by the board. The  
38 board has the powers and duties conferred by this  
39 chapter.



1 The Governor shall appoint two of the public members  
2 and the eight accountant members qualified as provided  
3 in this section. The Senate Rules Committee and the  
4 Speaker of the Assembly shall each appoint a public  
5 member. In appointing the seven certified public  
6 accountant members, the Governor shall appoint  
7 members representing a cross section of the accounting  
8 profession with at least one member representing a small  
9 public accounting firm. For the purposes of this chapter,  
10 a small public accounting firm shall be defined as a  
11 professional firm that employs a total of no more than four  
12 certified public accountants as partners, owners, or  
13 full-time employees in the practice of public accountancy  
14 within the State of California.

15 (b) This section shall become inoperative on July 1,  
16 1997, and as of January 1, 1998, is repealed, unless a later  
17 enacted statute, that becomes effective on or before  
18 January 1, 1998, deletes or extends the dates on which this  
19 section becomes inoperative and is repealed. The repeal  
20 of this section renders the board subject to the review  
21 required by Division 1.2 (commencing with Section 473).

22 SEC. 8. Section 5000 of the Business and Professions  
23 Code, as added by Section 3 of Chapter 1273 of the  
24 Statutes of 1994, is amended to read:

25 5000. There is in the Department of Consumer Affairs  
26 the State Board of Accountancy, which consists of 10  
27 members, five of whom shall be certified public  
28 accountants, one of whom shall be a public accountant,  
29 and four of whom shall be public members who shall not  
30 be licentiates of the board or registered by the board. The  
31 board has the powers and duties conferred by this  
32 chapter.

33 The Governor shall appoint two of the public members,  
34 the five certified public accountant members, and the  
35 public accountant member qualified as provided in this  
36 section. The Senate Rules Committee and the Speaker of  
37 the Assembly shall each appoint a public member. In  
38 appointing the five certified public accountant members,  
39 the Governor shall appoint members representing a cross  
40 section of the accounting profession with at least one



1 member representing a small public accounting firm. For  
2 the purposes of this chapter, a small public accounting  
3 firm shall be defined as a professional firm that employs  
4 a total of no more than four certified public accountants  
5 as partners, owners, or full-time employees in the  
6 practice of public accountancy within the State of  
7 California.

8 This section shall become operative on July 1, 1997 and  
9 shall become inoperative immediately thereafter, and as  
10 of January 1, 1998, is repealed, unless a later enacted  
11 statute, that becomes effective on or before January 1,  
12 1998, deletes or extends the dates on which this section  
13 becomes inoperative and is repealed. The repeal of this  
14 section renders the board subject to the review required  
15 by Division 1.2 (commencing with Section 473).

16 SEC. 9. Section 7607.5 of the Business and Professions  
17 Code is amended to read:

18 7607.5. The board may appoint a person exempt from  
19 civil service who shall be designated as an executive  
20 officer and who shall exercise the powers and perform the  
21 duties delegated by the board and vested in him or her by  
22 this chapter.

23 This section shall become inoperative on July 1, 1997,  
24 and, as of January 1, 1998, is repealed, unless a later  
25 enacted statute, which becomes effective on or before  
26 January 1, 1998, deletes or extends the dates on which it  
27 becomes inoperative and is repealed.

28 SEC. 10. Section 7801 of the Business and Professions  
29 Code is amended to read:

30 7801. "Board," as used in this chapter, means the State  
31 Board of Registration for Geologists and Geophysicists.

32 SEC. 11. Section 7810 of the Business and Professions  
33 Code is amended to read:

34 7810. The State Board of Registration for Geologists  
35 and Geophysicists is within the department and is subject  
36 to the jurisdiction of the department. The board shall  
37 consist of eight members, five of whom shall be public  
38 members, two of whom shall be geologists, and one of  
39 whom shall be a geophysicist.



1 This section shall become inoperative on July 1, 1997,  
2 and, as of January 1, 1998, is repealed, unless a later  
3 enacted statute, that becomes operative on or before  
4 January 1, 1998, deletes or extends the dates on which it  
5 becomes inoperative and is repealed. The repeal of this  
6 section renders the board subject to the review required  
7 by Division 1.2 (commencing with Section 473).

8 SEC. 12. Section 6.5 of this bill incorporates  
9 amendments to Section 4832 of the Business and  
10 Professions Code proposed by this bill and SB 42. It shall  
11 only become operative if (1) both bills are enacted and  
12 become effective on or before January 1, 1996, (2) each  
13 bill amends Section 4832 of the Business and Professions  
14 Code, and (3) this bill is enacted after SB 42, in which case  
15 Section 4832 of the Business and Professions Code, as  
16 amended by SB 42, shall remain operative only until the  
17 operative date of this bill, at which time Section 6.5 of this  
18 bill shall become operative, and Section 6 of this bill shall  
19 not become operative.

20 *SEC. 13. If Assembly Bill 597 and this bill are both*  
21 *enacted and become effective on or before January 1,*  
22 *1996, AB 597 repeals Section 7607.5 of the Business and*  
23 *Professions Code, and this bill amends that section, the*  
24 *amendment of Section 7607.5 of the Business and*  
25 *Professions Code proposed by Section 9 of this bill shall*  
26 *not become operative.*

