An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.
This bill would require a board within the department that has posted on its internet website online license search system that a person’s license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplys for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board’s internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website online license search system that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee of $25 to the person, not to exceed the cost person to cover the reasonable regulatory cost of administering the bill’s provisions. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.


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

SECTION 1. Section 493.5 is added to the Business and Professions Code, to read:

493.5. (a) A board within the department that has posted on its internet website online license search system that a person’s license was revoked because the person was convicted of a crime, upon receiving from the person a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code for the underlying offense, shall, within 90 days of receiving the expungement order, unless it is otherwise prohibited by law, or by other terms or conditions, do either of the following:

(1) If the person reapplys for licensure or is relicensed, post notification of the expungement order and the date thereof on its internet website online license search system.

(2) If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its internet website online license search system that the person’s license was revoked...
and information previously posted regarding arrests, charges, and convictions.

(b) Except as provided in paragraph (2), a board within the department may charge a fee of twenty-five dollars ($25) to a person described in subdivision (a), not to exceed (a) to cover the reasonable regulatory costs associated with administering this section. The

(2) A board shall not charge the fee if there is no cost associated with administering this section.

(3) A board may adopt regulations to implement this subdivision. The adoption, amendment, or repeal of a regulation authorized by this subdivision is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(4) The fee shall be deposited by the board into the appropriate fund and shall be available only upon appropriation by the Legislature.

(c) For purposes of this section, “board” means an entity listed in Section 101.

(d) If any provision in this section conflicts with Section 2027, Section 2027 shall prevail.
An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

LEGISLATIVE COUNSEL’S DIGEST


Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill would, except as specified, require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.
The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. The Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board’s administrative and ministerial functions.

This bill, among other things, would instead authorize the department, at the direction of and in conjunction with the State Personnel Board, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance with rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board’s constitutional authority, and require the department, pursuant to a process established by the State Personnel Board, to investigate complaints filed by employees in a state department’s equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified. This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons
enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations. Existing law, with regard to the requirements governing examinations for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each examination, as specified. The bill would also require the announcement for an examination to include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require the appointing authority to submit a report explaining the failure to achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2023, require the department to develop model upward mobility goals that include race, gender, LGBTQ, veteran status, or physical or mental
disability as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings. Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Department of Human Resources with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.


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

SECTION 1. This act shall be known, and may be cited, as the Upward Mobility Act of 2022.

SEC. 2. Section 8310.6 is added to the Government Code, to read:

8310.6. (a) A state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians shall use separate collection categories and tabulations for the following:

(1) African Americans who are descendants of persons enslaved in the United States.

(2) African Americans who are not descendants of persons enslaved in the United States, including, but not limited to, African Blacks, Caribbean Blacks, and other African Americans or Blacks.

(b) The data collected pursuant to the different collection categories and tabulations described in subdivision (a) shall be included in every demographic report on ancestry or ethnic origins of Californians by the state agency, board, or commission published or released on or after January 1, 2023. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential.
(c) As used in this section, the following definitions apply:

(1) “African Americans who are descendants of persons enslaved in the United States” means individuals who self-identify as Black or African American with at least one ancestor who was enslaved or subject to chattelization in the United States.

(2) “African Blacks” means individuals with origins from the continent of Africa, including, but not limited to, one or more of the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

(3) “Caribbean Blacks” means individuals with origins from Caribbean countries, including, but not limited to, one or more of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti, Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts, the Bahamas, and the Dominican Republic.

(4) “Other African Americans or Blacks” means individuals with African ancestry originating from any country not included in paragraph (2) or (3).

SEC. 2. SEC. 3. Section 11140 of the Government Code is amended to read:

11140. (a) It is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

(b) (1) On or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners shall have at least one volunteer board member or commissioner from an underrepresented community.

(2) Notwithstanding paragraph (1), this subdivision shall not apply to a state board or commission concerning public employment, public education, or public contracting.

