

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 599**

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**Introduced by Senator Negrete McLeod**

February 27, 2009

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An act to ~~add Sections 27.5 and 27.6 to~~ amend Section 1973 of, and to add Section 27.6 to, the Business and Professions Code, and to amend Section 14206 of the Unemployment Insurance Code, relating to workforce development, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as amended, Negrete McLeod. Workforce development.

~~(1) Existing law establishes the Department of Consumer Affairs in the State and Consumer Services Agency. Existing law establishes within the department specified boards, bureaus, and commissions for the purpose of ensuring that private businesses and professionals engaging in activities that have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. Existing law authorizes those entities to license qualified persons according to set and accepted professional standards, and to provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity. Existing law requires certain of those entities to provide on the Internet information regarding the status of every license issued by an entity in accordance with the California Public Records Act.~~

~~This bill would require every board, as defined, to post each accusation, statement of issues, or disciplinary action taken by the board~~

~~on that board's Internet Web site within 10 days of the filing date of the accusation or statement of issues, or the effective date of the disciplinary action.~~

(2)

(1) The former Private Postsecondary and Vocational Education Reform Act of 1989, which became inoperative on July 1, 2007, and was repealed on January 1, 2008, was administered by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. The former act generally effectuated legislative intent to ensure minimum standards of instructional quality and institutional stability in private postsecondary educational institutions and required the bureau, among other things, to review and investigate all institutions, programs, and courses of instruction approved under the act.

This bill would require the successor agency to the former Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to transmit any available data regarding school performance, as prescribed, it receives from any schools under its jurisdiction to the California Postsecondary Education Commission. However the bill would make this provision operative only if AB 48 of the 2009–10 Regular Session is enacted and becomes effective on or before January 1, 2010, and creates a successor agency to the former Bureau for Private Postsecondary and Vocational Education.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive and employment training outreach programs. The act also, establishes local workforce boards to develop, implement, and coordinate local workforce investment plans, as prescribed. Existing law provides that it is the duty of the local board, among other things to, coordinate workforce investment activities in the local area, and take specified actions to promote economic development and job training programs in the local area.

This bill would additionally provide that it is the duty of the local board award grants or contracts to national, regional, or industry accredited private postsecondary educational institutions for job training services and education programs. By imposing new duties on local workforce boards with regard to the provision of job training and education programs, the bill would impose a state-mandated local program.

(2) Existing law creates the California Dental Corps Loan Repayment Program of 2002 in the Dental Board of California, and transfers \$3,000,000 from the State Dentistry Fund to the Dentally Underserved Account of that fund for purposes of the program for 3 specified fiscal years, through the 2005–06 fiscal year. The program assists dentists who practice in an underserved area with loan repayment pursuant to an agreement between the board and the dentist, as specified.

This bill would require the board, on or after July 1, 2010, to extend the program and distribute the money remaining in the account until July 1, 2011.

(3) 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.

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

Vote: ~~majority~~<sup>2/3</sup>. 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 27.5 is added to the Business and~~
- 2     ~~Professions Code, to read:~~
- 3     ~~27.5. In addition to any applicable requirements specified in~~
- 4     ~~Section 27, every board, as defined in Section 22, shall post each~~
- 5     ~~accusation, statement of issues, or disciplinary action taken by the~~
- 6     ~~board on that board's Internet Web site within 10 days of the filing~~
- 7     ~~date of the accusation or statement of issues, or the effective date~~
- 8     ~~of the disciplinary action. The link to each posted action shall be~~
- 9     ~~easily accessible from the board's Internet home page.~~
- 10    ~~SEC. 2.~~
- 11    ~~SECTION 1. Section 27.6 is added to the Business and~~
- 12    ~~Professions Code, to read:~~
- 13    ~~27.6. The successor agency to the Bureau for Private~~
- 14    ~~Postsecondary and Vocational Education shall transmit any~~
- 15    ~~available data regarding school performance, including, but not~~
- 16    ~~limited to, attendance and graduation rates, it receives from any~~

1 schools under its jurisdiction to the California Postsecondary  
2 Education Commission.

3 *SEC. 2. Section 1973 of the Business and Professions Code is*  
4 *amended to read:*

5 1973. (a) The Dentally Underserved Account is hereby created  
6 in the State Dentistry Fund.

