



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

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

April 21-22, 2016

Thursday, April 21, beginning at 9:00 a.m.,
and continuing on Friday, April 22, beginning
at 9:00 a.m., if necessary

Judge Joseph Rattigan Building
50 D Street, Conference Room 410
Santa Rosa, CA 95404

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LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

APRIL 21-22, 2016

JUDGE JOSEPH RATTIGAN BUILDING
50 D STREET, CONFERENCE ROOM 410
SANTA ROSA, CA 95404

BOARD MEMBERS

Robert Stockton, President; Coby King, Vice President; Natalie Alavi; Fel Amistad; Asha Brooks; Chelsea Esquibias; Eric Johnson; Kathy Jones Irish; Betsy Mathieson; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Jerry Silva; and Patrick Tami

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I. Roll Call to Establish a Quorum

II. **Public Comment**

NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda.

III. **Legislation**

- A. Discussion of Legislation for 2016: AB 12, AB 320, AB 507, SB 209, SB 1085, SB 1099, SB 1165, SB 1195, and SB 1479 (Possible Action)
- B. SB1132 (Informational Only)

DEADLINES

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

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

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

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

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget Bill must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 15** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year. (J.R. 61(b)(1)).
- Jan. 18** Martin Luther King, Jr. Day observed.
- Jan. 22** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2015 (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass **bills** introduced in that house in the odd-numbered year (J.R. 61(b)(3)), (Art. IV, Sec. 10(c)).

- Feb. 15** Presidents' Day observed.
- Feb. 19** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).

- Mar. 17** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 28** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).

- Apr. 1** Cesar Chavez Day observed.
- Apr. 22** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

- May 6** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to June 6 (J.R. 61(b)(7)).
- May 27** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 6 (J.R. 61(b)(9)).
- May 30** Memorial Day observed.
- May 31 - June 3** **Floor Session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10), J.R. 61(h)).

*Holiday schedule subject to final approval by Rules Committee.

Introduced Legislation

Senate Bill 1155 (Morell, R)

Professions and vocations: licenses: military service

Status: Set for hearing 4/12/2016

Location: Veterans Affairs Committee

Last Amendment: 3/28/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/12/2016

Staff Analysis: SB 1155

Bill Summary/Analysis: Existing law requires the Board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law requires after July 1, 2016, the Board expedite the initial licensure process for an applicant who supplies satisfactory evidence that the applicant has served as an active duty member of and was honorably discharged from the Armed Forces of the United States and provides that the board may adopt regulations necessary to implement this requirement. This bill would require the Board to grant a fee waiver for the application fee of honorably discharged veteran who served as an active duty member of the California National Guard or the United State Armed Forces.

Staff Comment: The author's office has indicated this bill requires the veteran shall be granted only one fee waiver. The fee waiver shall apply only to an application of a license issued to an individual veteran and not to an application of or a license issued to a business or other entity. However, the language is still ambiguous as to how this waiver will be implemented. Will the Board grant a waiver for the exam fee as well as the application fee? For Geologist, shall the Board grant a waiver for the initial licensure fee in addition to the exam fee and the application fee? Furthermore, what documentation must be provided to ensure the veteran was honorably discharged and is this waiver for Veterans that were discharged under honorable conditions (UHC) acceptable? U.S. Department of Veterans Affairs indicates, an individual is entitled to full rights and benefits of programs administered by U.S. Department of Veterans Affairs, unless there is a bar to benefits under 38 U.S.C. 5303(a). Normally, the military's characterization of service is binding on Veteran if the discharge is honorable, under honorable conditions (UHC), or general. Staff is working with the author's office to clarify how this waiver would be implemented.

Staff Recommendation: At this time, it is unclear how this bill will impact the Board. Therefore, Board staff recommends the Board take a **Watch** position on this bill.

Laws: An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1155

Introduced by Senator Morrell

February 18, 2016

An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1155, as amended, Morrell. Professions and vocations: licenses: military service.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law, on and after July 1, 2016, requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist, the initial licensure process for an applicant who has served as an active duty member of the ~~Armed Forces of the United States~~ *Armed Forces* and was honorably discharged.

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This bill would require ~~the Department of Consumer Affairs, in consultation with the Department of Veterans Affairs and the Military Department, to establish and maintain a program that grants every board within the Department of Consumer Affairs to grant~~ a fee waiver for the application for and the issuance of an initial license to an individual who is an honorably discharged veteran, as specified.

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 114.6 is added to the Business and
- 2 Professions Code, to read:
- 3 114.6. ~~The Department of Consumer Affairs, in consultation~~
- 4 ~~with the Department of Veterans Affairs and the Military~~
- 5 ~~Department, shall establish and maintain a program that grants~~
- 6 *Notwithstanding any other provision of law, every board within*
- 7 *the department shall grant* a fee waiver for the application for and
- 8 issuance of a license to an individual who is an honorably
- 9 discharged veteran who served as an active duty member of the
- 10 California National Guard or the United States Armed Forces.
- 11 Under this program, all of the following apply:
- 12 (a) ~~The Department of Consumer Affairs shall grant only one~~
- 13 ~~fee waiver to a veteran. A veteran shall be granted only one fee~~
- 14 ~~waiver.~~
- 15 (b) The fee waiver shall apply only to an application of and a
- 16 license issued to an individual veteran and not to an application
- 17 of or a license issued to a business or other entity.
- 18 (c) A waiver shall not be issued for a renewal of a license or for
- 19 the application for and issuance of a license other than one initial
- 20 license.

O

Introduced Legislation

Senate Bill 1195 (Hill, D)

Professions and vocations: board actions: competitive impact

Status: Set for hearing 4/18/2016

Location: Senate Business, Professions and Economic Development Committee

Last Amendment: 4/6/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/12/2016

Staff Analysis: SB 1195

Bill Summary/Analysis: Existing law provides for different situations in which the director of the Department of Consumer Affairs (DCA) can review decisions and action of the board and their members and employees. Existing law provides that decisions of the board with respect to setting standards, conducting examinations, passing candidates, and revoking licenses are not subject to review by the director except for allowing the director to initiate investigations of allegations of misconduct in the preparation, administration, or scoring of an examination or in the review of qualifications which are part of the licensing process and to intervene in any matter of the boards where an investigation discloses probable cause that the conduct or activity constitutes a criminal violation. The bill would remove the provision that states the decisions relating to setting standards, conducting examinations, passing candidates, and revoking licenses are not subject to review by the director; the provisions regarding initiating investigations and intervening would remain unchanged. This bill would add new provisions to the law to allow the director, upon his or her own initiative, and to require the director at the request of a consumer or licensee to review any board decision or other action to determine whether it unreasonable restrains trade, following procedures outlined in the law. The bill would specifically indicate that this type of review would not apply when an individual seeks review of disciplinary or other action pertaining solely to that individual and that the section shall not be construed to affect, impede, or delay any disciplinary action of the board.

Existing law allows the director to review and audit inquiries and complaints, dismissals of complaints, and the conduct of investigations and other related matters of the allied health boards. This bill would expand this provision to apply to all boards.

Existing law authorizes the director to investigate the work and obtain copies of records of the boards and their members and employees “other than examination questions prior to submission to the applicants at scheduled examinations.” This bill would remove that restriction related to examinations.

Existing law requires the director to review, and implies that the director is required to approve (by saying “if the director has not disapproved”), all rulemaking proposals promulgated by the boards, except those relating to examinations and qualifications for licensure. This bill would clarify that the director shall review all rulemaking notices and shall approve all final rulemaking files before they are submitted to the Office of Administrative Law (OAL), including those relating examinations and qualifications. Additionally, this bill would add provisions to the Business and Professions Code and the Government Code that one of the considerations that must be addressed when the boards promulgate regulations, and that must be reviewed by the director and OAL, is the impact of the regulation on the market and whether the regulation has an impermissible anticompetitive effect (referred to as “competitive impact”). Existing law, which would remain unchanged, allows the board through a unanimous vote, to overturn the director’s disapproval.

Existing law provides for indemnification of state employees and officers in certain situations but specifically prohibits a public entity from paying any part of a claim or judgment that is for punitive or exemplary damages. This bill would add a provision that the public entity shall pay for a judgement or settlement for treble damage antitrust awards under certain specified circumstances.

This bill would also amend the law relating to the Executive Officer of the Board of Registered Nursing (BRN) to prohibit that person from being a licensee of BRN. Additionally, this bill is the sunset bill for the Veterinary Medical Board and contains provisions relating to its sunset review.

Staff Comment: In addition to serving as the sunset bill for the Veterinary Medical Board, this bill contains provisions in response to the U.S. Supreme Court decision relating to the North Carolina Dental Board and what must be demonstrated by a state licensing board comprised of “active market participants” in order to qualify to have an antitrust claim or lawsuit dismissed under the state action immunity clause. The director of DCA currently has broad authority to review actions of the various boards, either on his or her own initiative or upon receipt of a complaint from a consumer or licensee, as well as in specific circumstances, such as part of the rulemaking process. Current law exempts actions or rulemaking proposals relating to examinations and qualifications for licensure from review by the director except for investigating allegations of misconduct. This bill would remove that exemption so that the director would have the authority to review actions relating to examinations and qualifications for licensure, just as he or she can currently review other actions. This bill would also authorize the director to review board actions specifically relating to claims that the actions “unreasonably restrain trade,” following certain procedures outlined in the bill. The bill does indicate that this review does not apply to any action solely against an individual. The bill also clarifies that any review by the director shall not be construed to affect, impede, or delay any disciplinary actions. Expanding the review authority of the director is intended to address the “active supervision” requirement outlined in the Supreme Court decision. The bill also adds language to the Government Code to specifically include treble damage antitrust awards in the indemnification provisions for state employees and officers (which includes members of licensing boards acting in their official capacity as a board member). The bill also amends the law relating to the Executive Officer of BRN, which is currently the only board that requires its Executive Officer to be a licensee.

Board Position: None

Staff Recommendation: Board staff recommends the Board take a **Watch** position on this bill.

Laws: An act to amend Sections 109, 116, 153, 307, 313.1, 2708, 4800, 4804.5, 4825.1, 4830, and 4846.5 and to add Sections 4826.3, 4826.5, 4826.7, 4848.1, and 4853.7 to the Business and Professions Code and to amend Sections 825, 11346.5, 11349. and 11349.1 of the Government Code, relating to professional regulation and making an appropriation therefor.

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1195

Introduced by Senator Hill

February 18, 2016

An act to amend Sections ~~4800 and 4804.5~~ of 109, 116, 153, 307, 313.1, 2708, 4800, 4804.5, 4825.1, 4830, and 4846.5 of, and to add Sections 4826.3, 4826.5, 4826.7, 4848.1, and 4853.7 to, the Business and Professions Code, and to amend Sections 825, 11346.5, 11349, and 11349.1 of the Government Code, relating to ~~healing arts~~, professional regulation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1195, as amended, Hill. ~~Veterinary Medical Board: executive officer~~. Professions and vocations: board actions: competitive impact.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, and authorizes those boards to adopt regulations to enforce the laws pertaining to the profession and vocation for which they have jurisdiction. Existing law makes decisions of any board within the department pertaining to setting standards, conducting examinations, passing candidates, and revoking licenses final, except as specified and provides that those decisions are not subject to review by the Director of Consumer Affairs. Existing law authorizes the director to audit and review certain inquiries and complaints regarding licensees, including the dismissal of a disciplinary case. Existing law requires the director to annually report to the chairpersons of certain committees of the Legislature information regarding findings from any audit, review, or monitoring and evaluation. Existing law authorizes the director to contract for services of experts and consultants where necessary.

Existing law requires regulations, except those pertaining to examinations and qualifications for licensure and fee changes proposed or promulgated by a board within the department, to comply with certain requirements before the regulation or fee change can take effect, including that the director is required to be notified of the rule or regulation and given 30 days to disapprove the regulation. Existing law prohibits a rule or regulation that is disapproved by the director from having any force or effect, unless the director's disapproval is overridden by a unanimous vote of the members of the board, as specified

This bill would instead authorize the director, upon his or her own initiative, and require the director, upon the request of a consumer or licensee, to review a decision or other action, except as specified, of a board within the department to determine whether it unreasonably restrains trade and to approve, disapprove, or modify the board decision or action, as specified. The bill would require the director to post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the request of a consumer or licensee. The bill would, commencing on March 1, 2017, require the director to annually report to the chairs of specific committees of the Legislature information regarding the director's disapprovals, modifications, or findings from any audit, review, or monitoring and evaluation. The bill would authorize the director to seek, designate, employ, or contract for the services of independent antitrust experts for purposes of reviewing board actions for unreasonable restraints on trade. The bill would also require the director to review and approve any regulation promulgated by a board within the department, as specified. The bill would authorize the director to modify any regulation as a condition of approval, and to disapprove a regulation because it would have an impermissible anticompetitive effect. The bill would prohibit any rule or regulation from having any force or effect if the director does not approve the regulation because it has an impermissible anticompetitive effect.

(2) Existing law, until January 1, 2018, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to appoint an executive officer who is a nurse currently licensed by the board.

This bill would instead prohibit the executive officer from being a licensee of the board.

~~The~~

(3) *The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified. Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017. That act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board. That act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund. That act makes a violation of any provision of the act punishable as a misdemeanor.*

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer to January 1, 2021. The bill would authorize a veterinarian and registered veterinary technician who is under the direct supervision of a veterinarian with a current and active license to compound a drug for anesthesia, the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal in a premises currently and actively registered with the board, as specified. The bill would authorize the California State Board of Pharmacy and the board to ensure compliance with these requirements. The bill would instead require veterinarians engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences while engaged in the performance of specified duties to be licensed as a veterinarian in the state or hold a university license issued by the board. The bill would require an applicant for a university license to meet certain requirements, including that the applicant passes a specified exam. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid. By requiring

additional persons to be licensed and pay certain fees that would go into a continuously appropriated fund, this bill would make an appropriation. By requiring additional persons to be licensed under the act that were previously exempt, this bill would expand the definition of an existing crime and would, therefore, result in a state-mandated local program.