(c) For purposes of this section, the following definitions apply:
(1) “Board member or commissioner from an underrepresented community” means all of the following:
   (A) An individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native.
   (B) An individual who self-identifies as gay, lesbian, bisexual, or transgender.
   (C) An individual who has served in and has been discharged under other than dishonorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.
   (D) An individual who has a “physical disability” or a “mental disability” as defined in Section 12926.

(2) “Volunteer member or commissioner” means an “administrative volunteer” as defined in subdivision (b) of Section 3111, who is selected to serve on a board or commission by the appropriate nominating authority and who does not receive any compensation or financial gain from any state agency, as defined in Section 11000. A volunteer may receive per diem and remain a volunteer within the meaning of this section, and that volunteer shall not be considered to be an employee solely on the basis of receiving the per diem.

(d) Notwithstanding the date specified in paragraph (1) of subdivision (b), the requirements of this section shall only apply as vacancies on state boards and commissions occur.

(e) Subject to subdivision (d), this section shall only apply to a vacancy appointment by the Governor or the Governor’s designees, the chair of a board or commission or the chair’s designees, the Speaker of the Assembly, and the President pro Tempore of the Senate or Senate Rules Committee, or any combination thereof.

SEC. 3.

SEC. 4. Section 18502 of the Government Code is amended to read:

18502. (a) There is hereby created in state government the Department of Human Resources. The department succeeds to and is vested with the following:
   (1) All of the powers and duties exercised and performed by the Department of Personnel Administration.
   (2) Those powers, duties, and authorities necessary to operate the state civil service system pursuant to Article VII of the
California Constitution, this code, the merit principle, and applicable rules duly adopted by the State Personnel Board.

(b) (1) The State Personnel Board shall prescribe rules consistent with a merit based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board’s authority under Article VII of the California Constitution. The State Personnel Board shall ensure that all changes to regulations are circulated for public comment.

(2) The department shall oversee compliance with rules prescribed by the State Personnel Board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board’s authority under Article VII of the California Constitution.

(3) The department, at the direction of and in conjunction with the State Personnel Board, may conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes.

(4) Pursuant to a process established by the State Personnel Board, the department shall investigate complaints filed by employees in a state department’s equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the State Personnel Board for adjudication.

(c) This section shall not limit the authority of the Department of Human Resources and the State Personnel Board to delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement.

(d) The rules and regulations of the State Personnel Board and of the Department of Personnel Administration shall remain in effect unless and until contradicted by the terms of this chapter or amended or repealed by the board or the Department of Human Resources.

SEC. 4. Section 8310.6 is added to the Government Code, to read:

8310.6. (a) A state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic
origin of Californians shall use separate collection categories and tabulations for the following:

(1) African Americans who are descendants of persons enslaved in the United States.

(2) African Americans who are not descendants of persons enslaved in the United States, including, but not limited to, African Blacks, Caribbean Blacks, and other African Americans or Blacks.

(b) The data collected pursuant to the different collection categories and tabulations described in subdivision (a) shall be included in every demographic report on ancestry or ethnic origins of Californians by the state agency, board, or commission published or released on or after January 1, 2023. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential.

(c) As used in this section, the following definitions apply:

(1) “African Americans who are descendants of persons enslaved in the United States” means individuals who self-identify as Black or African American with at least one ancestor who was enslaved or subject to chattelization in the United States.

(2) “African Blacks” means individuals with origins from the continent of Africa, including, but not limited to, one or more of the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

(3) “Caribbean Blacks” means individuals with origins from Caribbean countries, including, but not limited to, one or more of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti, Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts, the Bahamas, and the Dominican Republic.

(4) “Other African Americans or Blacks” means individuals with African ancestry originating from any country not included in paragraph (2) or (3):
SEC. 5. Section 18553 is added to the Government Code, to read:

18553. “Core competencies” mean the particular education, experience, knowledge, and abilities that each applicant is required to have in order to be considered eligible for a particular group of classifications.

SEC. 6. Section 18930.1 is added to the Government Code, to read:

18930.1. The board shall establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of examinations for the establishment of employment lists.

SEC. 7. Section 18931 of the Government Code is amended to read:

18931. (a) The board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position. The department may require applicants for examination or appointment to provide documentation as it deems necessary to establish the applicants’ qualifications.

