

Assembly Bill No. 910

CHAPTER 381

An act to amend Sections 125.9, 8514, and 8516 of, to add Sections 102.1, 102.2, 8514.5, and 8519.5 to, and to add and repeal Section 117 of, the Business and Professions Code, relating to consumer affairs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 3, 1995. Filed with
Secretary of State August 4, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 910, Speier. Department of Consumer Affairs: Cemetery Board: Funeral Directors and Embalmers Board: Structural Pest Control Board.

The Funeral Directors and Embalmers Law provides for the licensure and regulation of funeral directors and embalmers by the State Board of Funeral Directors and Embalmers. The Cemetery Act provides for the regulation of cemeteries by the Cemetery Board.

This bill would provide that if the Cemetery Board and the Funeral Directors and Embalmers Board are not consolidated or otherwise restructured, as specified, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purpose, responsibilities, and jurisdiction of the boards, as provided, and that the Controller is authorized to transfer the necessary amount of funds from the 1995 Budget Act to the department for expenditure for the purposes of the bill, as provided. This bill would be operative only as provided.

Existing law provides for the Structural Pest Control Board to perform specified functions.

This bill would provide that if specified contingencies do not occur by January 1, 1996, the Department of Consumer Affairs shall succeed to and shall be vested with all the duties, powers, purpose, responsibilities, and jurisdiction of the board, and would appropriate specified amounts to the department in connection therewith, as provided.

Under existing law, the Director of the Department of Consumer Affairs has various powers and duties, as specified.

This bill would confer, notwithstanding other provisions of law, specific powers on the director relative to budgeting, including the ability to classify, establish, and revise departmental specific established classifications, as specified, and execute contracts, procure goods and services, and negotiate leases, as specified. These provisions would be repealed as of July 1, 1996.



Existing law authorizes various boards in the Department of Consumer Affairs to provide for a system of citation for violations, but this general provision does not apply to a board where it has specific statutory authority.

This bill would delete the above exception, thus making those boards all subject to the uniform citation system.

Existing law authorizes a registered pest control company to subcontract work.

This bill would require the consumer to be informed of and consent to the subcontracting, and would permit the consumer to select another company.

This bill would also provide that it is unlawful for a registered company, when billing for subcontracted work, to charge, bill, or otherwise solicit payment from the consumer for structural pest control work not actually rendered by the registered company or under its direct supervision without providing specified information in writing.

Under existing law a registered pest control company or licensee may not commence work, or sign, issue, or deliver any documents expressing an opinion or statement until an inspection has been made by a licensed Branch 3 field representative or operator. Following an inspection, a report is required to be delivered to the person requesting the inspection, or to the person's designated agent, before work is commenced, setting forth specified information.

This bill would add to the information required to be included in the report, a statement, printed in bold type, providing notice to the consumer, as specified.

This bill would also require a certificate to be issued by the company that performs a fumigation, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Section 102.1 is added to the Business and Professions Code, to read:

102.1. (a) If the Cemetery Board and the Funeral Directors and Embalmers Board are not consolidated or otherwise restructured on January 1, 1996, the Department of Consumer Affairs shall succeed to, and is vested with, all the duties, powers, purpose, responsibilities, and jurisdiction of the boards, including the employment of one executive director for the purposes of performing the department's obligations herewithin.

(b) Notwithstanding Section 107, any law authorizing the appointment of an executive officer by the Cemetery Board and the Funeral Directors and Embalmers Board shall not be implemented



and shall have no force or effect while either board is inoperative or repealed.

(c) If legislation consolidating or otherwise restructuring the Cemetery Board and the Funeral Directors and Embalmers Board is not enacted, the Controller is authorized to transfer the necessary amount of funds from Item 1335-001-0258 of the 1995 Budget Act to the department for expenditure by the department for purposes of this section.

(d) This section shall be operative only during the period that legislation is not enacted to consolidate or otherwise restructure the Cemetery Board and the Funeral Directors and Embalmers Board into another board or entity.

SEC. 2. Section 102.2 is added to the Business and Professions Code, to read:

102.2. (a) If the Structural Pest Control Board does not comply with the contingencies specified in paragraphs (a) to (d), inclusive, of Provision 1 of Item 1530-001-0775 of the Budget Act of 1995 by January 1, 1996, as determined by the Department of Consumer Affairs, then the department may succeed to and is vested with all the duties, powers, purpose, responsibilities, and jurisdiction of the board, including the employment of one executive director for the purposes of performing the department obligations herein.