(4) Existing law, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action.

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for an act or omission occurring within the scope of his or her employment as a member of a regulatory board.

(5) The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires the review by the office to follow certain standards, including, among others, necessity, as defined. That act requires an agency proposing to adopt, amend, or repeal a regulation to prepare a notice to the public that includes specified information, including reference to the authority under which the regulation is proposed.

This bill would add competitive impact, as defined, as an additional standard for the office to follow when reviewing regulatory actions of a state board on which a controlling number of decisionmakers are active market participants in the market that the board regulates, and requires the office to, among other things, consider whether the anticompetitive effects of the proposed regulation are clearly outweighed by the public policy merits. The bill would authorize the office to designate, employ, or contract for the services of independent antitrust or applicable economic experts when reviewing proposed regulations for competitive impact. The bill would require state boards on which a controlling number of decisionmakers are active market participants

in the market that the board regulates, when preparing the public notice, to additionally include a statement that the agency has evaluated the impact of the regulation on competition and that the effect of the regulation is within a clearly articulated and affirmatively expressed state law or policy.

(6) 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~~-yes. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 109 of the Business and Professions Code
2 is amended to read:

3 ~~109. (a) The decisions of any of the boards comprising the~~
4 ~~department with respect to setting standards, conducting~~
5 ~~examinations, passing candidates, and revoking licenses, are not~~
6 ~~subject to review by the director, but are final within the limits~~
7 ~~provided by this code which are applicable to the particular board,~~
8 ~~except as provided in this section.~~

9 ~~(b)~~

10 109. (a) The director may initiate an investigation of any
11 allegations of misconduct in the preparation, administration, or
12 scoring of an examination which is administered by a board, or in
13 the review of qualifications which are a part of the licensing process
14 of any board. A request for investigation shall be made by the
15 director to the Division of Investigation through the chief of the
16 division or to any law enforcement agency in the jurisdiction where
17 the alleged misconduct occurred.

18 ~~(c)~~

19 (b) (1) The director may intervene in any matter of any board
20 where an investigation by the Division of Investigation discloses
21 probable cause to believe that the conduct or activity of a board,
22 or its members or employees constitutes a violation of criminal
23 law.

24 ~~The~~

1 (2) ~~The term “intervene,” as used in paragraph (c) of this section~~
2 (1) may include, but is not limited to, an application for a
3 restraining order or injunctive relief as specified in Section 123.5,
4 or a referral or request for criminal prosecution. For purposes of
5 this section, the director shall be deemed to have standing under
6 Section 123.5 and shall seek representation of the Attorney
7 General, or other appropriate counsel in the event of a conflict in
8 pursuing that action.

9 (c) *The director may, upon his or her own initiative, and shall,*
10 *upon request by a consumer or licensee, review any board decision*
11 *or other action to determine whether it unreasonably restrains*
12 *trade. Such a review shall proceed as follows:*

13 (1) *The director shall assess whether the action or decision*
14 *reflects a clearly articulated and affirmatively expressed state law.*
15 *If the director determines that the action or decision does not*
16 *reflect a clearly articulated and affirmatively expressed state law,*
17 *the director shall disapprove the board action or decision and it*
18 *shall not go into effect.*

19 (2) *If the action or decision is a reflection of clearly articulated*
20 *and affirmatively expressed state law, the director shall assess*
21 *whether the action or decision was the result of the board’s*
22 *exercise of ministerial or discretionary judgment. If the director*
23 *finds no exercise of discretionary judgment, but merely the direct*
24 *application of statutory or constitutional provisions, the director*
25 *shall close the investigation and review of the board action or*
26 *decision.*

27 (3) *If the director concludes under paragraph (2) that the board*
28 *exercised discretionary judgment, the director shall review the*
29 *board action or decision as follows:*

30 (A) *The director shall conduct a full review of the board action*
31 *or decision using all relevant facts, data, market conditions, public*
32 *comment, studies, or other documentary evidence pertaining to*
33 *the market impacted by the board’s action or decision and*
34 *determine whether the anticompetitive effects of the action or*
35 *decision are clearly outweighed by the benefit to the public. The*
36 *director may seek, designate, employ, or contract for the services*
37 *of independent antitrust or economic experts pursuant to Section*
38 *307. These experts shall not be active participants in the market*
39 *affected by the board action or decision.*

1 (B) If the board action or decision was not previously subject
2 to a public comment period, the director shall release the subject
3 matter of his or her investigation for a 30-day public comment
4 period and shall consider all comments received.

5 (C) If the director determines that the action or decision furthers
6 the public protection mission of the board and the impact on
7 competition is justified, the director may approve the action or
8 decision.

9 (D) If the director determines that the action furthers the public
10 protection mission of the board and the impact on competition is
11 justified, the director may approve the action or decision. If the
12 director finds the action or decision does not further the public
13 protection mission of the board or finds that the action or decision
14 is not justified, the director shall either refuse to approve it or
15 shall modify the action or decision to ensure that any restraints
16 of trade are related to, and advance, clearly articulated state law
17 or public policy.

18 (4) The director shall issue, and post on the department's
19 Internet Web site, his or her final written decision approving,
20 modifying, or disapproving the action or decision with an
21 explanation of the reasons and rationale behind the director's
22 decision within 90 days from receipt of the request from a
23 consumer or licensee. Notwithstanding any other law, the decision
24 of the director shall be final, except if the state or federal
25 constitution requires an appeal of the director's decision.

26 (d) The review set forth in paragraph (3) of subdivision (c) shall
27 not apply when an individual seeks review of disciplinary or other
28 action pertaining solely to that individual.

29 (e) The director shall report to the Chairs of the Senate Business,
30 Professions, and Economic Development Committee and the
31 Assembly Business and Professions Committee annually,
32 commencing March 1, 2017, regarding his or her disapprovals,
33 modifications, or findings from any audit, review, or monitoring
34 and evaluation conducted pursuant to this section. That report
35 shall be submitted in compliance with Section 9795 of the
36 Government Code.

37 (f) If the director has already reviewed a board action or
38 decision pursuant to this section or Section 313.1, the director
39 shall not review that action or decision again.

1 (g) *This section shall not be construed to affect, impede, or*
 2 *delay any disciplinary actions of any board.*

3 *SEC. 2. Section 116 of the Business and Professions Code is*
 4 *amended to read:*

5 116. (a) The director may audit and review, upon his or her
 6 own initiative, or upon the request of a consumer or licensee,
 7 inquiries and complaints regarding licensees, dismissals of
 8 disciplinary cases, the opening, conduct, or closure of
 9 investigations, informal conferences, and discipline short of formal
 10 accusation by ~~the Medical Board of California, the allied health~~
 11 ~~professional boards, and the California Board of Podiatric~~
 12 ~~Medicine. The director may make recommendations for changes~~
 13 ~~to the disciplinary system to the appropriate board, the Legislature,~~
 14 ~~or both.~~ *any board or bureau within the department.*

15 (b) The director shall report to the ~~Chairpersons~~ *Chairs* of the
 16 ~~Senate Business and Professions~~ *Business, Professions, and*
 17 *Economic Development* Committee and the ~~Assembly Health~~
 18 ~~Business and Professions~~ Committee annually, commencing March
 19 1, ~~1995,~~ 2017, regarding his or her findings from any audit, review,
 20 or monitoring and evaluation conducted pursuant to this section.
 21 *This report shall be submitted in compliance with Section 9795 of*
 22 *the Government Code.*

23 *SEC. 3. Section 153 of the Business and Professions Code is*
 24 *amended to read:*

25 153. The director may investigate the work of the several
 26 boards in his department and may obtain a copy of all records and
 27 full and complete data in all official matters in possession of the
 28 boards, their members, officers, or ~~employees, other than~~
 29 ~~examination questions prior to submission to applicants at~~
 30 ~~scheduled examinations.~~ *employees.*

31 *SEC. 4. Section 307 of the Business and Professions Code is*
 32 *amended to read:*

33 307. The director may contract for the services of experts and
 34 consultants where necessary to carry out ~~the provisions of this~~
 35 chapter and may provide compensation and reimbursement of
 36 expenses for ~~such~~ *those* experts and consultants in accordance with
 37 state law.

38 *SEC. 5. Section 313.1 of the Business and Professions Code*
 39 *is amended to read:*

1 313.1. (a) Notwithstanding any other ~~provision of law to the~~
2 ~~contrary, no rule or regulation, except those relating to~~
3 ~~examinations and qualifications for licensure, regulation and no~~
4 ~~fee change proposed or promulgated by any of the boards,~~
5 ~~commissions, or committees within the department, shall take~~
6 ~~effect pending compliance with this section.~~

7 (b) The director shall be formally notified of and shall ~~be~~
8 ~~provided a full opportunity to review, in accordance with the~~
9 ~~requirements of Article 5 (commencing with Section 11346) of~~
10 ~~Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government~~
11 ~~Code, the requirements in subdivision (c) of Section 109, and this~~
12 ~~section, all of the following:~~

13 (1) All notices of proposed action, any modifications and
14 supplements thereto, and the text of proposed regulations.

15 (2) Any notices of sufficiently related changes to regulations
16 previously noticed to the public, and the text of proposed
17 regulations showing modifications to the text.

18 (3) Final rulemaking records.

19 (4) *All relevant facts, data, public comments, market conditions,*
20 *studies, or other documentary evidence pertaining to the market*
21 *impacted by the proposed regulation. This information shall be*
22 *included in the written decision of the director required under*
23 *paragraph (4) of subdivision (c) of Section 109.*

24 (c) The submission of all notices and final rulemaking records
25 to the director and the ~~completion of the director's review,~~
26 *approval*, as authorized by this section, shall be a precondition to
27 the filing of any rule or regulation with the Office of Administrative
28 Law. The Office of Administrative Law shall have no jurisdiction
29 to review a rule or regulation subject to this section until after the
30 ~~completion of the director's review and only then if the director~~
31 ~~has not disapproved it.~~ *approval*. The filing of any document with
32 the Office of Administrative Law shall be accompanied by a
33 certification that the board, commission, or committee has complied
34 with the requirements of this section.

35 (d) Following the receipt of any final rulemaking record subject
36 to subdivision (a), the director shall have the authority for a period
37 of 30 days to *approve a proposed rule or regulation or disapprove*
38 *a proposed rule or regulation on the ground that it is injurious to*
39 *the public health, safety, or* ~~welfare.~~ *welfare, or has an*
40 *impermissible anticompetitive effect. The director may modify a*

1 rule or regulation as a condition of approval. Any modification
 2 to regulations by the director shall be subject to a 30-day public
 3 comment period before the director issues a final decision
 4 regarding the modified regulation. If the director does not approve
 5 the rule or regulation within the 30-day period, the rule or
 6 regulation shall not be submitted to the Office of Administrative
 7 Law and the rule or regulation shall have no effect.

8 (e) Final rulemaking records shall be filed with the director
 9 within the one-year notice period specified in Section 11346.4 of
 10 the Government Code. If necessary for compliance with this
 11 section, the one-year notice period may be extended, as specified
 12 by this subdivision.

13 (1) In the event that the one-year notice period lapses during
 14 the director's 30-day review period, or within 60 days following
 15 the notice of the director's disapproval, it may be extended for a
 16 maximum of 90 days.

17 (2) ~~If the director approves the final rulemaking record or~~
 18 ~~declines to take action on it within 30 days,~~ record, the board,
 19 commission, or committee shall have five days from the receipt
 20 of the record from the director within which to file it with the
 21 Office of Administrative Law.

22 (3) If the director disapproves a rule or regulation, it shall have
 23 no force or effect unless, within 60 days of the notice of
 24 disapproval, (A) the disapproval is overridden by a unanimous
 25 vote of the members of the board, commission, or committee, and
 26 (B) the board, commission, or committee files the final rulemaking
 27 record with the Office of Administrative Law in compliance with
 28 this section and the procedures required by Chapter 3.5
 29 (commencing with Section 11340) of Part 1 of Division 3 of Title
 30 2 of the Government Code. *This paragraph shall not apply to any*
 31 *decision disapproved by the director under subdivision (c) of*
 32 *Section 109.*

33 (f) ~~Nothing in this~~ This section shall *not* be construed to prohibit
 34 the director from affirmatively approving a proposed rule,
 35 regulation, or fee change at any time within the 30-day period after
 36 it has been submitted to him or her, in which event it shall become
 37 effective upon compliance with this section and the procedures
 38 required by Chapter 3.5 (commencing with Section 11340) of Part
 39 1 of Division 3 of Title 2 of the Government Code.

1 *SEC. 6. Section 2708 of the Business and Professions Code is*
2 *amended to read:*

3 2708. (a) The board shall appoint an executive officer who
4 shall perform the duties delegated by the board and who shall be
5 responsible to it for the accomplishment of those duties.

6 (b) The executive officer shall *not* be a nurse currently licensed
7 licensee under this chapter and shall possess other qualifications
8 as determined by the board.

9 (c) The executive officer shall not be a member of the board.

10 (d) This section shall remain in effect only until January 1, 2018,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2018, deletes or extends that date.

13 ~~SECTION 1.~~

14 *SEC. 7. Section 4800 of the Business and Professions Code is*
15 *amended to read:*

16 4800. (a) There is in the Department of Consumer Affairs a
17 Veterinary Medical Board in which the administration of this
18 chapter is vested. The board consists of the following members:

- 19 (1) Four licensed veterinarians.
- 20 (2) One registered veterinary technician.
- 21 (3) Three public members.

22 (b) This section shall remain in effect only until January 1, 2021,
23 and as of that date is repealed.

24 (c) Notwithstanding any other law, the repeal of this section
25 renders the board subject to review by the appropriate policy
26 committees of the Legislature. However, the review of the board
27 shall be limited to those issues identified by the appropriate policy
28 committees of the Legislature and shall not involve the preparation
29 or submission of a sunset review document or evaluative
30 questionnaire.

