



**Board for Professional Engineers,
Land Surveyors, and Geologists**

Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

June 11-12, 2015

Thursday, June 11, beginning at 9:00 a.m.
and continuing on Friday, June 12,
beginning at 9:00 a.m., if necessary

Division of the State Architect
Department of General Services
10920 Via Frontera, Ste. 300, Conf. Rm. A
San Diego, CA 92127

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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING LOCATION

JUNE 11-12, 2015

DIVISION OF THE STATE ARCHITECT
DEPARTMENT OF GENERAL SERVICES
10920 VIA FRONTERA, STE. 300, CONF. RM. A
SAN DIEGO, CA 92127

Board Members: Kathy Jones Irish, President; Robert Stockton, Vice President; Natalie Alavi; Asha Brooks; Eric Johnson; Coby King; Betsy Mathieson; Philip Quartararo; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Ray Satorre; Jerry Silva; and Patrick Tami

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I. Roll Call to Establish a Quorum

II. Public Comment

III. Legislation

A. Discussion of Legislation for 2015: AB 12, AB 85, AB 103, AB 177, AB 320, AB 507, AB 1060, SB 69, SB 284, SB 799

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
Wk. 4	28	29	30				

June 1-5 Floor Session only. No committee may meet for any purpose except for Rules Committee and Conference Committees (J.R. 61(a)(7)).

June 5 Last day to pass bills out of house of origin (J.R. 61(a)(8)).

June 8 Committee meetings may resume (J.R. 61(a)(9)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Summer Recess	19	20	21	22	23	24	25
Summer Recess	26	27	28	29	30	31	

July 3 Independence Day observed.

July 17 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)). **Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess							1
Summer Recess	2	3	4	5	6	7	8
Summer Recess	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
No Hrgs.	30	31					

Aug. 17 Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

Aug. 28 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

Aug. 31 – Sept. 11 Floor Session only. No committee may meet for any purpose except for Rules Committee and Conference Committees (J.R. 61(a)(12)).

SEPTEMBER							
	S	M	T	W	TH	F	S
No Hrgs.			1	2	3	4	5
No Hrgs.	6	7	8	9	10	11	12
Interim Recess	13	14	15	16	17	18	19
Interim Recess	20	21	22	23	24	25	26
Interim Recess	27	28	29	30			

Sept. 4 Last day to **amend** on the Floor (J.R. 61(a)(13), A.R. 69(e)).

Sept. 7 Labor Day observed.

Sept. 11 Last day for any bill to be passed (J.R. 61(a)(14)). **Interim Study Recess** begins upon adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2015

Oct. 11 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 11 and in the Governor's possession after Sept. 11 (Art. IV, Sec.10(b)(1)).

2016

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 4 Legislature reconvenes (J.R. 51(a)(4)).

Opposed Legislation

Assembly Bill 320 (Wood D) Environmental Engineer

Introduced: 2/13/2015

Last Amended Date: 4/23/15

Status: In Senate. Read first time. Referred to Com. on B., P. & E.D – 5/21/15

Position: Oppose, taken 4/15/15

Laws: Amends Section 6732 of the Business and Professions Code.

Bill Summary: This bill would prohibit a person from using the title "environmental engineer" unless the person is licensed as an engineer. The bill would permit a licensed civil, electrical, or mechanical engineer to use the title "environmental engineer" without obtaining additional qualifications.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2/23/15	4/22/15	5/6/15	5/11/15	5/21/15							
1st House				2nd House							

Staff Analysis:

Updated: 5/21/15

As written, AB 320 would add the title "Environmental Engineer" as a Title Act license. Additionally, on April 24, 2015, amendments were made that would permit a licensed civil, electrical, or mechanical engineer to use the title "environmental engineer" without obtaining additional qualifications. Introducing an "Environmental Engineer" Title Act will not regulate the practice of environmental engineering; only the use of the title is regulated. Moreover, AB 320 will not prevent a person from practicing environmental engineering; it will only prevent a person from using the title "Environmental Engineer." The legislative intent provision in AB 320 indicates it is necessary for public protection to "regulate this profession." However, this bill would not regulate this profession; it will only restrict a person from using the title. For the last 20 years, the Board has held the position that restricting only the use of the title without also regulating the associated practice does not provide sufficient public protection. AB 320 would require the Board to adopt through the regulatory process a definition of "environmental engineering." The Board believes that the resulting definition would be so narrow in scope due to need to prevent overlap with regulated practices, such as civil engineering and geology, that it would preclude people from having the required experience needed to qualify for licensure.

The Board voted to oppose AB 320 at its April 15-16, 2015, meeting. The bill was amended after that date. The amendments do nothing to address the Board's concerns and, in fact, are contradictory to the stated intent since individuals who had not demonstrated experience or competence in environmental engineering would be allowed to use the title.

Recommendation: Board staff recommends the Board confirm its **oppose** position.

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 320

Introduced by Assembly Member Wood

February 13, 2015

An act to amend Section 6732 of the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 320, as amended, Wood. Engineers.

Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists in the Department of Consumer Affairs. Existing law prohibits a person from representing himself or herself as an engineer, as described by various titles, unless the person is licensed as an engineer. Existing law makes a violation of those prohibitions a misdemeanor.

This bill would additionally prohibit a person from using the title “environmental engineer” unless the person is licensed as an engineer. The bill would provide legislative findings and declarations in support of the licensure of environmental engineers in California. *The bill would permit a licensed civil, electrical, or mechanical engineer to use the title “environmental engineer” without obtaining additional qualifications.* The bill would set forth the intent of the Legislature that the board be responsible for defining environmental engineering through rulemaking and that the board adopt standardized examination materials applicable to environmental engineering, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

98

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Over the past few decades, the study and practice of
- 4 environmental engineering has expanded greatly throughout
- 5 California and the nation. Many colleges in California have
- 6 accredited environmental engineering programs and thousands of
- 7 California engineers currently provide essential environmental
- 8 engineering services to all levels of government, private industry,
- 9 and the public.
- 10 (b) Despite leading the way in environmental protection and
- 11 global climate change remediation programs, the State of California
- 12 is an anomaly in that it does not currently offer a pathway for the
- 13 licensure of environmental engineers. Forty-eight other states test
- 14 and provide a licensing path for environmental engineers. Hawaii
- 15 and California currently do not.
- 16 (c) As programs of environmental mitigation and protection
- 17 continue to expand in scope and complexity for our air, water, and
- 18 soil testing and certification of environmental engineers is needed
- 19 to establish benchmarks for competency to protect and safeguard
- 20 the public.
- 21 (d) The Board for Professional Engineers, Land Surveyors, and
- 22 Geologists (BPELSG) safeguards the life, health, property, and
- 23 public welfare by regulating the practice of professional
- 24 engineering. The BPELSG provides this public service by testing
- 25 and licensing individuals, establishing regulations, enforcing laws
- 26 and regulations, and providing information so that consumers can
- 27 make informed decisions.
- 28 (e) In the early 1970s, the BPELSG created title acts in the
- 29 branches of agriculture, control system, corrosion, fire protection,
- 30 manufacturing, nuclear, quality, safety, and traffic. At that time,

1 the BPELSG did not approve a petition to add an environmental
2 engineer title act. In 1986, the authority to establish new title
3 registration branches returned to the Legislature.

4 (f) In California, professional engineers are licensed in the three
5 practice act categories of civil, electrical, and mechanical
6 engineering, and licensed in the 10 title act categories of
7 agricultural, chemical, control system, fire protection, industrial,
8 manufacturing, metallurgical, nuclear, petroleum, and traffic
9 engineering.

10 (g) Environmental engineering is the branch of engineering that
11 understands and applies engineering principles in the areas of solid
12 waste management, water supply and treatment, wastewater
13 treatment, air pollution management, hazardous waste management,
14 and related environmental and public health impact, assessment,
15 and mitigation including the physical, chemical, and biological
16 processes by which pollutants form, release, disperse, react, or
17 neutralize in air, water, or soil.

18 (h) Given the proliferation of the practice of environmental
19 engineering in the public and private sectors in California, it is
20 now necessary to create an environmental engineering title act
21 within the Professional Engineers Act to safeguard life, health,
22 property, and the public welfare and regulating this profession.

23 (i) It is the intent of the Legislature that the BPELSG will be
24 responsible for defining “environmental engineering” through
25 rulemaking, adding to the definitions found in Section 404 of Title
26 16 of the California Code of Regulations, and using the same
27 process used to define the other title acts. It is the intent of the
28 Legislature that the BPELSG will also adopt national standardized
29 examination materials applicable to environmental engineering,
30 similar to testing for other branches of engineering.

31 (j) Creating a new environmental engineering title act does not
32 require the expenditure of state funds. Just as is the case with other
33 practice and title act licensees, it is the intent of the Legislature
34 that applicant fees will cover the cost of license and registration.

35 SEC. 2. Section 6732 of the Business and Professions Code is
36 amended to read:

37 6732. (a) It is unlawful for anyone other than a professional
38 engineer licensed under this chapter to stamp or seal any plans,
39 specifications, plats, reports, or other documents with the seal or
40 stamp of a professional engineer, or in any manner, use the title

1 “professional engineer,” “licensed engineer,” “registered engineer,”
2 or “consulting engineer,” or any of the following branch titles:
3 “agricultural engineer,” “chemical engineer,” “civil engineer,”
4 “control system engineer,” “electrical engineer,” “environmental
5 engineer,” “fire protection engineer,” “industrial engineer,”
6 “mechanical engineer,” “metallurgical engineer,” “nuclear
7 engineer,” “petroleum engineer,” or “traffic engineer,” or any
8 combination of these words and phrases or abbreviations thereof
9 unless licensed under this chapter.

10 *(b) Notwithstanding subdivision (a), a professional engineer*
11 *licensed as a civil, electrical, or mechanical engineer, may use*
12 *the title “environmental engineer” without obtaining additional*
13 *qualifications.*

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIIB of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

O

Watched Legislation

Assembly Bill 12 (Cooley D)

State government: administrative regulations: review.

Introduced: 12/1/2014

Last Amended Date: 4/22/15

Status: Assembly Floor

Position: Watch, taken 4/15/15

Laws: An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, the Government Code, relating to state agency regulations.

Bill Summary: This bill would require every state agency, department, board, bureau or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations. Additionally, this bill would require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1/16/15	3/23/15	5/28/15									
1st House				2nd House							

Staff Analysis:

Updated: 5/22/15

Board staff routinely reviews and revises regulations. We established a legislative and regulatory review committee to complete this workload. Staff anticipate this requirement to be absorbable

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley
(Coauthors: Assembly Members Chang, Daly, and Wilk)

December 1, 2014

An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Cooley. State government: administrative regulations: review.

~~(1) Existing~~

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, ~~and after a noticed public hearing, review and revise that agency's regulations to eliminate any inconsistencies, overlaps, or outdated provisions in the regulations, adopt the revisions as emergency regulations, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.~~The bill would further

~~require each agency to, on or before January 1, 2017, compile an overview of the statutory law that agency administers.~~

~~(2) The act requires a state agency proposing to adopt, amend, or repeal a major regulation, as defined, to prepare a standardized regulatory impact analysis of the proposed change. The act requires the office and the Department of Finance to, from time to time, review the analyses for compliance with specific department regulations. The act further requires the office to, on or before November 1, 2015, submit a report on the analyses to the Senate and Assembly Committees on Governmental Organization, as specified.~~

~~This bill would instead require the office and department to annually review the analyses. The bill would also require the office to annually submit a report on the analyses to the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review.~~

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

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

1 ~~SECTION 1. Section 11349.1.5 of the Government Code is~~
2 ~~amended to read:~~

3 ~~11349.1.5. (a) The Department of Finance and the office shall~~
4 ~~annually review the standardized regulatory impact analyses~~
5 ~~required by subdivision (c) of Section 11346.3 and submitted to~~
6 ~~the office pursuant to Section 11347.3, for adherence to the~~
7 ~~regulations adopted by the department pursuant to Section~~
8 ~~11346.36.~~

9 ~~(b)(1) On or before November 1, 2015, and annually thereafter,~~
10 ~~the office shall submit to the Senate Committee on Governmental~~
11 ~~Organization and the Assembly Committee on Accountability and~~
12 ~~Administrative Review a report describing the extent to which~~
13 ~~submitted standardized regulatory impact analyses for proposed~~
14 ~~major regulations for the fiscal year ending in June 30, of that year~~
15 ~~adhere to the regulations adopted pursuant to Section 11346.36.~~
16 ~~The report shall include a discussion of agency adherence to the~~
17 ~~regulations as well as a comparison between various state agencies~~
18 ~~on the question of adherence. The report shall also include any~~
19 ~~recommendations from the office for actions the Legislature might~~
20 ~~consider for improving state agency performance and compliance~~

1 in the creation of the standardized regulatory impact analyses as
2 described in Section 11346.3.

3 (2) The report shall be submitted in compliance with Section
4 9795 of the Government Code.

5 (e) In addition to the annual report required by subdivision (b),
6 the office shall notify the Legislature of noncompliance by a state
7 agency with the regulations adopted pursuant to Section 11346.36,
8 in any manner or form determined by the office and shall post the
9 report and notice of noncompliance on the office’s Internet Web
10 site.

11 SEC. 2.

12 SECTION 1. Chapter 3.6 (commencing with Section 11366)
13 is added to Part 1 of Division 3 of Title 2 of the Government Code,
14 to read:

15 CHAPTER 3.6. REGULATORY REFORM

16 Article 1. Findings and Declarations

17
18
19 11366. The Legislature finds and declares all of the following:

20 (a) The Administrative Procedure Act (Chapter 3.5 (commencing
21 with Section 11340), Chapter 4 (commencing with Section 11370),
22 Chapter 4.5 (commencing with Section 11400), and Chapter 5
23 (commencing with Section 11500)) requires agencies and the
24 Office of Administrative Law to review regulations to ensure their
25 consistency with law and to consider impacts on the state’s
26 economy and businesses, including small businesses.

27 (b) However, the act does not require agencies to individually
28 review their regulations to identify overlapping, inconsistent,
29 duplicative, or out-of-date regulations that may exist.

30 (c) At a time when the state’s economy is slowly recovering,
31 unemployment and underemployment continue to affect all
32 Californians, especially older workers and younger workers who
33 received college degrees in the last seven years but are still awaiting
34 their first great job, and with state government improving but in
35 need of continued fiscal discipline, it is important that state
36 agencies systematically undertake to identify, publicly review, and
37 eliminate overlapping, inconsistent, duplicative, or out-of-date
38 regulations, both to ensure they more efficiently implement and
39

1 enforce laws and to reduce unnecessary and outdated rules and
2 regulations.

3 ~~(d) The purpose of this chapter is to require each agency to
4 compile an overview of the statutory law that agency oversees or
5 administers in its regulatory activity that includes a synopsis of
6 key programs, when each key program was authorized or instituted,
7 and any emerging challenges the agency is encountering with
8 respect to those programs.~~

9
10 Article 2. Definitions

11
12 11366.1. For the ~~purpose~~ *purposes* of this chapter, the following
13 definitions shall apply:

14 (a) “State agency” means a state agency, as defined in Section
15 11000, except those state agencies or activities described in Section
16 11340.9.

17 (b) “Regulation” has the same meaning as provided in Section
18 11342.600.

19
20 Article 3. State Agency Duties

21
22 11366.2. On or before January 1, 2018, each state agency shall
23 do all of the following:

24 (a) Review all provisions of the California Code of Regulations
25 applicable to, or adopted by, that state agency.

26 (b) Identify any regulations that are duplicative, overlapping,
27 inconsistent, or out of date.

28 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
29 any duplication, overlap, inconsistencies, or out-of-date ~~provisions.~~
30 *provisions, and shall comply with the process specified in Article*
31 *5 (commencing with Section 11346) of Chapter 3.5, unless the*
32 *addition, revision, or deletion is without regulatory effect and may*
33 *be done pursuant to Section 100 of Title 1 of the California Code*
34 *of Regulations.*

35 (d) Hold at least one noticed public hearing, that shall be noticed
36 on the Internet Web site of the state agency, for the purposes of
37 accepting public comment on proposed revisions to its regulations.

38 (e) Notify the appropriate policy and fiscal committees of each
39 house of the Legislature of the revisions to regulations that the
40 state agency proposes to make at least ~~90 days~~ prior to a noticed

1 ~~public hearing pursuant to subdivision (d) and at least 90 days~~
2 ~~prior to the proposed adoption, amendment, or repeal of the~~
3 ~~regulations pursuant to subdivision (f), for the purpose of allowing~~
4 ~~those committees to review, and hold hearings on, the proposed~~
5 ~~revisions to the regulations.~~

6 ~~(f) Adopt as emergency regulations, consistent with Section~~
7 ~~11346.1, those changes, as provided for in subdivision (e), to a~~
8 ~~regulation identified by the state agency as duplicative,~~
9 ~~overlapping, inconsistent, or out of date. *least 30 days prior to*~~
10 ~~*initiating the process under Article 5 (commencing with Section*~~
11 ~~*11346) of Chapter 3.5 or Section 100 of Title 1 of the California*~~
12 ~~*Code of Regulations.*~~

13 (g) (1) Report to the Governor and the Legislature on the state
14 agency’s compliance with this chapter, including the number and
15 content of regulations the state agency identifies as duplicative,
16 overlapping, inconsistent, or out of date, and the state agency’s
17 actions to address those regulations.

18 (2) The report shall be submitted in compliance with Section
19 9795 of the Government Code.

20 11366.3. (a) On or before January 1, 2018, each agency listed
21 in Section 12800 shall notify a department, board, or other unit
22 within that agency of any existing regulations adopted by that
23 department, board, or other unit that the agency has determined
24 may be duplicative, overlapping, or inconsistent with a regulation
25 adopted by another department, board, or other unit within that
26 agency.

27 (b) A department, board, or other unit within an agency shall
28 notify that agency of revisions to regulations that it proposes to
29 make at least 90 days prior to a noticed public hearing pursuant to
30 subdivision (d) of Section 11366.2 and at least 90 days prior to
31 adoption, amendment, or repeal of the regulations pursuant to
32 ~~subdivision (f) of subdivision (c) of Section 11366.2.~~ The agency
33 shall review the proposed regulations and make recommendations
34 to the department, board, or other unit within 30 days of receiving
35 the notification regarding any duplicative, overlapping, or
36 inconsistent regulation of another department, board, or other unit
37 within the agency.

38 11366.4. An agency listed in Section 12800 shall notify a state
39 agency of any existing regulations adopted by that agency that

1 may duplicate, overlap, or be inconsistent with the state agency’s
2 regulations.

3 ~~11366.43. On or before January 1, 2017, each state agency
4 shall compile an overview of the statutory law that state agency
5 oversees or administers. The overview shall include a synopsis of
6 the state agency’s key programs, when each program was
7 authorized or instituted, when any statute authorizing a program
8 was significantly revised to alter, redirect, or extend the original
9 program and the reason for the revision, if known, and an
10 identification of any emerging challenges the state agency is
11 encountering with respect to the programs.~~

12 11366.45. This chapter shall not be construed to weaken or
13 undermine in any manner any human health, public or worker
14 rights, public welfare, environmental, or other protection
15 established under statute. This chapter shall not be construed to
16 affect the authority or requirement for an agency to adopt
17 regulations as provided by statute. Rather, it is the intent of the
18 Legislature to ensure that state agencies focus more efficiently and
19 directly on their duties as prescribed by law so as to use scarce
20 public dollars more efficiently to implement the law, while
21 achieving equal or improved economic and public benefits.

22

23 Article 4. Chapter Repeal

24

25 11366.5. This chapter shall remain in effect only until January
26 1, 2019, and as of that date is repealed, unless a later enacted
27 statute, that is enacted before January 1, 2019, deletes or extends
28 that date.

O

Watched Legislation

Assembly Bill 85 (Wilk R) Open meetings.

Introduced: 1/6/15

Last Amended Date: 4/15/15

Status: Assembly Floor

Position: Watch, taken 4/15/15

Laws: An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Bill Summary: This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1/26/15	4/14/15	5/28/15									
1st House				2nd House							

Staff Analysis: **Updated 5/22/15**

The Bagley-Keene Open Meeting Act requires that all meetings of a state body be open and public and that all persons be permitted to attend and participate in a meeting of a state body. This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body. The Board already obeys the Bagley-Keene Open Meeting Act. This bill would further define a "state body" to include groups of two or more.

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 85

Introduced by Assembly Member Wilk

January 6, 2015

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 85, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

~~This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature’s intent that this bill is declaratory of existing law.~~

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:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
 2 ~~following:~~

3 ~~(a) The unpublished decision of the Third District Court of~~
 4 ~~Appeals in Funeral Security Plans v. State Board of Funeral~~
 5 ~~Directors (1994) 28 Cal. App.4th 1470 is an accurate reflection of~~
 6 ~~legislative intent with respect to the applicability of the~~
 7 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~
 8 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
 9 ~~the Government Code) to a two-member standing advisory~~
 10 ~~committee of a state body.~~

11 ~~(b) A two-member committee of a state body, even if operating~~
 12 ~~solely in an advisory capacity, already is a “state body,” as defined~~
 13 ~~in subdivision (d) of Section 11121 of the Government Code, if a~~
 14 ~~member of the state body sits on the committee and the committee~~
 15 ~~receives funds from the state body.~~

16 ~~(c) It is the intent of the Legislature that this bill is declaratory~~
 17 ~~of existing law.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1.~~ Section 11121 of the Government Code is
 20 ~~amended to read:~~

21 ~~11121. As used in this article, “state body” means each of the~~
 22 ~~following:~~

23 ~~(a) Every state board, or commission, or similar multimember~~
 24 ~~body of the state that is created by statute or required by law to~~
 25 ~~conduct official meetings and every commission created by~~
 26 ~~executive order.~~

27 ~~(b) A board, commission, committee, or similar multimember~~
 28 ~~body that exercises any authority of a state body delegated to it by~~
 29 ~~that state body.~~

30 ~~(c) An advisory board, advisory commission, advisory~~
 31 ~~committee, advisory subcommittee, or similar multimember~~
 32 ~~advisory body of a state body, if created by formal action of the~~
 33 ~~state body or of any member of the state body, and if the advisory~~

1 body so created consists of three or more persons, except as in
2 subdivision (d).