(b) If the department elects to not exercise control over the board pursuant to subdivision (a), the department shall monitor the board on a monthly basis and the Controller shall, on a monthly basis, transfer the necessary amount of funds, not to exceed one-sixth of the amount of the appropriation for each fund identified in subdivision (c), to the board for the purpose of this subdivision. If at any time the department determines that the board is not meeting satisfactory progress toward the obligations set forth in subdivision (a), the department may invoke privileges of succession as allowed by subdivision (a).

Monitoring shall include a monthly report from the board, the status of meeting the obligations set forth in subdivisions (a) through (d), inclusive, of Provision 1 of Item 1530-001-0775 of the Budget Act of 1995 in addition to other statutory obligations as prescribed by law.

(c) Notwithstanding Section 107, any provision of law authorizing the appointment of an executive officer by the Structural Pest Control Board shall not be implemented and shall have no force or effect while the board is inoperative or repealed. This subdivision shall be in effect only if the Department of Consumer Affairs invokes privileges of succession pursuant to subdivision (a).

(d) In the event that the Structural Pest Control Board does not comply with Provision 1 of Item 1530-001-0775 of the Budget Act of 1995 by January 1, 1996, as determined by the department, the sum of one million three hundred fifty-five thousand dollars (\$1,355,000) is thereupon appropriated from the Structural Pest Control Fund to



the department, and the sum of one hundred three thousand dollars (\$103,000) is thereupon appropriated from the Structural Pest Control Education and Enforcement Fund to the department, for purposes of this section.

SEC. 3. Section 117 is added to the Business and Professions Code, to read:

117. (a) This section shall remain in effect only until July 1, 1996, and as of that date is repealed.

(b) The budget contract authorized by this section provides the Department of Consumer Affairs with various operational flexibility to improve its performance. The Legislature, in recognition of the goal of performance funding, which is to focus departmental effort on the achievement of outcome measures rather than non-value-added administrative processes, grants specific powers to the director to pilot alternatives to existing administrative processes and implement employee, department incentive, and savings programs.

(c) Notwithstanding the provisions of Sections 18800 to 18807, inclusive, Sections 19818 to 19818.21, inclusive, and Sections 19889 to 19889.4, inclusive, of the Government Code, the director:

(1) Shall have full authority and discretion to classify positions in departmental specific established classifications, apply established allocations standards, and prepare and submit calendar items to the State Personnel Board to propose establishment of, or revision to, departmental specific classification specifications. In addition, the Department of Personnel Administration shall provide an expedited review of 10 working days for all reclassification requests for servicewide classifications submitted by the Department of Consumer Affairs.

(2) In conjunction with the Director of the Department of Personnel Administration, is authorized to create a proposal for legislative review and approval that establishes a gain-sharing program. The gain-sharing plan shall authorize the reinvestment of 50 percent of the department's savings back into the programs and bureaus, and shall outline the planned expenditures.

(3) In conjunction with the Director of the Department of Personnel Administration, is authorized to establish a pilot classification and pay system that is based upon wide or broad-banding concepts.

(d) The provisions of subdivision (c) shall apply only to civil service classifications and positions within the director's appointing authority. The director shall ensure that the authority and discretion authorized by these sections are consistent with the merit principles as embodied in Article VII of the California Constitution and Section 18500 of the Government Code, and is in conformance with the requirements of the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1 of the Government Code).



Nothing in subdivision (c) shall be construed to authorize the Department of Consumer Affairs to administratively establish positions.

(e) Notwithstanding any other provision of law, the Department of Consumer Affairs may, with the agreement of the State Personnel Board, waive specific statutes within Division 5 (commencing with Section 18000) of Part 2 of Title 2 of the Government Code, except that nothing in this section shall infringe upon or conflict with the merit principles embodied in the California Constitution, nor shall this waiver include any of the provisions contained in Chapter 10 (commencing with Section 19680) of Division 5 of Part 2 of Title 2 of the Government Code. The department will design pilot alternative competitive examination, appointment, and discipline processes to:

- (1) Enhance the availability of candidates with specific knowledge and abilities.
- (2) Expedite the hiring process.
- (3) Expand the diversity of the department's work force.
- (4) Expedite and streamline the discipline process.