(b) The board, in developing the qualifications referenced in subdivision (a), shall also incorporate standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The department may require applicants for examination or appointment to provide documentation as it deems necessary to establish the applicants’ qualifications.

(c) Whenever the law requires that an applicant for a position as a peace officer be screened to ensure that the applicant is free from emotional and mental impairment, the department or the designated appointing authority shall undertake that screening subject to the applicant’s right to appeal to the board.

SEC. 8. Section 18933 of the Government Code is amended to read:

18933. (a) Within a reasonable time before the scheduled date, the department or a designated appointing power shall announce or advertise examinations for the establishment of eligible lists. The announcement shall include the following:

(1) The date and place of the examination.
(2) The nature of the minimum qualifications and the functional core competencies.

(3) The general scope of the examination.

(4) The relative weight of its several parts if more than one type of test is to be utilized.

(5) Any other information the department deems proper.

(6) The standard statement of qualifications, if applicable.

(b) The department shall notify the Department of Veterans Affairs when any promotional examination for the establishment of an eligible list is announced or advertised to eligible candidates. The notification shall state the job position and include all of the information listed in paragraphs (1) to (6), inclusive, of subdivision (a).

SEC. 9. Section 18936 of the Government Code is amended to read:

18936. (a) All examination materials, including examination questions and any written material, shall be maintained for each examination for three years, after which they shall be disposed of pursuant to a policy adopted by the board.

(b) Examinations that have an oral examination component shall be video or otherwise electronically recorded. Examinees shall be informed that they are being recorded. The recordings shall be maintained for each examination for three years, after which they shall be disposed of pursuant to a policy adopted by the board.

(c) The final earned rating of each person competing in any examination shall be determined by the weighted average of the earned ratings on all phases of the examination, according to the weights for each phase established by the department or a designated appointing power in advance of the giving of the examination and published as a part of the announcement of the examination.

(d) The department or a designated appointing power may set minimum qualifying ratings for each phase of an examination and may provide that competitors failing to achieve those ratings in any phase shall be disqualified from any further participation in the examination.

SEC. 10. Section 19402 of the Government Code is amended to read:

19402. (a) All upward mobility programs shall include annual goals that include the number of employees expected to progress
from positions in low-paying occupational groups to entry-level
technical, professional, and administrative positions, and the
timeframe within which this progress shall occur. The Department
of Human Resources shall be responsible for approving each
department’s annual upward mobility goals and timetables.

(b) (1) By July 1, 2023, the Department of Human Resources
shall develop model upward mobility goals based on department
workforce analysis and shall post the model goals on its internet
website.

(2) The model upward mobility goals may include race, gender,
LGBTQ, veteran status, and physical or mental disability as factors
to the extent permissible under state and federal equal protection
laws.

(3) On or before July 1, 2023, the Department of Human
Resources shall provide a copy of the model upward mobility goals
and a corresponding report outlining the workforce analysis used
to develop the model upward mobility goals to each member of
the Legislature. The report shall be submitted in compliance with
Section 9795.

(c) If the appointing authority is unable to meet its annual
upward mobility goals and timetables for two consecutive fiscal
years, the appointing authority shall submit a report explaining
why it failed to achieve its goals and what requirements are
necessary to facilitate achieving its goals in the subsequent two
fiscal years. The appointing authority shall submit the report to
the department, the Director of the Department of Finance, and
the Legislative Analyst.

SEC. 11. Section 19574 of the Government Code is amended
to read:

19574. (a) The appointing power, or its authorized
representative, may take adverse action against an employee for
one or more of the causes for discipline specified in this article,
Adverse action is valid only if a written notice is served on the
employee prior to the effective date of the action, as defined by
board rule. The notice shall be served upon the employee either
personally or by mail and shall include: (1) a statement of the
nature of the adverse action; (2) the effective date of the action;
(3) a statement of the reasons therefor in ordinary language; (4) a
statement advising the employee of the right to answer the notice
orally or in writing; and (5) a statement advising the employee of
the time within which an appeal must be filed. The notice shall be filed with the board not later than 15 calendar days after the effective date of the adverse action.