3 (d) A board, commission, committee, or similar multimember
4 body on which a member of a body that is a state body pursuant
5 to this section serves in his or her official capacity as a
6 representative of that state body and that is supported, in whole or
7 in part, by funds provided by the state body, whether the
8 multimember body is organized and operated by the state body or
9 by a private corporation.

10 ~~SEC. 3.~~

11 *SEC. 2.* This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to avoid unnecessary litigation and ensure the people's
16 right to access the meetings of public bodies pursuant to Section
17 3 of Article 1 of the California Constitution, it is necessary that
18 *this act take effect ~~immediately~~ immediately.*

O

Watched Legislation

Assembly Bill 507 (Olsen R)

Department of Consumer Affairs: BreEZe system: annual report.

Introduced: 2/23/2015

Last Amended Date: 6/1/15

Status: Assembly Floor

Position: Watch, taken 4/15/15

Laws: An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer Affairs.

Bill Summary: AB 507 would require the Department of Consumer Affairs (DCA) to submit a report to the Legislature and the Department of Finance (DOF) each year that details its plan for implementing BreEZe for the 19 boards and bureaus, of which this Board is one, that have not yet transitioned into the new system.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
3/26/15	4/14/15	5/28/15									
1st House				2nd House							

Staff Analysis:

Updated: 6/1/15

This bill would require DCA to submit a report that would include a timeline, total estimated costs and a cost-benefit analysis for the remaining boards and bureaus that have not yet transitioned into the BreEZe system. As amended June 1, 2015, this bill now contains urgency language so that it would go into effect immediately upon signature by the Governor. Additionally, due date for the first report has been changed to October 1, 2015.

AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Olsen
(Principal coauthor: Assembly Member Gray)
(Coauthors: Assembly Members Chang and Dodd)
(Coauthor: Senator Bates)

February 23, 2015

An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer ~~Affairs~~. *Affairs, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as amended, Olsen. Department of Consumer Affairs: BreEZe system: annual report.

Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

This bill would, on and after ~~January 31, 2016~~, *October 1, 2015*, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the

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department’s plans for implementing the BreEZe system at specified regulatory entities included in the department’s 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.

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

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 210.5 is added to the Business and
- 2 Professions Code, immediately following Section 210, to read:
- 3 210.5. (a) On and after ~~January 31, 2016~~, *October 1, 2015*,
- 4 the department shall submit an annual report to the Legislature
- 5 and the Department of Finance that includes all of the following:
- 6 (1) The department’s plan for implementing the BreEZe system
- 7 at the regulatory entities in the department’s third phase of the
- 8 implementation project, including, but not limited to, a timeline
- 9 for implementation.
- 10 (2) The total estimated costs of implementation of the BreEZe
- 11 system at the regulatory entities in the department’s third phase
- 12 of the implementation project and the results of any cost-benefit
- 13 analysis the department conducted for the third phase of the
- 14 implementation project.
- 15 (3) A description of whether and to what extent the BreEZe
- 16 system will achieve any operational efficiencies resulting from
- 17 implementation by the boards and regulatory entities within the
- 18 department’s jurisdiction.
- 19 (b) The report described in subdivision (a) shall be submitted
- 20 in compliance with Section 9795 of the Government Code.
- 21 (c) For purposes of this section, “the regulatory entities in the
- 22 department’s third phase of the implementation project” includes
- 23 all of the following:
- 24 (1) Acupuncture Board.
- 25 (2) Board for Professional Engineers, Land Surveyors, and
- 26 Geologists.
- 27 (3) Bureau of Automotive Repair.
- 28 (4) Bureau of Electronic and Appliance Repair, Home
- 29 Furnishings, and Thermal Insulation.

- 1 (5) Bureau for Private Postsecondary Education.
- 2 (6) California Architects Board.
- 3 (7) California Board of Accountancy.
- 4 (8) California State Board of Pharmacy.
- 5 (9) Cemetery and Funeral Bureau.
- 6 (10) Contractors' State License Board.
- 7 (11) Court Reporters Board of California.
- 8 (12) Landscape Architects Technical Committee.
- 9 (13) Professional Fiduciaries Bureau.
- 10 (14) Speech-Language Pathology and Audiology and Hearing
- 11 Aid Dispensers Board.
- 12 (15) State Athletic Commission.
- 13 (16) State Board of Chiropractic Examiners.
- 14 (17) State Board of Guide Dogs for the Blind.
- 15 (18) Structural Pest Control Board.
- 16 (19) Telephone Medical Advice Services Bureau.

17 *SEC. 2. This act is an urgency statute necessary for the*
18 *immediate preservation of the public peace, health, or safety within*
19 *the meaning of Article IV of the Constitution and shall go into*
20 *immediate effect. The facts constituting the necessity are:*

21 *Because of the circumstances surrounding the implementation*
22 *of the BreZE system, and in order to ensure that healing arts and*
23 *other professionals are licensed in a timely and efficient manner,*
24 *it is necessary that this act take effect immediately.*

O

Watched Legislation

Assembly Bill 1060 (Bonilla D)
Professions and vocations: licensure.

Introduced: 2/13/2014

Last Amended Date: 3/26/15

Status: Referred to Committee on Business, Professions and Economic Development

Position: Watch, taken 4/15/15

Laws: An act to amend Section 491 of the Business and Professions Code, relating to professions and vocations.

Bill Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires the board, upon suspension or revocation of a license, to provide the ex-licensuree with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.

This bill would require the board to provide that information through first-class mail and by electronic means, if an email is on file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
3/19/15	4/14/15	4/29/15	5/7/15	5/21/15							
1st House				2nd House							

Staff Analysis:

Updated: 5/22/15

This bill would require a board, upon suspension or revocation of a license, to provide the ex-licensuree with certain information pertaining to rehabilitation, reinstatement, or penalty reduction through first-class mail and by email. This bill would require that the Board send certain enforcement information via first-class mail and by email, if an email is on file.

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1060

Introduced by Assembly Member Bonilla

February 26, 2015

An act to amend Section 491 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as amended, Bonilla. Professions and vocations: licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires the board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.

This bill would ~~authorize~~ *require* the board to provide that information through first-class mail and by ~~electronic means~~: *email if the board has an email address on file for the ex-licensee.*

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

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

- 1 SECTION 1. Section 491 of the Business and Professions Code
- 2 is amended to read:

- 1 491. (a) Upon suspension or revocation of a license by a board
2 on one or more of the grounds specified in Section 490, the board
3 shall:
- 4 (1) Send a copy of the provisions of Section 11522 of the
5 Government Code to the ex-licensee.
 - 6 (2) Send a copy of the criteria relating to rehabilitation
7 formulated under Section 482 to the ex-licensee.
- 8 (b) Subdivision (a) ~~may~~ *shall* be satisfied through first-class
9 mail and by ~~electronic means~~. *email if the board has an email*
10 *address on file for the ex-licensee.*

O

Supported Legislation

Assembly Bill 177 (Bonilla D)

Professions and vocations: licensing boards: authority: extension.

Introduced: 1/26/2015

Last Amended Date: 4/23/15

Status: Assembly Floor

Position: Support, taken 2/9/15

Laws: An act to amend Sections 6710, 6714, 6749, 6797, 7839.2, 7841, 7841.1, 7841.2, 8710, 8759, and 8800 of, to add Sections 6775.2, 7860.2, and 8780.2 to, to repeal Section 7885 of, and to repeal and add Section 7886 of, the Business and Professions Code, relating to professions and vocations.

Bill Summary: The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land surveyors, and Geologists, in the Department of Consumer Affairs. This bill would extend the operation of these provisions until January 1, 2020.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1/27/15	4/29/15	5/28/15									
1st House				2nd House							

Staff Analysis:

Updated: 5/22/15

As drafted, among other things, AB 177 would extend the sunset date for this Board to January 1, 2020. AB 177 would merge the Geology and Geophysics Account of the Professional Engineer’s and Land Surveyor’s Fund into the fund, which would be renamed the Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund. Additionally, AB 177 would add a much needed cause for disciplinary action by the board if a licensee or certificate holder fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder. This bill has been amended to include language requested by the Board in response to some of the issues raised during the Sunset Review.

Recommendation: Board staff recommends the Board confirm its **support** position.

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 3, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 177

Introduced by Assembly Member Bonilla
(Coauthor: Senator Hill)

January 26, 2015

An act to amend Sections 205, 207, 5510, 5517, 5620, 5621, 5622, 6710, ~~and 6714~~ of 6714, 6749, 6797, 7839.2, 7841, 7841.1, 7841.2, 8710, 8759, and 8800 of, to add Sections 6775.2, 7860.2, and 8780.2 to, to repeal Section 7885 of, and to repeal and add Section 7886 of, the Business and Professions Code, relating to professions and ~~vocations~~: vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 177, as amended, Bonilla. Professions and vocations: licensing boards: authority: extension.

~~The~~

(1) *The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land Surveyors, and Geologists, which consists of 15 members, in the Department of Consumer Affairs. The act requires the board to appoint an executive officer, as specified. Existing Under existing law, these provisions are reported on January 1, 2016.*

This bill would extend the operation of these provisions until January 1, 2020. The bill would add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the

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board to cooperate in the investigation of a complaint against that licensee or certificate holder. The bill would also make technical amendments to the act.

(2) Existing law provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which consists of 10 members, in the ~~department~~. Department of Consumer of Affairs. Existing law establishes, within the jurisdiction of the board, the Landscape Architects Technical Committee for the purpose of, among other things, assisting the board in the examination of candidates for a landscape architect's license. Under existing law, these provisions are repealed on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020.

(3) The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is vested with the power to administer the act. Under existing law, these provisions are repealed on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020. The bill would also add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.

(4) The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists and the certification of applicants in specialties in geology and geologists-in-training by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires an applicant for registration as a geologist to meet certain requirements, including, among others, that he or she has graduated with a major in geological sciences from college or university, and requires an applicant for registration as a geophysicist to meet certain requirements, including, among others, that he or she has completed a combination of at least 30 semester hours in courses, as specified. The act requires an applicant for certification as a geologist-in-training to comply with certain requirements, including, among others that the applicant successfully pass the Fundamentals of Geology examination.

This bill would provide for licensure instead of registration under the act. The bill would also allow an applicant for licensure as a

geologist to have graduated from a college or university with a major in a discipline other than geological sciences that, in the opinion of the board, is relevant to geology. The bill would also allow an applicant for licensure as a geophysicist to have completed at least the equivalent of 30 semester hours in courses, as specified. The bill would require an applicant for certification as a geologist-in-training to have graduated from a college or university with a major in geological sciences or any other discipline, as specified. The bill would add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.

(5) Under existing law, there is the Professions and Vocations Fund in the State Treasury, which consists of certain special funds and accounts, including the Professional Engineer’s and Land Surveyor’s Fund and the Geology and Geophysics Account of the Professional Engineer’s and Land Surveyor’s Fund. Under existing law the moneys in the Geology and Geophysics Account are appropriated to carry out the purposes of the Geologist and Geophysicist Act, the moneys in the Professional Engineers’s and Land Surveyor’s Fund are appropriated for the purposes of the Professional Engineers and the Professional Land Surveyor’s Act, and the moneys in those funds are attributable to administrative fines, civil penalties, and criminal penalties, as specified, are not continuously appropriated and are only available for expenditure upon appropriation by the Legislature.

This bill would merge the Geology and Geophysics Account of the Professional Engineer’s and Land Surveyor’s Fund into the fund, which would be renamed the Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund, and would require that the fees and civil penalties received under the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act be deposited into that fund. The bill would specify that the fees in the fund are continuously appropriated, as specified.

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

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

- 1 SECTION 1. Section 205 of the Business and Professions Code
- 2 is amended to read:

- 1 205. (a) There is in the State Treasury the Professions and
 2 Vocations Fund. The fund shall consist of the following special
 3 funds:
- 4 (1) Accountancy Fund.
 - 5 (2) California Architects Board Fund.
 - 6 (3) Athletic Commission Fund.
 - 7 (4) Barbering and Cosmetology Contingent Fund.
 - 8 (5) Cemetery Fund.
 - 9 (6) Contractors' License Fund.
 - 10 (7) State Dentistry Fund.
 - 11 (8) State Funeral Directors and Embalmers Fund.
 - 12 (9) Guide Dogs for the Blind Fund.
 - 13 (10) Home Furnishings and Thermal Insulation Fund.
 - 14 (11) California Architects Board-Landscape Architects Fund.
 - 15 (12) Contingent Fund of the Medical Board of California.
 - 16 (13) Optometry Fund.
 - 17 (14) Pharmacy Board Contingent Fund.
 - 18 (15) Physical Therapy Fund.
 - 19 (16) Private Investigator Fund.
 - 20 (17) Professional ~~Engineer's and~~ *Engineer's*, Land Surveyor's
 21 *Surveyor's, and Geologist's* Fund.
 - 22 (18) Consumer Affairs Fund.
 - 23 (19) Behavioral Sciences Fund.
 - 24 (20) Licensed Midwifery Fund.
 - 25 (21) Court Reporters' Fund.
 - 26 (22) Veterinary Medical Board Contingent Fund.
 - 27 (23) Vocational Nurses Account of the Vocational Nursing and
 28 Psychiatric Technicians Fund.
 - 29 (24) Electronic and Appliance Repair Fund.
 - 30 ~~(25) Geology and Geophysics Account of the Professional~~
 31 ~~Engineer's and Land Surveyor's Fund.~~
 - 32 ~~(26)~~
 - 33 (25) Dispensing Opticians Fund.
 - 34 ~~(27)~~
 - 35 (26) Acupuncture Fund.
 - 36 ~~(28)~~
 - 37 (27) Physician Assistant Fund.
 - 38 ~~(29)~~
 - 39 (28) Board of Podiatric Medicine Fund.
 - 40 ~~(30)~~

- 1 (29) Psychology Fund.
- 2 ~~(31)~~
- 3 (30) Respiratory Care Fund.
- 4 ~~(32)~~
- 5 (31) Speech-Language Pathology and Audiology and Hearing
- 6 Aid Dispensers Fund.
- 7 ~~(33)~~
- 8 (32) Board of Registered Nursing Fund.
- 9 ~~(34)~~
- 10 (33) Psychiatric Technician Examiners Account of the
- 11 Vocational Nursing and Psychiatric Technicians Fund.
- 12 ~~(35)~~
- 13 (34) Animal Health Technician Examining Committee Fund.
- 14 ~~(36)~~
- 15 (35) State Dental Hygiene Fund.
- 16 ~~(37)~~
- 17 (36) State Dental Assistant Fund.
- 18 ~~(38)~~
- 19 (37) Structural Pest Control Fund.
- 20 ~~(39)~~
- 21 (38) Structural Pest Control Eradication and Enforcement Fund.
- 22 ~~(40)~~
- 23 (39) Structural Pest Control Research Fund.

24 (b) For accounting and recordkeeping purposes, the Professions
 25 and Vocations Fund shall be deemed to be a single special fund,
 26 and each of the several special funds therein shall constitute and
 27 be deemed to be a separate account in the Professions and
 28 Vocations Fund. Each account or fund shall be available for
 29 expenditure only for the purposes as are now or may hereafter be
 30 provided by law.

31 *SEC. 2. Section 207 of the Business and Professions Code is*
 32 *amended to read:*

33 207. (a) Notwithstanding any other provision of law, the money
 34 in any fund described in Section 205 that is attributable to
 35 administrative fines, civil penalties, and criminal penalties imposed
 36 by a regulating entity, or cost recovery by a regulating entity from
 37 enforcement actions and case settlements, shall not be continuously
 38 appropriated. The money in each fund that is not continuously
 39 appropriated shall be available for expenditure as provided in this
 40 code only upon appropriation by the Legislature.

1 (b) Notwithstanding any other provision of law, the annual
2 Budget Act may appropriate, in a single budget item for each
3 individual fund described in paragraphs (1) to ~~(40)~~, (39), inclusive,
4 of subdivision (a) of Section 205, the entire amount available for
5 expenditure in the budget year for that fund. That appropriation
6 may include funds that are continuously appropriated and funds
7 that are not continuously appropriated.

8 ~~SECTION 1.~~

9 *SEC. 3.* Section 5510 of the Business and Professions Code is
10 amended to read:

11 5510. There is in the Department of Consumer Affairs a
12 California Architects Board which consists of 10 members.

13 Any reference in law to the California Board of Architectural
14 Examiners shall mean the California Architects Board.

15 This section shall remain in effect only until January 1, 2020,
16 and as of that date is repealed. Notwithstanding any other law, the
17 repeal of this section renders the board subject to review by the
18 appropriate policy committees of the Legislature.

19 ~~SEC. 2.~~

20 *SEC. 4.* Section 5517 of the Business and Professions Code is
21 amended to read:

22 5517. The board may appoint a person exempt from civil
23 service who shall be designated as an executive officer and who
24 shall exercise the powers and perform the duties delegated by the
25 board and vested in him or her by this chapter.

26 This section shall remain in effect only until January 1, 2020,
27 and as of that date is repealed.

28 ~~SEC. 3.~~

29 *SEC. 5.* Section 5620 of the Business and Professions Code is
30 amended to read:

31 5620. The duties, powers, purposes, responsibilities, and
32 jurisdiction of the California State Board of Landscape Architects
33 that were succeeded to and vested with the Department of
34 Consumer Affairs in accordance with Chapter 908 of the Statutes
35 of 1994 are hereby transferred to the California Architects Board.
36 The Legislature finds that the purpose for the transfer of power is
37 to promote and enhance the efficiency of state government and
38 that assumption of the powers and duties by the California
39 Architects Board shall not be viewed or construed as a precedent
40 for the establishment of state regulation over a profession or

1 vocation that was not previously regulated by a board, as defined
2 in Section 477.

3 (a) There is in the Department of Consumer Affairs a California
4 Architects Board as defined in Article 2 (commencing with Section
5 5510) of Chapter 3.

6 Whenever in this chapter “board” is used, it refers to the
7 California Architects Board.

8 (b) Except as provided herein, the board may delegate its
9 authority under this chapter to the Landscape Architects Technical
10 Committee.

11 (c) After review of proposed regulations, the board may direct
12 the examining committee to notice and conduct hearings to adopt,
13 amend, or repeal regulations pursuant to Section 5630, provided
14 that the board itself shall take final action to adopt, amend, or
15 repeal those regulations.

16 (d) The board shall not delegate its authority to discipline a
17 landscape architect or to take action against a person who has
18 violated this chapter.

19 (e) This section shall remain in effect only until January 1, 2020,
20 and as of that date is repealed.

21 ~~SEC. 4.~~

22 *SEC. 6.* Section 5621 of the Business and Professions Code is
23 amended to read:

24 5621. (a) There is hereby created within the jurisdiction of the
25 board, a Landscape Architects Technical Committee, hereinafter
26 referred to in this chapter as the landscape architects committee.

27 (b) The landscape architects committee shall consist of five
28 members who shall be licensed to practice landscape architecture
29 in this state. The Governor shall appoint three of the members.
30 The Senate Committee on Rules and the Speaker of the Assembly
31 shall appoint one member each.

32 (c) The initial members to be appointed by the Governor are as
33 follows: one member for a term of one year; one member for a
34 term of two years; and one member for a term of three years. The
35 Senate Committee on Rules and the Speaker of the Assembly shall
36 initially each appoint one member for a term of four years.
37 Thereafter, appointments shall be made for four-year terms,
38 expiring on June 1 of the fourth year and until the appointment
39 and qualification of his or her successor or until one year shall

1 have elapsed, whichever first occurs. Vacancies shall be filled for
2 the unexpired term.

3 (d) No person shall serve as a member of the landscape
4 architects committee for more than two consecutive terms.

5 (e) This section shall remain in effect only until January 1, 2020,
6 and as of that date is repealed.

7 ~~SEC. 5.~~

8 *SEC. 7.* Section 5622 of the Business and Professions Code is
9 amended to read:

10 5622. (a) The landscape architects committee may assist the
11 board in the examination of candidates for a landscape architect's
12 license and, after investigation, evaluate and make
13 recommendations regarding potential violations of this chapter.

14 (b) The landscape architects committee may investigate, assist,
15 and make recommendations to the board regarding the regulation
16 of landscape architects in this state.

17 (c) The landscape architects committee may perform duties and
18 functions that have been delegated to it by the board pursuant to
19 Section 5620.

20 (d) The landscape architects committee may send a
21 representative to all meetings of the full board to report on the
22 committee's activities.

