

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1705 (Committee on Business and Professions) – As Introduced March 2, 2017

SUBJECT: State Board of Guide Dogs for the Blind.

SUMMARY: Extends the sunset date for the State Board of Guide Dogs for the Blind (Board) by four-years until January 1, 2018;

EXISTING LAW:

- 1) Establishes the Board within in the Department of Consumer Affairs (DCA) for the licensing and enforcement of licensees who operate schools for the training of guide dogs and the instruction of persons who are blind and visually impaired in the use of guide dogs. (Business and Professions Code (BPC) Section 7200, *et seq.*)
- 2) Requires the Board to consist of seven members appointed by the Governor, of which one member is the Director of Rehabilitation or his or her designated representative; the remaining members are persons who have shown a particular interest in dealing with the problems of persons who are blind or visually impaired and at least three of them are persons who are blind or visually impaired who use guide dogs. (BPC Section 7200(a))
- 3) Provides the Board with exclusive authority to issue licenses for the instruction of persons who are blind or visually impaired in the use of guide dogs and for the training of guide dogs for use by persons who are blind and visually impaired, and also provides the Board with exclusive authority to issue licenses to operate schools for the training of guide dogs and the instruction of persons who are blind or visually impaired. (BPC Section 7200.5(a))
- 4) Establishes an arbitration procedure pilot project in order to provide a procedure for the resolution of disputes between guide dog users and guide dog schools relating to the continued physical custody and use of a guide dog, as specified. (BPC Section 7215.6(a))
- 5) Requires, until January 1, 2018, the Board to prepare a fact sheet which contains the following: (BPC Section 7217.7(a)(c))
 - a) A description of the purpose of the Board;
 - b) A description of the Board's role in assisting guide dog users who are victims of alleged guide dog discrimination; and,
 - c) A description of the Board's arbitration procedure.
- 6) Requires, until January 1, 2018, the Board to post the factsheet on its website and provide copies to each licensed guide dog school. BPC Section 7215(b)(c))

THIS BILL:

- 1) Extends the sunset date of the Board, by four years, until January 1, 2022.
- 2) Deletes the sunset date on the requirement that the Board create a fact sheet about the Board and its purposes, as its specified.
- 3) Makes one other technical and clarifying change.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. Unless legislation is carried this year to extend the sunset date for the Board, it will be repealed on January 1, 2018. The legislative changes reflected in this bill are solutions to issues raised about the Board in the Assembly Committee on Business and Professions' staff *Background Paper* and during its sunset review hearing on February 27, 2017.

Background. *State Guide Dogs for the Blind.* The Board was established in 1948 to ensure that blind or visually impaired individuals receive well-trained guide dogs. The Board also confirms that blind or visually impaired individuals are thoroughly trained to be effective and safe guide dog users. Furthermore, the Board was also designed to assure donors of guide dog charities their donations are used for their intended charitable purpose. The Board licenses and regulates: 1) guide dog instructors; 2) guide dog schools; and, 3) fundraising programs that open new schools as specified in BPC sections 7200.5-7210.6. Currently, the Board oversees 103 guide dog instructors, including 47 out of state instructors and three guide dog schools. The Board annually inspects all schools, requires new active guide dog instructors to take written, practical, and oral examinations, and requires instructors to submit proof of eight hours of continuing education (CE) each year to remain licensed. California is the only State that has such a regulatory program.

Joint Oversight Hearings and Sunset Review of DCA Licensing Boards. In February and March of 2017, the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development (Committees) conducted multiple joint oversight hearings to review 12 regulatory boards within the DCA and one regulatory entity outside of the DCA. The sunset bills are intended to implement legislative changes recommended in the respective background reports drafted by the Committees for the agencies reviewed this year. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency.

The Sunset Review Process. The sunset review process provides a formal mechanism for the DCA, the Legislature, the regulatory boards, bureaus and committees, interested parties, and stakeholders to make recommendations for improvements to the authority of consumer protection boards and bureaus. This is performed on a standard four-year cycle and was mandated by SB 2036 (McCorquodale), Chapter 908, Statutes of 1994. Each eligible agency is required to submit to the Committees a report covering the entire period since last reviewed that

includes, among other things, the purpose and necessity of the agency and any recommendations of the agency for changes or reorganization in order to better fulfill its purpose. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency. This bill simply extends the Board by four years, until January 1, 2022, and makes other technical and non-controversial changes to provisions of the act.