(f) Notwithstanding Sections 2050 to 2057, inclusive, Sections 10115 to 10115.13, inclusive, Sections 10290 to 10382, inclusive, and Sections 12100.5 to 12121, inclusive, of the Public Contract Code, and Section 14669 and Sections 14740 to 14880, inclusive, of the Government Code, the director, or his or her designee, in lieu of the Director of General Services, shall have full authority and discretion to execute all contracts, procure all goods and services, negotiate lease agreements for office, warehouse, and other appropriate facilities, and determine appropriate methods to store and retrieve departmental records related to the bureaus, programs, and divisions under the director's appointing authority.

Except as provided in this subdivision, the director shall use the authority granted in this subdivision to implement alternative approaches, procedures, and methods, in lieu of the guidelines and procedures contained in the State Administrative Manual and in other state-issued guidelines, to carry out the provisions of the sections of the Public Contract Code and the Government Code cited in this section.

This authority granted by this subdivision shall not affect any of the following:

- (1) The department's continued use of the state's private line voice network (CALNET).
- (2) The Department of General Services' continued responsibility and authority for the consolidation of the department's offices in the Sacramento area.
- (3) The requirement that the department obtain the written approval of the Secretary of the State and Consumer Services Agency for any leasing of offices that may affect the Los Angeles Basin and San Francisco Area Consolidation Plans.



All reports to the Legislature required in the sections cited in this section shall be made by the director in the same form and manner as currently reported by the Department of General Services.

(g) Notwithstanding Sections 12100 to 12121, inclusive, of the Public Contract Code, the director, or his or her designee, shall have full authority and discretion for the procurement of electronic data processing and telecommunications goods and services related to the bureaus, programs, and divisions under the director's appointing authority, that do not exceed one million dollars (\$1,000,000) per procurement.

(h) Notwithstanding Sections 14850 to 14855, inclusive, of the Government Code, the director, or his or her designee, shall have full authority and discretion to execute contracts and procure printing services, or both, that are timely and cost-beneficial to the bureaus, programs, and divisions under the director's appointing authority.

(i) Notwithstanding Section 2807 of the Penal Code, the director, or his or her designee, shall have full authority to procure goods and services from the private sector, even though these goods and services may be available through the Prison Industries Authority, when in his or her discretion it is more cost-beneficial to the bureaus, programs, and divisions under the director's appointing authority.

(j) All reports to the Legislature required in the sections cited in this section shall be made by the director in the same form and manner as currently reported by the otherwise appropriate agency.

SEC. 4. Section 125.9 of the Business and Professions Code is amended to read:

125.9. (a) Except with respect to persons regulated under Chapter 8 (commencing with Section 6850), Chapter 11 (commencing with Section 7500), Chapter 11.5 (commencing with Section 7512), and Chapter 11.6 (commencing with Section 7590) of Division 3, or a person holding a license specified in paragraph (1), (6), or (7) of subdivision (b) of Section 9941, any board, bureau, or commission within the department may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Where appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed two thousand five hundred dollars (\$2,500) for each inspection or each investigation made with respect



to the violation. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to such factors as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

SEC. 5. Section 8514 of the Business and Professions Code is amended to read:

8514. No registered company shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the control of household pests, or wood-destroying pests or organisms until an inspection has been made.

Notwithstanding any provision of this chapter, after an inspection has been made a registered company which holds a branch registration for the control of household pests, or wood destroying pests or organisms, but its branch registration restricts the method of eradication or control permitted, may recommend and enter into a contract for the eradication or control of pests within the scope of its branch registration, provided it subcontracts in writing the actual



performance of the work to a registered company which holds a branch registration authorizing the particular method to be used.

Upon written consent of the consumer, a registered company may in writing subcontract any pest control work for which it is registered in any branch or branches to a registered company holding a valid branch registration to do such work. The consumer must be informed in advance, in writing, of any proposed work which the registered company intends to subcontract and of the consumer's right to select another person or entity of the consumer's choosing to perform the work. The consumer may dictate acceptance of the proposed subcontractor or may select an appropriate person or entity of the consumer's choosing. Nothing in this paragraph shall be construed to eliminate any otherwise applicable licensure requirements.

Nothing herein contained shall permit or authorize any registered company to perform, attempt to perform, advertise or hold out to the public or to any person that it is authorized, qualified or registered to perform, pest control work in any branch, or by any method, for which it is not registered.

Subcontracting of work, as permitted herein, shall not relieve the prime contractor or the subcontractor from responsibility for, or from disciplinary action because of, any act or omission on its part, which would otherwise be a ground for disciplinary action.