23 (e) This section shall remain in effect only until January 1, 2020,
24 and as of that date is repealed.

25 ~~SEC. 6.~~

26 *SEC. 8.* Section 6710 of the Business and Professions Code is
27 amended to read:

28 6710. (a) There is in the Department of Consumer Affairs a
29 Board for Professional Engineers, Land Surveyors, and Geologists,
30 which consists of 15 members.

31 (b) Any reference in any law or regulation to the Board of
32 Registration for Professional Engineers and Land Surveyors, or
33 the Board for Professional Engineers and Land Surveyors, is
34 deemed to refer to the Board for Professional Engineers, Land
35 Surveyors, and Geologists.

36 (c) This section shall remain in effect only until January 1, 2020,
37 and as of that date is repealed. Notwithstanding any other law, the
38 repeal of this section renders the board subject to review by the
39 appropriate policy committees of the Legislature.

1 ~~SEC. 7.~~

2 *SEC. 9.* Section 6714 of the Business and Professions Code is
3 amended to read:

4 6714. The board shall appoint an executive officer at a salary
5 to be fixed and determined by the board with the approval of the
6 Director of Finance.

7 This section shall remain in effect only until January 1, 2020,
8 and as of that date is repealed.

9 *SEC. 10. Section 6749 of the Business and Professions Code*
10 *is amended to read:*

11 6749. (a) A professional engineer shall use a written contract
12 when contracting to provide professional engineering services to
13 a client pursuant to this chapter. The written contract shall be
14 executed by the professional engineer and the ~~client, client or his~~
15 ~~or her representative, the client's representative~~ prior to the
16 professional engineer commencing work, unless the client
17 knowingly states in writing that work may be commenced before
18 the contract is executed. The written contract shall include, but
19 not be limited to, all of the following:

20 (1) A description of the services to be provided to the client by
21 the professional engineer.

22 (2) A description of any basis of compensation applicable to
23 the contract, and the method of payment agreed upon by the parties.

24 (3) The name, address, and license or certificate number of the
25 professional engineer, and the name and address of the client.

26 (4) A description of the procedure that the professional engineer
27 and the client will use to accommodate additional services.

28 (5) A description of the procedure to be used by ~~any party~~ *both*
29 *parties* to terminate the contract.

30 (b) This section shall not apply to any of the following:

31 (1) Professional engineering services rendered by a professional
32 engineer for which the client will not pay compensation.

33 (2) A professional engineer who has a current or prior
34 contractual relationship with the client to provide engineering
35 services, and that client has paid the professional engineer all of
36 the fees that are due under the contract.

37 (3) If the client knowingly states in writing after full disclosure
38 of this section that a contract which complies with the requirements
39 of this section is not required.

1 (4) Professional engineering services rendered by a professional
 2 engineer to any of the following:

3 (A) A professional engineer licensed or registered under this
 4 chapter.

5 (B) A land surveyor licensed under Chapter 15 (commencing
 6 with Section 8700).

7 (C) An architect licensed under Chapter 3 (commencing with
 8 Section 5500).

9 (D) A contractor licensed under Chapter 9 (commencing with
 10 Section 7000).

11 (E) A geologist or a geophysicist licensed under Chapter 12.5
 12 (commencing with Section 7800).

13 (F) A manufacturing, mining, public utility, research and
 14 development, or other industrial corporation, if the services are
 15 provided in connection with or incidental to the products, systems,
 16 or services of that corporation or its affiliates.

17 (G) A public agency.

18 (c) “Written contract” as used in this section includes a contract
 19 that is in electronic form.

20 *SEC. 11. Section 6775.2 is added to the Business and*
 21 *Professions Code, to read:*

22 *6775.2. The failure of, or refusal by, a licensee or a certificate*
 23 *holder to respond to a written request from a representative of the*
 24 *board to cooperate in the investigation of a complaint against that*
 25 *licensee or certificate holder constitutes a cause for disciplinary*
 26 *action under Section 6775 or 6775.1.*

27 *SEC. 12. Section 6797 of the Business and Professions Code*
 28 *is amended to read:*

29 *6797. (a) The department shall receive and account for all*
 30 *money derived from the operation of this chapter and, at the end*
 31 *of each month, shall report such money to the State Controller and*
 32 *shall pay it to the State Treasurer, who shall keep the money in a*
 33 *separate fund known as the Professional Engineer’s and Engineer’s,*
 34 *Land Surveyor’s Surveyor’s, and Geologist’s Fund.*

35 ~~For~~

36 *(b) For accounting and recordkeeping purposes, the Professional*
 37 *Engineer’s and Engineer’s, Land Surveyor’s Surveyor’s, and*
 38 *Geologist’s Fund shall be deemed to be a single special fund, and*
 39 *shall be available for expenditure only for the purposes as are now*
 40 *or may hereafter be provided by law.*

1 ~~The~~
2 (c) *The* fees and civil penalties received under this chapter shall
3 be deposited in the Professional ~~Engineer's and Engineer's~~, Land
4 Surveyor's *Surveyor's*, and *Geologist's* Fund. All moneys in the
5 fund are hereby appropriated for the purposes of this chapter.

6 *SEC. 13. Section 7839.2 of the Business and Professions Code*
7 *is amended to read:*

8 7839.2. (a) A *professional* geologist or *professional*
9 geophysicist shall use a written contract when contracting to
10 provide geological or geophysical services to a client pursuant to
11 this chapter. The written contract shall be executed by the
12 *professional* geologist or *professional* geophysicist and the client
13 or the client's representative prior to the *professional* geologist or
14 *professional* geophysicist commencing work, unless the client
15 states in writing that work may be commenced before the contract
16 is executed. The written contract shall include, but is not limited
17 to, all of the following:

18 (1) A description of the services to be provided to the client by
19 the *professional* geologist or *professional* geophysicist.

20 (2) A description of any basis of compensation applicable to
21 the contract, and the method of payment agreed upon by the parties.

22 (3) The name, address, and license or certificate number of the
23 *professional* geologist or *professional* geophysicist, and the name
24 and address of the client.

25 (4) A description of the procedure that the *professional* geologist
26 or *professional* geophysicist and the client will use to accommodate
27 additional services.

28 (5) A description of the procedure to be used by ~~any party~~ *both*
29 *parties* to terminate the contract.

30 (b) Subdivision (a) shall not apply to any of the following:

31 (1) Geologic or geophysical services rendered by a *professional*
32 geologist or *professional* geophysicist for which the client will not
33 pay compensation.

34 (2) A geologist or geophysicist who has a current or prior
35 contractual relationship with the client to provide geologic or
36 geophysical services, and who has already been paid the fees that
37 are due under the contract by the client.

38 (3) If the client executes a waiver in writing after full disclosure
39 of this section that a contract that complies with the requirements
40 of this section is not required.

1 (4) Geological or geophysical services rendered by a geologist
2 or geophysicist to any of the following:

3 (A) A geologist or geophysicist licensed under this chapter.

4 (B) An engineer licensed under Chapter 7 (commencing with
5 Section 6700).

6 (C) A land surveyor licensed under Chapter 15 (commencing
7 with Section 8700).

8 (D) An architect licensed under Chapter 3 (commencing with
9 Section 5500).

10 (E) A contractor licensed under Chapter 9 (commencing with
11 Section 7000).

12 (F) A public agency.

13 (c) As used in this section, "written contract" includes a contract
14 in electronic form.

15 *SEC. 14. Section 7841 of the Business and Professions Code*
16 *is amended to read:*

17 7841. An applicant for ~~registration~~ licensure as a geologist
18 shall have all the following qualifications:

19 (a) Not have committed any acts or crimes constituting grounds
20 for denial of licensure under Section 480.

21 (b) Graduation *from a college or university* with a major in
22 geological sciences ~~from college or university. or any other~~
23 *discipline that, in the opinion of the board, is relevant to geology.*

24 (c) Have a documented record of a minimum of five years of
25 professional geological experience of a character satisfactory to
26 the board, demonstrating that the applicant is qualified to assume
27 responsible charge of this work upon licensure as a geologist. This
28 experience shall be gained under the supervision of a geologist or
29 geophysicist licensed in this or any other state, or under the
30 supervision of others who, in the opinion of the board, have the
31 training and experience to have responsible charge of geological
32 work. Professional geological work does not include routine
33 sampling, laboratory work, or geological drafting.

34 Each year of undergraduate study in the geological sciences shall
35 count as one-half year of training up to a maximum of two years,
36 and each year of graduate study or research counts as a year of
37 training.

38 Teaching in the geological sciences at college level shall be
39 credited year for year toward meeting the requirement in this
40 category, provided that the total teaching experience includes six

1 semester units per semester, or equivalent if on the quarter system,
2 of upper division or graduate courses.

3 Credit for undergraduate study, graduate study, and teaching,
4 individually, or in any combination thereof, shall in no case exceed
5 a total of three years towards meeting the requirement for at least
6 five years of professional geological work as set forth above.

7 The ability of the applicant shall have been demonstrated by the
8 applicant having performed the work in a responsible position, as
9 the term “responsible position” is defined in regulations adopted
10 by the board. The adequacy of the required supervision and
11 experience shall be determined by the board in accordance with
12 standards set forth in regulations adopted by it.

13 (d) Successfully pass a written examination that incorporates a
14 national examination for geologists created by a nationally
15 recognized entity approved by the board, and a supplemental
16 California specific examination. The California specific
17 examination shall test the applicant’s knowledge of state laws,
18 rules and regulations, and of seismicity and geology unique to
19 practice within this state.

20 *SEC. 15. Section 7841.1 of the Business and Professions Code*
21 *is amended to read:*

22 7841.1. An applicant for ~~registration~~ licensure as a geophysicist
23 shall have all of the following qualifications. This section shall
24 not apply to applicants for ~~registration~~ licensure as geologists.

25 (a) Not have committed any acts or crimes constituting grounds
26 for denial of licensure under Section 480.

27 (b) Meet one of the following educational requirements fulfilled
28 at a school or university whose curricula meet criteria established
29 by rules of the board.

30 (1) Graduation with a major in a geophysical science or any
31 other discipline ~~which that~~, in the opinion of the ~~board~~ board, is
32 relevant to geophysics.

33 (2) Completion of a combination of at least 30 semester hours,
34 *or the equivalent*, in courses ~~which that~~, in the opinion of the ~~board~~
35 board, are relevant to geophysics. At least 24 semester hours, or
36 the equivalent, shall be in the third or fourth year, or graduate
37 courses.

38 (c) Have at least seven years of professional geophysical work
39 ~~which that~~ shall include either a minimum of three years of
40 professional geophysical work under the supervision of a

1 professional geophysicist, except that prior to July 1, 1973,
2 professional geophysical work shall qualify under this subdivision
3 if it is under the supervision of a qualified geophysicist, or a
4 minimum of five years' experience in responsible charge of
5 professional geophysical work. Professional geophysical work
6 does not include the routine maintenance or operation of
7 geophysical instruments, or, even if carried out under the
8 responsible supervision of a professional geophysicist, the routine
9 reduction or plotting of geophysical observations.

10 Each year of undergraduate study in the geophysical sciences
11 referred to in this section shall count as one-half year of training
12 up to a maximum of two years, and each year of graduate study
13 or research counts as a year of training.

14 Teaching in the geophysical sciences referred to in this section
15 at a college level shall be credited year for year toward meeting
16 the requirement in this category, provided that the total teaching
17 experience includes six semester units per semester, or equivalent
18 if on the quarter system, of third or fourth year or graduate courses.

19 Credit for undergraduate study, graduate study, and teaching,
20 individually, or in any combination thereof, shall in no case exceed
21 a total of four years towards meeting the requirements for at least
22 seven years of professional geophysical work as set forth above.

23 The ability of the applicant shall have been demonstrated by his
24 or her having performed the work in a responsible position, as the
25 term "responsible position" is defined in regulations adopted by
26 the board. The adequacy of the required supervision and experience
27 shall be determined by the board in accordance with standards set
28 forth in regulations adopted by it.

29 (d) Successfully pass a written examination.

30 *SEC. 16. Section 7841.2 of the Business and Professions Code*
31 *is amended to read:*

32 7841.2. An applicant for certification as a geologist-in-training
33 shall comply with all of the following:

34 (a) Not have committed acts or crimes constituting grounds for
35 denial of certification under Section 480.

36 (b) Successfully pass the Fundamentals of Geology examination.
37 ~~The applicant shall be eligible to sit for the Fundamentals of~~
38 ~~Geology examination after graduation with a degree in a geological~~
39 ~~science from a college or university, the curriculum of which has~~
40 ~~been approved by the board.~~

1 (c) Graduation from a college or university with a major in
2 geological sciences or any other discipline that, in the opinion of
3 the board, is relevant to geology.

4 SEC. 17. Section 7860.2 is added to the Business and
5 Professions Code, to read:

6 7860.2. The failure of, or refusal by, a licensee or a certificate
7 holder to respond to a written request from a representative of the
8 board to cooperate in the investigation of a complaint against that
9 licensee or certificate holder constitutes a cause for disciplinary
10 action under Section 7860 or 7860.1.

11 SEC. 18. Section 7885 of the Business and Professions Code
12 is repealed.

13 ~~7885. (a) The board shall report each month to the State
14 Controller the amount and source of all revenue received by it
15 pursuant to this chapter and at the same time pay the entire amount
16 thereof into the State Treasury for credit to the Geology and
17 Geophysics Account, which is hereby created within the
18 Professional Engineer's and Land Surveyor's Fund established in
19 Section 6797.~~

20 ~~(b) All moneys in the Geology and Geophysics Fund on January
21 1, 2012, shall be transferred on that date to the Geology and
22 Geophysics Account of the Professional Engineer's and Land
23 Surveyor's Fund.~~

24 SEC. 19. Section 7886 of the Business and Professions Code
25 is repealed.

26 ~~7886. The moneys paid into the Geology and Geophysics
27 Account of the Professional Engineer's and Land Surveyor's Fund
28 pursuant to this chapter are hereby appropriated to be used by the
29 board to carry out the provisions of this chapter.~~

30 SEC. 20. Section 7886 is added to the Business and Professions
31 Code, to read:

32 7886. (a) The department shall receive and account for all
33 money derived under the operation of this chapter and, at the end
34 of each month, shall report such money to the Controller and shall
35 pay it to the Treasurer, who shall keep the money in a separate
36 fund known as the Professional Engineer's, Land Surveyor's, and
37 Geologist's Fund.

38 (b) For accounting and recordkeeping purposes, the
39 Professional Engineer's, Land Surveyor's, and Geologist's Fund
40 shall be deemed to be a single special fund and shall be available

1 *for expenditure only for the purposes as are now or may hereafter*
 2 *be provided by law.*

3 (c) *The fees and civil penalties received under this chapter shall*
 4 *be deposited in the Professional Engineer's, Land Surveyor's, and*
 5 *Geologist's Fund. All moneys in the fund are hereby appropriated*
 6 *for the purposes of this chapter.*

7 *SEC. 21. Section 8710 of the Business and Professions Code*
 8 *is amended to read:*

9 8710. (a) The Board for Professional Engineers, Land
 10 Surveyors, and Geologists is vested with power to administer the
 11 provisions and requirements of this chapter, and may make and
 12 enforce rules and regulations that are reasonably necessary to carry
 13 out its provisions.

14 (b) The board may adopt rules and regulations of professional
 15 conduct that are not inconsistent with state and federal law. The
 16 rules and regulations may include definitions of incompetence and
 17 negligence. Every person who holds a license or certificate issued
 18 by the board pursuant to this chapter, or a license or certificate
 19 issued to a civil engineer pursuant to Chapter 7 (commencing with
 20 Section 6700), shall be governed by these rules and regulations.

21 (c) This section shall remain in effect only until January 1, 2016,
 22 2020, and as of that date is repealed, unless a later enacted statute,
 23 that is enacted before January 1, 2016, deletes or extends that date.
 24 ~~repealed.~~ Notwithstanding any other provision of law, the repeal
 25 of this section renders the board subject to review by the
 26 appropriate policy committees of the Legislature.

27 *SEC. 22. Section 8759 of the Business and Professions Code*
 28 *is amended to read:*

29 8759. (a) A licensed land surveyor or ~~registered~~ *licensed* civil
 30 engineer authorized to practice land surveying shall use a written
 31 contract when contracting to provide professional services to a
 32 client pursuant to this chapter. The written contract shall be
 33 executed by the licensed land surveyor or ~~registered~~ *licensed* civil
 34 engineer and the ~~client, client or his or her representative, the~~
 35 *client's representative* prior to the licensed land surveyor or
 36 ~~registered~~ *licensed* civil engineer commencing work, unless the
 37 client knowingly states in writing that work may be commenced
 38 before the contract is executed. The written contract shall include,
 39 but not be limited to, all of the following:

- 1 (1) A description of the services to be provided to the client by
2 the licensed land surveyor or ~~registered~~ *licensed* civil engineer.
- 3 (2) A description of any basis of compensation applicable to
4 the contract, and the method of payment agreed upon by the parties.
- 5 (3) The name, address, and license or certificate number of the
6 licensed land surveyor or ~~registered~~ *licensed* civil engineer, and
7 the name and address of the client.
- 8 (4) A description of the procedure that the licensed land surveyor
9 or ~~registered~~ *licensed* civil engineer and the client will use to
10 accommodate additional services.
- 11 (5) A description of the procedure to be used by ~~any party~~ *both*
12 *parties* to terminate the contract.
- 13 (b) This section shall not apply to any of the following:
- 14 (1) Professional land surveying services rendered by a licensed
15 land surveyor or ~~registered~~ *licensed* civil engineer for which the
16 client will not pay compensation.
- 17 (2) A licensed land surveyor or ~~registered~~ *licensed* civil engineer
18 who has a current or prior contractual relationship with the client
19 to provide professional services pursuant to this chapter, and that
20 client has paid the *licensed land surveyor* or *licensed civil engineer*
21 all of the fees that are due under the contract.
- 22 (3) If the client knowingly states in writing after full disclosure
23 of this section that a contract which complies with the requirements
24 of this section is not required.
- 25 (4) Professional services rendered by a licensed land surveyor
26 or a ~~registered~~ *licensed* civil engineer to any of the following:
- 27 (A) A professional engineer licensed or ~~registered~~ under Chapter
28 7 (commencing with Section 6700).
- 29 (B) A land surveyor licensed under this chapter.
- 30 (C) An architect licensed under Chapter 3 (commencing with
31 Section 5500).
- 32 (D) A contractor licensed under Chapter 9 (commencing with
33 Section 7000).
- 34 (E) A geologist or a geophysicist licensed under Chapter 12.5
35 (commencing with Section 7800).
- 36 (F) A manufacturing, mining, public utility, research and
37 development, or other industrial corporation, if the services are
38 provided in connection with or incidental to the products, systems,
39 or services of that corporation or its affiliates.
- 40 (G) A public agency.

1 (c) “Written contract” as used in this section includes a contract
2 that is in electronic form.

3 *SEC. 23. Section 8780.2 is added to the Business and*
4 *Professions Code, to read:*

5 *8780.2. The failure of, or refusal by, a licensee or a certificate*
6 *holder to respond to a written request from a representative of the*
7 *board to cooperate in the investigation of a complaint against that*
8 *licensee or certificate holder constitutes a cause for disciplinary*
9 *action under Section 8780 or 8780.1.*

10 *SEC. 24. Section 8800 of the Business and Professions Code*
11 *is amended to read:*

12 8800. (a) The department shall receive and account for all
13 money derived under the operation of this chapter and, at the end
14 of each month, shall report such money to the State Controller and
15 shall pay it to the State Treasurer, who shall keep the money in a
16 separate fund known as the Professional ~~Engineer’s and Engineer’s,~~
17 ~~Land Surveyor’s Surveyor’s, and Geologist’s~~ Fund.

18 ~~For~~

19 (b) For accounting and recordkeeping purposes, the Professional
20 ~~Engineer’s and Engineer’s, Land Surveyor’s Surveyor’s, and~~
21 ~~Geologist’s~~ Fund shall be deemed to be a single special fund, and
22 shall be available for expenditure only for the purposes as are now
23 or may hereafter be provided by law.

24 ~~The~~

25 (c) The fees and civil penalties received under this chapter shall
26 be deposited in the Professional ~~Engineer’s and Engineer’s, Land~~
27 ~~Surveyor’s Surveyor’s, and Geologist’s~~ Fund. All moneys in the
28 fund are hereby appropriated for the purposes of this chapter.

O

Supported Legislation

Senate Bill 284 (Cannella R)

Engineering and land surveying: limited liability partnerships.

Introduced: 2/19/2015

Last Amended Date: 5/5/15

Status: In Assembly. Read first time. Held at Desk.

Position: Support, taken 4/15/15

Laws: An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to the practice of engineering and land surveying.

Bill Summary: This bill extends provisions that authorize persons licensed to engage in the practice of engineering or land surveying to form registered limited liability partnerships and foreign limited liability partnerships and requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
3/5/15	4/21/15	5/18/15	5/22/15	5/22/15							
1st House				2nd House							

Staff Analysis:

Updated: 5/22/15

SB 284 will continue the authorization for engineers and land surveyors to operate within their scope of licensure while conducting business as a limited liability partnership similar to that of certified public accountants and attorneys and to be designated as a registered limited liability partnership or foreign limited liability partnership, something that they have been authorized to do since 2010. ACEC-CA is the sponsor of this bill.