Prior Related Legislation. SB 1331 (Pavley) Chapter, 595, Statutes of 2016, allowed out-of-state personnel to provide follow-up services in California without a license, under specified conditions; revised the composition of the Board to include three, instead of two, representatives of the legally blind or visually impaired community; and, required the Board to create a factsheet that provides specified information about the Board which must be made available to each licensed school to provide to every student receiving training from that school.

SB 308 (Lieu) Chapter 333, Statutes of 2013, extended until January 1, 2018 the provisions of the Interior Design Law and the Board, and extended until January 1, 2016 the provisions of the Board of Barbering and Cosmetology and the term of its executive officer, and makes various other technical changes and improvements to those provisions.

SB 822 (Committee on Business and Professions and Economic Development) Chapter 319, Statutes of 2017, made several technical changes to provisions within the BPC related to the regulation of various professions, including those overseen by the California Board of Accountancy, the Contractors' State License Board, the Board, and the Board for Professional Engineers, Land Surveyors and Geologists.

POLICY ISSUES FOR CONSIDERATION:

According to a previous sunset review of the Board in early 2000, in the mid 1990's the Joint Legislative Sunset Review Committee recommended, at that time, that the Board sunset on July 1, 1997 based on the following findings: 1) the Board licenses few instructors and has not licensed any new schools or fundraising organizations since the licensing requirements were first enacted; and 2) there appeared to be little problem with unlicensed activity, in part due to the close community related to the activities of the Board's licensees. Upon its sunset, all of the duties and responsibilities of the Board would have been passed to the department under the bureau structure. However, contrary to the recommendation of the JLSRC, AB 1546, Chapter 475, Statutes of 1997, sponsored by the DCA, extended the Board for five years. This issue has not been raised since.

In order to reassess the role and functions of the Board to ensure it continues to provide services necessary for protection of consumers of the guide dog industry, the Committee may wish to consider amending this bill to provide a two-year sunset extension of the Board and further require a task force be established to provide the Board, licensees and stakeholders an opportunity to address the mission of the Board. The members of the task force should be appointed by the Director of the DCA by May 1, 2018. The taskforce shall submit a report with recommendations on the role and the mission of the Board and if there is a continued need for regulation on guide dog schools, guide dog trainers and fundraising programs. The report shall

be delivered to the Governor, the President pro Tempore of the Senate, the Speaker of the Assembly, the Assembly Committee on Business and Professions, and the Senate Committee on Business, Professions and Economic Development, by May 1, 2019, on which date the task force shall cease to exist.

AMENDMENTS:

In order to address the policy issues raised above, this bill should be amended as follows:

On page 2, in line 13, strike ~~2022~~, and insert 2020

On page 4, in line 37, strike ~~2022~~, and insert 2020

On page 5, after line 17, insert There shall be a task force established under the jurisdiction of the Board. The members of the task force should be appointed by the Director of the Department of Consumer Affairs by May 1, 2018. The taskforce shall submit a report with recommendations on the role and the mission of the Board and if there is a continued need for regulation on guide dog schools, guide dog trainers and fundraising programs. The report shall be delivered to the Governor, the President pro Tempore of the Senate, the Speaker of the Assembly, the Assembly Committee on Business and Professions, and the Senate Committee on Business, Professions and Economic Development, by May 1, 2019, on which date the task force shall cease to exist.

ARGUMENTS IN SUPPORT:

The **California State Board of Guide Dogs for the Blind** writes in support, "The Board appreciates the Committees efforts in the oversight process and is working diligently to address issues identified in the sunset report. Primarily, the Board is in the process of working with stakeholders to draft amendments to existing ownership and arbitration laws that enhance consumer protection and we look forward to providing that language as soon as possible."

ARGUMENTS IN OPPOSITION:

None on file.

REGISTERED SUPPORT:

California State Board of Guide Dogs for the Blind

REGISTERED OPPOSITION:

Numerous individuals.

Analysis Prepared by: Elissa Silva / B. & P. / 916-319-3301