(b) Effective January 1, 1996, this subdivision shall apply only to state employees in State Bargaining Unit 5. This section shall not apply to discipline as defined by Section 19576.1.

(c) (1) No later than April 1 of each year, each appointing power shall provide to the Department of Human Resources a report detailing all of the following information:

(A) The total number of adverse actions served on state employees in the preceding calendar year.

(B) The ethnicity or race of each employee served with an adverse action in the preceding calendar year, if available.

(C) The gender identity or sexual orientation of each employee served with an adverse action in the preceding calendar year, if available.

(D) The statutory basis for discipline under Section 19572 for each adverse action served in the preceding calendar year.

(E) A brief factual summary of the basis for discipline for each adverse action served in the preceding calendar year.

(F) The type of discipline imposed in each adverse action, including, but not limited to, outright termination, the nature of any demotion, the length of any suspension, or any other type of discipline.

(2) No later than June 1 of each year, the department shall include in its annual workforce analysis and census report the items as reported by each appointing authority pursuant to this subdivision and submit this report to the Legislature.

(3) This report shall be submitted in compliance with Section 9795.

(4) The information required pursuant to subparagraphs (B) and (C) of paragraph (1) may be provided at the discretion of the employee, and an appointing power shall not require an employee to disclose this information.

SEC. 12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference
location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location.
from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified. If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person’s name, or to provide other information, or to fulfill any condition precedent to the person’s attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board’s meetings are held entirely by teleconference.

This bill would also make conforming changes.
This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

Vote: \( \frac{2}{3} \). Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. Section 101.7 of the Business and Professions Code is amended to read:

101.7. (a) Notwithstanding any other provision of law, boards shall meet at least two times each calendar year. Boards shall meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees, unless the board’s meetings are held entirely by teleconference.

(b) The director has discretion to exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least two times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester’s chosen form or forms of notice.

(e) An agency that plans to webcast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board’s intent to webcast the meeting. An agency may webcast a meeting even if the agency fails to include that statement of intent in the notice.

SEC. 2. Section 11122.5 of the Government Code is amended to read:
11122.5. (a) As used in this article, “meeting” includes any congregation of a majority of the members of a state body at the same time and place, including one held entirely by teleconference, to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b) (1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2) (A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body,
if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

SEC. 3. Section 11123 of the Government Code is amended to read:

11123. (a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body, and allows for use of teleconference in closed sessions. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including all of the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public at any physical location specified in the notice of the meeting shall be visible and audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings
in a manner that protects the rights of any party or member of the public appearing before the state body. The state body shall provide a means by which the public may remotely hear audio of the meeting or remotely hear and observe the meeting, and a means by which the public may remotely address the state body, as appropriate, via either a two-way audio-visual platform or a two-way telephonic service. Should the state body elect to use a two-way telephonic service only, it must also provide live webcasting of the open meeting. The applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, shall be specified in any notice required by this article. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to remotely address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) The state body shall provide members of the public with a physical location at which the public may hear, observe, and address the state body. Each physical location shall be identified in the notice of the meeting.

(E) Members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.

(F) The members of the state body may remotely participate in a meeting. The members of the state body may also be physically present and participate at a designated physical meeting location, but no member of the state body shall be required to be physically present at any physical meeting location designated in the notice of the meeting in order to be deemed present at the meeting. All votes taken during a teleconferenced meeting shall be by rollcall.

(G) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(G) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in...
accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings. The state body shall post the agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The notice and agenda shall not disclose information regarding any remote location from which a member is participating.

(H) Upon discovering that a means of remote participation required by this section has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting’s end or adjournment on the state body’s internet website and by email to any person who has requested notice of meetings of the state body by email under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body’s agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

(2) For the purposes of this subdivision, “teleconference” all of the following definitions shall apply:

(A) “Teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, including by telephone, an internet website, or other online platform, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional physical locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(B) “Remote location” means a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.
(C) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute participation remotely.