31 ~~SEC. 2.~~

32 *SEC. 8. Section 4804.5 of the Business and Professions Code*
33 *is amended to read:*

34 4804.5. (a) The board may appoint a person exempt from civil
35 service who shall be designated as an executive officer and who
36 shall exercise the powers and perform the duties delegated by the
37 board and vested in him or her by this chapter.

38 (b) This section shall remain in effect only until January 1, 2021,
39 and as of that date is repealed.

1 *SEC. 9. Section 4825.1 of the Business and Professions Code*
2 *is amended to read:*

3 4825.1. These definitions shall govern the construction of this
4 chapter as it applies to veterinary medicine.

5 (a) “Diagnosis” means the act or process of identifying or
6 determining the health status of an animal through examination
7 and the opinion derived from that examination.

8 (b) “Animal” means any member of the animal kingdom other
9 than humans, and includes fowl, fsh, and reptiles, wild or
10 domestic, whether living or dead.

11 (c) “Food animal” means any animal that is raised for the
12 production of an edible product intended for consumption by
13 humans. The edible product includes, but is not limited to, milk,
14 meat, and eggs. Food animal includes, but is not limited to, cattle
15 (beef or dairy), swine, sheep, poultry, fsh, and amphibian species.

16 (d) “Livestock” includes all animals, poultry, aquatic and
17 amphibian species that are raised, kept, or used for profit. It does
18 not include those species that are usually kept as pets such as dogs,
19 cats, and pet birds, or companion animals, including equines.

20 (e) “Compounding,” for the purposes of veterinary medicine,
21 shall have the same meaning given in Section 1735 of Title 16 of
22 the California Code of Regulations, except that every reference
23 therein to “pharmacy” and “pharmacist” shall be replaced with
24 “veterinary premises” and “veterinarian,” and except that only
25 a licensed veterinarian or a licensed registered veterinarian
26 technician under direct supervision of a veterinarian may perform
27 compounding and shall not delegate to or supervise any part of
28 the performance of compounding by any other person.

29 *SEC. 10. Section 4826.3 is added to the Business and*
30 *Professions Code, to read:*

31 4826.3. (a) Notwithstanding Section 4051, a veterinarian or
32 registered veterinarian technician under the direct supervision of
33 a veterinarian with a current and active license may compound a
34 drug for anesthesia, the prevention, cure, or relief of a wound,
35 fracture, bodily injury, or disease of an animal in a premises
36 currently and actively registered with the board and only under
37 the following conditions:

38 (1) Where there is no FDA-approved animal or human drug
39 that can be used as labeled or in an appropriate extralabel manner

1 to properly treat the disease, symptom, or condition for which the
2 drug is being prescribed.

3 (2) Where the compounded drug is not available from a
4 compounding pharmacy, outsourcing facility, or other
5 compounding supplier in a dosage form and concentration to
6 appropriately treat the disease, symptom, or condition for which
7 the drug is being prescribed.

8 (3) Where the need and prescription for the compounded
9 medication has arisen within an established
10 veterinarian-client-patient relationship as a means to treat a
11 specific occurrence of a disease, symptom, or condition observed
12 and diagnosed by the veterinarian in a specific animal that
13 threatens the health of the animal or will cause suffering or death
14 if left untreated.

15 (4) Where the quantity compounded does not exceed a quantity
16 demonstrably needed to treat a patient with which the veterinarian
17 has a current veterinarian-client-patient relationship.

18 (5) Except as specified in subdivision (c), where the compound
19 is prepared only with commercially available FDA-approved
20 animal or human drugs as active ingredients.

21 (b) A compounded veterinary drug may be prepared from an
22 FDA-approved animal or human drug for extralabel use only when
23 there is no approved animal or human drug that, when used as
24 labeled or in an appropriate extralabel manner will, in the
25 available dosage form and concentration, treat the disease,
26 symptom, or condition. Compounding from an approved human
27 drug for use in food-producing animals is not permitted if an
28 approved animal drug can be used for compounding.

29 (c) A compounded veterinary drug may be prepared from bulk
30 drug substances only when:

31 (1) The drug is compounded and dispensed by the veterinarian
32 to treat an individually identified animal patient under his or her
33 care.

34 (2) The drug is not intended for use in food-producing animals.

35 (3) If the drug contains a bulk drug substance that is a
36 component of any marketed FDA-approved animal or human drug,
37 there is a change between the compounded drug and the
38 comparable marketed drug made for an individually identify
39 animal patient that produces a clinical difference for that
40 individually identified animal patient, as determined by the

1 veterinarian prescribing the compounded drug for his or her
2 patient.

3 (4) There are no FDA-approved animal or human drugs that
4 can be used as labeled or in an appropriate extralabel manner to
5 properly treat the disease, symptom, or condition for which the
6 drug is being prescribed.

7 (5) All bulk drug substances used in compounding are
8 manufactured by an establishment registered under Section 360
9 of Title 21 of the United States Code and are accompanied by a
10 valid certificate of analysis

11 (6) The drug is not sold or transferred by the veterinarian
12 compounding the drug, except that the veterinarian shall be
13 permitted to administer the drug to a patient under his or her care
14 or dispense it to the owner or caretaker of an animal under his or
15 her care.

16 (7) Within 15 days of becoming aware of any product defect or
17 serious adverse event associated with any drug compounded by
18 the veterinarian from bulk drug substances, the veterinarian shall
19 report it to the federal Food and Drug Administration on Form
20 FDA 1932a.

21 (8) In addition to any other requirements, the label of any
22 veterinary drug compounded from bulk drug substances shall
23 indicate the species of the intended animal patient, the name of
24 the animal patient, and the name of the owner or caretaker of the
25 patient.

26 (d) Each compounded veterinary drug preparation shall meet
27 the labeling requirements of Section 4076 and Sections 1707.5
28 and 1735.4 of Title 16 of the California Code of Regulations, except
29 that every reference therein to “pharmacy” and “pharmacist”
30 shall be replaced by “veterinary premises” and “veterinarian,”
31 and any reference to “patient” shall be understood to refer to the
32 animal patient. In addition, each label on a compounded veterinary
33 drug preparation shall include withdrawal and holding times, if
34 needed, and the disease, symptom, or condition for which the drug
35 is being prescribed. Any compounded veterinary drug preparation
36 that is intended to be sterile, including for injection, administration
37 into the eye, or inhalation, shall in addition meet the labeling
38 requirements of Section 1751.2 of Title 16 of the California Code
39 of Regulations, except that every reference therein to “pharmacy”
40 and “pharmacist” shall be replaced by “veterinary premises” and

1 “veterinarian,” and any reference to “patient” shall be understood
2 to refer to the animal patient.

3 (e) Any veterinarian, registered veterinarian technician who is
4 under the direct supervision of a veterinarian, and veterinary
5 premises engaged in compounding shall meet the compounding
6 requirements for pharmacies and pharmacists stated by the
7 provisions of Article 4.5 (commencing with Section 1735) of Title
8 16 of the California Code of Regulations, except that every
9 reference therein to “pharmacy” and “pharmacist” shall be
10 replaced by “veterinary premises” and “veterinarian,” and any
11 reference to “patient” shall be understood to refer to the animal
12 patient:

13 (1) Section 1735.1 of Title 16 of the California Code of
14 Regulations.

15 (2) Subdivisions (d), (e), (f), (g), (h), (i), (j), (k), and (l) of Section
16 1735.2 of Title 16 of the California Code of Regulations.

17 (3) Section 1735.3 of Title 16 of the California Code of
18 Regulations, except that only a licensed veterinarian or registered
19 veterinarian technician may perform compounding and shall not
20 delegate to or supervise any part of the performance of
21 compounding by any other person.

22 (4) Section 1735.4 of Title 16 of the California Code of
23 Regulations.

24 (5) Section 1735.5 of Title 16 of the California Code of
25 Regulations.

26 (6) Section 1735.6 of Title 16 of the California Code of
27 Regulations.

28 (7) Section 1735.7 of Title 16 of the California Code of
29 Regulations.

30 (8) Section 1735.8 of Title 16 of the California Code of
31 Regulations.

32 (f) Any veterinarian, registered veterinarian technician under
33 the direct supervision of a veterinarian, and veterinary premises
34 engaged in sterile compounding shall meet the sterile compounding
35 requirements for pharmacies and pharmacists under Article 7
36 (commencing with Section 1751) of Title 16 of the California Code
37 of Regulations, except that every reference therein to “pharmacy”
38 and “pharmacist” shall be replaced by “veterinary premises” and
39 “veterinarian,” and any reference to “patient” shall be understood
40 to refer to the animal patient.

1 (g) *The California State Board of Pharmacy shall have authority*
2 *with the board to ensure compliance with this section and shall*
3 *have the right to inspect any veterinary premises engaged in*
4 *compounding, along with or separate from the board, to ensure*
5 *compliance with this section. The board is specifically charged*
6 *with enforcing this section with regard to its licensees.*

7 SEC. 11. *Section 4826.5 is added to the Business and*
8 *Professions Code, to read:*

9 4826.5. *Failure by a licensed veterinarian, registered*
10 *veterinarian technician, or veterinary premises to comply with the*
11 *provisions of this article shall be deemed unprofessional conduct*
12 *and constitute grounds for discipline.*

13 SEC. 12. *Section 4826.7 is added to the Business and*
14 *Professions Code, to read:*

15 4826.7. *The board may adopt regulations to implement the*
16 *provisions of this article.*

17 SEC. 13. *Section 4830 of the Business and Professions Code*
18 *is amended to read:*

19 4830. (a) This chapter does not apply to:

20 (1) Veterinarians while serving in any armed branch of the
21 military service of the United States or the United States
22 Department of Agriculture while actually engaged and employed
23 in their official capacity.

24 (2) Regularly licensed veterinarians in actual consultation from
25 other states.

26 (3) Regularly licensed veterinarians actually called from other
27 states to attend cases in this state, but who do not open an office
28 or appoint a place to do business within this state.

29 ~~(4) Veterinarians employed by the University of California~~
30 ~~while engaged in the performance of duties in connection with the~~
31 ~~College of Agriculture, the Agricultural Experiment Station, the~~
32 ~~School of Veterinary Medicine, or the agricultural extension work~~
33 ~~of the university or employed by the Western University of Health~~
34 ~~Sciences while engaged in the performance of duties in connection~~
35 ~~with the College of Veterinary Medicine or the agricultural~~
36 ~~extension work of the university.~~

37 ~~(5)~~

38 (4) Students in the School of Veterinary Medicine of the
39 University of California or the College of Veterinary Medicine of
40 the Western University of Health Sciences who participate in

1 diagnosis and treatment as part of their educational experience,
2 including those in off-campus educational programs under the
3 direct supervision of a licensed veterinarian in good standing, as
4 defined in paragraph (1) of subdivision (b) of Section 4848,
5 appointed by the University of California, Davis, or the Western
6 University of Health Sciences.

7 ~~(6)~~

8 (5) A veterinarian who is employed by the Meat and Poultry
9 Inspection Branch of the California Department of Food and
10 Agriculture while actually engaged and employed in his or her
11 official capacity. A person exempt under this paragraph shall not
12 otherwise engage in the practice of veterinary medicine unless he
13 or she is issued a license by the board.

14 ~~(7)~~

15 (6) Unlicensed personnel employed by the Department of Food
16 and Agriculture or the United States Department of Agriculture
17 when in the course of their duties they are directed by a veterinarian
18 supervisor to conduct an examination, obtain biological specimens,
19 apply biological tests, or administer medications or biological
20 products as part of government disease or condition monitoring,
21 investigation, control, or eradication activities.

22 (b) (1) For purposes of paragraph (3) of subdivision (a), a
23 regularly licensed veterinarian in good standing who is called from
24 another state by a law enforcement agency or animal control
25 agency, as defined in Section 31606 of the Food and Agricultural
26 Code, to attend to cases that are a part of an investigation of an
27 alleged violation of federal or state animal fighting or animal
28 cruelty laws within a single geographic location shall be exempt
29 from the licensing requirements of this chapter if the law
30 enforcement agency or animal control agency determines that it
31 is necessary to call the veterinarian in order for the agency or
32 officer to conduct the investigation in a timely, efficient, and
33 effective manner. In determining whether it is necessary to call a
34 veterinarian from another state, consideration shall be given to the
35 availability of veterinarians in this state to attend to these cases.
36 An agency, department, or officer that calls a veterinarian pursuant
37 to this subdivision shall notify the board of the investigation.

38 (2) Notwithstanding any other provision of this chapter, a
39 regularly licensed veterinarian in good standing who is called from
40 another state to attend to cases that are a part of an investigation

1 described in paragraph (1) may provide veterinary medical care
 2 for animals that are affected by the investigation with a temporary
 3 shelter facility, and the temporary shelter facility shall be exempt
 4 from the registration requirement of Section 4853 if all of the
 5 following conditions are met:

6 (A) The temporary shelter facility is established only for the
 7 purpose of the investigation.

8 (B) The temporary shelter facility provides veterinary medical
 9 care, shelter, food, and water only to animals that are affected by
 10 the investigation.

11 (C) The temporary shelter facility complies with Section 4854.

12 (D) The temporary shelter facility exists for not more than 60
 13 days, unless the law enforcement agency or animal control agency
 14 determines that a longer period of time is necessary to complete
 15 the investigation.

16 (E) Within 30 calendar days upon completion of the provision
 17 of veterinary health care services at a temporary shelter facility
 18 established pursuant to this section, the veterinarian called from
 19 another state by a law enforcement agency or animal control agency
 20 to attend to a case shall file a report with the board. The report
 21 shall contain the date, place, type, and general description of the
 22 care provided, along with a listing of the veterinary health care
 23 practitioners who participated in providing that care.

24 (c) For purposes of paragraph (3) of subdivision (a), the board
 25 may inspect temporary facilities established pursuant to this
 26 section.