AMENDED IN SENATE MAY 5, 2015
AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 284

Introduced by Senator Cannella
(Coauthor: Senator Bates)

February 19, 2015

An act to amend ~~and repeal~~ Sections 6738 and 8729 of the Business and Professions Code, and to amend ~~and repeal~~ Sections 16101, 16956, and 16959 of the Corporations Code, relating to the practice of engineering and land surveying.

LEGISLATIVE COUNSEL'S DIGEST

SB 284, as amended, Cannella. Engineering and land surveying: limited liability partnerships.

The Professional Engineers Act provides for the licensure and regulation of engineers and the Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The Uniform Partnership Act of 1994 authorizes the formation of registered limited liability partnerships and foreign limited liability partnerships as specified.

Existing law, until January 1, 2016, authorizes persons licensed to engage in the practice of engineering or land surveying to form registered limited liability partnerships and foreign limited liability partnerships and requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice. Existing law, until January 1, 2016, also provides that engineers or land surveyors are not prohibited from practicing or offering to practice, within the scope of their licensure, as a limited

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liability partnership if specified requirements are met, including, among others, that any offer, promotion, or advertisement by the business that contains the name of any individual in the business must clearly and specifically designate the license or registration discipline of the individual named. Existing law repeals these provisions on January 1, 2016.

This bill would extend the operation of these provisions until January 1, ~~2021~~ 2019.

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

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

1 SECTION 1. Section 6738 of the Business and Professions
2 Code, as amended by Section 1 of Chapter 634 of the Statutes of
3 2010, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,
5 electrical, or mechanical engineers from practicing or offering to
6 practice, within the scope of their license, civil (including
7 geotechnical and structural), electrical, or mechanical engineering
8 as a sole proprietorship, partnership, limited liability partnership,
9 firm, or corporation (hereinafter called business), if all of the
10 following requirements are met:

11 (1) A civil, electrical, or mechanical engineer currently licensed
12 in this state is an owner, partner, or officer in charge of the
13 engineering practice of the business.

14 (2) All civil, electrical, or mechanical engineering services are
15 performed by, or under the responsible charge of, a professional
16 engineer licensed in the appropriate branch of professional
17 engineering.

18 (3) If the business name of a California engineering business
19 contains the name of any person, then that person shall be licensed
20 as a professional engineer, a licensed land surveyor, a licensed
21 architect, or a geologist registered under the Geologist and
22 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
23 Any offer, promotion, or advertisement by the business that
24 contains the name of any individual in the business, other than by
25 use of the name of an individual in the business name, shall clearly
26 and specifically designate the license or registration discipline of
27 each individual named.

1 (b) An out-of-state business with a branch office in this state
2 shall meet the requirements of subdivision (a) and shall have an
3 owner, partner, or officer who is in charge of the engineering work
4 in the branch in this state, who is licensed in this state, and who is
5 physically present at the branch office in this state on a regular
6 basis. However, the name of the business may contain the name
7 of any person not licensed in this state if that person is
8 appropriately registered or licensed in another state. Any offer,
9 promotion, or advertisement that contains the name of any
10 individual in the business, other than by use of the names of the
11 individuals in the business name, shall clearly and specifically
12 designate the license or registration discipline of each individual
13 named.

14 (c) The business name of a California engineering business may
15 be a fictitious name. However, if the fictitious name includes the
16 name of any person, the requirements of paragraph (3) of
17 subdivision (a) shall be met.

18 (d) A person not licensed under this chapter may also be a
19 partner or an officer of a civil, electrical, or mechanical engineering
20 business if the requirements of subdivision (a) are met. Nothing
21 in this section shall be construed to permit a person who is not
22 licensed under this chapter to be the sole owner of a civil, electrical,
23 or mechanical engineering business, unless otherwise exempt under
24 this chapter.

25 (e) This chapter does not prevent an individual or business
26 engaged in any line of endeavor other than the practice of civil,
27 electrical, or mechanical engineering from employing or
28 contracting with a licensed civil, electrical, or mechanical engineer
29 to perform the respective engineering services incidental to the
30 conduct of business.

31 (f) This section shall not prevent the use of the name of any
32 business engaged in rendering civil, electrical, or mechanical
33 engineering services, including the use by any lawful successor
34 or survivor, that lawfully was in existence on December 31, 1987.
35 However, the business is subject to paragraphs (1) and (2) of
36 subdivision (a).

37 (g) A business engaged in rendering civil, electrical, or
38 mechanical engineering services may use in its name the name of
39 a deceased or retired person provided all of the following
40 conditions are satisfied:

1 (1) The person's name had been used in the name of the
2 business, or a predecessor in interest of the business, prior to and
3 after the death or retirement of the person.

4 (2) The person shall have been an owner, partner, or officer of
5 the business, or an owner, partner, or officer of the predecessor in
6 interest of the business.

7 (3) The person shall have been licensed as a professional
8 engineer, or a land surveyor, or an architect, or a geologist, (A) by
9 the appropriate licensing board if that person is operating a place
10 of business or practice in this state, or (B) by the applicable state
11 board if no place of business existed in this state.

12 (4) The person, if retired, has consented to the use of the name
13 and does not permit the use of the name in the title of another
14 professional engineering business in this state during the period
15 of the consent. However, the retired person may use his or her
16 name as the name of a new or purchased business if it is not
17 identical in every respect to that person's name as used in the
18 former business.

19 (5) The business shall be subject to the provisions of paragraphs
20 (1) and (2) of subdivision (a).

21 (h) This section does not affect the provisions of Sections 6731.2
22 and 8726.1.

23 (i) A current organization record form shall be filed with the
24 board for all businesses engaged in rendering civil, electrical, or
25 mechanical engineering services.

26 (j) This section shall remain in effect only until January 1, ~~2021~~,
27 ~~2019~~, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, ~~2021~~, ~~2019~~, deletes or extends
29 that date.

30 SEC. 2. Section 6738 of the Business and Professions Code,
31 as added by Section 2 of Chapter 634 of the Statutes of 2010, is
32 amended to read:

33 6738. (a) This chapter does not prohibit one or more civil,
34 electrical, or mechanical engineers from practicing or offering to
35 practice within the scope of their license civil (including
36 geotechnical and structural), electrical, or mechanical engineering
37 as a sole proprietorship, partnership, firm, or corporation
38 (hereinafter called business), if all of the following requirements
39 are met:

1 (1) A civil, electrical, or mechanical engineer currently licensed
2 in this state is an owner, partner, or officer in charge of the
3 engineering practice of the business.

4 (2) All civil, electrical, or mechanical engineering services are
5 performed by, or under the responsible charge of, a professional
6 engineer licensed in the appropriate branch of professional
7 engineering.

8 (3) If the business name of a California engineering business
9 contains the name of any person, then that person shall be licensed
10 as a professional engineer, a licensed land surveyor, a licensed
11 architect, or a geologist registered under the Geologist and
12 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
13 Any offer, promotion, or advertisement by the business that
14 contains the name of any individual in the business, other than by
15 use of the name of an individual in the business name, shall clearly
16 and specifically designate the license or registration discipline of
17 each individual named.

18 (b) An out-of-state business with a branch office in this state
19 shall meet the requirements of subdivision (a) and shall have an
20 owner, partner, or officer who is in charge of the engineering work
21 in the branch in this state, who is licensed in this state, and who is
22 physically present at the branch office in this state on a regular
23 basis. However, the name of the business may contain the name
24 of any person not licensed in this state if that person is
25 appropriately registered or licensed in another state. Any offer,
26 promotion, or advertisement that contains the name of any
27 individual in the business, other than by use of the names of the
28 individuals in the business name, shall clearly and specifically
29 designate the license or registration discipline of each individual
30 named.

31 (c) The business name of a California engineering business may
32 be a fictitious name. However, if the fictitious name includes the
33 name of any person, the requirements of paragraph (3) of
34 subdivision (a) shall be met.

35 (d) A person not licensed under this chapter may also be a
36 partner or an officer of a civil, electrical, or mechanical engineering
37 business if the requirements of subdivision (a) are met. Nothing
38 in this section shall be construed to permit a person who is not
39 licensed under this chapter to be the sole owner of a civil, electrical,

1 or mechanical engineering business, unless otherwise exempt under
2 this chapter.

3 (e) This chapter does not prevent an individual or business
4 engaged in any line of endeavor other than the practice of civil,
5 electrical, or mechanical engineering from employing or
6 contracting with a licensed civil, electrical, or mechanical engineer
7 to perform the respective engineering services incidental to the
8 conduct of business.

9 (f) This section shall not prevent the use of the name of any
10 business engaged in rendering civil, electrical, or mechanical
11 engineering services, including the use by any lawful successor
12 or survivor, that lawfully was in existence on December 31, 1987.
13 However, the business is subject to paragraphs (1) and (2) of
14 subdivision (a).

15 (g) A business engaged in rendering civil, electrical, or
16 mechanical engineering services may use in its name the name of
17 a deceased or retired person provided all of the following
18 conditions are satisfied:

19 (1) The person's name had been used in the name of the
20 business, or a predecessor in interest of the business, prior to and
21 after the death or retirement of the person.

22 (2) The person shall have been an owner, partner, or officer of
23 the business, or an owner, partner, or officer of the predecessor in
24 interest of the business.

25 (3) The person shall have been licensed as a professional
26 engineer, or a land surveyor, or an architect, or a geologist, (A) by
27 the appropriate licensing board if that person is operating a place
28 of business or practice in this state, or (B) by the applicable state
29 board if no place of business existed in this state.

30 (4) The person, if retired, has consented to the use of the name
31 and does not permit the use of the name in the title of another
32 professional engineering business in this state during the period
33 of the consent. However, the retired person may use his or her
34 name as the name of a new or purchased business if it is not
35 identical in every respect to that person's name as used in the
36 former business.

37 (5) The business shall be subject to the provisions of paragraphs
38 (1) and (2) of subdivision (a).

39 (h) This section does not affect the provisions of Sections 6731.2
40 and 8726.1.

1 (i) A current organization record form shall be filed with the
2 board for all businesses engaged in rendering civil, electrical, or
3 mechanical engineering services.

4 (j) This section shall become operative on January 1, ~~2021~~.
5 2019.

6 SEC. 3. Section 8729 of the Business and Professions Code,
7 as amended by Section 3 of Chapter 634 of the Statutes of 2010,
8 is amended to read:

9 8729. (a) This chapter does not prohibit one or more licensed
10 land surveyors or civil engineers licensed in this state prior to 1982
11 (hereinafter called civil engineers) from practicing or offering to
12 practice, within the scope of their licensure, land surveying as a
13 sole proprietorship, partnership, limited liability partnership, firm,
14 or corporation (hereinafter called business), if the following
15 conditions are satisfied:

16 (1) A land surveyor or civil engineer currently licensed in the
17 state is an owner, partner, or officer in charge of the land surveying
18 practice of the business.

19 (2) All land surveying services are performed by or under the
20 responsible charge of a land surveyor or civil engineer.

21 (3) If the business name of a California land surveying business
22 contains the name of a person, then that person shall be licensed
23 by the board as a land surveyor or licensed by the board in any
24 year as a civil engineer. Any offer, promotion, or advertisement
25 by the business that contains the name of any individual in the
26 business, other than by use of the name of the individual in the
27 business name, shall clearly and specifically designate the license
28 discipline of each individual named.

29 (b) An out-of-state business with a branch office in this state
30 shall meet the requirements of subdivision (a) and shall have an
31 owner, partner, or officer who is in charge of the land surveying
32 work in this state, who is licensed in this state, and who is
33 physically present at the branch office in this state on a regular
34 basis. However, the name of the business may contain the name
35 of a person not licensed in this state, if that person is appropriately
36 licensed or registered in another state. Any offer, promotion, or
37 advertisement that contains the name of any individual in the
38 business, other than by use of the name of the individual in the
39 business name, shall clearly and specifically designate the license
40 or registration discipline of each individual named.

1 (c) The business name of a California land surveying business
2 may be a fictitious name. However, if the fictitious name includes
3 the names of any person, the requirements of paragraph (3) of
4 subdivision (a) shall be met.

5 (d) A person not licensed under this chapter or licensed as a
6 civil engineer in this state prior to 1982 may also be a partner or
7 an officer of a land surveying business if the conditions of
8 subdivision (a) are satisfied. Nothing in this section shall be
9 construed to permit a person who is not licensed under this chapter
10 or licensed as a civil engineer in this state prior to 1982 to be the
11 sole owner or office of a land surveying business, unless otherwise
12 exempt under this chapter.

13 (e) This chapter does not prevent an individual or business
14 engaged in any line of endeavor, other than the practice of land
15 surveying, from employing or contracting with a licensed land
16 surveyor or a licensed civil engineer to perform the respective land
17 surveying services incidental to the conduct of business.

18 (f) This section shall not prevent the use of the name of any
19 business engaged in rendering land surveying services, including
20 the use by any lawful successor or survivor, that lawfully was in
21 existence on June 1, 1941. However, the business is subject to the
22 provisions of paragraphs (1) and (2) of subdivision (a).

23 (g) A business engaged in rendering land surveying services
24 may use in its name the name of a deceased or retired person if
25 the following conditions are satisfied:

26 (1) The person's name had been used in the name of the
27 business, or a predecessor in interest of the business, prior to the
28 death or retirement of the person.

29 (2) The person shall have been an owner, partner, or officer of
30 the business, or an owner, partner, or officer of the predecessor in
31 interest of the business.

32 (3) The person shall have been licensed as a land surveyor or a
33 civil engineer by the board, if operating a place of business or
34 practice in this state, or by an applicable state board in the event
35 no place of business existed in this state.

36 (4) The person, if retired, has consented to the use of the name
37 and does not permit the use of the name in the title of another land
38 surveying business in this state during the period of that consent,
39 except that a retired person may use his or her name as the name

1 of a new or purchased business, if that business is not identical in
2 every respect to that person’s name as used in the former business.

3 (5) The business shall be subject to paragraphs (1) and (2) of
4 subdivision (a).

5 (h) This section does not affect Sections 6731.2 and 8726.1.

6 (i) A current organization record form shall be filed with the
7 board for all businesses engaged in rendering professional land
8 surveying services.

9 (j) This section shall remain in effect only until January 1, ~~2021~~,
10 2019, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2021~~, 2019, deletes or extends
12 that date.

13 SEC. 4. Section 8729 of the Business and Professions Code,
14 as added by Section 4 of Chapter 634 of the Statutes of 2010, is
15 amended to read:

16 8729. (a) This chapter does not prohibit one or more licensed
17 land surveyors or civil engineers licensed in this state prior to 1982
18 (hereinafter called civil engineers) from practicing or offering to
19 practice within the scope of their licensure, land surveying as a
20 sole proprietorship, partnership, firm, or corporation (hereinafter
21 called business), if the following conditions are satisfied:

22 (1) A land surveyor or civil engineer currently licensed in the
23 state is an owner, partner, or officer in charge of the land surveying
24 practice of the business.

25 (2) All land surveying services are performed by or under the
26 responsible charge of a land surveyor or civil engineer.

27 (3) If the business name of a California land surveying business
28 contains the name of a person, then that person shall be licensed
29 by the board as a land surveyor or licensed by the board in any
30 year as a civil engineer. Any offer, promotion, or advertisement
31 by the business that contains the name of any individual in the
32 business, other than by use of the name of the individual in the
33 business name, shall clearly and specifically designate the license
34 discipline of each individual named.

35 (b) An out-of-state business with a branch office in this state
36 shall meet the requirements of subdivision (a) and shall have an
37 owner, partner, or officer who is in charge of the land surveying
38 work in this state, who is licensed in this state, and who is
39 physically present at the branch office in this state on a regular
40 basis. However, the name of the business may contain the name

1 of a person not licensed in this state, if that person is appropriately
2 licensed or registered in another state. Any offer, promotion, or
3 advertisement that contains the name of any individual in the
4 business, other than by use of the name of the individual in the
5 business name, shall clearly and specifically designate the license
6 or registration discipline of each individual named.

7 (c) The business name of a California land surveying business
8 may be a fictitious name. However, if the fictitious name includes
9 the names of any person, the requirements of paragraph (3) of
10 subdivision (a) shall be met.

11 (d) A person not licensed under this chapter or licensed as a
12 civil engineer in this state prior to 1982 may also be a partner or
13 an officer of a land surveying business if the conditions of
14 subdivision (a) are satisfied. Nothing in this section shall be
15 construed to permit a person who is not licensed under this chapter
16 or licensed as a civil engineer in this state prior to 1982 to be the
17 sole owner or office of a land surveying business, unless otherwise
18 exempt under this chapter.

19 (e) This chapter does not prevent an individual or business
20 engaged in any line of endeavor, other than the practice of land
21 surveying, from employing or contracting with a licensed land
22 surveyor or a licensed civil engineer to perform the respective land
23 surveying services incidental to the conduct of business.

24 (f) This section shall not prevent the use of the name of any
25 business engaged in rendering land surveying services, including
26 the use by any lawful successor or survivor, that lawfully was in
27 existence on June 1, 1941. However, the business is subject to the
28 provisions of paragraphs (1) and (2) of subdivision (a).

29 (g) A business engaged in rendering land surveying services
30 may use in its name the name of a deceased or retired person if
31 the following conditions are satisfied:

32 (1) The person's name had been used in the name of the
33 business, or a predecessor in interest of the business, prior to the
34 death or retirement of the person.

35 (2) The person shall have been an owner, partner, or officer of
36 the business, or an owner, partner, or officer of the predecessor in
37 interest of the business.

38 (3) The person shall have been licensed as a land surveyor or a
39 civil engineer by the board, if operating a place of business or

1 practice in this state, or by an applicable state board in the event
2 no place of business existed in this state.

3 (4) The person, if retired, has consented to the use of the name
4 and does not permit the use of the name in the title of another land
5 surveying business in this state during the period of that consent,
6 except that a retired person may use his or her name as the name
7 of a new or purchased business, if that business is not identical in
8 every respect to that person’s name as used in the former business.

9 (5) The business shall be subject to paragraphs (1) and (2) of
10 subdivision (a).

11 (h) This section does not affect Sections 6731.2 and 8726.1.

12 (i) A current organization record form shall be filed with the
13 board for all businesses engaged in rendering professional land
14 surveying services.

15 (j) This section shall become operative on January 1, ~~2021~~.
16 ~~2019~~.

17 SEC. 5. Section 16101 of the Corporations Code, as amended
18 by Section 1 of Chapter 291 of the Statutes of 2011, is amended
19 to read:

20 16101. As used in this chapter, the following terms and phrases
21 have the following meanings:

22 (1) “Business” includes every trade, occupation, and profession.

23 (2) “Debtor in bankruptcy” means a person who is the subject
24 of either of the following:

25 (A) An order for relief under Title 11 of the United States Code
26 or a comparable order under a successor statute of general
27 application.

28 (B) A comparable order under federal, state, or foreign law
29 governing insolvency.

30 (3) “Distribution” means a transfer of money or other property
31 from a partnership to a partner in the partner’s capacity as a partner
32 or to the partner’s transferee.

33 (4) “Electronic transmission by the partnership” means a
34 communication (a) delivered by (1) facsimile telecommunication
35 or electronic mail when directed to the facsimile number or
36 electronic mail address, respectively, for that recipient on record
37 with the partnership, (2) posting on an electronic message board
38 or network that the partnership has designated for those
39 communications, together with a separate notice to the recipient
40 of the posting, which transmission shall be validly delivered upon

Supported Legislation

Senate Bill 799

(Committee on Business, Professions and Economic Development)

Business and professions

Introduced: 3/18/2015

Last Amended Date: 4/20/15

Status: In Assembly. Read first time. Held at Desk.

Position: Support, taken 4/15/15

Laws: Amends Sections 5070.1, 5087, 6735, 7083, 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

Bill Summary: This is one of the Committee’s omnibus bills. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures, hospitals and other medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer. This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
3/25/15	4/28/15	5/11/15	5/18/15	5/18/15							
1st House				2nd House							

Staff Analysis:

Updated: 5/26/15

This bill would remove language that was added to Section 6735 last year at request of SEAOC. Concerns have been expressed by several parties over the new wording of Section 6735 and the potential misinterpretation that could result for this new wording. It was decided that the best course of action would be to remove that language and return Section 6735 to its prior state and allow SEAOC to develop cleaner language that could be included with its “Significate Structures” proposal in the future.

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 799

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7685, 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law provides that an accountant whose license was canceled by operation of law, after nonrenewal, as specified, may, upon application to the board and meeting specified requirements, have his or her license placed into a retired status.

This bill would prohibit the California Board of Accountancy from restoring that license in retired status to active or inactive status and instead would require the individual to apply for a new license in order to restore his or her license.

(2) Existing law authorizes the California Board of Accountancy to issue a certified public account (CPA) license to an applicant who holds a valid and unrevoked CPA license in another state, under specified conditions.

This bill would require that an out-of-state applicant hold a current, active, and unrestricted CPA license in order to be issued a CPA license under this provision.

(3) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of the licensing provisions of the act is a misdemeanor. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures to be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. The bill would also repeal the requirements that all civil engineering plans and other specified documents for construction of specified hospital and medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

(4) *Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. Existing law authorizes the board to issue licenses for guide dog training and instructional services. A violation of these licensing provisions is a misdemeanor.*

This bill would also include dogs trained and provided for visually impaired persons within these licensing requirements. The bill would change reporting requirements from a calendar year to a fiscal year period and would make technical changes.