(D) “Two-way audio-visual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(E) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audio-visual platform, and allows participants to dial a telephone number to listen and verbally participate.

(F) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

This section does not prohibit a state body from providing members of the public with additional physical locations in which the public may observe and address the state body by electronic means.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(d) A state body that is organized within the Department of Consumer Affairs and meets at least two times each calendar year shall be deemed to have met the requirements of subdivision (a) of Section 101.7 of the Business and Professions Code.

(e) This section shall not be construed to deny state bodies the ability to encourage full participation by appointees with developmental or other disabilities.

(f) If a member of a state body attends a meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.

SEC. 4. Section 11123.5 of the Government Code is repealed.

11123.5. (a) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123,
any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section’s requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article.

(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section’s requirements shall be listed in the minutes of the meeting.

(c) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its Internet Web site and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (e).

(d) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting at least 10 days in advance of the meeting. The agenda shall include information regarding the physical meeting location designated pursuant to subdivision (e), but is not required to disclose information regarding any remote location.

(e) A state body described in subdivision (a) shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. A quorum of the members of the state body shall be in attendance at the primary physical meeting location, and members of the state body participating remotely shall not count towards establishing a quorum. All decisions taken during a meeting by teleconference shall be by rollcall vote. The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.

(f) When a member of a state body described in subdivision (a) participates remotely in a meeting subject to this section’s requirements, the state body shall provide a means by which the
public may remotely hear audio of the meeting or remotely observe
the meeting, including, if available, equal access equivalent to
members of the state body participating remotely. The applicable
teleconference phone number or Internet Web site, or other
information indicating how the public can access the meeting
remotely, shall be in the 24 hour notice described in subdivision
(a) that is available to the public.

(g) Upon discovering that a means of remote access required
by subdivision (f) has failed during a meeting, the state body
described in subdivision (a) shall end or adjourn the meeting in
accordance with Section 11128.5. In addition to any other
requirements that may apply, the state body shall provide notice
of the meeting’s end or adjournment on its Internet Web site and
by email to any person who has requested notice of meetings of
the state body under this article. If the meeting will be adjourned
and reconvened on the same day, further notice shall be provided
by an automated message on a telephone line posted on the state
body’s agenda, or by a similar means, that will communicate when
the state body intends to reconvene the meeting and how a member
of the public may hear audio of the meeting or observe the meeting;

(h) For purposes of this section:
(1) “Participate remotely” means participation in a meeting at
a location other than the physical location designated in the agenda
of the meeting;
(2) “Remote location” means a location other than the primary
physical location designated in the agenda of a meeting;
(3) “Teleconference” has the same meaning as in Section 11123.

(i) This section does not limit or affect the ability of a state body
to hold a teleconference meeting under another provision of this
article:

SEC. 5. Section 11124 of the Government Code is amended
to read:

11124. (a) No person shall be required, as a condition to
attendance at a meeting of a state body, to register his or her the
person’s name, to provide other information, to complete a
questionnaire, or otherwise to fulfill any condition precedent to
his or her the person’s attendance.

(b) If an attendance list, register, questionnaire, or other similar
document is posted at or near the entrance to the room where the
meeting is to be held, or electronically posted, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(c) This section does not apply to an internet website or other online platform that may require identification to log into a teleconference.

SEC. 6. Section 11125 of the Government Code is amended to read:

11125. (a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet state body’s internet website at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available. The notice shall specify the means by which a meeting may be accessed by teleconference in accordance with the requirements of subparagraph (C) of paragraph (1) of subdivision (b) of Section 11123, including sufficient information necessary to access the teleconference. The notice shall also specify any designated physical meeting location at which the public may observe and address the state body.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of
the state body, provided that the specific time and place of the 
advisory body’s meeting is announced during the open and public 
state body’s meeting, and provided that the advisory body’s 
meeting is conducted within a reasonable time of, and nearby, the 
meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant 
to subdivision (a) for all meetings of a state body or for a specific 
meeting or meetings. In addition, at the state body’s discretion, a 
person may request, and may be provided, notice of only those 
meetings of a state body at which a particular subject or subjects 
specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state 
body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative 
formats, as required by Section 202 of the Americans with 
Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal 
rules and regulations adopted in implementation thereof, upon 
request by any person with a disability. The notice shall include 
information regarding how, to whom, and by when a request for 
any disability-related modification or accommodation, including 
auxiliary aids or services may be made by a person with a disability 
who requires these aids or services in order to participate in the 
public meeting.