27 *SEC. 14. Section 4846.5 of the Business and Professions Code*
 28 *is amended to read:*

29 4846.5. (a) Except as provided in this section, the board shall
 30 issue renewal licenses only to those applicants that have completed
 31 a minimum of 36 hours of continuing education in the preceding
 32 two years.

33 (b) (1) Notwithstanding any other law, continuing education
 34 hours shall be earned by attending courses relevant to veterinary
 35 medicine and sponsored or cosponsored by any of the following:

36 (A) American Veterinary Medical Association (AVMA)
 37 accredited veterinary medical colleges.

38 (B) Accredited colleges or universities offering programs
 39 relevant to veterinary medicine.

40 (C) The American Veterinary Medical Association.

1 (D) American Veterinary Medical Association recognized
2 specialty or affiliated allied groups.

3 (E) American Veterinary Medical Association's affiliated state
4 veterinary medical associations.

5 (F) Nonprofit annual conferences established in conjunction
6 with state veterinary medical associations.

7 (G) Educational organizations affiliated with the American
8 Veterinary Medical Association or its state affiliated veterinary
9 medical associations.

10 (H) Local veterinary medical associations affiliated with the
11 California Veterinary Medical Association.

12 (I) Federal, state, or local government agencies.

13 (J) Providers accredited by the Accreditation Council for
14 Continuing Medical Education (ACCME) or approved by the
15 American Medical Association (AMA), providers recognized by
16 the American Dental Association Continuing Education
17 Recognition Program (ADA CERP), and AMA or ADA affiliated
18 state, local, and specialty organizations.

19 (2) Continuing education credits shall be granted to those
20 veterinarians taking self-study courses, which may include, but
21 are not limited to, reading journals, viewing video recordings, or
22 listening to audio recordings. The taking of these courses shall be
23 limited to no more than six hours biennially.

24 (3) The board may approve other continuing veterinary medical
25 education providers not specified in paragraph (1).

26 (A) The board has the authority to recognize national continuing
27 education approval bodies for the purpose of approving continuing
28 education providers not specified in paragraph (1).

29 (B) Applicants seeking continuing education provider approval
30 shall have the option of applying to the board or to a
31 board-recognized national approval body.

32 (4) For good cause, the board may adopt an order specifying,
33 on a prospective basis, that a provider of continuing veterinary
34 medical education authorized pursuant to paragraph (1) or (3) is
35 no longer an acceptable provider.

36 (5) Continuing education hours earned by attending courses
37 sponsored or cosponsored by those entities listed in paragraph (1)
38 between January 1, 2000, and January 1, 2001, shall be credited
39 toward a veterinarian's continuing education requirement under
40 this section.

1 (c) Every person renewing his or her license issued pursuant to
2 Section 4846.4, or any person applying for relicensure or for
3 reinstatement of his or her license to active status, shall submit
4 proof of compliance with this section to the board certifying that
5 he or she is in compliance with this section. Any false statement
6 submitted pursuant to this section shall be a violation subject to
7 Section 4831.

8 (d) This section shall not apply to a veterinarian's first license
9 renewal. This section shall apply only to second and subsequent
10 license renewals granted on or after January 1, 2002.

11 (e) The board shall have the right to audit the records of all
12 applicants to verify the completion of the continuing education
13 requirement. Applicants shall maintain records of completion of
14 required continuing education coursework for a period of four
15 years and shall make these records available to the board for
16 auditing purposes upon request. If the board, during this audit,
17 questions whether any course reported by the veterinarian satisfies
18 the continuing education requirement, the veterinarian shall provide
19 information to the board concerning the content of the course; the
20 name of its sponsor and cosponsor, if any; and specify the specific
21 curricula that was of benefit to the veterinarian.

22 (f) A veterinarian desiring an inactive license or to restore an
23 inactive license under Section 701 shall submit an application on
24 a form provided by the board. In order to restore an inactive license
25 to active status, the veterinarian shall have completed a minimum
26 of 36 hours of continuing education within the last two years
27 preceding application. The inactive license status of a veterinarian
28 shall not deprive the board of its authority to institute or continue
29 a disciplinary action against a licensee.

30 (g) Knowing misrepresentation of compliance with this article
31 by a veterinarian constitutes unprofessional conduct and grounds
32 for disciplinary action or for the issuance of a citation and the
33 imposition of a civil penalty pursuant to Section 4883.

34 (h) The board, in its discretion, may exempt from the continuing
35 education requirement any veterinarian who for reasons of health,
36 military service, or undue hardship cannot meet those requirements.
37 Applications for waivers shall be submitted on a form provided
38 by the board.

39 (i) The administration of this section may be funded through
40 professional license and continuing education provider fees. The

1 fees related to the administration of this section shall not exceed
2 the costs of administering the corresponding provisions of this
3 section.

4 (j) For those continuing education providers not listed in
5 paragraph (1) of subdivision (b), the board or its recognized
6 national approval agent shall establish criteria by which a provider
7 of continuing education shall be approved. The board shall initially
8 review and approve these criteria and may review the criteria as
9 needed. The board or its recognized agent shall monitor, maintain,
10 and manage related records and data. The board may impose an
11 application fee, not to exceed two hundred dollars (\$200)
12 biennially, for continuing education providers not listed in
13 paragraph (1) of subdivision (b).

14 (k) (1) ~~On or after~~ *Beginning* January 1, 2018, a licensed
15 veterinarian who renews his or her license shall complete a
16 minimum of one credit hour of continuing education on the
17 judicious use of medically important antimicrobial drugs every
18 four years as part of his or her continuing education requirements.

19 (2) For purposes of this subdivision, “medically important
20 antimicrobial drug” means an antimicrobial drug listed in Appendix
21 A of the federal Food and Drug Administration’s Guidance for
22 Industry #152, including critically important, highly important,
23 and important antimicrobial drugs, as that appendix may be
24 amended.

25 *SEC. 15. Section 4848.1 is added to the Business and*
26 *Professions Code, to read:*

27 *4848.1. (a) A veterinarian engaged in the practice of veterinary*
28 *medicine, as defined in Section 4826, employed by the University*
29 *of California while engaged in the performance of duties in*
30 *connection with the School of Veterinary Medicine or employed*
31 *by the Western University of Health Sciences while engaged in the*
32 *performance of duties in connection with the College of Veterinary*
33 *Medicine shall be licensed in California or shall hold a university*
34 *license issued by the board.*

35 *(b) An applicant is eligible to hold a university license if all of*
36 *the following are satisfied*

37 *(1) The applicant is currently employed by the University of*
38 *California or Western University of Health Sciences as defined in*
39 *subdivision (a).*

1 (2) *Passes an examination concerning the statutes and*
 2 *regulations of the Veterinary Medicine Practice Act, administered*
 3 *by the board, pursuant to subparagraph (C) of paragraph (2) of*
 4 *subdivision (a) of Section 4848.*

5 (3) *Successfully completes the approved educational curriculum*
 6 *described in paragraph (5) of subdivision (b) of Section 4848 on*
 7 *regionally specific and important diseases and conditions*

8 (c) *A university license:*

9 (1) *Shall be numbered as described in Section 4847.*

10 (2) *Shall cease to be valid upon termination of employment by*
 11 *the University of California or by the Western University of Health*
 12 *Sciences.*

13 (3) *Shall be subject to the license renewal provisions in Section*
 14 *4846.4.*

15 (4) *Shall be subject to denial, revocation, or suspension pursuant*
 16 *to Sections 4875 and 4883.*

17 (d) *An individual who holds a University License is exempt from*
 18 *satisfying the license renewal requirements of Section 4846.5.*

19 SEC. 16. *Section 4853.7 is added to the Business and*
 20 *Professions Code, to read:*

21 4853.7. *A premise registration that is not renewed within fiv*
 22 *years after its expiration may not be renewed and shall not be*
 23 *restored, reissued, or reinstated thereafter. However, an*
 24 *application for a new premise registration may be submitted and*
 25 *obtained if both of the following conditions are met:*

26 (a) *No fact, circumstance, or condition exists that, if the premise*
 27 *registration was issued, would justify its revocation or suspension.*

28 (b) *All of the fees that would be required for the initial premise*
 29 *registration are paid at the time of application.*

30 SEC. 17. *Section 825 of the Government Code is amended to*
 31 *read:*

32 825. (a) *Except as otherwise provided in this section, if an*
 33 *employee or former employee of a public entity requests the public*
 34 *entity to defend him or her against any claim or action against him*
 35 *or her for an injury arising out of an act or omission occurring*
 36 *within the scope of his or her employment as an employee of the*
 37 *public entity and the request is made in writing not less than 10*
 38 *days before the day of trial, and the employee or former employee*
 39 *reasonably cooperates in good faith in the defense of the claim or*
 40 *action, the public entity shall pay any judgment based thereon or*

1 any compromise or settlement of the claim or action to which the
2 public entity has agreed.

3 If the public entity conducts the defense of an employee or
4 former employee against any claim or action with his or her
5 reasonable good-faith cooperation, the public entity shall pay any
6 judgment based thereon or any compromise or settlement of the
7 claim or action to which the public entity has agreed. However,
8 where the public entity conducted the defense pursuant to an
9 agreement with the employee or former employee reserving the
10 rights of the public entity not to pay the judgment, compromise,
11 or settlement until it is established that the injury arose out of an
12 act or omission occurring within the scope of his or her
13 employment as an employee of the public entity, the public entity
14 is required to pay the judgment, compromise, or settlement only
15 if it is established that the injury arose out of an act or omission
16 occurring in the scope of his or her employment as an employee
17 of the public entity.

18 Nothing in this section authorizes a public entity to pay that part
19 of a claim or judgment that is for punitive or exemplary damages.

20 (b) Notwithstanding subdivision (a) or any other provision of
21 law, a public entity is authorized to pay that part of a judgment
22 that is for punitive or exemplary damages if the governing body
23 of that public entity, acting in its sole discretion except in cases
24 involving an entity of the state government, finds all of the
25 following:

26 (1) The judgment is based on an act or omission of an employee
27 or former employee acting within the course and scope of his or
28 her employment as an employee of the public entity.

29 (2) At the time of the act giving rise to the liability, the employee
30 or former employee acted, or failed to act, in good faith, without
31 actual malice and in the apparent best interests of the public entity.

32 (3) Payment of the claim or judgment would be in the best
33 interests of the public entity.

34 As used in this subdivision with respect to an entity of state
35 government, “a decision of the governing body” means the
36 approval of the Legislature for payment of that part of a judgment
37 that is for punitive damages or exemplary damages, upon
38 recommendation of the appointing power of the employee or
39 former employee, based upon the finding by the Legislature and
40 the appointing authority of the existence of the three conditions

1 for payment of a punitive or exemplary damages claim. The
2 provisions of subdivision (a) of Section 965.6 shall apply to the
3 payment of any claim pursuant to this subdivision.

4 The discovery of the assets of a public entity and the introduction
5 of evidence of the assets of a public entity shall not be permitted
6 in an action in which it is alleged that a public employee is liable
7 for punitive or exemplary damages.

8 The possibility that a public entity may pay that part of a
9 judgment that is for punitive damages shall not be disclosed in any
10 trial in which it is alleged that a public employee is liable for
11 punitive or exemplary damages, and that disclosure shall be
12 grounds for a mistrial.

13 (c) Except as provided in subdivision (d), if the provisions of
14 this section are in conflict with the provisions of a memorandum
15 of understanding reached pursuant to Chapter 10 (commencing
16 with Section 3500) of Division 4 of Title 1, the memorandum of
17 understanding shall be controlling without further legislative action,
18 except that if those provisions of a memorandum of understanding
19 require the expenditure of funds, the provisions shall not become
20 effective unless approved by the Legislature in the annual Budget
21 Act.

22 (d) The subject of payment of punitive damages pursuant to this
23 section or any other provision of law shall not be a subject of meet
24 and confer under the provisions of Chapter 10 (commencing with
25 Section 3500) of Division 4 of Title 1, or pursuant to any other
26 law or authority.

27 (e) Nothing in this section shall affect the provisions of Section
28 818 prohibiting the award of punitive damages against a public
29 entity. This section shall not be construed as a waiver of a public
30 entity's immunity from liability for punitive damages under Section
31 1981, 1983, or 1985 of Title 42 of the United States Code.

32 (f) (1) Except as provided in paragraph (2), a public entity shall
33 not pay a judgment, compromise, or settlement arising from a
34 claim or action against an elected official, if the claim or action is
35 based on conduct by the elected official by way of tortiously
36 intervening or attempting to intervene in, or by way of tortiously
37 influencing or attempting to influence the outcome of, any judicial
38 action or proceeding for the benefit of a particular party by
39 contacting the trial judge or any commissioner, court-appointed
40 arbitrator, court-appointed mediator, or court-appointed special

1 referee assigned to the matter, or the court clerk, bailiff, or marshal
2 after an action has been fled, unless he or she was counsel of
3 record acting lawfully within the scope of his or her employment
4 on behalf of that party. Notwithstanding Section 825.6, if a public
5 entity conducted the defense of an elected official against such a
6 claim or action and the elected official is found liable by the trier
7 of fact, the court shall order the elected official to pay to the public
8 entity the cost of that defense.

9 (2) If an elected official is held liable for monetary damages in
10 the action, the plaintiff shall first seek recovery of the judgment
11 against the assets of the elected official. If the elected official's
12 assets are insufficient to satisfy the total judgment, as determined
13 by the court, the public entity may pay the deficiency if the public
14 entity is authorized by law to pay that judgment.

15 (3) To the extent the public entity pays any portion of the
16 judgment or is entitled to reimbursement of defense costs pursuant
17 to paragraph (1), the public entity shall pursue all available
18 creditor's remedies against the elected official, including
19 garnishment, until that party has fully reimbursed the public entity.

20 (4) This subdivision shall not apply to any criminal or civil
21 enforcement action brought in the name of the people of the State
22 of California by an elected district attorney, city attorney, or
23 attorney general.

