

PROPOSED AMENDMENTS TO SENATE BILL NO. 797

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 797

Introduced by ~~Senator Hill~~ *Senators Hill, Beall, Wieckowski, and Wiener*

(Principal coauthors: Assembly Members Chiu, Kalra, Mullin, Mark Stone, and Ting)

February 17, 2017

~~An act to amend Sections 2876 and 2894 of the Business and Professions Code, relating to healing arts. An act to add Chapter 2.95 (commencing with Section 7286.65) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 797, as amended, Hill. ~~The Board of Vocational Nursing and Psychiatric Technicians: vocational nursing: discipline. Peninsula Corridor Joint Powers Board: transactions and use tax.~~

Existing law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy transactions and use taxes for general purposes in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%.

This bill would authorize the Peninsula Corridor Joint Powers Board, by a resolution approved by $\frac{2}{3}$ of the board and with the approval of specified entities, to levy a tax pursuant to the Transactions and Use Tax Law at a rate not to exceed 0.125%, with net revenues from the tax



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Amendment 1
Amendment 2

Amendment 3

to be used by the board for operating and capital purposes of the Caltrain rail service, subject to ²/₃ voter approval of a regional measure submitted by the board to voters of the Counties of San Francisco, San Mateo, and Santa Clara. The bill would authorize the board to exceed the 2% limit described above to impose the retail transactions and use tax.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of San Francisco, San Mateo, and Santa Clara.

~~(1) Existing law establishes the Board of Vocational Nursing and Psychiatric Technicians of the State of California within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of vocational nurses. Existing law requires the board to, among other things, select an executive officer. Existing law requires the board to discipline a licensee whose default has been entered or who has been heard by the board and found guilty by, among other methods, revoking his or her license.~~

~~This bill would require the board to delegate to the executive officer the authority to adopt a decision entered by default and a stipulation for surrender of a license.~~

~~(2) Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and requires all money in that fund be used to carry out the Vocational Nursing Practice Act, including promoting nursing education, the Psychiatric Technicians Law, and for the refund of license fees or other moneys paid into the Vocational Nursing and Psychiatric Technicians Fund.~~

~~This bill would specify that moneys in the Vocational Nursing and Psychiatric Technicians Fund shall be used upon appropriation of the Legislature.~~

~~Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.~~

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

- + SECTION 1. Chapter 2.95 (commencing with Section 7286.65)
- + is added to Part 1.7 of Division 2 of the Revenue and Taxation
- + Code, to read:

Amendment 4

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+ CHAPTER 2.95. PENINSULA CORRIDOR JOINT POWERS BOARD

+ 7286.65. (a) Upon the affirmative vote of two-thirds of the
+ directors of the Peninsula Corridor Joint Powers Board, a joint
+ powers authority formed pursuant to the Joint Exercise of Powers
+ Act (Chapter 5 (commencing with Section 6500) of Division 7 of
+ Title 1 of the Government Code), the board may, by resolution and
+ consistent with subdivision (b), submit to the voters of the Counties
+ of San Francisco, San Mateo, and Santa Clara a regional measure
+ proposing only a retail transactions and use tax, at a rate not to
+ exceed 0.125 percent and in accordance with Part 1.6
+ (commencing with Section 7251) of this code and Article XIII C
+ of the California Constitution, with net revenues from the tax to
+ be used by the board for the operating and capital purposes of the
+ Caltrain rail service.

+ (b) The measure shall only be submitted to the voters upon
+ approval by the boards of supervisors of the Counties of San
+ Francisco, San Mateo, and Santa Clara, consistent with each
+ county’s applicable procedures, and approval by the San Francisco
+ County Transportation Authority, the San Mateo County Transit
+ District, and the Santa Clara Valley Transportation Authority by
+ a majority vote of each transportation entity’s governing board.

+ (c) The measure shall be approved if two-thirds of all of the
+ voters voting on the measure approve it.

+ (d) The board may impose a retail transactions and use tax
+ pursuant to subdivision (a) that, in combination with all taxes
+ imposed in accordance with Part 1.6 (commencing with Section
+ 7251), exceeds the limit established in Section 7251.1.

+ SEC. 2. The Legislature finds and declares that a special statute
+ is necessary and that a general statute cannot be made applicable
+ within the meaning of Section 16 of Article IV of the California
+ Constitution because of the need to provide a dedicated local
+ funding source for the Caltrain rail service.

1 SECTION 1. ~~Section 2876 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 2876. (a) ~~The board shall discipline the holder of any license,~~
4 ~~whose default has been entered or who has been heard by the board~~
5 ~~and found guilty, by any of the following methods:~~

6 (1) ~~Suspending judgment.~~

Amendment 5

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PROPOSED AMENDMENTS

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SUBSTANTIVE**

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- 7 ~~(2) Placing him or her upon probation.~~
- 8 ~~(3) Suspending his or her right to practice vocational nursing~~
- 9 ~~for a period not exceeding one year.~~
- 10 ~~(4) Revoking his or her license.~~
- 11 ~~(5) Taking such other action in relation to disciplining him or~~
- 12 ~~her as the board in its discretion may deem proper.~~
- 13 ~~(b) The board shall delegate to its executive officer the authority~~
- 14 ~~to adopt a decision entered by default and a stipulation for~~
- 15 ~~surrender of a license.~~
- 16 ~~SEC. 2. Section 2894 of the Business and Professions Code is~~
- 17 ~~amended to read:~~
- 18 ~~2894. (a) All money in the Vocational Nursing and Psychiatric~~
- 19 ~~Technicians Fund shall be used, upon appropriation by the~~
- 20 ~~Legislature, to carry out this chapter, including the promotion of~~
- 21 ~~nursing education in this state, and Chapter 10 (commencing with~~
- 22 ~~Section 4500), and for the refund, in accordance with law, of~~
- 23 ~~license fees or other moneys paid into the Vocational Nursing and~~
- 24 ~~Psychiatric Technicians Fund under the provisions of this chapter~~
- 25 ~~and Chapter 10 (commencing with Section 4500).~~
- 26 ~~(b) Claims against the Vocational Nursing and Psychiatric~~
- 27 ~~Technicians Fund shall be audited by the Controller, and shall be~~
- 28 ~~paid by the Treasurer upon warrants drawn by the Controller.~~

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