(f) State bodies shall conduct meetings subject to this chapter 
consistent with applicable state and federal civil rights laws, 
including, but not limited to, any applicable language access and 
other nondiscrimination obligations.

SEC. 7. Section 11125.4 of the Government Code is amended 
to read:

11125.4. (a) A special meeting may be called at any time by 
the presiding officer of the state body or by a majority of the 
members of the state body. A special meeting may only be called 
for one of the following purposes when compliance with the 10-day 
notice provisions of Section 11125 would impose a substantial 
hardship on the state body or when immediate action is required 
to protect the public interest:
(1) To consider “pending litigation” as that term is defined in subdivision (e) of Section 11126.
(2) To consider proposed legislation.
(3) To consider issuance of a legal opinion.
(4) To consider disciplinary action involving a state officer or employee.
(5) To consider the purchase, sale, exchange, or lease of real property.
(6) To consider license examinations and applications.
(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.
(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.
(10) To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web siteinternet website where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary.
of the state body a written waiver of notice. The waiver may be
given by telegram, facsimile transmission, or similar means. The
written notice may also be dispensed with as to any member who
is actually present at the meeting at the time it convenes. Notice
shall be required pursuant to this section regardless of whether any
action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body
must make a finding in open session that the delay necessitated
by providing notice 10 days prior to a meeting as required by
Section 11125 would cause a substantial hardship on the body or
that immediate action is required to protect the public interest. The
finding shall set forth the specific facts that constitute the hardship
to the body or the impending harm to the public interest. The
finding shall be adopted by a two-thirds vote of the body, or, if
less than two-thirds of the members are present, a unanimous vote
of those members present. The finding shall be made available on
the Internet. state body’s internet website. Failure to adopt the
finding terminates the meeting.

SEC. 8. Section 11128.5 of the Government Code is amended
to read:

11128.5. The state body may adjourn any regular, adjourned
regular, special, or adjourned special meeting to a time and place,
including by teleconference, specified in the order of
adjournment. Less than a quorum may so adjourn from time to
time. If all members are absent from any regular or adjourned
regular meeting, the clerk or secretary of the state body may declare
the meeting adjourned to a stated time and place, including
by teleconference, and he or she the clerk or the secretary shall
cause a written notice of the adjournment to be given in the same
manner as provided in Section 11125.4 for special meetings, unless
that notice is waived as provided for special meetings. A copy of
the order or notice of adjournment shall be conspicuously posted
on the state body’s internet website, and if applicable, on or near
the door of the place where the regular, adjourned regular, special,
or adjourned special meeting was held within 24 hours after the
time of the adjournment. When a regular or adjourned regular
meeting is adjourned as provided in this section, the resulting
adjourned regular meeting is a regular meeting for all purposes.
When an order of adjournment of any meeting fails to state the
hour at which the adjourned meeting is to be held, it shall be held
at the hour specified for regular meetings by law or regulation.

SEC. 9. Section 11129 of the Government Code is amended
to read:

11129. Any hearing being held, or noticed or ordered to be
held by a state body at any meeting may by order or notice of
continuance be continued or recontinued to any subsequent meeting
of the state body in the same manner and to the same extent set
forth in Section 11128.5 for the adjournment of meetings. A copy
of the order or notice of continuance shall be conspicuously posted
on the state body’s internet website, and if applicable, on or near
the door of the place where the hearing was held within 24 hours
after the time of the continuance; provided, that if the hearing is
continued to a time less than 24 hours after the time specified in
the order or notice of hearing, a copy of the order or notice of
continuance of hearing shall be posted immediately following the
meeting at which the order or declaration of continuance was
adopted or made.