24 *(g) Notwithstanding subdivision (a), a public entity shall pay*
25 *for a judgment or settlement for treble damage antitrust awards*
26 *against a member of a regulatory board for an act or omission*
27 *occurring within the scope of his or her employment as a member*
28 *of a regulatory board.*

29 *SEC. 18. Section 11346.5 of the Government Code is amended*
30 *to read:*

31 11346.5. (a) The notice of proposed adoption, amendment, or
32 repeal of a regulation shall include the following:

33 (1) A statement of the time, place, and nature of proceedings
34 for adoption, amendment, or repeal of the regulation.

35 (2) Reference to the authority under which the regulation is
36 proposed and a reference to the particular code sections or other
37 provisions of law that are being implemented, interpreted, or made
38 specific.

1 (3) An informative digest drafted in plain English in a format
2 similar to the Legislative Counsel’s digest on legislative bills. The
3 informative digest shall include the following:

4 (A) A concise and clear summary of existing laws and
5 regulations, if any, related directly to the proposed action and of
6 the effect of the proposed action.

7 (B) If the proposed action differs substantially from an existing
8 comparable federal regulation or statute, a brief description of the
9 significant differences and the full citation of the federal regulations
10 or statutes.

11 (C) A policy statement overview explaining the broad objectives
12 of the regulation and the specific benefits anticipated by the
13 proposed adoption, amendment, or repeal of a regulation, including,
14 to the extent applicable, nonmonetary benefits such as the
15 protection of public health and safety, worker safety, or the
16 environment, the prevention of discrimination, the promotion of
17 fairness or social equity, and the increase in openness and
18 transparency in business and government, among other things.

19 (D) An evaluation of whether the proposed regulation is
20 inconsistent or incompatible with existing state regulations.

21 (4) Any other matters as are prescribed by statute applicable to
22 the specific state agency or to any specific regulation or class of
23 regulations.

24 (5) A determination as to whether the regulation imposes a
25 mandate on local agencies or school districts and, if so, whether
26 the mandate requires state reimbursement pursuant to Part 7
27 (commencing with Section 17500) of Division 4.

28 (6) An estimate, prepared in accordance with instructions
29 adopted by the Department of Finance, of the cost or savings to
30 any state agency, the cost to any local agency or school district
31 that is required to be reimbursed under Part 7 (commencing with
32 Section 17500) of Division 4, other nondiscretionary cost or
33 savings imposed on local agencies, and the cost or savings in
34 federal funding to the state.

35 For purposes of this paragraph, “cost or savings” means
36 additional costs or savings, both direct and indirect, that a public
37 agency necessarily incurs in reasonable compliance with
38 regulations.

39 (7) If a state agency, in proposing to adopt, amend, or repeal
40 any administrative regulation, makes an initial determination that

1 the action may have a significant, statewide adverse economic
2 impact directly affecting business, including the ability of
3 California businesses to compete with businesses in other states,
4 it shall include the following information in the notice of proposed
5 action:

6 (A) Identification of the types of businesses that would be
7 affected.

8 (B) A description of the projected reporting, recordkeeping, and
9 other compliance requirements that would result from the proposed
10 action.

11 (C) The following statement: “The (name of agency) has made
12 an initial determination that the (adoption/amendment/repeal) of
13 this regulation may have a significant, statewide adverse economic
14 impact directly affecting business, including the ability of
15 California businesses to compete with businesses in other states.
16 The (name of agency) (has/has not) considered proposed
17 alternatives that would lessen any adverse economic impact on
18 business and invites you to submit proposals. Submissions may
19 include the following considerations:

20 (i) The establishment of differing compliance or reporting
21 requirements or timetables that take into account the resources
22 available to businesses.

23 (ii) Consolidation or simplification of compliance and reporting
24 requirements for businesses.

25 (iii) The use of performance standards rather than prescriptive
26 standards.

27 (iv) Exemption or partial exemption from the regulatory
28 requirements for businesses.”

29 (8) If a state agency, in adopting, amending, or repealing any
30 administrative regulation, makes an initial determination that the
31 action will not have a significant, statewide adverse economic
32 impact directly affecting business, including the ability of
33 California businesses to compete with businesses in other states,
34 it shall make a declaration to that effect in the notice of proposed
35 action. In making this declaration, the agency shall provide in the
36 record facts, evidence, documents, testimony, or other evidence
37 upon which the agency relies to Support its initial determination. 38
An agency’s initial determination and declaration that a proposed 39
adoption, amendment, or repeal of a regulation may have or will 40 not
have a significant, adverse impact on businesses, including the

1 ability of California businesses to compete with businesses in other
 2 states, shall not be grounds for the office to refuse to publish the
 3 notice of proposed action.

4 (9) A description of all cost impacts, known to the agency at
 5 the time the notice of proposed action is submitted to the office,
 6 that a representative private person or business would necessarily
 7 incur in reasonable compliance with the proposed action.

8 If no cost impacts are known to the agency, it shall state the
 9 following:

10 “The agency is not aware of any cost impacts that a
 11 representative private person or business would necessarily incur
 12 in reasonable compliance with the proposed action.”

13 (10) A statement of the results of the economic impact
 14 assessment required by subdivision (b) of Section 11346.3 or the
 15 standardized regulatory impact analysis if required by subdivision
 16 (c) of Section 11346.3, a summary of any comments submitted to
 17 the agency pursuant to subdivision (f) of Section 11346.3 and the
 18 agency’s response to those comments.

19 (11) The finding prescribed by subdivision (d) of Section
 20 11346.3, if required.

21 (12) (A) A statement that the action would have a significant
 22 effect on housing costs, if a state agency, in adopting, amending,
 23 or repealing any administrative regulation, makes an initial
 24 determination that the action would have that effect.

25 (B) The agency officer designated in paragraph ~~(14)~~ (15) shall
 26 make available to the public, upon request, the agency’s evaluation,
 27 if any, of the effect of the proposed regulatory action on housing
 28 costs.

29 (C) The statement described in subparagraph (A) shall also
 30 include the estimated costs of compliance and potential benefits
 31 of a building standard, if any, that were included in the initial
 32 statement of reasons.

33 (D) For purposes of model codes adopted pursuant to Section
 34 18928 of the Health and Safety Code, the agency shall comply
 35 with the requirements of this paragraph only if an interested party
 36 has made a request to the agency to examine a specific section for
 37 purposes of estimating the costs of compliance and potential
 38 benefits for that section, as described in Section 11346.2.

39 (13) *If the regulatory action is submitted by a state board on*
 40 *which a controlling number of decisionmakers are active market*

1 *participants in the market the board regulates, a statement that*
2 *the adopting agency has evaluated the impact of the proposed*
3 *regulation on competition, and that the proposed regulation*
4 *further a clearly articulated and affirmatively expressed state law*
5 *to restrain competition.*

6 ~~(13)~~

7 (14) A statement that the adopting agency must determine that
8 no reasonable alternative considered by the agency or that has
9 otherwise been identified and brought to the attention of the agency
10 would be more effective in carrying out the purpose for which the
11 action is proposed, would be as effective and less burdensome to
12 affected private persons than the proposed action, or would be
13 more cost effective to affected private persons and equally effective
14 in implementing the statutory policy or other provision of law. For
15 a major regulation, as defined by Section 11342.548, proposed on
16 or after November 1, 2013, the statement shall be based, in part,
17 upon the standardized regulatory impact analysis of the proposed
18 regulation, as required by Section 11346.3, as well as upon the
19 benefits of the proposed regulation identified pursuant to
20 subparagraph (C) of paragraph (3).

21 ~~(14)~~

22 (15) The name and telephone number of the agency
23 representative and designated backup contact person to whom
24 inquiries concerning the proposed administrative action may be
25 directed.

26 ~~(15)~~

27 (16) The date by which comments submitted in writing must
28 be received to present statements, arguments, or contentions in
29 writing relating to the proposed action in order for them to be
30 considered by the state agency before it adopts, amends, or repeals
31 a regulation.

32 ~~(16)~~

33 (17) Reference to the fact that the agency proposing the action
34 has prepared a statement of the reasons for the proposed action,
35 has available all the information upon which its proposal is based,
36 and has available the express terms of the proposed action, pursuant
37 to subdivision (b).

38 ~~(17)~~

39 (18) A statement that if a public hearing is not scheduled, any
40 interested person or his or her duly authorized representative may

1 request, no later than 15 days prior to the close of the written
2 comment period, a public hearing pursuant to Section 11346.8.

3 ~~(18)~~

4 (19) A statement indicating that the full text of a regulation
5 changed pursuant to Section 11346.8 will be available for at least
6 15 days prior to the date on which the agency adopts, amends, or
7 repeals the resulting regulation.

8 ~~(19)~~

9 (20) A statement explaining how to obtain a copy of the final
10 statement of reasons once it has been prepared pursuant to
11 subdivision (a) of Section 11346.9.

12 ~~(20)~~

13 (21) If the agency maintains an Internet Web site or other similar
14 forum for the electronic publication or distribution of written
15 material, a statement explaining how materials published or
16 distributed through that forum can be accessed.

17 ~~(21)~~

18 (22) If the proposed regulation is subject to Section 11346.6, a
19 statement that the agency shall provide, upon request, a description
20 of the proposed changes included in the proposed action, in the
21 manner provided by Section 11346.6, to accommodate a person
22 with a visual or other disability for which effective communication
23 is required under state or federal law and that providing the
24 description of proposed changes may require extending the period
25 of public comment for the proposed action.

26 (b) The agency representative designated in paragraph ~~(14)~~ (15)
27 of subdivision (a) shall make available to the public upon request
28 the express terms of the proposed action. The representative shall
29 also make available to the public upon request the location of
30 public records, including reports, documentation, and other
31 materials, related to the proposed action. If the representative
32 receives an inquiry regarding the proposed action that the
33 representative cannot answer, the representative shall refer the
34 inquiry to another person in the agency for a prompt response.

35 (c) This section shall not be construed in any manner that results
36 in the invalidation of a regulation because of the alleged inadequacy
37 of the notice content or the summary or cost estimates, or the
38 alleged inadequacy or inaccuracy of the housing cost estimates, if
39 there has been substantial compliance with those requirements.

1 *SEC. 19. Section 11349 of the Government Code is amended*
2 *to read:*

3 11349. The following definitions govern the interpretation of
4 this chapter:

5 (a) “Necessity” means the record of the rulemaking proceeding
6 demonstrates by substantial evidence the need for a regulation to
7 effectuate the purpose of the statute, court decision, or other
8 provision of law that the regulation implements, interprets, or
9 makes specific, taking into account the totality of the record. For
10 purposes of this standard, evidence includes, but is not limited to,
11 facts, studies, and expert opinion.

12 (b) “Authority” means the provision of law which permits or
13 obligates the agency to adopt, amend, or repeal a regulation.

14 (c) “Clarity” means written or displayed so that the meaning of
15 regulations will be easily understood by those persons directly
16 affected by them.

17 (d) “Consistency” means being in harmony with, and not in
18 conflict with or contradictory to, existing statutes, court decisions,
19 or other provisions of law.

20 (e) “Reference” means the statute, court decision, or other
21 provision of law which the agency implements, interprets, or makes
22 specific by adopting, amending, or repealing a regulation.

23 (f) “Nonduplication” means that a regulation does not serve the
24 same purpose as a state or federal statute or another regulation.
25 This standard requires that an agency proposing to amend or adopt
26 a regulation must identify any state or federal statute or regulation
27 which is overlapped or duplicated by the proposed regulation and
28 justify any overlap or duplication. This standard is not intended
29 to prohibit state agencies from printing relevant portions of
30 enabling legislation in regulations when the duplication is necessary
31 to satisfy the clarity standard in paragraph (3) of subdivision (a)
32 of Section 11349.1. This standard is intended to prevent the
33 indiscriminate incorporation of statutory language in a regulation.

34 (g) *“Competitive impact” means that the record of the*
35 *rulemaking proceeding or other documentation demonstrates that*
36 *the regulation is authorized by a clearly articulated and*
37 *affirmatively expressed state law, that the regulation furthers the*
38 *public protection mission of the state agency, and that the impact*
39 *on competition is justified in light of the applicable regulatory*
40 *rationale for the regulation.*

1 *SEC. 20. Section 11349.1 of the Government Code is amended*
 2 *to read:*

3 11349.1. (a) The office shall review all regulations adopted,
 4 amended, or repealed pursuant to the procedure specified in Article
 5 5 (commencing with Section 11346) and submitted to it for
 6 publication in the California Code of Regulations Supplement and
 7 for transmittal to the Secretary of State and make determinations
 8 using all of the following standards:

9 (1) Necessity.

10 (2) Authority.

11 (3) Clarity.

12 (4) Consistency.

13 (5) Reference.

14 (6) Nonduplication.

15 (7) *For those regulations submitted by a state board on which*
 16 *a controlling number of decisionmakers are active market*
 17 *participants in the market the board regulates, the office shall*
 18 *review for competitive impact.*

19 In reviewing regulations pursuant to this section, the office shall
 20 restrict its review to the regulation and the record of the rulemaking
 21 ~~proceeding~~ *except as directed in subdivision (h)*. The office shall
 22 approve the regulation or order of repeal if it complies with the
 23 standards set forth in this section and with this chapter.

24 (b) In reviewing proposed regulations for the criteria in
 25 subdivision (a), the office may consider the clarity of the proposed
 26 regulation in the context of related regulations already in existence.

27 (c) The office shall adopt regulations governing the procedures
 28 it uses in reviewing regulations submitted to it. The regulations
 29 shall provide for an orderly review and shall specify the methods,
 30 standards, presumptions, and principles the office uses, and the
 31 limitations it observes, in reviewing regulations to establish
 32 compliance with the standards specified in subdivision (a). The
 33 regulations adopted by the office shall ensure that it does not
 34 substitute its judgment for that of the rulemaking agency as
 35 expressed in the substantive content of adopted regulations.