(5) *Under the Funeral Directors and Embalmers Law, the Cemetery and Funeral Bureau regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral goods and*

services and prices to consumers. Existing law requires a funeral establishment that maintains an Internet Web site to also post that information on its Internet Web site provided by a link from the homepage. A violation of these provisions is a misdemeanor.

This bill would require that the funeral establishment's Internet Web site contain specified key words.

~~(4)~~

(6) The California Constitution provides that laborers of every class who have worked upon or have furnished material for a property have a lien upon that property for the value of the labor done and material furnished. The California Constitution requires the Legislature to provide, by law, for the speedy and efficient enforcement of those liens. Existing law requires specified structural pest control operators to provide notice regarding possible liens, as specified, to the owner of property prior to entering into a contract to provide work on that property. A violation of these provisions is a misdemeanor.

This bill would extend the notice requirements to all structural pest control operators.

~~(5)~~

(7) Existing law requires a structural pest control operator to provide a report detailing the results of an inspection for wood destroying pests or organisms prior to commencing work on a contract or expressing an opinion regarding the presence or absence of wood destroying pests or organisms, to the Structural Pest Control Board, within the Department of Consumer Affairs, as specified. Existing law requires that the pest control operator deliver a copy of the report to the person requesting inspection, or designated agent, within 10 business days of the inspection. Existing law requires a pest control operator to deliver a copy of that report to the owner or the owner's agent within 10 working days of an inspection.

This bill would remove the requirement that the pest control operator provide the owner of the property or the owner's agent with a copy of the report, unless the owner was the person who requested the inspection.

~~(6)~~

(8) Existing law creates the California Travel and Tourism Commission and provides for the membership and meetings of the commission.

This bill would specify that all meetings of the commission take place in California and would authorize commissioners to attend meetings of

the commission by conference telephone or other technology, as specified.

(7)

(9) Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 5070.1 of the Business and Professions
2 Code is amended to read:

3 5070.1. (a) The board may establish, by regulation, a system
4 for the placement of a license into a retired status, upon application,
5 for certified public accountants and public accountants who are
6 not actively engaged in the practice of public accountancy or any
7 activity that requires them to be licensed by the board.

8 (b) No licensee with a license in a retired status shall engage in
9 any activity for which a permit is required.

10 (c) The board shall deny an applicant’s application to place a
11 license in a retired status if the permit is subject to an outstanding
12 order of the board, is suspended, revoked, or otherwise punitively
13 restricted by the board, or is subject to disciplinary action under
14 this chapter.

15 (d) (1) The holder of a license that was canceled pursuant to
16 Section 5070.7 may apply for the placement of that license in a
17 retired status pursuant to subdivision (a).

18 (2) Upon approval of an application made pursuant to paragraph
19 (1), the board shall reissue that license in a retired status.

20 (3) The holder of a canceled license that was placed in retired
21 status between January 1, 1994, and January 1, 1999, inclusive,
22 shall not be required to meet the qualifications established pursuant
23 to subdivision (e), but shall be subject to all other requirements of
24 this section.

1 (e) The board shall establish minimum qualifications to place
2 a license in retired status.

3 (f) The board may exempt the holder of a license in a retired
4 status from the renewal requirements described in Section 5070.5.

5 (g) The board shall establish minimum qualifications for the
6 restoration of a license in a retired status to an active status. These
7 minimum qualifications shall include, but are not limited to,
8 continuing education and payment of a fee as provided in
9 subdivision (h) of Section 5134.

10 (h) The board shall not restore to active or inactive status a
11 license that was canceled by operation of law, pursuant to
12 subdivision (a) of Section 5070.7, and then placed into retired
13 status pursuant to subdivision (d). The individual shall instead
14 apply for a new license, as described in subdivision (c) of Section
15 5070.7, in order to restore his or her license.

16 SEC. 2. Section 5087 of the Business and Professions Code is
17 amended to read:

18 5087. (a) The board may issue a certified public accountant
19 license to any applicant who is a holder of a current, active, and
20 unrestricted certified public accountant license issued under the
21 laws of any state, if the board determines that the standards under
22 which the applicant received the license are substantially equivalent
23 to the standards of education, examination, and experience
24 established under this chapter and the applicant has not committed
25 acts or crimes constituting grounds for denial under Section 480.
26 To be authorized to sign reports on attest engagements, the
27 applicant shall meet the requirements of Section 5095.

28 (b) The board may in particular cases waive any of the
29 requirements regarding the circumstances in which the various
30 parts of the examination were to be passed for an applicant from
31 another state.

32 SEC. 3. Section 6735 of the Business and Professions Code is
33 amended to read:

34 6735. (a) All civil (including structural and geotechnical)
35 engineering plans, calculations, specifications, and reports
36 (hereinafter referred to as “documents”) shall be prepared by, or
37 under the responsible charge of, a licensed civil engineer and shall
38 include his or her name and license number. Interim documents
39 shall include a notation as to the intended purpose of the document,
40 such as “preliminary,” “not for construction,” “for plan check

1 only,” or “for review only.” All civil engineering plans and
2 specifications that are permitted or that are to be released for
3 construction shall bear the signature and seal or stamp of the
4 licensee and the date of signing and sealing or stamping. All final
5 civil engineering calculations and reports shall bear the signature
6 and seal or stamp of the licensee, and the date of signing and
7 sealing or stamping. If civil engineering plans are required to be
8 signed and sealed or stamped and have multiple sheets, the
9 signature, seal or stamp, and date of signing and sealing or
10 stamping shall appear on each sheet of the plans. If civil
11 engineering specifications, calculations, and reports are required
12 to be signed and sealed or stamped and have multiple pages, the
13 signature, seal or stamp, and date of signing and sealing or
14 stamping shall appear at a minimum on the title sheet, cover sheet,
15 or signature sheet.

16 (b) Notwithstanding subdivision (a), a licensed civil engineer
17 who signs civil engineering documents shall not be responsible
18 for damage caused by subsequent changes to or uses of those
19 documents, if the subsequent changes or uses, including changes
20 or uses made by state or local governmental agencies, are not
21 authorized or approved by the licensed civil engineer who
22 originally signed the documents, provided that the engineering
23 service rendered by the civil engineer who signed the documents
24 was not also a proximate cause of the damage.

25 SEC. 4. Section 7083 of the Business and Professions Code is
26 amended to read:

27 7083. (a) Notwithstanding any other law, licensees shall notify
28 the registrar, on a form prescribed by the registrar, in writing within
29 90 days of any change to information recorded under this chapter.
30 This notification requirement shall include, but not be limited to,
31 changes in business address, personnel, business name, qualifying
32 individual bond exemption pursuant to Section 7071.9, or
33 exemption to qualify multiple licenses pursuant to Section 7068.1.

34 (b) Failure of the licensee to notify the registrar of any change
35 to information within 90 days shall cause the change to be effective
36 the date the written notification is received at the board’s
37 headquarters office.

38 (c) Failure to notify the registrar of the changes within the 90
39 days is grounds for disciplinary action.

IV. Consideration of Rulemaking Proposals (Possible Action)

- A. Proposed Amendments to Title 16, California Code of Regulations Sections 464 (Corner Record)

Amendment of Board Rules 464 (Corner Record)

Board Rule 464 describes the requirements necessary for the filing and preparation of a corner record and provides a Board approved form to be used by those authorized to practice land surveying when preparing a corner record.

On October 10, 2013, the Board approved changes to the Corner Record form and associated changes to the language of Board Rule 464. Upon further review by the Land Surveying Technical Advisory Committee, it was determined that the language is outdated and fails to mention other relevant statutes. The previous language only referred to Section 8773 of the Business and Professions Code for the perpetuation of monuments but did not reference the other provisions of the Professional Land Surveyors' Act that allow for the filing of a Corner Record.

Staff recommends amending Board Rule 464 to better clarify the requirements for filing Corner Records and to update the language to provide clarity. Proposed changes include:

- a. Removal of the light blue grid lines and seal designation.
- b. Additional check boxes to clarify the need and intent of the corner record.
- c. A combined area where the surveyor can provide narrative related to the corner found identified and monument as found and set or reset.
- d. The addition of an area for an Agency Index
- e. Include language to reference relevant sections of the PLS Act (i.e., 8765(d), 8771, 8773)
- f. Removing wording within subsection (e) to eliminate duplicity with Section 8765(d) of the PLS Act.
- g. The addition of section to address electronic submittal, archiving and distribution.
- h. Updating the approved form to BPELSG-2015.

During the rulemaking process, amendments may be made to the language either by the Board's own motion or based on comments received during the initial 45-day public comment period. Substantive amendments would require additional noticed comment periods after the 45-day comment period.

The recommended amendments to Board Rule 464 is included in this agenda. Additions are shown in underlined text and deletions are identified as ~~striketrough~~-text. At this time, staff recommends that the Board approve this proposed language and direct staff to begin the formal rulemaking process to amend this regulation.

RECOMMENDED MOTION:

Approve the proposed amendment to Board Rule 464, as shown and direct staff to begin the formal rulemaking process to adopt the regulations.

464. Corner Record.

(a) The corner record ~~required by Section 8773 of the Code for the perpetuation of monuments~~ shall contain the following information for consistent with each corner identified therein:

- (1) The county and, if applicable, the city in which the corner is located.
 - (2) ~~An identification~~ A brief legal description of the township, range, base, and meridian or the Rancho in which the corner is located, if applicable.
 - (3) Identification of the corner type (~~example: e.g.,~~ government corner, control corner, property corner, etc.).
 - (4) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.
 - (5) Identification of the reference of the related statute (i.e., Section 8765(d), Section 8771, Section 8773, or other relevant sections of the Code).
 - (6) Description of the physical condition of
 - (A) the monument(s) as found and
 - (B) any ~~monuments~~ monument(s) set or reset.
 - ~~(5)~~ (7) The date of the visit to the monument when the information for the corner record was obtained.
 - (8) For corners for which the corner record is filed in accordance with Section 8765(d) of the Code, the information shown on the corner record shall also show the applicable provisions of Section 8764 of the Code.
 - (9) For corners for which the corner record is filed in accordance with any subdivision of Section 8771 of the Code, the information shown on the corner record shall also show the applicable provisions of Section 8771 of the Code.
 - ~~(6)~~ (10) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner. ~~For other kinds of corners, a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.~~
 - ~~(7)~~ A reference to the California Coordinate System is optional at the discretion of the preparer of the record.
 - ~~(8)~~ (11) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or a California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.
 - ~~(9)~~ (12) The date the corner record was filed and the signature of the county surveyor.
 - ~~(10)~~ (13) A document or filing number and/or Agency Index information.
- (b) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.
- (c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.
- (d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record

information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners.

(e) A corner record is limited to one single corner record document, in accordance with Section 8773.1 of the Code, and shall be so long as it is legible, clear, and understandable. A corner record may be submitted in an electronic medium if the county surveyor has a system to provide for the submittal, archiving, and distribution to the public in an electronic or hard copy format.

~~(e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.~~

(f) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.

(g) The corner record shall be filed on a form prescribed by the Board. The approved form is ~~BORPELS-1297~~ BPELSG-2015.

CORNER RECORD

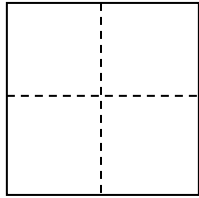
Agency Index _____

Document Number _____

City of _____

County of _____, California

Brief Legal Description _____



CORNER TYPE

- | | | | |
|-------------------|--------------------------|----------|--------------------------|
| Government Corner | <input type="checkbox"/> | Control | <input type="checkbox"/> |
| Meander | <input type="checkbox"/> | Property | <input type="checkbox"/> |
| Rancho | <input type="checkbox"/> | Other | <input type="checkbox"/> |

Date of Survey _____

COORDINATES(Optional)

N. _____

E. _____

Zone _____ NAD27 NAD83

NAD83 Epoch _____

Elev. _____

Vert. Datum: NGVD29 NAVD88

Meas. Units: Metric Imperial

PLS Act Ref.: 8765(d) 8771 8773 **Other:** _____

Corner/ Left as found Established Rebuilt Pre-Construction

Monument: Found and tagged Reestablished Referenced Post-Construction

Narrative of corner identified and monument as found and set or reset:

See sheet #2 for description(s):

SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with the Professional Land Surveyors' Act on _____, _____.

Signed _____ P.L.S. or R.C.E. No. _____

COUNTY SURVEYOR'S STATEMENT

This Corner Record was received _____, _____ and examined and filed _____, _____.

Signed _____ P.L.S. or R.C.E. No. _____

Title _____

County Surveyor's Comment _____

Document Number

Agency Index

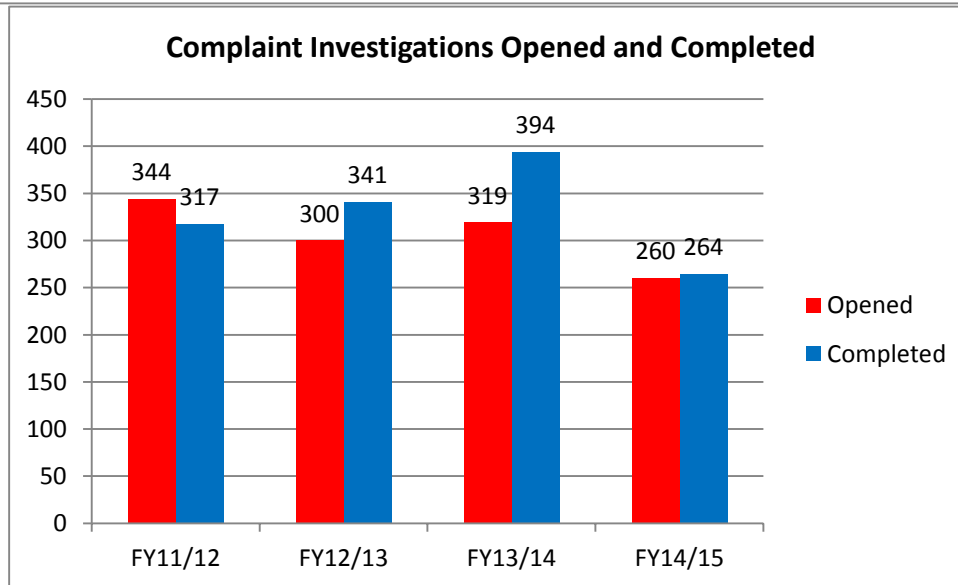
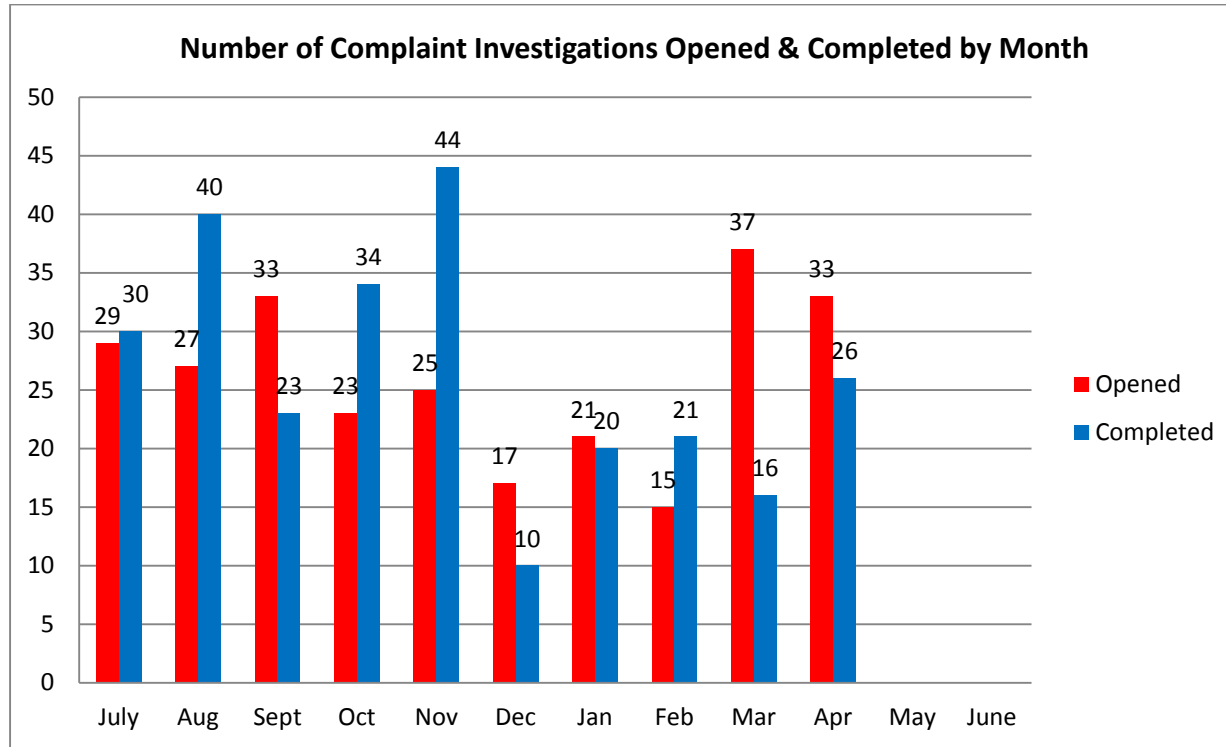
Document Number	Agency Index
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V. Enforcement

A. Enforcement Statistical Report

PELS ENFORCEMENT PROGRAM

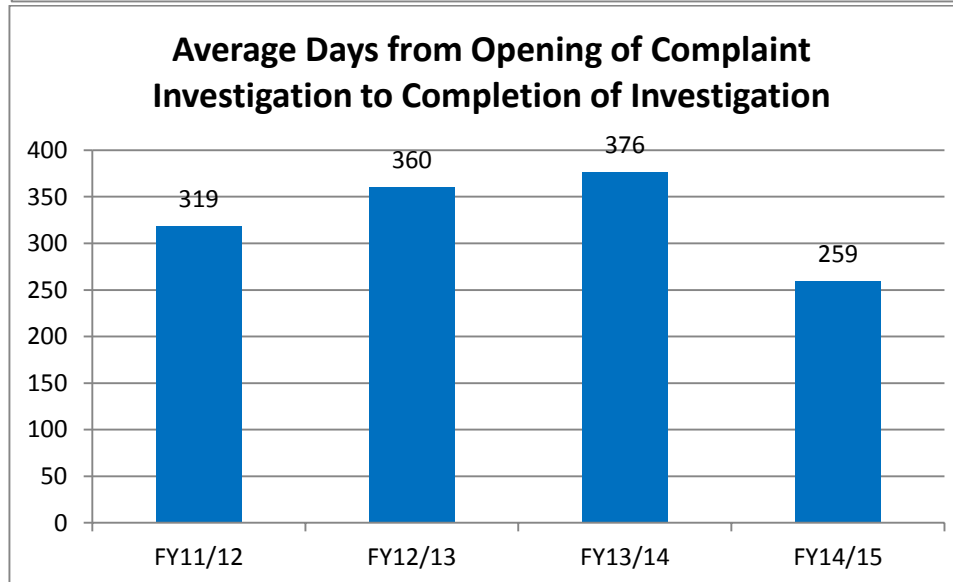
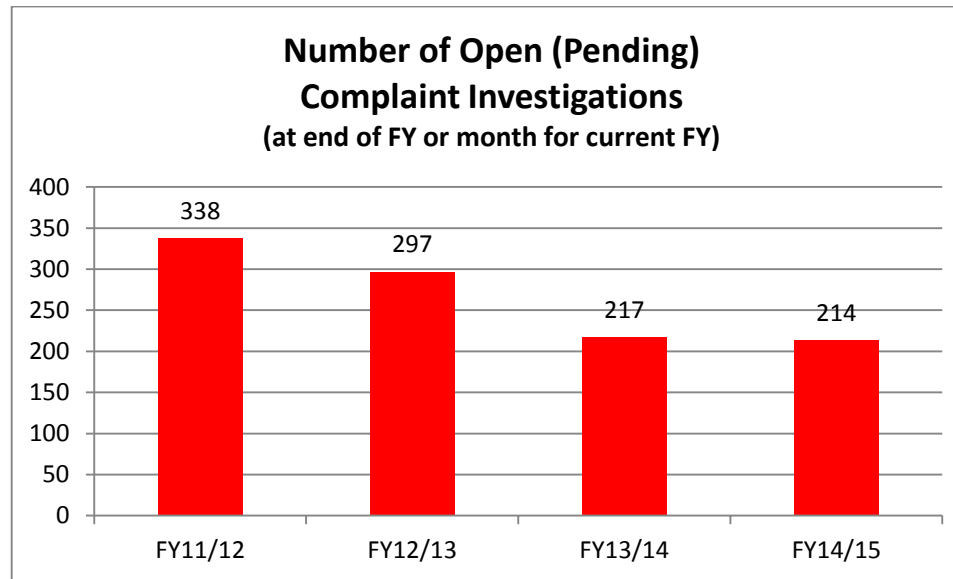
Complaint Investigation Phase



