

TITLE 16, CALIFORNIA CODE OF REGULATIONS, DIVISION 29
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on June 28, 2016. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 13, 2016.

Authority and Reference: Pursuant to the authority vested by Section 7818 of the Business and Professions Code, and to implement, interpret, or make specific Sections commencing with Sections 7844 and 7846 of said code, the Board is considering making changes to Division 29 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Business and Professions Code (B&P) Section 7818 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of law relating to the practice of geology. To that extent, staff is proposing amendments to the Regulations Relating to the Practices of Geology and Geophysics to repeal exam inspections and appeals for geophysicists or specialty geologists or specialty geophysicists. These modifications would allow for increased exam security and protection of consumers of California and the Board's licensees and certificate holders. This change would maintain the Board's mission to safeguard the life, health, property, and welfare of the public. The Board is proposing the following:

REPEAL SECTIONS 3036.1, 3036.2, 3037.1, AND 3037.2 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

The proposed regulations would repeal Title 16 CCR Sections 3036.1 and 3037.1 to remove the inspection and appeal of geophysicist, specialty geologist or specialty geophysicist examinations from Title 16 CCR, Division 29. All licensing exams being repealed are multiple-choice only and clearly have one right answer, are psychometrically valid and are not structured to be appealed, and are scored by computer and leave no possibility for variation in grading. Additionally, there is no statutory authority required to provide examination inspection or appeal, nor is there a statutory or regulatory fee for examination inspection.

Repealing Title 16 CCR Sections 3036.2 and 3037.2 is simply eliminating the language. The authority to inspect and appeal geologist examinations was repealed on December 31, 1999, but the language remained in the regulations. Repealing language is purely clean up as we seek to repeal Title 16 CCR, Sections 3036.1 and 3037.1 which currently allows for inspection and appeal of geophysicist or specialty geologist or specialty geophysicist examinations.

POLICY STATEMENT OVERVIEW//ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit is to ensure that the examination tests minimal competence to ensure public safety and that the items developed for licensure and certification are secure and reliable. Changes to the law will remove inspection and appeal options for exam candidates and their attorneys. Changes guarantee that exam items remain valid, are kept secure when not being tested, are legally defensible, and are reliable for future examinations. The amendments will maintain the Board's mission to safeguard the life, health, property, and welfare of the public. Additionally, repealing Title 16 CCR Sections 3036.1 and 3037.1 would result in a minor cost savings to the Board.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern examination appeal.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

There are administrative expenses associated with the appeal process including, but not limited to, application review, staff preparation, subject matter expert consultation, and travel expenses. Repealing Title 16 CCR Sections 3036.1 and 3037.1 would result in a minor cost savings for the Board.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

The proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations pertain to the inspection and appeal of an examination by the examinee or the applicant's attorney.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's government:

The purpose and benefit is to ensure that the examination tests minimal competence to ensure public safety and items developed for licensure and certification are secure and reliable. Changes to the law will remove inspection and appeal options for exam candidates. Changes guarantee that exam items remain valid, are kept secure when not being tested, are legally defensible, and are reliable for future examinations. The amendments will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Billie Baldo
Address:	2535 Capitol Oaks Drive, S-300 Sacramento, CA 95833
Telephone No.:	(916) 263-2277
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E-Mail Address:	billie.baldo@dca.ca.gov

The backup contact person is:

Name: Kara Williams
Address: 2535 Capitol Oaks Drive, S-300
Sacramento, CA 95833
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Website Access: Materials regarding this proposal can be found at
<http://www.bpelsg.ca.gov/>.