36 (d) The office shall return any regulation subject to this chapter
 37 to the adopting agency if any of the following occur:

38 (1) The adopting agency has not prepared the estimate required
 39 by paragraph (6) of subdivision (a) of Section 11346.5 and has not

1 included the data used and calculations made and the summary
2 report of the estimate in the file of the rulemaking.

3 (2) The agency has not complied with Section 11346.3.
4 “Noncompliance” means that the agency failed to complete the
5 economic impact assessment or standardized regulatory impact
6 analysis required by Section 11346.3 or failed to include the
7 assessment or analysis in the file of the rulemaking proceeding as
8 required by Section 11347.3.

9 (3) The adopting agency has prepared the estimate required by
10 paragraph (6) of subdivision (a) of Section 11346.5, the estimate
11 indicates that the regulation will result in a cost to local agencies
12 or school districts that is required to be reimbursed under Part 7
13 (commencing with Section 17500) of Division 4, and the adopting
14 agency fails to do any of the following:

15 (A) Cite an item in the Budget Act for the fiscal year in which
16 the regulation will go into effect as the source from which the
17 Controller may pay the claims of local agencies or school districts.

18 (B) Cite an accompanying bill appropriating funds as the source
19 from which the Controller may pay the claims of local agencies
20 or school districts.

21 (C) Attach a letter or other documentation from the Department
22 of Finance which states that the Department of Finance has
23 approved a request by the agency that funds be included in the
24 Budget Bill for the next following fiscal year to reimburse local
25 agencies or school districts for the costs mandated by the
26 regulation.

27 (D) Attach a letter or other documentation from the Department
28 of Finance which states that the Department of Finance has
29 authorized the augmentation of the amount available for
30 expenditure under the agency’s appropriation in the Budget Act
31 which is for reimbursement pursuant to Part 7 (commencing with
32 Section 17500) of Division 4 to local agencies or school districts
33 from the unencumbered balances of other appropriations in the
34 Budget Act and that this augmentation is sufficient to reimburse
35 local agencies or school districts for their costs mandated by the
36 regulation.

37 (4) The proposed regulation conflicts with an existing state
38 regulation and the agency has not identified the manner in which
39 the conflict may be resolved.

1 (5) The agency did not make the alternatives determination as
2 required by paragraph (4) of subdivision (a) of Section 11346.9.

3 (6) *The office decides that the record of the rulemaking*
4 *proceeding or other documentation for the proposed regulation*
5 *does not demonstrate that the regulation is authorized by a clearly*
6 *articulated and affirmatively expressed state law, that the*
7 *regulation does not further the public protection mission of the*
8 *state agency, or that the impact on competition is not justified in*
9 *light of the applicable regulatory rationale for the regulation.*

10 (e) The office shall notify the Department of Finance of all
11 regulations returned pursuant to subdivision (d).

12 (f) The office shall return a rulemaking file to the submitting
13 agency if the file does not comply with subdivisions (a) and (b)
14 of Section 11347.3. Within three state working days of the receipt
15 of a rulemaking file, the office shall notify the submitting agency
16 of any deficiency identified. If no notice of deficiency is mailed
17 to the adopting agency within that time, a rulemaking file shall be
18 deemed submitted as of the date of its original receipt by the office.
19 A rulemaking file shall not be deemed submitted until each
20 deficiency identified under this subdivision has been corrected.

21 (g) Notwithstanding any other law, return of the regulation to
22 the adopting agency by the office pursuant to this section is the
23 exclusive remedy for a failure to comply with subdivision (c) of
24 Section 11346.3 or paragraph (10) of subdivision (a) of Section
25 11346.5.

26 (h) *The office may designate, employ, or contract for the services*
27 *of independent antitrust or applicable economic experts when*
28 *reviewing proposed regulations for competitive impact. When*
29 *reviewing a regulation for competitive impact, the office shall do*
30 *all of the following:*

31 (1) *If the Director of Consumer Affairs issued a written decision*
32 *pursuant to subdivision (c) of Section 109 of the Business and*
33 *Professions Code, the office shall review and consider the decision*
34 *and all supporting documentation in the rulemaking file.*

35 (2) *Consider whether the anticompetitive effects of the proposed*
36 *regulation are clearly outweighed by the public policy merits.*

37 (3) *Provide a written opinion setting forth the office's finding*
38 *and substantive conclusions under paragraph (2), including, but*
39 *not limited to, whether rejection or modification of the proposed*
40 *regulation is necessary to ensure that restraints of trade are related*

1 *to and advance the public policy underlying the applicable*
2 *regulatory rationale.*

3 *SEC. 21. No reimbursement is required by this act pursuant*
4 *to Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

O

Opposed Legislation

Assembly Bill 320 (Wood D) **Environmental Engineer**

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11)

Location: 8/28/2015-S. 2 YEAR -Senate Appropriations. Suspense file.

Last Amendment: 7/8/2015

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: AB 320

Bill Summary: 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.

Staff Comment: 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.

Board Position: Oppose - as amended 7/8/2015.

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



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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August 11, 2015

The Honorable Ricardo Lara
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Re: Assembly Bill 320 (Wood) – **Oppose**

Dear Chairman Lara:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) has voted to **OPPOSE** Assembly Bill 320, as amended July 8th, 2015, which is scheduled to be heard in the Appropriations Committee on August 17, 2015.

Assembly Bill 320 would add the title “Environmental Engineer” as a Title Act license. 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. AB 320 will not prevent a person from practicing environmental engineering; it will only prevent a person from using the title “Environmental Engineer.”

AB 320 would require the Board to adopt through the regulatory process a definition of “environmental engineering.” It has been estimated that it will cost the Board between \$60,000 and \$150,000 to perform the occupational analysis to develop the definition. Once the definition is adopted, the Board will then be able to decide if the national environmental engineering examination will be appropriate for licensure in California, or if it will need to develop its own examination. If it were to be determined that the national examination is not appropriate and the Board had to develop its own examination, the costs incurred by the Board could range from \$100,000 to \$200,000.

If you have any questions or concerns please contact Kara Williams, Legislative Analyst, at 916.263.5438.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

RICHARD B. MOORE, PLS
Executive Officer

cc Members, Senate Appropriations Committee
Brendan McCarthy Consultant, Senate Appropriations Committee

AMENDED IN SENATE JULY 8, 2015
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.

97

By expanding the scope of an existing crime, this bill 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. 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.

1 (e) In the early 1970s, the BPELSG created title acts in the
2 branches of agriculture, control system, corrosion, fire protection,
3 manufacturing, nuclear, quality, safety, and traffic. At that time,
4 the BPELSG did not approve a petition to add an environmental
5 engineer title act. In 1986, the authority to establish new title
6 registration branches returned to the Legislature.

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

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

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

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

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

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

1 6732. ~~(a)~~—It is unlawful for anyone other than a professional
 2 engineer licensed under this chapter to stamp or seal any plans,
 3 specifications, plats, reports, or other documents with the seal or
 4 stamp of a professional engineer, or in any manner, use the title
 5 “professional engineer,” “licensed engineer,” “registered engineer,”
 6 or “consulting engineer,” or any of the following branch titles:
 7 “agricultural engineer,” “chemical engineer,” “civil engineer,”
 8 “control system engineer,” “electrical engineer,” “environmental
 9 engineer,” “fire protection engineer,” “industrial engineer,”
 10 “mechanical engineer,” “metallurgical engineer,” “nuclear
 11 engineer,” “petroleum engineer,” or “traffic engineer,” or any
 12 combination of these words and phrases or abbreviations thereof
 13 unless licensed under this chapter.

14 ~~(b) Notwithstanding subdivision (a), a professional engineer~~
 15 ~~licensed as a civil, electrical, or mechanical engineer, may use the~~
 16 ~~title “environmental engineer” without obtaining additional~~
 17 ~~qualifications.~~

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

O

Watched Legislation

Assembly Bill 12 (Cooley D)

State government: administrative regulations: review

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11).

Location: 8/28/2015-S. 2 YEAR- Senate Appropriations.

Last Amend: 8/19/2015

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: AB 12

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 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. Non-significant technical amendments were made 8/19/15.

Staff Comment: 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.

Board Position: Watch -as amended 8/19/2015.

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.

AMENDED IN SENATE AUGUST 19, 2015

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)
(Coauthor: Senator Huff)

December 1, 2014

An act 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.

LEGISLATIVE COUNSEL'S DIGEST

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

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, 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.

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

4
5 CHAPTER 3.6. REGULATORY REFORM

6
7 Article 1. Findings and Declarations

8
9 11366. The Legislature finds and declares all of the following:

10 (a) The Administrative Procedure Act (Chapter 3.5 (commencing
11 with Section 11340), Chapter 4 (commencing with Section 11370),
12 Chapter 4.5 (commencing with Section 11400), and Chapter 5
13 (commencing with Section 11500)) requires agencies and the
14 Office of Administrative Law to review regulations to ensure their
15 consistency with law and to consider impacts on the state's
16 economy and businesses, including small businesses.

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

20 (c) At a time when the state's economy is slowly recovering,
21 unemployment and underemployment continue to affect all
22 Californians, especially older workers and younger workers who
23 received college degrees in the last seven years but are still awaiting
24 their first great job, and with state government improving but in
25 need of continued fiscal discipline, it is important that state
26 agencies systematically undertake to identify, publicly review, and
27 eliminate overlapping, inconsistent, duplicative, or out-of-date
28 regulations, both to ensure they more efficiently implement and
29 enforce laws and to reduce unnecessary and outdated rules and
30 regulations.

31
32 Article 2. Definitions

33
34 11366.1. For the purposes of this chapter, the following
35 definitions shall apply:

36 (a) "State agency" means a state agency, as defined in Section
37 11000, except those state agencies or activities described in Section
38 11340.9.

1 (b) “Regulation” has the same meaning as provided in Section
2 11342.600.

3
4 Article 3. State Agency Duties
5

6 11366.2. On or before January 1, 2018, each state agency shall
7 do all of the following:

8 (a) Review all provisions of the California Code of Regulations
9 ~~applicable to, or adopted by,~~ *adopted by* that state agency.

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

12 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
13 any duplication, overlap, inconsistencies, or out-of-date provisions,
14 and shall comply with the process specified in Article 5
15 (commencing with Section 11346) of Chapter 3.5, unless the
16 addition, revision, or deletion is without regulatory effect and may
17 be done pursuant to Section 100 of Title 1 of the California Code
18 of Regulations.

19 (d) Hold at least one noticed public hearing, ~~that~~ *which* shall be
20 noticed on the Internet Web site of the state agency, for the
21 purposes of accepting public comment on proposed revisions to
22 its regulations.

23 (e) Notify the appropriate policy and fiscal committees of each
24 house of the Legislature of the revisions to regulations that the
25 state agency proposes to make at least 30 days prior to initiating
26 the process under Article 5 (commencing with Section 11346) of
27 Chapter 3.5 or Section 100 of Title 1 of the California Code of
28 Regulations.

29 (g) (1) Report to the Governor and the Legislature on the state
30 agency’s compliance with this chapter, including the number and
31 content of regulations the state agency identifies as duplicative,
32 overlapping, inconsistent, or out of date, and the state agency’s
33 actions to address those regulations.

34 (2) The report shall be submitted in compliance with Section
35 9795 of the Government Code.

36 11366.3. (a) On or before January 1, 2018, each agency listed
37 in Section 12800 shall notify a department, board, or other unit
38 within that agency of any existing regulations adopted by that
39 department, board, or other unit that the agency has determined
40 may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that
2 agency.

3 (b) A department, board, or other unit within an agency shall
4 notify that agency of revisions to regulations that it proposes to
5 make at least 90 days prior to a noticed public hearing pursuant to
6 subdivision (d) of Section 11366.2 and at least 90 days prior to
7 adoption, amendment, or repeal of the regulations pursuant to
8 subdivision (c) of Section 11366.2. The agency shall review the
9 proposed regulations and make recommendations to the
10 department, board, or other unit within 30 days of receiving the
11 notification regarding any duplicative, overlapping, or inconsistent
12 regulation of another department, board, or other unit within the
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state
15 agency of any existing regulations adopted by that agency that
16 may duplicate, overlap, or be inconsistent with the state agency's
17 regulations.

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

28
29 Article 4. Chapter Repeal
30

31 11366.5. This chapter shall remain in effect only until January
32 1, 2019, and as of that date is repealed, unless a later enacted
33 statute, that is enacted before January 1, 2019, deletes or extends
34 that date.

O

Watched Legislation

Assembly Bill 507 (Olsen R)

Department of Consumer Affairs: BreEZe system: annual report.

Status: 8/17/2015-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 7/13/2015 - Senate Business, Professions and Economic Development

Last Amendment: 7/9/2015

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: AB 507

Bill Summary: AB 507 would, on or before March 1, 2016, require the Department of Consumer Affairs to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the departments' 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation. This bill contains other related provisions.

Staff Comment: 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. We are one of the Boards which have not yet transitioned into the BreEZe system.

Board Position: Watch – as amended 7/9/15.

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

AMENDED IN SENATE JULY 9, 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~~ Chang, Dodd,
***Obernolte, and Waldron*)**
(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, 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 Office, based on information provided by the department in a specified manne .