NOTE: FY14/15 statistics are through April 30, 2015

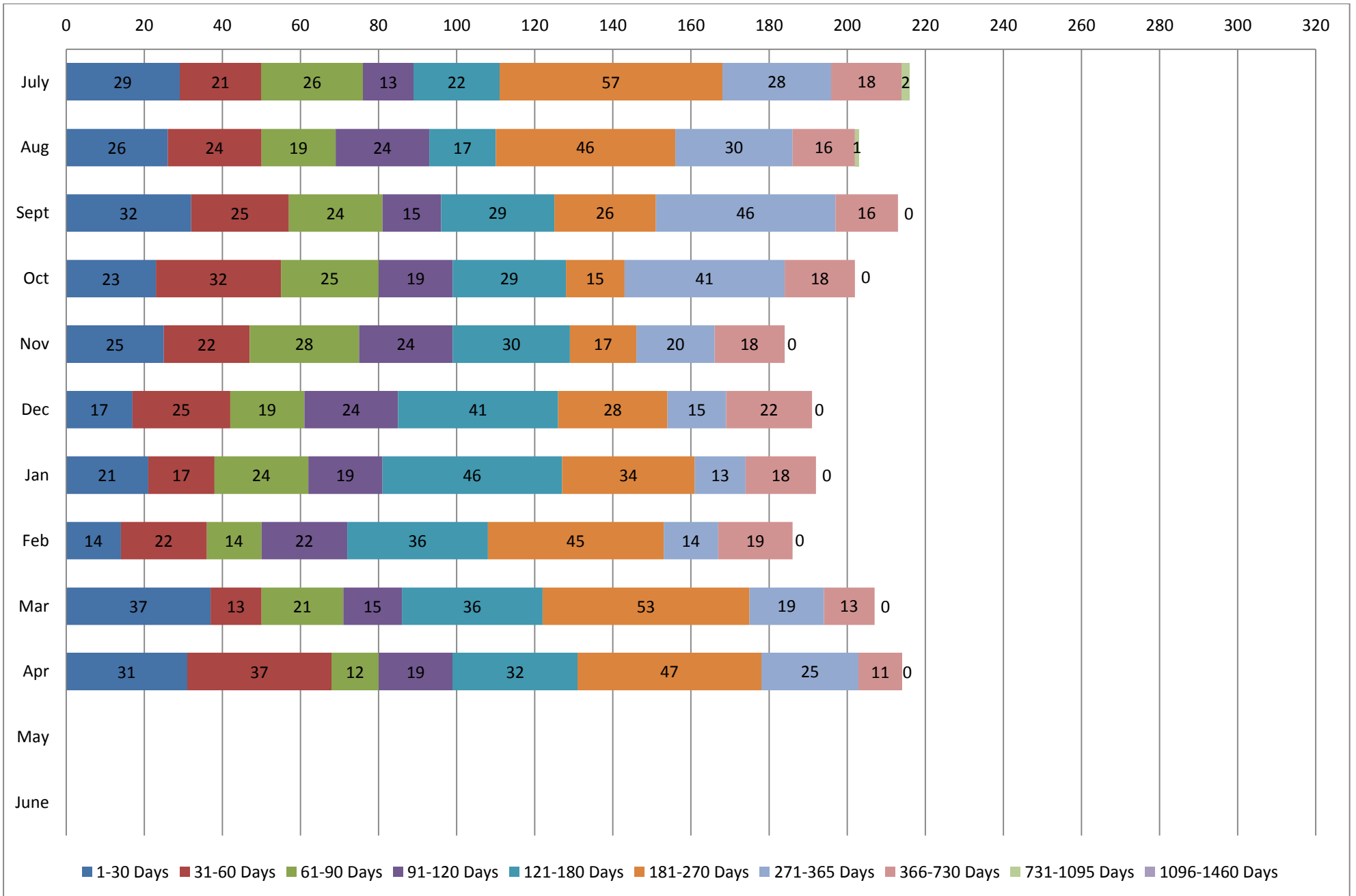
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



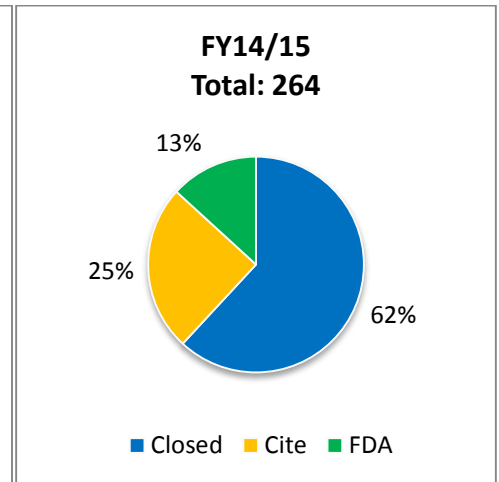
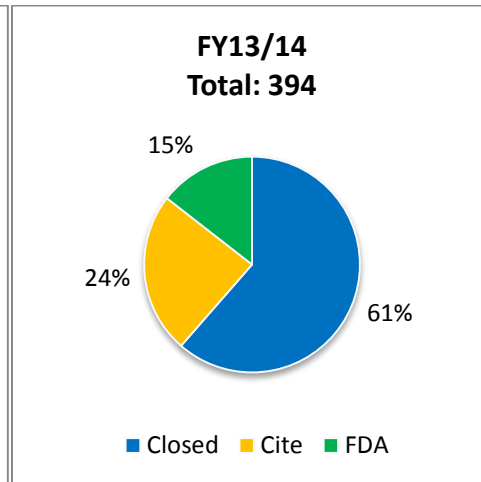
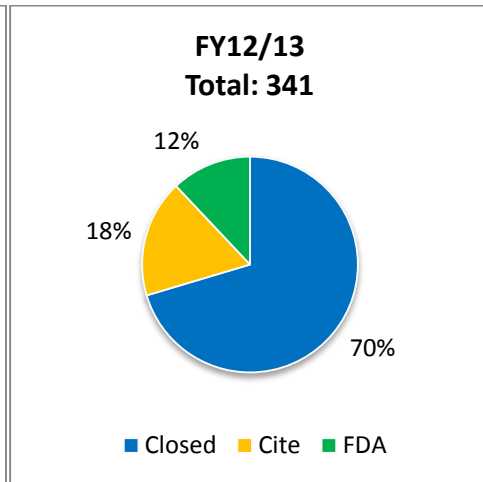
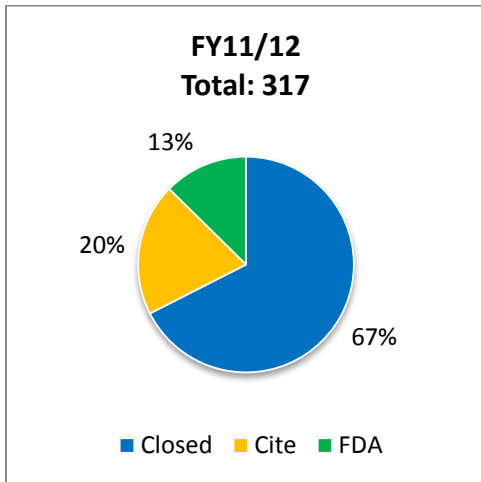
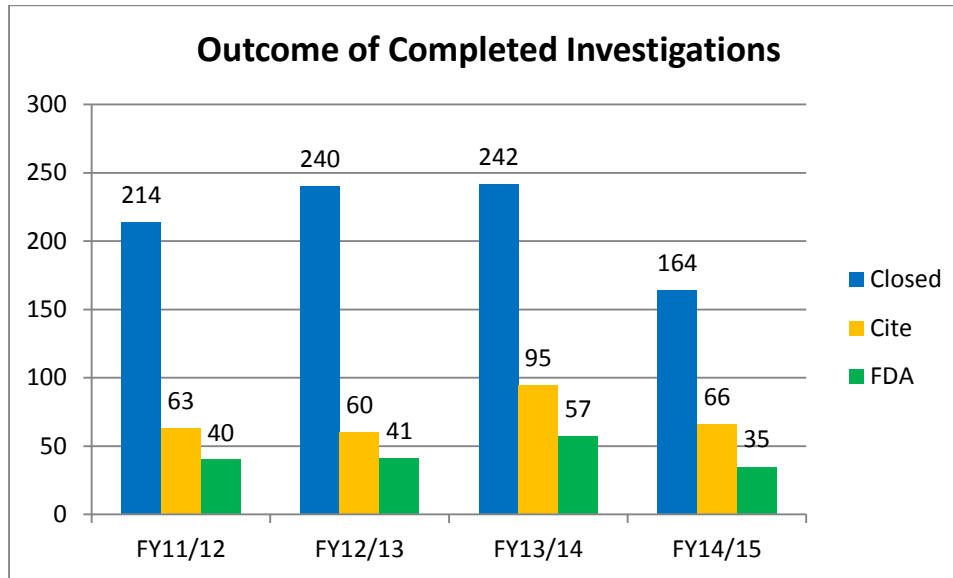
NOTE: FY14/15 statistics are through April 30, 2015

Aging of Open (Pending) Complaint Investigation Cases FY14/15



PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY14/15 statistics are through April 30, 2015

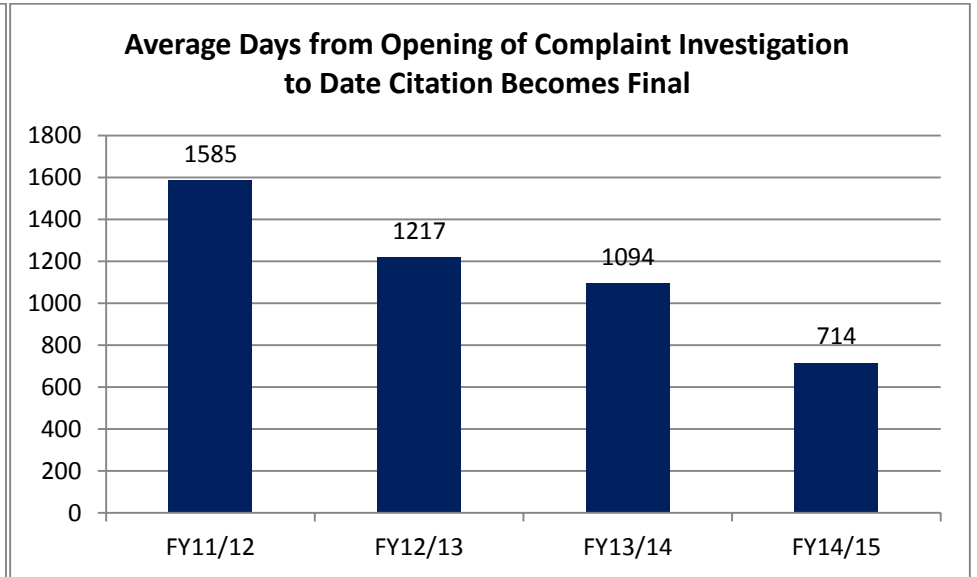
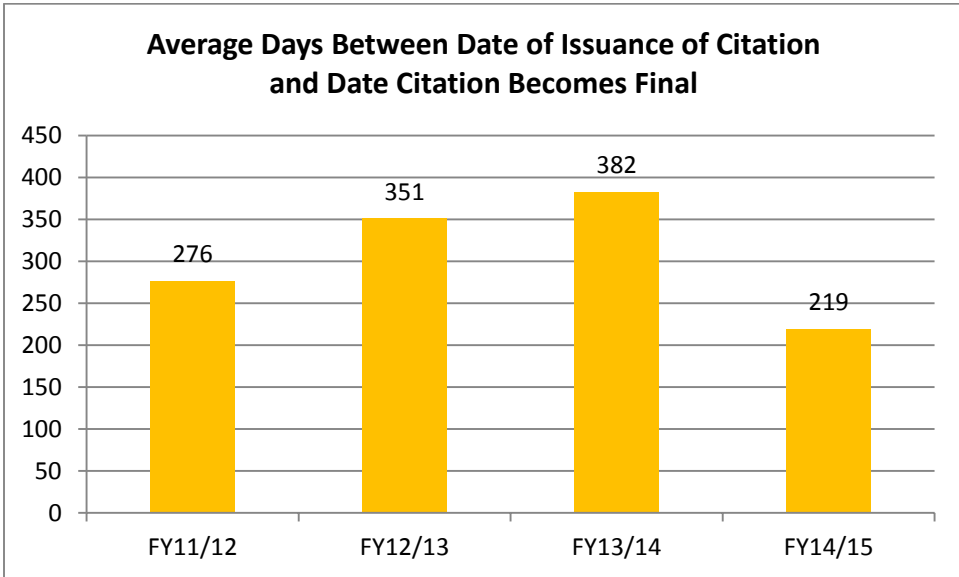
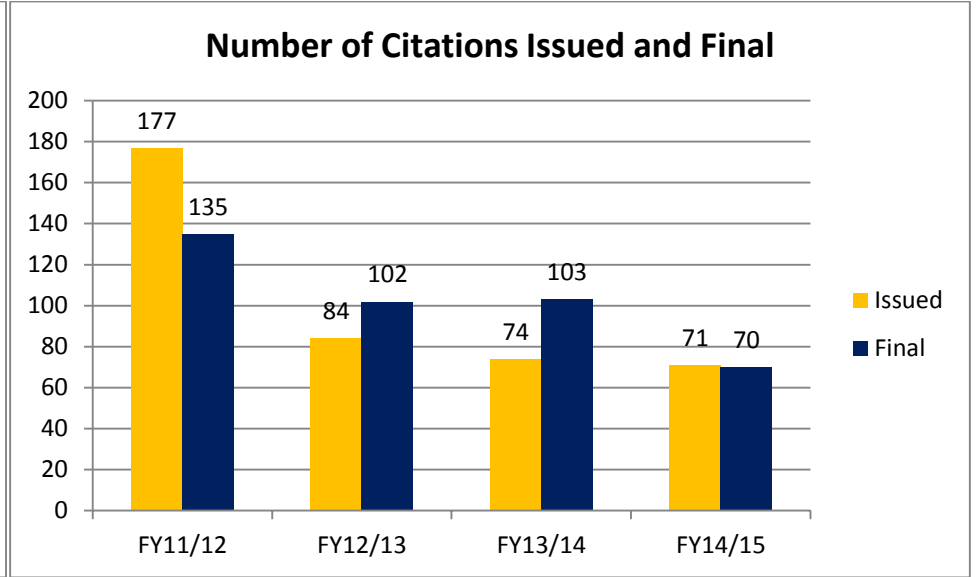
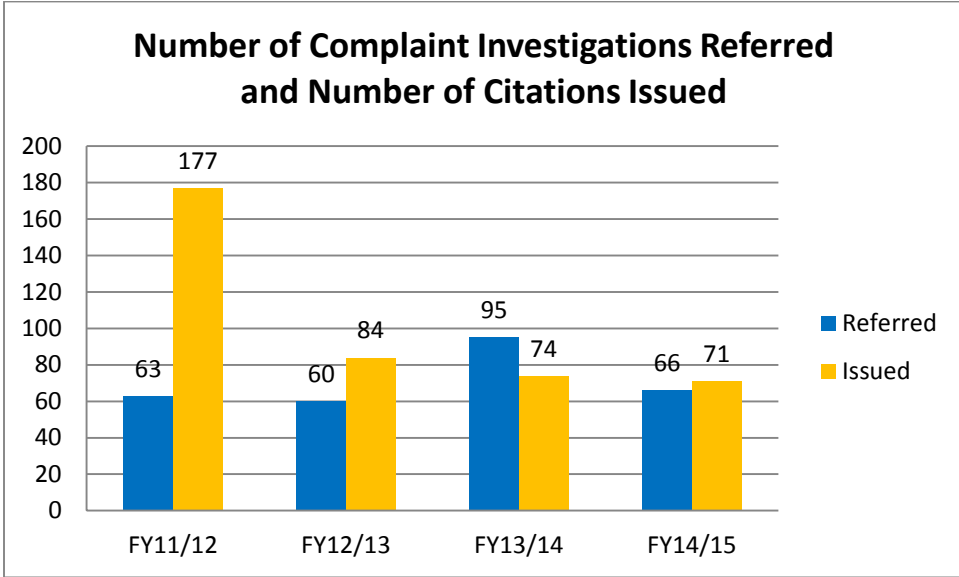
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

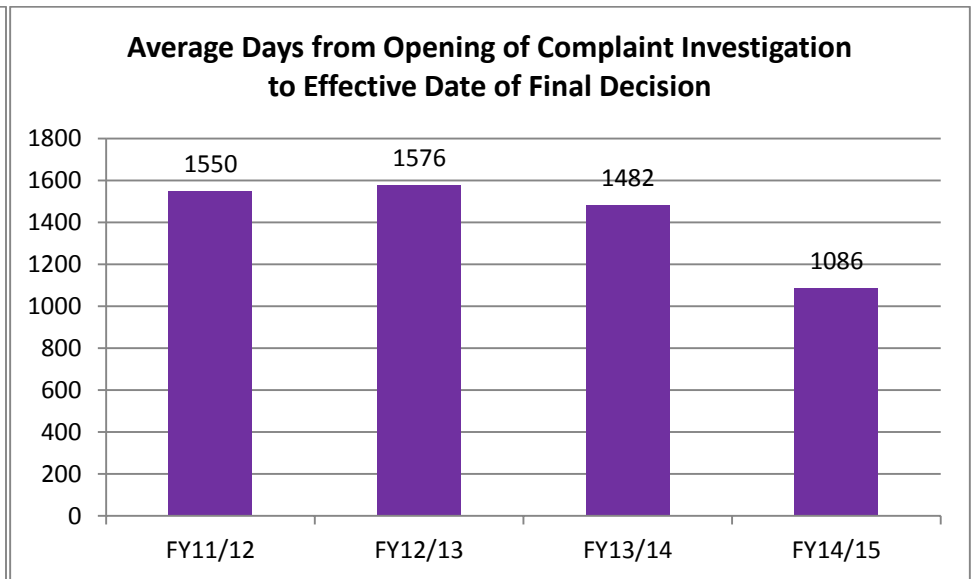
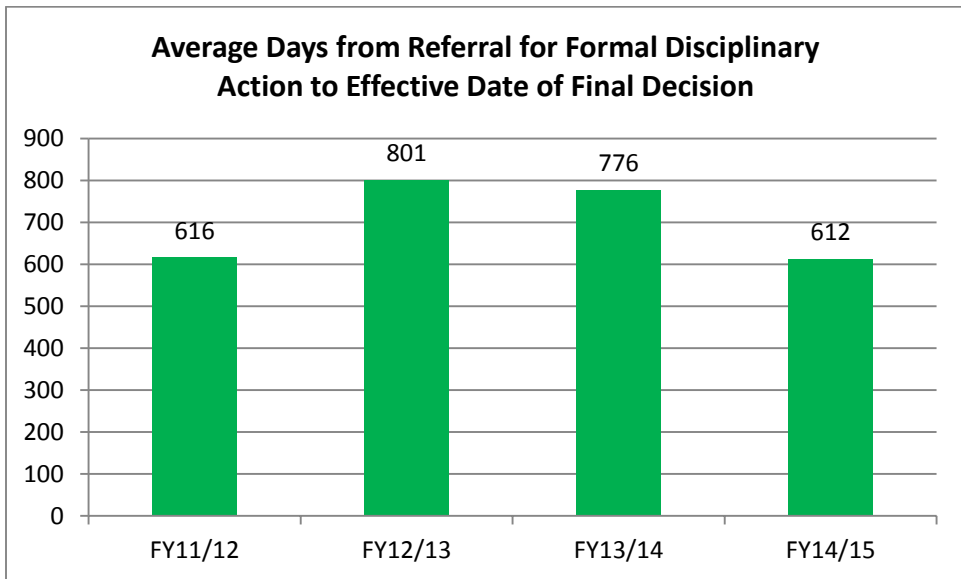
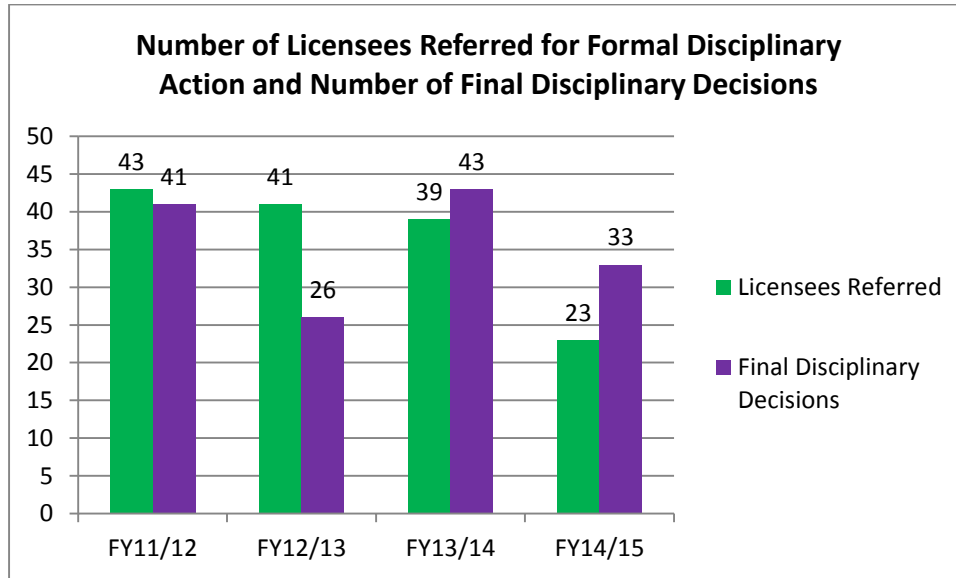
Citations (Informal Enforcement Actions)