SEC. 6. Section 8514.5 is added to the Business and Professions Code, to read:

8514.5. It is unlawful for any registered company under this chapter when billing for any subcontracted work authorized under Section 8514, to charge, bill, or otherwise solicit payment from the consumer for any structural pest control work not actually rendered by the registered company or under its direct supervision unless the consumer, prior to authorizing the performance of such work, is provided in writing with the following information:

(a) The name, address, and telephone number of the person or entity who will be performing the subcontracted work.

(b) The following statement:

“NOTICE: The charge for service that this company subcontracts to another person or entity may include the company's charges for arranging and administering such services that are in addition to the direct costs associated with paying the subcontractor.”

SEC. 7. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms, but do not apply to work conducted pursuant to Section 8516.1.

(b) No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by



a licensed Branch 3 field representative or operator. The registered company shall retain for three years all field reports from which a verbal or written estimate of or solutions for work are made. A written inspection report conforming to this section and on a form prescribed by the board shall be prepared and delivered to the person requesting the inspection or to the person's designated agent. A copy of each report shall be filed with the board at the time the report is delivered or not later than 10 working days after the date the inspection is commenced, except an inspection report prepared for use by an attorney for litigation is not required to be filed with the board. The report shall be delivered to the person requesting the inspection, or to the person's designated agent, before work is commenced. The following shall be set forth in the report:

(1) The date of the inspection and the name of the licensee making the inspection.

(2) The name and address of the person or firm ordering the report.

(3) The name and address of any person who is a party in interest.

(4) The address or location of the property.

(5) A general description of the building or premises inspected.

(6) A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, indicating thereon the approximate location of any infested or infected areas evident, and the parts of the structure where conditions which would ordinarily subject those parts to attack by wood destroying pests or organisms exist.

(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

(8) One of the following statements, as appropriate, printed in bold type:

(A) **The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors' State License Board.**

(B) **The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.**

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with



this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

(13) The inspection report shall contain the following statement, printed in boldface type:

“NOTICE: The Structural Pest Control Board encourages competitive business practices among registered companies. Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. Therefore, you may wish to seek a second opinion since there may be alternative methods of correcting the findings listed on this report that may be less costly.”

An estimate or bid for repairs shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing corrective measures.

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled “Reinspection” in capital letters by rubber stamp or typewritten. Each reinspection shall also identify the original report by date and stamp numbers.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company’s original inspection price and shall be completed within 10 working days after a reinspection has been ordered.

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separated report is available pursuant to this subdivision. If a separated report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:



(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separated report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the responsible party, as negotiated between the buyer and the seller, chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separated form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to infestation or infection be characterized as actual “defects” or as actual “active” infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect.

(g) Control service is defined as the regular reinspection of a property after a report has been made in compliance with this section and such corrections as have been agreed upon have been completed. Under a control service agreement a registered company shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A registered company is not required to issue a report as outlined in paragraphs (1) to (9), inclusive, of subdivision (b) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically



the particular wood destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(h) A registered company or licensee may enter into and maintain a control service agreement provided the following requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

(A) The wood destroying pests and organisms that could infest and infect the structure.

(B) The wood destroying pests and organisms covered by the control service agreement. Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.

(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

(E) A reference to the original inspection report and agreement.

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(3) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

(4) A written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.



(E) Correction of the infestation or infection does not include fumigation.

(5) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

(6) For purposes of this section, “control service agreement” means any agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms.

(i) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

SEC. 8. Section 8519.5 is added to the Business and Professions Code, to read:

8519.5. After an inspection report has been prepared by a Branch 3 registered company pursuant to Section 8516, which discloses a wood-destroying pest that can be eradicated by fumigation, and the fumigation has been duly performed by a Branch 1 registered company, the Branch 1 registered company, on company letterhead or a form that otherwise identifies the licensee performing the fumigation and the name and address of the registered company, shall issue the following certification: “This is to certify that the property located at ____ (address) was fumigated on ____ (date) for the extermination of ____ (target pest).” This certification shall be issued to the person ordering the fumigation and to the registered company that prepared the inspection report. A copy of the certification shall accompany any reinspection report, notice of work completed prepared pursuant to Section 8518, or any certification issued by the Branch 3 company.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make statutory changes to implement the Budget Act of 1995 at the earliest possible time, it is necessary that this act take effect immediately.