This bill would, ~~on and after October 1, 2015,~~ *or before March 1, 2016, or thereafter when available*, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department’s plans for implementing the BreEZe system at specified regulatory entities included in the department’s 3rd phase of the BreEZe implementation project, *when available*, including, but not limited to, a timeline for the implementation. *The bill would also require the department to post on its Internet Web site the name of each regulatory entity that is utilizing the BreEZe system once the regulatory entity begins using the BreEZe system.*

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. 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 October 1, 2015,~~ *or before March 1,*
- 4 *2016, or thereafter when available*, the department shall submit
- 5 an annual report to the Legislature and the Department of Finance
- 6 that includes ~~all of~~ the following:
- 7 (1) The department’s plan for implementing the BreEZe system
- 8 at the regulatory entities in the department’s third phase of the
- 9 implementation project, including, but not limited to, a timeline
- 10 for implementation.
- 11 (2) The total estimated costs of implementation of the BreEZe
- 12 system at the regulatory entities in the department’s third phase
- 13 of the implementation project and the results of any *related*
- 14 cost-benefit analysis the department ~~conducted for the third phase~~
- 15 ~~of the implementation project.~~ *conducts.*
- 16 (3) A description of ~~whether and to what extent the BreEZe~~
- 17 ~~system will achieve any operational efficiencie resulting from~~
- 18 *achieved as a result of BreEZe* implementation by the ~~boards and~~
- 19 regulatory entities within the department’s ~~jurisdiction.~~ *jurisdiction,*
- 20 *if available.*
- 21 (b) The report described in subdivision (a) shall be submitted
- 22 in compliance with Section 9795 of the Government Code.

1 (c) The department shall post on its Internet Web site the name
2 of each regulatory entity that is utilizing the BreEZe system once
3 the regulatory entity begins using the BreEZe system.

4 (e)

5 (d) For purposes of this section, “the regulatory entities in the
6 department’s third phase of the implementation project” includes
7 all of the following:

- 8 (1) Acupuncture Board.
- 9 (2) Board for Professional Engineers, Land Surveyors, and
10 Geologists.
- 11 (3) Bureau of Automotive Repair.
- 12 (4) Bureau of Electronic and Appliance Repair, Home
13 Furnishings, and Thermal Insulation.
- 14 (5) Bureau for Private Postsecondary Education.
- 15 (6) California Architects Board.
- 16 (7) California Board of Accountancy.
- 17 (8) California State Board of Pharmacy.
- 18 (9) Cemetery and Funeral Bureau.
- 19 (10) Contractors’ State License Board.
- 20 (11) Court Reporters Board of California.
- 21 (12) Landscape Architects Technical Committee.
- 22 (13) Professional Fiduciaries Bureau.
- 23 (14) Speech-Language Pathology and Audiology and Hearing
24 Aid Dispensers Board.
- 25 (15) State Athletic Commission.
- 26 (16) State Board of Chiropractic Examiners.
- 27 (17) State Board of Guide Dogs for the Blind.
- 28 (18) Structural Pest Control Board.
- 29 (19) Telephone Medical Advice Services Bureau.

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

34 Because of the circumstances surrounding the implementation
35 of the BreEZe system, and in order to ensure that healing arts and
36 other professionals are licensed in a timely and efficient manner,
37 it is necessary that this act take effect immediately.

O

Watched Legislation

Senate Bill 1099 (Cannella, R)

Land surveyors

Status: 4/4/2016-Re-referred to Senate Business, Professions and Economic Development Committee

Location: Senate Business, Professions and Economic Development Committee

Last Amendment: 3/29/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: SB 1099

Bill Summary: Would expand the definitions of civil engineering and land surveying to include laying out through the use of mathematics or geometric measurements the alignment or elevation for specified items, determining the configuration or contour of the benthic surface below water bodies or the measuring for volumetric calculations of earthwork, as specified, and making specified determinations by applying the principles of remote sensing. The bill would also amend the definition of geodetic surveying. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Staff Comment: Board executive staff is working closely with author's office and stakeholders to assist in the bill legislative progression.

Board Position: Watch Position as Introduced 2/17/2016

Staff Recommendation: Board staff recommends the Board take a **Watch** position as amended 3/29/2016.

Laws: An act to amend Sections 6731.1 and 8726 of the Business and Professions Code, relating to professions.

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1099

Introduced by Senator Cannella

February 17, 2016

An act to amend ~~Section 8725~~ *Sections 6731.1 and 8726* of the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Cannella. Land ~~surveyors~~. *surveyors and civil engineers*.

The *Professional Engineers Act* and the *Professional Land Surveyors' Act* ~~establishes~~ *establish* the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs for the licensure and regulation of *professional engineers and land surveyors* *surveyors, respectively*, and ~~requires~~ *require* any person practicing, or offering to practice, *civil engineering or land surveying* *surveying, respectively*, in the state to submit evidence that he or she is qualified to practice and to be licensed under the *respective act*. *Existing law makes it a misdemeanor to practice civil engineering or land surveying without legal authorization.*

This bill would ~~make a nonsubstantive change to this provision~~. *expand the definitions of civil engineering and land surveying to include laying out through the use of mathematics or geometric measurements the alignment or elevation for specified items, determining the configuration or contour of the benthic surface below water bodies or the measuring for volumetric calculations of earthwork, as specified and making specified determinations by applying the principles of remote sensing. The bill would also amend the definition of geodetic*

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surveying. By expanding the scope of a crime, the bill 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: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 6731.1 of the Business and Professions
2 Code is amended to read:

3 6731.1. Civil engineering also includes the practice or offer to
4 practice, either in a public or private capacity, all of the following:

5 (a) Locates, relocates, establishes, reestablishes, ~~or retraces~~
6 ~~retraces~~, or lays out through the use of mathematics or geometric
7 measurements the alignment or elevation for any of the fixed works
8 embraced within the practice of civil engineering, as described in
9 Section ~~6731~~: 6731 or for any items designed with the practice of
10 electrical engineering, as described in Section 6731.5, or
11 mechanical engineering, as described in Section 6731.6.

12 (b) Determines the configuration or contour of the earth's
13 ~~surface or surface~~, the benthic surface below water bodies, the
14 measuring for volumetric calculations of earthwork, or the position
15 of manmade or natural fixed objects above, on, or below the
16 surface of earth by applying the principles of ~~trigonometry or~~
17 ~~photogrammetry~~: mathematics, photogrammetry, or remote
18 sensing.

19 (c) Creates, prepares, or modifies electronic or computerized
20 data in the performance of the activities described in subdivisions
21 (a) and (b).

22 (d) Renders a statement regarding the accuracy of maps or
23 measured survey data pursuant to subdivisions (a), (b), and (c).

24 SEC. 2. Section 8726 of the Business and Professions Code is
25 amended to read:

26 8726. A person, including any person employed by the state
27 or by a city, county, or city and county within the state, practices

1 land surveying within the meaning of this chapter who, either in
2 a public or private capacity, does or offers to do any one or more
3 of the following:

4 (a) Locates, relocates, establishes, reestablishes, ~~or retraces~~
5 *retraces, or lays out through the use of mathematics or geometric*
6 *measurements* the alignment or elevation for any of the fixed works
7 embraced within the practice of civil engineering, as described in
8 ~~Section 6731~~: *6731 or for any items designed with the practice of*
9 *electrical engineering, as described in Section 6731.5, or*
10 *mechanical engineering, as described in Section 6731.6.*

11 (b) Determines the configuration or contour of the earth's
12 surface, *the benthic surface below water bodies, the measuring*
13 *for volumetric calculations of earthwork,* or the position of
14 *manmade or natural fixed objects above, on, or below the surface*
15 *of the earth by applying the principles of ~~mathematics or~~*
16 ~~photogrammetry~~: *mathematics, photogrammetry, or remote*
17 *sensing.*

18 (c) Locates, relocates, establishes, reestablishes, or retraces any
19 property line or boundary of any parcel of land, right-of-way,
20 easement, or alignment of those lines or boundaries.

21 (d) Makes any survey for the subdivision or resubdivision of
22 any tract of land. For the purposes of this subdivision, the term
23 "subdivision" or "resubdivision" shall be defined to include, but
24 not be limited to, the definition in the Subdivision Map Act
25 (Division 2 (commencing with Section 66410) of Title 7 of the
26 Government Code) or the Subdivided Lands Law (Chapter 1
27 (commencing with Section 11000) of Part 2 of Division 4 of this
28 code).

29 (e) By the use of the principles of land surveying determines
30 the position for any monument or reference point which marks a
31 property line, boundary, or corner, or sets, resets, or replaces any
32 monument or reference point.

33 (f) *Geodetic surveying or cadastral surveying.* As used in this
34 chapter, geodetic surveying means performing ~~surveys~~, *surveys*
35 *by using techniques or methods of three-dimensional geospatial*
36 *data acquisition* in which account is taken of the figure and size
37 of the earth to determine or predetermine the horizontal or vertical
38 positions of fixed objects thereon or related thereto, geodetic
39 control points, monuments, or stations for use in the practice of
40 land surveying or for stating the ~~position~~ *geospatial establishment*

1 *of three-dimensional positions* of fixed objects, geodetic control
 2 points, monuments, or stations by California Coordinate System
 3 ~~coordinates.~~ *coordinates in accordance with Chapter 1*
 4 *(commencing with Section 8801) of Division 8 of the Public*
 5 *Resources Code.*

6 (g) Determines the information shown or to be shown on any
 7 map or document prepared or furnished in connection with any
 8 one or more of the functions described in subdivisions (a), (b), (c),
 9 (d), (e), and (f).

10 (h) Indicates, in any capacity or in any manner, by the use of
 11 the title “land surveyor” or by any other title or by any other
 12 representation that he or she practices or offers to practice land
 13 surveying in any of its branches.

14 (i) Procures or offers to procure land surveying work for himself,
 15 herself, or others.

16 (j) Manages, or conducts as manager, proprietor, or agent, any
 17 place of business from which land surveying work is solicited,
 18 performed, or practiced.

19 (k) Coordinates the work of professional, technical, or special
 20 consultants in connection with the activities authorized by this
 21 chapter.

22 (l) Determines the information shown or to be shown within
 23 the description of any deed, trust deed, or other title document
 24 prepared for the purpose of describing the limit of real property
 25 in connection with any one or more of the functions described in
 26 subdivisions (a) to (f), inclusive.

27 (m) Creates, prepares, or modifies electronic or computerized
 28 data in the performance of the activities described in subdivisions
 29 (a), (b), (c), (d), (e), (f), (k), and (l).

30 (n) Renders a statement regarding the accuracy of maps or
 31 measured survey data.

32 Any department or agency of the state or any city, county, or
 33 city and county that has an unregistered person in responsible
 34 charge of land surveying work on January 1, 1986, shall be exempt
 35 from the requirement that the person be licensed as a land surveyor
 36 until the person currently in responsible charge is replaced.

37 The review, approval, or examination by a governmental entity
 38 of documents prepared or performed pursuant to this section shall
 39 be done by, or under the direct supervision of, a person authorized
 40 to practice land surveying.

1 *SEC. 3. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Section 8725 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~8725. Any person practicing, or offering to practice, land~~
13 ~~surveying in this state shall submit evidence that he or she is~~
14 ~~qualified to practice and shall be licensed under this chapter.~~

15 ~~It is unlawful for any person to practice, offer to practice, or~~
16 ~~represent herself or himself, as a land surveyor in this state, or to~~
17 ~~set, reset, replace, or remove any survey monument on land in~~
18 ~~which he or she has no legal interest, unless he or she has been~~
19 ~~licensed or specifically exempted from licensing under this chapter.~~

O

Supported Legislation

Senate Bill 209 (Pavley D)

Surface mining: inspections: financial assurances: reclamation plans.

Status: 4/6/2016-Enrolled and presented to the Governor

Location: 4/6/2016-S. ENROLLED

Last Amendment: 3/17/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapered
1st House				2nd House							

Updated 4/11/16
Staff Analysis: SB 209

Bill Summary: This bill would establish the Division of Mine Reclamation within the Department of Conservation under the direction of the Supervisor of Mine Reclamation. The bill also would raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the total revenue generated from the reporting fee to \$8,000,000, as specified. This bill contains other related provisions and other existing laws.

Staff Comment: This bill was significantly amended on March 17, 2016. All references to the Board, licensees, and to any inspection or report that might need to be done by the Boards licensees was removed. As such, this bill no longer affects the Board or its operations

Board Position: Support- as amended 9/4/2015.

Staff Recommendation: Because this bill no longer impacts the Board, staff recommends the Board vote to take “no position” on the bill.

Laws: An act to amend Sections 607, 2207, and 2714 of, and to add Sections 2006.5, 2770.1, and 2773.1.5 to, the Public Resources Code, relating to surface mining.

Senate Bill No. 209

Passed the Senate March 31, 2016

Secretary of the Senate

Passed the Assembly March 28, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 607, 2207, and 2714 of, and to add Sections 2006.5, 2770.1, and 2773.1.5 to, the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 209, Pavley. Surface mining: financial assurances: reclamation plans.

(1) Existing law establishes the Office of Mine Reclamation within the Department of Conservation. Existing law requires the State Mining and Geology Board to impose, by regulation, an annual reporting fee on the operators of all active and idle mining operations. Existing law requires the maximum amount of the annual fee imposed on each mining operation to not exceed \$4,000. Existing law limits the maximum amount of the total revenue generated from the reporting fee to no more than \$3,500,000, as specified.

This bill would instead establish the Division of Mine Reclamation within the department under the direction of the Supervisor of Mine Reclamation. The bill also would raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the total revenue generated from the reporting fee to \$8,000,000, as specified.

(2) The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation of the surface mining operation.

This bill would require a lead agency that is the owner or operator of a borrow pit surface mining operation that is used solely by that lead agency to include in the reclamation plan maintenance measures that become effective when the borrow pit surface mining operation is idle or to obtain an approved interim management plan, as specified. The bill would authorize a lead agency to conduct an inspection once every 2 calendar years during a period

when the borrow pit surface mining operation that is used solely by that lead agency is idle.

This bill would allow an operator, after the board has adopted a specified regulation, to include in a financial assurance mechanism a corporate financial test, as described.

(3) 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.

(4) This bill would make its operation contingent on the enactment of Assembly Bill 1142 of the 2015–16 Regular Session.

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

SECTION 1. Section 607 of the Public Resources Code is amended to read:

607. The work of the department shall be divided into at least the following:

- (a) California Geological Survey.
- (b) Division of Oil, Gas, and Geothermal Resources.
- (c) Division of Land Resource Protection.
- (d) Division of Mine Reclamation.