NOTE: FY14/15 statistics are through April 30, 2015

PELS ENFORCEMENT PROGRAM

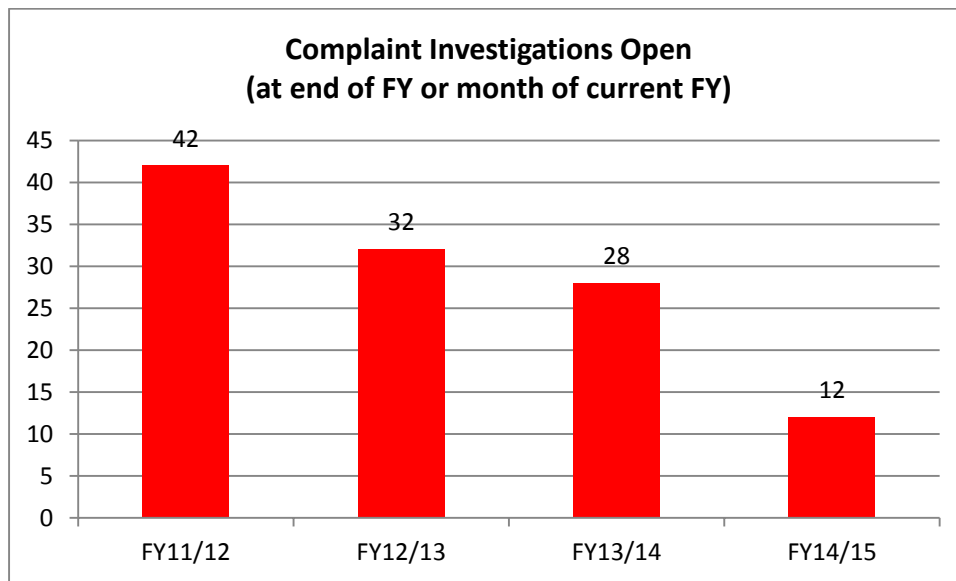
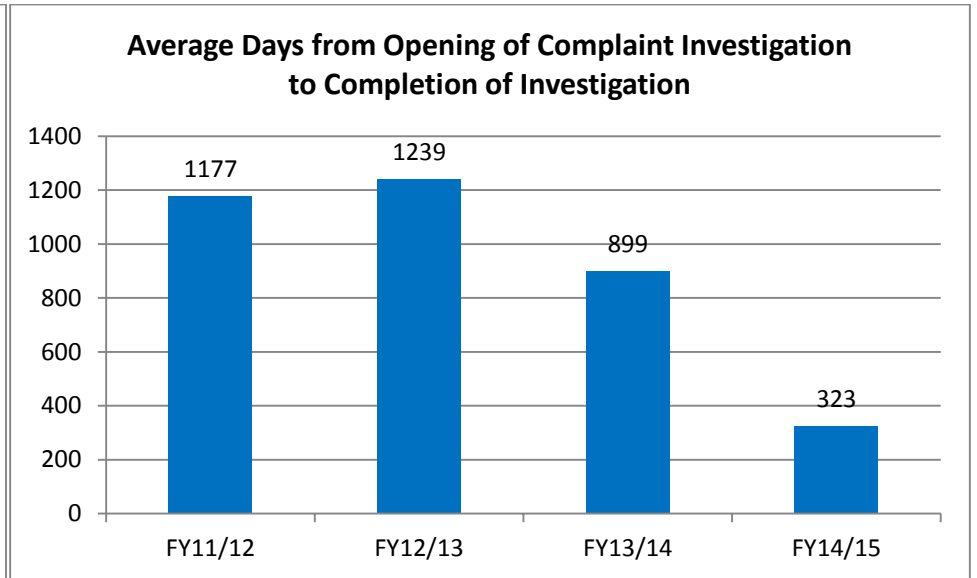
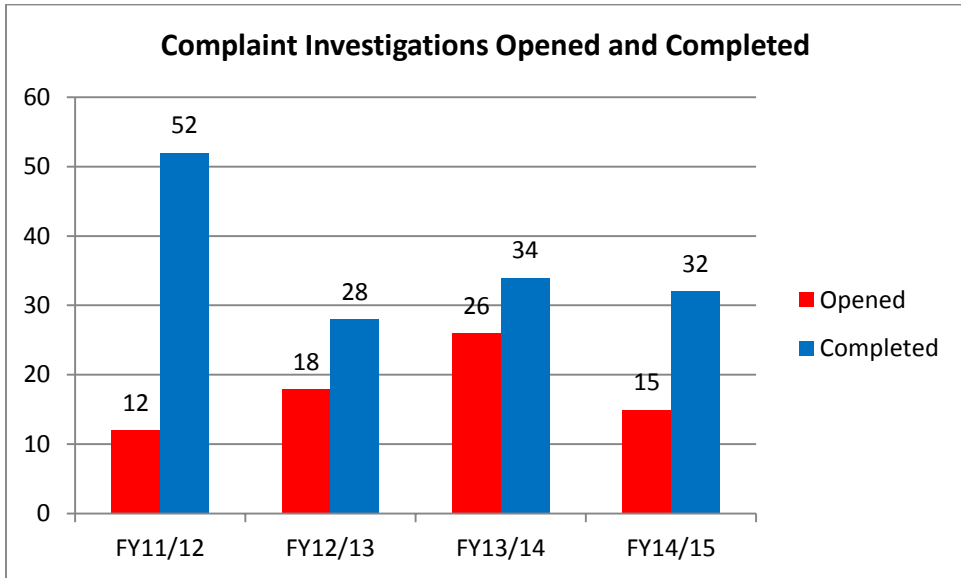
Formal Disciplinary Actions Against Licensees



NOTE: FY14/15 statistics are through April 30, 2015

G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase

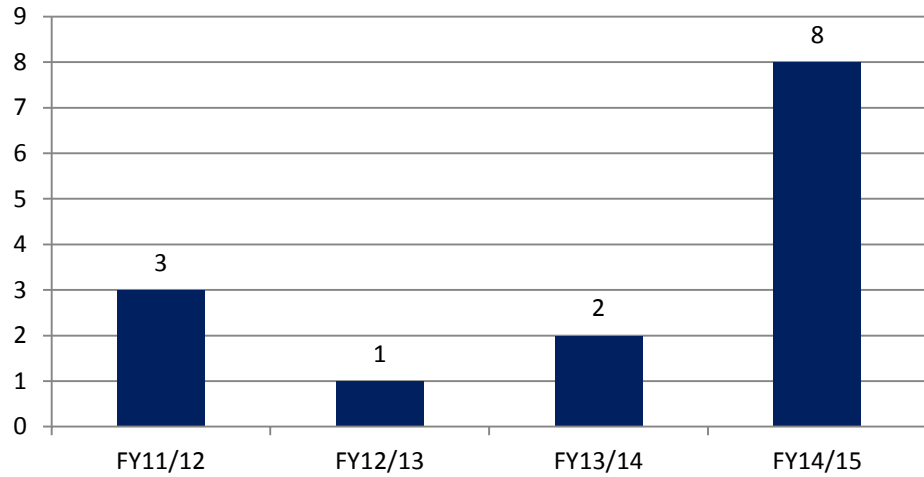


NOTE: FY14/15 statistics are through April 30, 2015

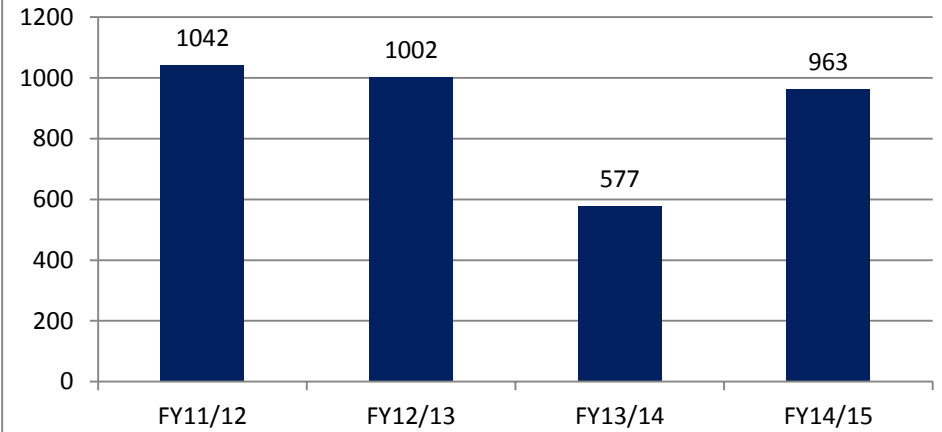
G&G ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

Number of Final Citations



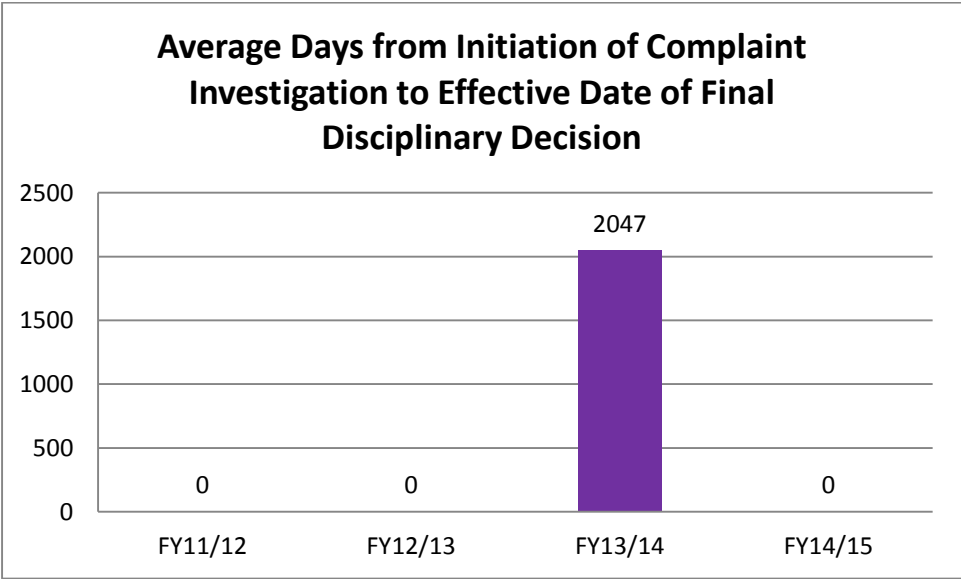
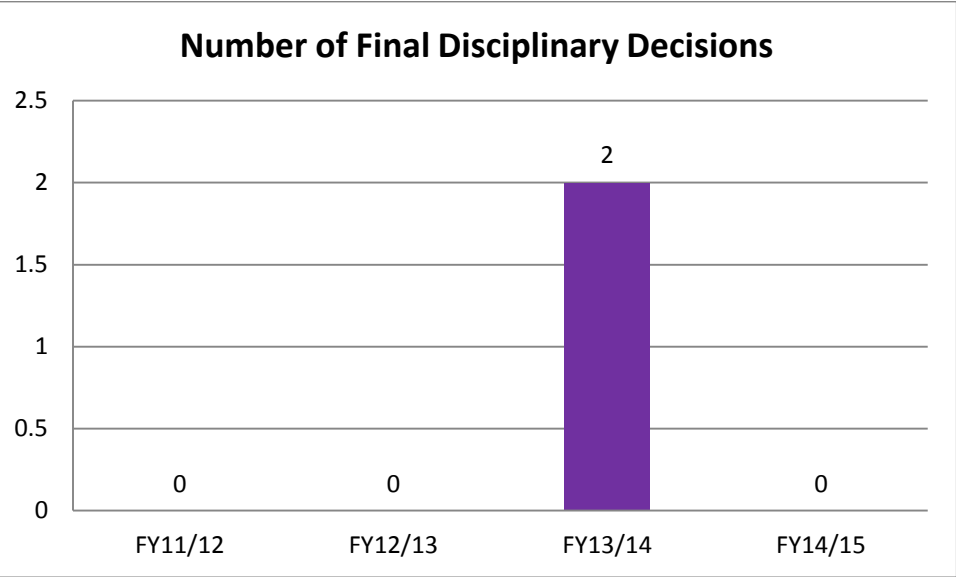
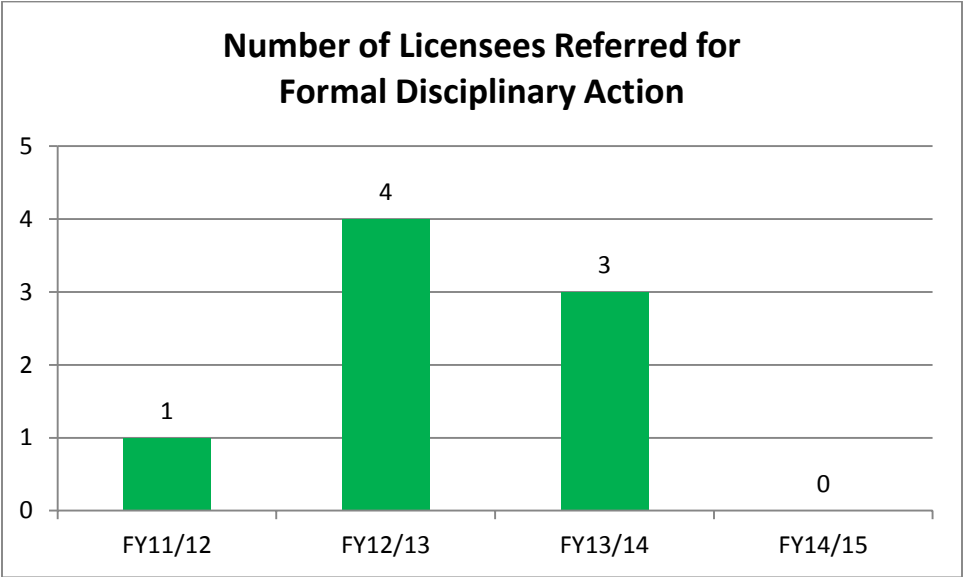
Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



NOTE: FY14/15 statistics are through April 30, 2015

G&G ENFORCEMENT PROGRA

Formal Disciplinary Actions against Licensees



NOTE: FY14/15 statistics are through April 30, 2015

VI. Exams/Licensing

A. Spring 2015 Examination Results

Spring 2015

Professional Engineer, Land Surveyor, and Geology Examination Statistics

Civil Engineering Examinations				
	Pass	Fail	Total	Pass Rate
Principles & Practices (National)	744	878	1622	46%
Seismic Principles	919	859	1778	52%
Engineering Surveying	764	1006	1770	43%
Land Surveying Examinations				
Principles & Practices (National)	32	23	55	58%
Professional Land Surveying	42	151	193	22%
Other Engineering Examinations				
Agricultural	1	1	2	50%
Chemical	24	17	41	59%
Electrical	112	185	297	38%
Industrial	4	2	6	67%
Mechanical	189	125	314	60%
Structural Engineering Examinations				
Lateral Forces (not yet available)	*	*	*	*
Vertical Forces (not yet available)	*	*	*	*
Fundamentals Examinations January-February				
Engineering	638	416	1054	61%
Land Surveying	9	12	21	43%
Geology Examinations				
Fundamentals of Geology for GIT Certification	32	13	45	71%
Fundamentals of Geology	26	12	38	68%
Practice of Geology	36	13	49	73%
California Specific Examination	25	62	87	29%

VII. Approval of Delinquent Reinstatements

APPROVAL OF DELINQUENT REINSTATEMENTS

Motion: Approve the following 3 and 5-year delinquent reinstatement applications.

CIVIL

HEON, EVA BERYL

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

LI, VICTOR PENG

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ELECTRICAL

JENSEN, DALE L.

Reinstate applicant's license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

VIII. Administration

A. FY 2014/15 Budget Summary

FY 2014/15 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors Board fund and the Geologists & Geophysicists Account. The data is based on approved Governor’s Budget, projected expenditures & revenue, projections to year-end, applications received and renewals processed through March for the current FY 2014/15 and prior year 2013/14.

Engineers and Land Surveyors (PELS) Fund

Fiscal Month 9	FY 14/15	FY 13/14
Expenditures	\$5.74 Million	\$5.98 Million
Revenue	\$7.03 Million	\$7.7 Million
Applications	8,546	8,726
Renewals	44,123	50,581

Budget Allotment	\$9.86 Million
Projection to Year-End	\$7.83 Million
Surplus/Deficit	\$2.03 Million
Revenue (Year-End)	\$7.96Million

Geologist and Geophysicists (GEO) Fund

Fiscal Month 9	FY 14/15	FY 13/14
Expenditures	\$813 Thousand	\$905 Thousand
Revenue	\$871 Thousand	\$797 Thousand
Applications	359	326
Renewals	3,259	3,482

Budget Allotment	\$ 1.42 Million
Projection to Year-End	\$1.21 Million
Surplus/Deficit	\$207 Thousand
Revenue (Year-End)	\$1.10 Million

Overall, the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. Please note: Renewals cycles are cyclical depending on the FY. Additionally, the application fluctuations is a result of filing dates.

0770 - Board for Prof. Engineers and Land Surveyors

Analysis of Fund Condition

Prepared: 5/26/15

(Dollars in Thousands)

	ACTUAL 2013-14	CY 2014-15	Budget Act BY 2015-16
*\$4.5 million GF loan outstanding			
BEGINNING BALANCE	\$ 1,923	\$ 5,830	\$ 4,419
Prior Year Adjustment	\$ 163	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,086	\$ 5,830	\$ 4,419
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 117	\$ 93	\$ 104
125700 Other regulatory licenses and permits	\$ 2,572	\$ 2,426	\$ 2,607
125800 Renewal fees	\$ 5,963	\$ 5,359	\$ 6,071
125900 Delinquent fees	\$ 57	\$ 60	\$ 61
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 7	\$ 7	\$ 7
150500 Interest Income from interfund loans	\$ 310	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 11	\$ 9	\$ 9
161400 Miscellaneous revenues	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 9,038	\$ 7,955	\$ 8,860
Transfers from Other Funds			
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2008	\$ 2,000	\$ -	\$ -
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ 500	\$ 500	\$ -
Totals, Revenues and Transfers	\$ 11,538	\$ 8,455	\$ 8,860
Totals, Resources	\$ 13,624	\$ 14,285	\$ 13,279
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (State Operations)	\$ 7,751	\$ 9,858	\$ 9,587
8880 Financial Information System for CA (State Operations)	\$ 43	\$ 8	\$ 18
Estimated Surplus		\$ (2,026)	
Total Disbursements	\$ 7,794	\$ 9,866	\$ 9,605
FUND BALANCE			
Reserve for economic uncertainties	\$ 5,830	\$ 4,419	\$ 3,674
Months in Reserve	7.1	5.5	4.5

0205 - Geology

Analysis of Fund Condition

Prepared: 5/26/15

(Dollars in Thousands)

Governor's Budget	ACTUAL 2013-14	CY 2014-15	BUDGET ACT BY 2015-16
BEGINNING BALANCE	\$ 1,066	\$ 989	\$ 846
Prior Year Adjustment	\$ 99	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 1,165</u>	<u>\$ 989</u>	<u>\$ 846</u>
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 7	\$ 5	\$ 5
125700 Other regulatory licenses and permits	\$ 182	\$ 230	\$ 240
125800 Renewal fees	\$ 760	\$ 817	\$ 768
125900 Delinquent fees	\$ 13	\$ 12	\$ 12
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 3	\$ 3
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ -	\$ -	\$ -
Totals, Revenues	<u>\$ 966</u>	<u>\$ 1,068</u>	<u>\$ 1,029</u>
Totals, Revenues and Transfers	<u>\$ 966</u>	<u>\$ 1,068</u>	<u>\$ 1,029</u>
Totals, Resources	<u>\$ 2,131</u>	<u>\$ 2,057</u>	<u>\$ 1,875</u>
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (State Operations)	\$ 1,136	\$ 1,418	\$ 1,431
8880 Financial Information System for CA (State Operations)	\$ 6	\$ 1	\$ 3
Estimated Surplus		\$ (208)	
Total Disbursements	<u>\$ 1,142</u>	<u>\$ 1,211</u>	<u>\$ 1,434</u>
FUND BALANCE			
Reserve for economic uncertainties	\$ 989	\$ 846	\$ 441
Months in Reserve	8.3	7.1	3.6

IX. Executive Officer's Report

- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. BreEZe Update

Legislative and Regulatory Committee

Board Members: Coby King and Bob Stockton

Board Staff: Kara Williams, Tralee Morris, and Billie Baldo

Assignments and Workload: June, 2015

Legislation- AB 12, AB 85, AB 103, AB 177, AB 320, AB 1060, SB 69, SB 284, SB 799

Regulations

- Citations (472-473.4/3062-3063.4)
- PG/PGp postpone/appeal (3024)
- Exam Appeals Repeal (443, 444, 3063.1, 3037.1)
- Waiver of Fundamentals Exam (438(a)(2), (b)(2), & (b)(7)) – Noticed May 22, 2015. Comment Period ends July 6, 2015. All materials available on our website at: http://bpelsg.ca.gov/about_us/rulemaking.shtml
- SE, GE qualifications/experience (426.10/426.14/426.50)
- Corner Record (464(g)) – to the Board for approval to begin rulemaking June 11-12, 2015.
- Substantial Relationship Criteria (416/3060) – withdrawn by the Board at the April 15-16, 2015.