SEC. 10. It is the intent of the Legislature in enacting this act
to improve and enhance public access to state and local agency
meetings by allowing broader access through teleconferencing
options consistent with the Governor’s Executive Order No.
N-29-20 dated March 17, 2020, and related executive orders,
permitting expanded use of teleconferencing during the COVID-19
pandemic.

SEC. 11. 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 California Constitution and shall
go into immediate effect. The facts constituting the necessity are:

In order to protect public health, expand access to government
participation by the public, and increase transparency in state
government operations during the COVID-19 pandemic, it is
necessary that this act take effect immediately.
An act to add Section 8693 to the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL’S DIGEST

SB 1064, as introduced, Newman. Structural pest control: workers’ compensation insurance coverage.

Existing law establishes the Structural Pest Control Board, within the Department of Consumer Affairs, and requires the board to license and regulate structural pest control operators, as specified. Existing law makes a violation of provisions regulating structural pest control operators a misdemeanor.

Existing law, the Contractors’ State License Law, provides for the licensing and regulation of contractors by the Contractors State License Board within the Department of Consumer Affairs. Existing law requires every licensed contractor, or applicant for licensure, to have on file at all times with the Contractors State License Board a current and valid Certificate of Workers’ Compensation Insurance or Certification of Self-Insurance, or a statement certifying that they have no employees and are not required to obtain or maintain workers’ compensation insurance, and specifies various rules that apply to certain license classifications. Existing law requires the insurer, including the State Compensation Insurance Fund, to report to the registrar of contractors the name, license number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if the policy is canceled for specified reasons. Existing law provides that willful or deliberate disregard and violation of workers’ compensation insurance laws constitutes a cause for disciplinary action.
This bill would, similar to the provision governing contractors, prohibit the Structural Pest Control Board from issuing, reinstating, or continuing to maintain any structural pest control operator company registration under this chapter unless the applicant or existing company has filed a current and valid Certificate of Workers’ Compensation Insurance as evidence of current and valid Workers’ Compensation Insurance coverage, or a statement certifying that they have no employees and are not required to obtain or maintain workers’ compensation insurance. The bill would also require the insurer, including the State Compensation Insurance Fund, to report to the registrar of the Structural Pest Control Board the company name, registration number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if the policy is canceled for specified reasons. The bill would provide that willful or deliberate disregard and violation of workers’ compensation insurance laws constitutes a cause for disciplinary action, and that a violation of these provisions is not a misdemeanor, as specified.


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

SECTION 1. Section 8693 is added to the Business and Professions Code, to read:

8693. (a) The board shall not issue, reinstate, or continue to maintain any company registration under this chapter unless the applicant or existing company has filed a current and valid Certificate of Workers’ Compensation Insurance as evidence of current and valid Workers’ Compensation Insurance coverage. A Certificate of Workers’ Compensation Insurance shall be issued and filed, electronically or otherwise, by an insurer duly licensed to write workers’ compensation insurance in this state. If reciprocity conditions exist, as provided in Section 3600.5 of the Labor Code, the registrar shall require the information deemed necessary to ensure compliance with this section.

(b) This section does not apply to a registered company that has no employees provided that a statement is filed with the board on a form prescribed by the registrar prior to the issuance, reinstatement, or continued maintenance of a company registration, certifying that the registered company does not employ any person
in any manner so as to become subject to the workers’ compensation laws of California or is not otherwise required to provide for workers’ compensation insurance coverage under California law.

(c) (1) The insurer, including the State Compensation Insurance Fund, shall report to the registrar the following information for any policy required under this section: company name, registration number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if applicable.

(2) A workers’ compensation insurer shall also report to the registrar a registered company whose workers’ compensation insurance policy is canceled by the insurer if all of the following conditions are met:

(A) The insurer has completed a premium audit or investigation.
(B) A material misrepresentation has been made by the insured that results in financial harm to the insurer.
(C) No reimbursement has been paid by the insured to the insurer.

(d) (1) Willful or deliberate disregard and violation of workers’ compensation insurance laws constitutes a cause for disciplinary action by the registrar against the registered company and the qualifying manager or managers.

(2) The provisions of Section 8553 shall not apply to any violation of this section.