

Assembly Bill No. 778

CHAPTER 599

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.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 778, 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the provisions of law setting forth the powers and duties of the boards subject to review by the committee are to be repealed on certain dates.

This bill would make provisions applicable to additional boards subject to review by the committee and to repeal. The bill would revise the dates that provisions relating to certain of the boards currently subject to review are to be repealed.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 597 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.

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

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

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first review shall be performed as if this chapter were scheduled to become inoperative on July 1, 1999, and would be repealed as of January 1, 2000, as described in Section 473.1.



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

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

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

This section shall become inoperative on July 1, 1998, and, as of January 1, 1999, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 1999, deletes or extends the dates on which it becomes inoperative and is repealed.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

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

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

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

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

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

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

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

3910. There is hereby created in the Department of Consumer Affairs a State Board of Nursing Home Administrators which shall



consist of nine members, all of whom shall be citizens of the United States and residents of this state.

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

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

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

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

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

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

(c) All members of the examining committee shall be citizens of the United States and residents of the State of California. All doctors of veterinary medicine who are appointed members of the examining committee, shall have been licensed to practice veterinary medicine, at least five years preceding their appointments.

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

(e) The first animal health technician appointed to the committee shall upon appointment become a registered animal health technician, provided such person meets the eligibility requirements



to take the written and practical examination as established in Section 4841.5.

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

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

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

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

The Governor shall appoint the six licensed and registered members qualified as provided in this subdivision. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

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

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

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

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



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

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

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

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

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

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

The Governor shall appoint two of the public members, the five certified public accountant members, and the public accountant member qualified as provided in this section. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member. In appointing the five certified public accountant members, the Governor shall appoint members representing a cross section of the accounting profession with at least one member representing a small public accounting firm. For the purposes of this chapter, a small public accounting firm shall be defined as a professional firm that employs a total of no more than four certified



public accountants as partners, owners, or full-time employees in the practice of public accountancy within the State of California.

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

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

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

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

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

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

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

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

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

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



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

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