X. Technical Advisory Committees (TACs)

- A. Assignment of Items to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs

**REAPPOINTMENTS TO THE STRUCTURAL ENGINEERING
TECHNICAL ADVISORY COMMITTEE**

RECOMMENDED MOTION:

Reappoint Structural TAC Members Ryan Huxley, Williston Warren, Alireza Asgari, Gregg Brandow, and Doug Hohbach to a second term expiring June 30, 2017

BACKGROUND:

The SE-TAC reappointments have been submitted by Board Member Karen Roberts, P.E. The reappointment of these candidates will help ensure the continuance and enhancement of the professional structural engineering expertise and advice provided by the SE-TAC.

**REAPPOINTMENT TO THE LAND SURVEYING
TECHNICAL ADVISORY COMMITTEE**

RECOMMENDED MOTION:

To recommend approval of Michael S. Butcher, P.L.S. to a two year re-appointment to the Professional Land Surveyor Technical Advisory Committee (PLS TAC), term to end on July 30, 2017.

BACKGROUND:

The PLS TAC member re-appointment for Mr. Butcher has been nominated by Pat Tami. Mr. Butcher has applied for and his application accepted for recommendation for appointment as a PLS TAC member. The re-appointment of Mr. Butcher will help ensure the continuance, and enhancement of the professional land surveying expertise and advice provided by the PLS TAC.

XI. Liaison Reports

- A. ASBOG
- B. ABET
- C. NCEES
- D. Technical and Professional Societies

XII. President's Report/Board member Activities

XIII. Nomination and Election of President and Vice President for Fiscal Year 2015-16

XIV. Approval of Consent Items

DRAFT

MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Department of Consumer Affairs, HQ2
1747 N. Market Blvd., Hearing Room
Sacramento, CA 95834

April 15-16, 2015

Wednesday, April 15, 2015

Board Members Present:	Robert Stockton, Vice President; Asha Brooks; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; and Patrick Tami
Board Members Absent:	Kathy Jones Irish, President; Natalie Alavi; Diane Hamwi; Philip Quartararo; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

Vice President Stockton called the meeting to order at 9:04 a.m. Roll call was taken and a quorum established.

II. Public Comment

During Public Comment, Eugenie Thompson asked the Board to consider the amendments in the Streets and Highways Code that became effective January 2015. She asked the Board to review the code to aid in outreach.

Ryan Kersting, president of SEAOC, reported they are continuing to work on the significant structures proposal and make changes based on the feedback received. Once revised, they would like to resubmit it to the Structural and Civil TACs for review.

Jeremy Herbert came before the Board to explain that colleagues from the Air Resources Board were routinely denied application to sit for the civil engineering exam. The Civil TAC reviewed the work requirements at the Air Resources Board and determined that it does not fall within the civil engineering definition. He is

discouraged that staff is recommending an oppose position to AB 320. He hopes the Board will take a neutral or support position.

Rob McMillan, CLSA Board Liaison, thanked the Board for the support in the Sacramento CLSA Chapter's efforts to provide lunches for the Land Surveyor candidates at Cal Expo this week.

III. Legislation

A. Legislative Process

Ms. Williams presented the Board with a Life Cycle of Legislation flow chart and explained the legislative process.

B. Discussion of Legislation for 2015:

Ms. Williams provided an overview of the FYI Legislation for budget bills SB 69 and AB 103. She explained that at the beginning of each year, the budget bills are presented to both houses and are identical, which is why they are presented as a Senate Bill and an Assembly Bill. No action was needed.

AB 12

This bill would require every state agency, department, board, bureau, or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations by January 1, 2018. Additionally, this bill would require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions.

MOTION:	Mr. King and Mr. Tami moved to take a watch position.
VOTE:	Motion passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 85

The Bagley-Keene Open Meeting Act requires that all meetings of a state body be open and public and that all persons be permitted to attend and participate in a meeting of a state body. This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body.

Ms. Williams noted that the Board is already in compliance with the Bagley-Keene Open Meeting Act. This bill will further define a state body to include groups of two or more.

MOTION:	Mr. Tami and Ms. Brooks moved to take a watch position
VOTE:	Motion passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 320

This bill would prohibit a person from using the title "Environmental Engineer" unless the person is licensed as an "Environmental Engineer". This bill would set forth the intent of the Legislature that the Board be responsible for defining environmental engineering through rulemaking and that the Board adopt standardized examination materials applicable to environmental engineering, as specified.

Mr. Toppin, representing PECG, asked the Board to take a support position.

Mr. Withycombe, with the Air Resources Board, asked the Board to put aside the staff's recommendation and adopt a support position or at least a neutral position.

Mr. Milkey believes a Title Act is an achievable goal and urges the Board to support AB 320.

Ms. Eissler explained the difference between practice acts and title acts.

MOTION:	Mr. King and Mr. Silva moved to oppose the bill for the reason that the Board continues to believe that there is not sufficient public protection through the creation of an additional Title Act and that the Board understands that a need may exist to provide a licensing path for individuals whose education and experience is in environmental engineering and is willing to continue the discussion of this issue with affected parties.
VOTE:	Motion Passed.

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 507

This bill would require the Department of Consumer Affairs (DCA) to submit a report to the Legislature and the Department of Finance (DOF) in January 2016 that details its plan for implementing BreZE for the 19 boards and bureaus, of which this Board is one, that have not yet transitioned into the new system.

MOTION:	Mr. King and Dr. Qureshi moved to take a watch position.
VOTE:	Motion Passed.

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	

Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 1060

This bill would require a board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or penalty reduction through first-class mail and by email.

MOTION:	Mr. King and Mr. Johnson moved to take a watch position.
VOTE:	Motion Passed.

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

SB 284

This bill indefinitely extends provisions that authorize persons licensed to engage in the practice of engineering or land surveying to form registered limited liability partnerships and foreign limited liability partnerships and requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice.

MOTION:	Mr. King and Ms. Brooks moved to take a support position.
VOTE:	Motion Passed.

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

SB 799

Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures, hospitals and other medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer. This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer, thus reverting the language back to that which was in effect prior to the amendments made in 2014.

Ms. Eissler explained that language had been added late in the legislative cycle last year, which meant that interested parties had little time to review it. Concerns have now arisen that the language is not sufficiently clear. Since this language relates to SEAOC's significant structures proposal, the Senate decided it would be best to remove the language for now and allow SEAOC and all interested parties to develop new, clearer language as part of SEAOC's significant structures proposal.

MOTION:	Mr. King and Dr. Qureshi move to take a support position.
VOTE:	Motion Passed.

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	

Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 177 This bill extends the sunset dates of the Board for Professional Engineers, Land Surveyors, and Geologists; the California Architects Board; and the Landscape Architects Technical Committee to January 1, 2020. This extension of the sunset dates will allow each program to continue licensing and enforcement operations for an additional four years.

Ms. Eissler added that it is scheduled to be heard in the Assembly Business and Professions Committee on April 28, 2015. She explained that since the Board already has a Support position on the bill, no additional action is required at this time.

Vice President Stockton welcomed Betsy Mathieson and recognized Erik Zinn for all his efforts.

VII. Executive Officer's Report

D. Sunset Review and Response

Issue #6: The need for continued licensure of Geophysicists in the State of California.

Mr. Moore reported that the topic is considered a carryover issue from the Board's 2010-11 Sunset report, where the legislature discussed the elimination of the geophysicist license. He indicated that money is not an issue, and the main concern is the lack of participation in exam development. Based on the information contained in the background paper, the Assembly and Senate Committees felt that there was enough justification to discontinue regulating the geophysicist license. He explained that the Board would maintain the existing licenses and cease issuing any more. Ms. Eissler stated that while what geophysicists do is important to the public, it does not require the same level of State-regulated public protection as other professions.

During public comment, various interested parties presented information in support of continuing the geophysicist license.

Mr. King’s observations included possibly changing legislation to administer exams less than every year, making changes to the testing and grading schedule to better accommodate potential participants, exploring the possibility of participation for license renewal, and eliminating the ability of geologists to practice geophysics. It is apparent that the current system is not sustainable and is leaning toward trying some of the remedies.

Ms. Eissler provided some history from when the Board went through Sunset four years ago. The direction from the Committees at that time was to review geophysicist licensure and make a recommendation to the legislature a year later. Town hall meetings were held, and it was determined to continue monitoring the licensure until the next Sunset. While there was great input from the geophysicist community during the town hall meetings, the lack of participation with exam development continues.

Mr. King suggested making no changes at this time but continuing to monitor it and work with the interested parties, and if there is no change by the next Sunset Review, then there will be clear evidence that all suggestions from the community did not work.

MOTION:	<p>Mr. King and Mr. Silva moved the following: After consideration of testimony from the geophysicist and geologist community, the Board recommends to the Committees that no changes be made at this time on the issue of the Professional Geophysicist license but that the Board recognizes that the current situation is not sustainable. The Board heard suggestions from the licensing community related to reforms that could include, but may not be limited to:</p> <ul style="list-style-type: none"> • Reduction for the frequency of exam administration (i.e., every other year) • Eliminating the authorization for Professional Geologists to practice Geophysics • Realign all examination development processes to reflect private practitioner workload • Implement mandatory participation requiring licensees to assist with exam development <p>The Board agreed to provide a report to the Committees within one year.</p>
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				

Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi		X			
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

Issue #9: Examination of California Laws and Regulations.

Ms. Eissler explained that this issue combines two different issues the Board presented in the 2014 Sunset Report. The first issue is that there is no requirement for applicants for licensure as professional geologists and geophysicists to pass an examination on the laws and regulations as there currently is for professional engineer and land surveyor applicants. The second issue is the recommendation that licensees should be required to take and pass a laws and regulations examination at the time of renewal to ensure that they are keeping current on the laws that affect their practice and license.

She reported that although the Committees seem receptive to the idea that the licensees do need to maintain knowledge and compliance with the laws and regulations, they offered some alternatives.

Mr. Moore explained one of the alternatives is that the Board should consider a check-box on the renewal notice that the licensee would attest that they reviewed the current laws and regulations. He noted that the licensees already attest to that and are still not aware as evidenced by enforcement actions. He believes the best method is to provide an on-line exam that licensees must take at the time of renewal or be subject to enforcement action if they fail or refuse to take the exam.

Ms. Eissler indicated that either option would require legislative changes.

MOTION:	Mr. King and Dr. Qureshi moved that the Board support a response to the Committees recommending expansion of the Board’s current authority to require passage of a laws and regulations examination for those applying for licensure under the Geologist and Geophysicist Act.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
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Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

MOTION:	Mr. Tami and Mr. King moved that the Board support a response to the Committees recommending expansion of the Board’s current authority to require that licensee take a laws and regulations examination at the time of renewal or be subject to enforcement action if they fail or refuse to take the exam.
VOTE:	Motion Passed.

Issue #16: Webcasting. Should the Board be required to webcast its meetings?

Ms. Eissler explained the reason the Board does not webcast its meetings is that the Board believes that webcasting, which is simply a static video feed, does not provide public access or the ability for public to participate in the Board’s meetings, unlike videoconferencing or teleconferencing does. As such, staff recommends that the Board respond to the Committees as shown in the meeting materials agenda packet.

MOTION:	Mr. King and Mr. Johnson moved to support the recommended response.
VOTE:	Motion Passed.

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				

Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

VII. Executive Officer's Report (cont.)

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the Workgroup has been working on the legislation that was presented in the Board meeting materials.

B. Personnel

Mr. Kereszt reported that Brandon Smith and Gina Cruz were added to the Licensing Unit, Chole Jimenes has been hired to oversee the EIT and LSIT applications, and Patty Smith was recently made Lead Analyst within the Licensing Unit.

Mr. Moore reported that Raymond Mathe will return to the Board as the Senior Registrar Land Surveyor and added that applications for the Senior Registrar Geologist position have been received.

C. BreEZe Update

Mr. Moore noted that the Director reported that negotiations would take place to implement Release 2 and start a new contract for the remaining boards and bureaus. The contracts are expected to be finalized within the next week or two.

Mr. Alameida reported that the total budget including the proposed expenditures for the PELS Fund is \$1.98 million and \$139,000 for the Geology and Geophysics Account. As of the last Fiscal Year, the Board has spent \$580,000 from the PELS Fund and \$37,000 from the Geology and Geophysics Account.

The Board expressed concerns with the continued delays and the impact they have on the Board's operations and ability to function effectively and efficiently. Mr. Moore indicated that he would discuss the Board's concerns with the Director.

IV. Consideration of Rulemaking Proposals

A. Proposed Amendments to Title 16, California Code of Regulations Sections 416 and 3060 (Substantial Relationship Criteria)

Ms. Eissler reported that at the February meeting the text was presented for final approval, but there were concerns, and the Board decided to split the regulation so that there would be one paragraph that addressed applicants for licensure and the other for licensees. During the course of that meeting, language was drafted, and the Board approved it so it could be noticed for the 15-day comment period. However, when staff was ensuring the language was formatted properly to show the changes, there was a concern that it was not correctly expressing the Board’s stated intent from the inception of this proposal. The language that the Board approved at the last meeting only included additional items in the paragraph that would address denial of a license and did not include those items in the paragraph that would address revocation or suspension of a license.

After much discussion, it was determined that the regulations should not be amended at this time since there was not a consensus regarding what changes should be made to the existing regulations. It was decided that individual Board members could provide input to staff regarding their concerns and suggestions, and staff would compile that input for discussion at a future meeting if anything was received.

MOTION:	Mr. Tami and Dr. Qureshi moved to withdraw existing rulemaking proposal.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

Jerry Silva left at 3:43 p.m.

VIII. Exams/Licensing

A. Spring 2015 Examination Update

Mr. Kereszt updated the Board on the Spring 2015 examination administration. He noted that both national and state-specific exams for geologists had taken place, and there were no reportable incidents, and he expected to have information regarding the results at the next Board meeting. The national engineers and land surveyors examination administration will be taking place on April 17-18. The state-specific exam for land surveyors will be taking place on April 20. The Seismic Principles and Engineering Surveying exam are currently taking place.

Prometric test centers have acquired new 23-inch monitors and the Exam Development staff is looking forward to feedback from test takers.

NCEES will convert their Principles and Practices of Surveying examination to a computer based format beginning with the Fall 2016 administration.

B. Approval of Oregon State Specific Engineering Geology and Hydrogeology Examinations for Comity Licensure

MOTION:	Dr. Qureshi and Mr. King moved to accept the Oregon State-Specific Engineering Geology examination as equivalent to the California examination for the purpose of licensure by comity as a Certified Engineering Geologist.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

IX. Discussion of California Department of Water Resources Urban Water Management Plan Preparation as It Relates to Civil Engineering and Geology

Mr. Moore reported that the Department of Water Resources (DWR) is updating the Urban Water Management Plan. Members of the Civil and Geology TAC worked with Susan Christ to review the content. It was determined that preparing a report under these guidelines is not considered engineering. There was discussion between staff and DWR to insert a note into the guidebook as a precaution.

MOTION:	Mr. King and Ms. Brooks moved to submit a formal request to the Department of Water Resources that the 2015 UWMP Guidebook include the recommended language regarding appropriately-licensed individuals performing work as required under the Professional Engineers Act.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

X. Approval of Delinquent Reinstatements

MOTION:	Mr. King and Dr. Qureshi moved to approve the delinquent reinstatement applicants listing in the meeting materials agenda packet.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	

Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

XI. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

Mr. Moore noted that SEAOC asked if the Civil and Structural TACs could review the matter relating to significant structures and have an open forum. The Board directed staff to coordinate the meeting.

Mr. Moore indicated he will try and schedule a joint Civil and Geology TAC meeting to discuss environmental engineering.

B. Appointment of TAC Members

MOTION:	Ms. Mathieson and Mr. Satorre moved to appoint June Oberdorfer to the Geology and Geophysics TAC.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson	X				
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

C. Reports from the TACs

The next Land Surveyor TAC meeting will take place May 27, 2015.

Dr. Qureshi reminded everyone that a committee was to be formed for the Traffic/Civil overlap issue.

XIV. Approval of Consent Items

A. Approval of the Minutes of the February 9-10, 2015, Board Meeting

MOTION:	Dr. Qureshi and Ms. Brooks moved to approve.
VOTE:	Motion Passed

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi				X	
Asha Brooks	X				
Diane Hamwi				X	
Eric Johnson	X				
Coby King	X				
Betsy Mathieson			X		
Philip Quartararo				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

VI. Enforcement

C. Possible Misuse of the Complaint/Investigation Process by Licensees

Mr. Tami reported that he has been approached by several licensees complaining of abuses of the enforcement program. Specifically, restraining trade and turning in others without legitimacy. Mr. Santiago pointed out that without a specific situation it is difficult to address. Mr. Duke added that each complaint is taken on a case by case basis. Mr. King said there is potential for abuse. Ms. Eissler indicated the Enforcement Unit is sensitive to these types of complaints; however, complaints that fall within the Board's jurisdiction must be investigated no matter what motivated the person to file the complaint since it is the Board's legislatively-mandated duty to protect the public through the investigation of complaints. Mr. Santiago and Mr. Duke noted that if there was clear evidence that the person filing the complaint knew he or she was making false statements in the complaint, then there might be grounds for action against that person; however, that would be extremely hard to prove.

V. Administration

A. FY 2014/15 Budget Summary

Mr. Alameida reported that there are zero months in reserve for the Geology fund and explained that the Governor's program expenditures must be identified for Fiscal Year 2015/16 and 2016/17.

VI. Enforcement (Cont.)

A. Enforcement Statistical Report

Ms. Criswell reported that staff is working hard, and at this point only 5% of the cases are over a year old, and a large portion of those are not within the control of the Board. She is looking to have Division of Investigation (DOI) Deputy Chief David Chriss attend a future Board meeting. Mr. Chriss met with both Mr. Moore and Ms. Criswell and discussed some of the successes and challenges with their investigations and how it affects the boards and bureaus. While it is really encouraging to be able to reduce the numbers, there are some hurdles that are beyond the Board's control.

Mr. King would like to see data that would indicate how long a case is with DOI separate from the overall time the case is under investigation. Ms. Criswell and Ms. Eissler indicated that they would work on developing these statistics.

B. Policy on Disclosure of Complaints and Enforcement Actions No Report Given.

XII. Liaison Reports

A. ASBOG

Mr. Moore reported that an Out-of-State travel request was submitted and approved to attend the ASBOG meeting; however, Mr. Zinn's term expired, and Ms. Mathieson had prior commitments and was unable to attend. Another Out-of-State travel request will be submitted for the fall examination development meeting.

B. ABET

There will be opportunities in the fall for Board Members and staff to serve as observers. Dates will be provided at a future Board meeting.

C. NCEES

Mr. Moore reported that Ms. Eissler and Mr. Johnson have received approval for Out-of-State travel and will be attending the Western Zone meeting in Scottsdale, AZ.

Mr. Moore asked if there is anyone interested in attending the Annual Meeting scheduled August 19-22, 2015 in Williamsburg, VA. Vice President Stockton and Mr. Johnson tentatively agreed to attend.

Mr. Tami noted that one of the topics of discussion will be the path to licensure for structural candidates.

- D. Technical and Professional Societies
No report given.

XIII. **President's Report/Board Member Activities**
No report given.

XV. **Other Items Not Requiring Board Action**

Mr. Moore reminded the Board that a Nominating Committee for the President and Vice President for the next fiscal year would need to be appointed. Ms. Eissler noted that in the past, there has been a two-person committee made up of individuals who are past presidents. President Jones Irish and Mr. Tami were selected to serve as the Nominating Committee.

The Board recessed at 5:33 p.m.

DRAFT

DRAFT

MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

April 15-16, 2015 Wednesday, April 15, beginning at 9:00 a.m. and continuing on Thursday, April 16, beginning at 9:00 a.m., if necessary

Thursday, April 16, 2015

Board Members Present:	Robert Stockton, Vice President; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; and Patrick Tami
Board Members Absent:	Kathy Jones Irish, President; Natalie Alavi; Asha Brooks; Diane Hamwi; Philip Quartararo; Hong Beom Rhee; Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

Vice President Stockton called the meeting to order at 9:10 a.m. Roll call was taken, and a quorum established.

II. Public Comment

No Public Comment

XVI. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126(e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
3. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185
4. Paul Christopher Ehe v. Board for Professional Engineers, Land Surveyors, and Geologists (San Bernardino Superior Court, Case No. CIVDS1413253)

XVII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during Closed Session, the Board discussed the lawsuits as noticed, took action on four stipulations, one default decision, and two proposed decisions.

XV. Other Items Not Requiring Board Action (cont.)

Vice-President Stockton directed staff to write an article to be placed in the Board newsletter in reference to unlicensed activity as it relates to offering and performing land surveying services.

XVIII. Adjourn

The Board adjourned at 10:08 a.m.

PUBLIC PRESENT

Paul Milkey
Don Schinske, SEAOC
Hans Van de Vrugt, Southwest Geophysics
Brien Hecker, InDepth Corp.
Keith Millard, California Dept. of Water Resources
Talia Cortese, CPIL
Bill Henrich, Norcal Geophysical Consultants, Inc.
Ryan Kersting, SEAOC
Jeremy Herbert
Bob DeWitt, ACEC-CA
Steve Hao, CalTrans

XV. Other Items Not Requiring Board Action

XVI. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed)
[Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
3. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

XVII. Open Session to Announce the Results of Closed Session

XVIII. Adjourn