7 (b) The sum of three million dollars (\$3,000,000) is hereby  
8 authorized to be expended from the State Dentistry Fund on this  
9 program. These moneys are appropriated as follows:

10 (1) One million dollars (\$1,000,000) shall be transferred from  
11 the State Dentistry Fund to the Dentally Underserved Account on  
12 July 1, 2003. Of this amount, sixty-five thousand dollars (\$65,000)  
13 shall be used by the Dental Board of California in the 2003–04  
14 fiscal year for operating expenses necessary to manage this  
15 program.

16 (2) One million dollars (\$1,000,000) shall be transferred from  
17 the State Dentistry Fund to the Dentally Underserved Account on  
18 July 1, 2004. Of this amount, sixty-five thousand dollars (\$65,000)  
19 shall be used by the Dental Board of California in the 2004–05  
20 fiscal year for operating expenses necessary to manage this  
21 program.

22 (3) One million dollars (\$1,000,000) shall be transferred from  
23 the State Dentistry Fund to the Dentally Underserved Account on  
24 July 1, 2005. Of this amount, sixty-five thousand dollars (\$65,000)  
25 shall be used by the Dental Board of California in the 2005–06  
26 fiscal year for operating expenses necessary to manage this  
27 program.

28 (c) Funds placed into the Dentally Underserved Account shall  
29 be used by the board to repay the loans per agreements made with  
30 dentists.

31 (1) Funds paid out for loan repayment may have a funding match  
32 from foundation or other private sources.

33 (2) Loan repayments may not exceed one hundred five thousand  
34 dollars (\$105,000) per individual licensed dentist.

35 (3) Loan repayments may not exceed the amount of the  
36 educational loans incurred by the dentist applicant.

37 (d) Notwithstanding Section 11005 of the Government Code,  
38 the board may seek and receive matching funds from foundations  
39 and private sources to be placed into the Dentally Underserved  
40 Account. The board also may contract with an exempt foundation

1 for the receipt of matching funds to be transferred to the Dentally  
2 Underserved Account for use by this program.

3 (e) Funds in the Dentally Underserved Account appropriated  
4 in subdivision (b) or received pursuant to subdivision (d) are  
5 continuously appropriated for the repayment of loans per  
6 agreements made between the board and the dentists.

7 (f) *On or after July 1, 2010, the board shall extend the program*  
8 *and distribute the money remaining in the account until July 1,*  
9 *2011.*

10 SEC. 3. Section 14206 of the Unemployment Insurance Code  
11 is amended to read:

12 14206. It shall be the duty of the local board to do all of the  
13 following:

14 (a) Coordinate workforce investment activities in the local area  
15 with economic development strategies.

16 (b) Promote participation of private sector employers in the  
17 local workforce investment system.

18 (c) Develop and submit a local workforce investment plan to  
19 the Governor.

20 (d) Select one-stop operators, with the agreement of the local  
21 chief elected official, annually review their operations, and  
22 terminate for cause the eligibility of such operators.

23 (e) Award grants or contracts to eligible providers of youth  
24 activities in the local area on a competitive basis, consistent with  
25 the Workforce Investment Act of 1998, based upon the  
26 recommendations of the youth council.

27 (f) Award grants or contracts to national, regional, or industry  
28 accredited private postsecondary institutions for job training  
29 services and education programs.

30 (g) Identify, consistent with the Workforce Investment Act of  
31 1998, eligible providers of training services.

32 (h) Identify eligible providers of intensive services and, when  
33 the one-stop operator does not provide intensive services to the  
34 local area, award contracts to those providers.

35 (i) Develop local policy on the amount and duration of individual  
36 training accounts based upon the market rate for local training  
37 programs.

38 (j) Conduct program oversight over workforce investment  
39 activities in the local area.

1 (k) Negotiate with the local chief elected official in the local  
2 area and the Governor on local performance measures for the local  
3 area.

4 (l) Assist in the development of a statewide employment  
5 statistics system, which shall be developed in conjunction with  
6 and shall utilize to the fullest extent possible, the Employment  
7 Development Department's labor market information system.

8 SEC. 4. ~~Section 2~~ Section 1 of this bill shall only become  
9 operative if Assembly Bill 48 is also enacted and becomes effective  
10 on or before January 1, 2010, and that bill creates a successor  
11 agency to the former Bureau for Private Postsecondary and  
12 Vocational Education.

13 SEC. 5. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

18 SEC. 6. *This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety within*  
20 *the meaning of Article IV of the Constitution and shall go into*  
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to disburse economic recovery funds recently made*  
23 *available by Congress as part of the American Recovery and*  
24 *Reinvestment Act of 2009 to workforce development programs in*  
25 *the state and to extend the operation of a dental assistance program*  
26 *as quickly as possible, it is necessary that this act take effect*  
27 *immediately.*