

Date of Hearing: June 20, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

SB 715(Newman) – As Amended April 25, 2017

**SENATE VOTE:** 39-0

**SUBJECT:** Department of Consumer Affairs: regulatory boards: removal of board members

**SUMMARY:** Adds failure to attend board meetings to the reasons that the Governor may choose to remove one of his or her appointed board members from office.

**EXISTING LAW:**

- 1) Authorizes the Governor to remove any member of any board under the Department of Consumer Affairs (DCA) that the Governor has appointed for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. Specifies that this authority shall not be construed as a limitation or restriction on the power of the Governor to remove any member of any board. (Business and Professions Code (BPC) Section 106)
- 2) Authorizes the Governor to remove a member of a board or other licensing entity under the DCA if it is shown that the member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question or questions in advance of or during the examination to any applicant. (BPC Section 106.5)
- 3) Requires every newly appointed board member complete a training and orientation program offered by the DCA within one year regarding, among other things, his or her functions, responsibilities, and obligations as a member of a board. (BPC Section 453)

Defines "meeting" for purposes of the Bagley-Keene Open Meeting Act which sets forth requirements for public meetings of all state boards and commissions, as 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. (Government Code Section 11122.5.)

**THIS BILL:**

- 1) Adds failure to attend board meetings to the justification for removal of an appointed board member by the Governor.

**FISCAL EFFECT:** None

**COMMENTS:**

**Purpose.** This bill is sponsored by the author. According to the author, "Discretion for the removal of board members for instances of absences is a good government approach to ensuring the effectiveness and efficiency of the important regulatory boards within the DCA. Member absences can impact the professions and public alike, as key decisions are made and votes taken

at board meetings directly related to oversight of licensees. The Governor should have authority to remove board members from their position when their absences impact their ability to successfully serve.”

**Background.** The DCA includes 26 boards, ten bureaus, two committees, one program, and one commission (boards). These boards are charged with regulating a large number of professional licensees, businesses, and professions. The boards meet regularly in open session to discuss matters of policy and regulatory structure and occasionally meet in closed session for disciplinary proceedings.

Most board members are appointed by the Governor but the state Assembly and Senate each appoint a smaller number of members to each board. Board members serve in their capacity as volunteers and are given a per diem and reimbursed for travel expenses. DCA boards are subject to the Bagley-Keene Open Meetings Act which requires a quorum for boards to meet and conduct official business or take official action such as voting on agenda items. Since boards meet only a few times a year, attendance and establishing a quorum is essential to conducting the business of the board. Regular absences by board members can cause problems and delays in regulatory and enforcement procedures.

**Current Related Legislation.** SB 496 (De Leon) was identical to this measure when heard by the Senate Committee on Business and Professions on March 27, 2017. SB 496 was later amended to deal with a different subject entirely.

**REGISTERED SUPPORT:**

None on file.

**REGISTERED OPPOSITION:**

None on file.

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