SEC. 2. Section 2006.5 is added to the Public Resources Code, to read:

2006.5. “Supervisor of Mine Reclamation” means the individual directing the Division of Mine Reclamation established pursuant to subdivision (d) of Section 607.

SEC. 3. Section 2207 of the Public Resources Code is amended to read:

2207. (a) The owner or the operator of a mining operation within the state shall forward to the director annually, not later than a date established by the director, upon forms approved by the board from time to time, a report that identifies all of the following:

(1) The name, address, and telephone number of the person, company, or other owner of the mining operation.

(2) The name, address, and telephone number of a designated agent who resides in this state, and who will receive and accept

service of all orders, notices, and processes of the lead agency, board, director, or court.

(3) The location of the mining operation, its name, its mine number as issued by the Division of Mine Reclamation or the director, its section, township, range, latitude, longitude, and approximate boundaries of the mining operation marked on a United States Geological Survey 7½-minute or 15-minute quadrangle map.

(4) The lead agency.

(5) The approval date of the mining operation's reclamation plan.

(6) The mining operation's status as active, idle, reclaimed, or in the process of being reclaimed.

(7) The commodities produced by the mine and the type of mining operation.

(8) A copy of the previously completed annual inspection form and a requested date, within 12 months of the prior inspection date, for the next annual inspection by the lead agency.

(9) Proof of financial assurances.

(10) Ownership of the property, including government agencies, if applicable, by the assessor's parcel number, and total assessed value of the mining operation.

(11) The approximate permitted size of the mining operation subject to Chapter 9 (commencing with Section 2710), in acres.

(12) The approximate total acreage of land newly disturbed by the mining operation during the previous calendar year.

(13) The approximate total of disturbed acreage reclaimed during the previous calendar year.

(14) The approximate total unreclaimed disturbed acreage remaining as of the end of the calendar year.

(15) The total production for each mineral commodity produced during the previous year.

(16) A copy of any approved reclamation plan and any amendments or conditions of approval to any existing reclamation plan approved by the lead agency.

(b) (1) Every year, not later than the date established by the director, the person submitting the report pursuant to subdivision (a) shall forward to the lead agency, upon forms furnished by the board, a report that provides all of the information specified in subdivision (a).

(2)The owner or operator of a mining operation shall allow access to the property to any governmental agency or the agent of any company providing financial assurances in connection with the reclamation plan in order that the reclamation can be carried out by the entity or company, in accordance with the provisions of the reclamation plan.

(c)Subsequent reports shall include only changes in the information submitted for the items described in subdivision (a), except that, instead of the approved reclamation plan, the reports shall include any reclamation plan amendments approved during the previous year. The reports shall state whether review of a reclamation plan, financial assurances, or an interim management plan is pending under subdivision (h) of Section 2770, or whether an appeal before the board or lead agency governing body is pending under subdivision (e) or (h) of Section 2770. The director shall notify the person submitting the report and the owner's designated agent in writing that the report and the fee required pursuant to subdivision (d) have been received, specify the mining operation's mine number if one has not been issued by the Division of Mine Reclamation, and notify the person and agent of any deficiencies in the report within 90 days of receipt. That person or agent shall have 30 days from receipt of the notification to correct the noted deficiencies and forward the revised report to the director and the lead agency. Any person who fails to comply with this section, or knowingly provides incorrect or false information in reports required by this section, may be subject to an administrative penalty as provided in subdivision (c) of Section 2774.1.

(d)(1) The board shall impose, by regulation, pursuant to paragraph (2), an annual reporting fee on, and method for collecting annual fees from, each active or idle mining operation. The maximum fee for any single mining operation may not exceed ten thousand dollars (\$10,000) annually and may not be less than one hundred dollars (\$100) annually, as adjusted for the cost of living as measured by the California Consumer Price Index for all urban consumers, calendar year averages, using the percentage change in the previous year, except that the maximum fee for any single mining operation shall not exceed six thousand dollars (\$6,000) in the 2017–18 fiscal year and eight thousand dollars (\$8,000) in the 2018–19 fiscal year.

(2)(A) The board shall adopt, by regulation, a schedule of fees authorized under paragraph (1) to cover the department's cost in carrying out this section and Chapter 9 (commencing with Section 2710), as reflected in the Governor's proposed Budget, and may adopt those regulations as emergency regulations. In establishing the schedule of fees to be paid by each active and idle mining operation, the fees shall be calculated on an equitable basis reflecting the size and type of operation. The board shall also consider the total assessed value of the mining operation, the acreage disturbed by mining activities, and the acreage subject to the reclamation plan.

(B) Regulations adopted pursuant to this subdivision shall be adopted by the board in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulations pursuant to this subdivision shall be considered necessary to address an emergency and shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(3) The total revenue generated by the reporting fees may not exceed, and may be less than, the amount of eight million dollars (\$8,000,000), as adjusted for the cost of living as measured by the California Consumer Price Index for all urban consumers, calendar year averages, using the percentage change in the previous year, beginning with the 2017–18 fiscal year and annually thereafter. If the director determines that the revenue collected during the preceding fiscal year was greater or less than the cost to operate the program, the board shall adjust the fees to compensate for the overcollection or undercollection of revenues.

(4) (A) The reporting fees established pursuant to this subdivision shall be deposited in the Mine Reclamation Account, which is hereby created. Any fees, penalties, interest, fines, or charges collected by the director or board pursuant to this chapter or Chapter 9 (commencing with Section 2710) shall be deposited in the Mine Reclamation Account. The money in the account shall be available to the department and board, upon appropriation by the Legislature, for the purpose of carrying out this section and complying with Chapter 9 (commencing with Section 2710), which includes, but is not limited to, classification and designation of

areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance review, mine inspection, and enforcement.

(B)(i) In addition to reporting fees, the board shall collect five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver mined within the state and shall deposit the fees collected in the Abandoned Mine Reclamation and Minerals Fund Subaccount, which is hereby created in the Mine Reclamation Account. The department may expend the moneys in the subaccount, upon appropriation by the Legislature, for only the purposes of Section 2796.5 and as authorized herein for the remediation of abandoned mines.

(ii) Notwithstanding subdivision (j) of Section 2796.5, fees collected pursuant to clause (i) may also be used to remediate features of historic abandoned mines and lands that they impact. For the purposes of this section, historic abandoned mines are mines for which operations have been conducted before January 1, 1976, and include, but are not limited to, historic gold and silver mines.

(5) In case of late payment of the reporting fee, a penalty of not less than one hundred dollars (\$100) or 10 percent of the amount due, whichever is greater, plus interest at the rate of 1 ½ percent per month, computed from the delinquent date of the assessment until and including the date of payment, shall be assessed. New mining operations that have not submitted a report shall submit a report prior to commencement of operations. The new operation shall submit its fee according to the reasonable fee schedule adopted by the board, and the month that the report is received shall become that operation's anniversary month.

(e) The lead agency, or the board when acting as the lead agency, may impose a fee upon each mining operation to cover the reasonable costs incurred in implementing this chapter and Chapter 9 (commencing with Section 2710).

(f) For purposes of this section, "mining operation" means a mining operation of any kind or character whatever in this state, including, but not limited to, a mining operation that is classified as a "surface mining operation" as defined in Section 2735, unless excepted by Section 2714. For the purposes of fee collections only, "mining operation" may include one or more mines operated by a single operator or mining company on one or more sites, if the

total annual combined mineral production for all sites is less than 100 troy ounces for precious metals, if precious metals are the primary mineral commodity produced, or less than 100,000 short tons if the primary mineral commodity produced is not precious metals.

(g) Any information in reports submitted pursuant to subdivision (a) that includes or otherwise indicates the total mineral production, reserves, or rate of depletion of any mining operation may not be disclosed to any member of the public, as defined in subdivision (b) of Section 6252 of the Government Code. Other portions of the reports are public records unless excepted by statute. Statistical bulletins based on these reports and published under Section 2205 shall be compiled to show, for the state as a whole and separately for each lead agency, the total of each mineral produced therein. In order not to disclose the production, reserves, or rate of depletion from any identifiable mining operation, no production figure shall be published or otherwise disclosed unless that figure is the aggregated production of not less than three mining operations. If the production figure for any lead agency would disclose the production, reserves, or rate of depletion of less than three mining operations or otherwise permit the reasonable inference of the production, reserves, or rate of depletion of any identifiable mining operation, that figure shall be combined with the same figure of not less than two other lead agencies without regard to the location of the lead agencies. The bulletin shall be published annually by June 30 or as soon thereafter as practicable.

(h) The approval of a form by the board pursuant to this section is not the adoption of a regulation for purposes of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and is not subject to that act.

SEC. 4. Section 2714 of the Public Resources Code is amended to read:

2714. This chapter does not apply to any of the following activities:

- (a) Excavations or grading of lands conducted for farming.
- (b) Onsite excavation and onsite earthmoving activities that are integral and necessary for the construction of structures and that are undertaken to prepare a site for the construction of those structures, including landscaping or other land improvements

associated with those structures, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

(1) All required permits for the construction and any associated landscaping or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(2) The lead agency's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(3) The approved construction project is consistent with the general plan or zoning of the site.

(4) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

(c) Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

(1) The plant site is located on lands designated for industrial or commercial uses in the applicable county or city general plan.

(2) The plant site is located on lands zoned industrial or commercial or are contained within a zoning category intended exclusively for industrial activities by the applicable city or county.

(3) None of the minerals being processed are being extracted onsite.

(4) All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.

(d) Prospecting for or the extraction of minerals for commercial purposes where the removal of overburden or mineral product totals less than 1,000 cubic yards in any one location and the total surface area disturbed is less than one acre.

(e) Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

(f) Any other surface mining operations that the board determines to be of an infrequent nature and that involve only minor surface disturbances.

(g) The solar evaporation of sea water or bay water for the production of salt and related minerals.

(h) Emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

(i) (1) Surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or food control, and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Central Valley Flood Protection Board for the purpose of food control, if the Department of Water Resources adopts, after submission to and consultation with, the department, a reclamation plan for lands affected by these activities, and those lands are reclaimed in conformance with the standards specified in regulations of the board adopted pursuant to this chapter. The Department of Water Resources shall provide an annual report to the department by the date specified by the department on these mining activities.

(2) Nothing in this subdivision shall require the Department of Water Resources or the Central Valley Flood Protection Board to obtain a permit or secure approval of a reclamation plan from any city or county in order to conduct surface mining operations specified in paragraph (1). Nothing in this subdivision shall preclude the bringing of an enforcement action pursuant to Section 2774.1, if it is determined that a surface mine operator, acting under contract with the Department of Water Resources or the Central Valley Flood Protection Board on lands other than those owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources or the

Central Valley Flood Protection Board, is otherwise not in compliance with this chapter.

(j)(1) Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.

(2) This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.

(k) Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to and necessary for ongoing operations for the extraction of oil or gas that comply with all of the following conditions:

(1) The operations are being conducted in accordance with Division 3 (commencing with Section 3000).

(2) The operations are consistent with any general plan or zoning applicable to the site.

(3) The earthmoving activities are within oil or gas field properties under a common owner or operator.

(4) No excavated materials are sold for commercial purposes.

(l)(1) The immediate excavation or grading of lands affected by a natural disaster for the purpose of restoring those lands to their prior condition.

(2) The immediate removal of material deposited by a flood onto lands being farmed for the purpose of restoring those lands to their prior condition.

SEC. 5. Section 2770.1 is added to the Public Resources Code, to read:

2770.1. For the purposes of a borrow pit surface mining operation that is owned or operated by a lead agency solely for use by that lead agency, all of the following shall apply:

(a)(1) In addition to the requirements of Sections 2772 and 2773, the lead agency shall include in its reclamation plan maintenance measures that become effective when the borrow pit surface mining operation is idle. The maintenance measures shall maintain the site in compliance with this chapter while the borrow pit surface mining operation is idle.

(2) Notwithstanding paragraph (1), a lead agency may obtain an interim management plan pursuant to subdivision (h) of Section 2770.

(3) A lead agency that complies with this subdivision shall be exempt from the requirements of paragraph (6) of subdivision (h) of Section 2770.

(b) Notwithstanding paragraph (2) of subdivision (h) of Section 2770, an interim management plan for a borrow pit surface mining operation may remain in effect until reclamation of the borrow pit surface mining operation is completed in accordance with the approved reclamation plan.

(c) Notwithstanding subdivision (b) of Section 2774, a lead agency may conduct an inspection of a borrow pit surface mining operation once every two calendar years during a period when the borrow pit surface mining operation is idle.

SEC. 6. Section 2773.1.5 is added to the Public Resources Code, to read:

2773.1.5. (a) Notwithstanding subdivision (e) of Section 2773.1, a financial assurance mechanism may include corporate financial tests combined with surety bonds, irrevocable letters of credit, or trust funds, as described in this section, that together ensure the completion of reclamation in accordance with the approved reclamation plan.

(b) (1) Corporate financial tests shall only be allowed after the board adopts a regulation that establishes a comprehensive analysis and test of a corporation's financial status that includes, but is not limited to, all of the following:

(A) A minimum financial net worth of at least thirty-five million dollars (\$35,000,000), adjusted annually to reflect changes in the Consumer Price Index, as calculated by the United States Bureau of Labor Statistics.

(B)Income.

(C)Liabilities, including other environmental assurances.

(D)Assets located within the United States.

(2) The regulation also shall include, but need not be limited to, all of the following:

(A) Additional measures to provide the lead agency or the director with the recovery of costs associated with the full collection and satisfaction of the financial assurance mechanisms.

(B) Requirements for corporate financial tests that include, but are not limited to, all of the following:

(i) Provide for no more than 75 percent of the financial assurance cost estimate approved within the last year.

(ii) Be annually approved by both the lead agency and the director.

(iii)Be able to be disallowed by either the lead agency or the director.

(iv)Include an assessment from an independent certified public accountant using generally accepted accounting principles in the United States.

(c) Each surface mining operation shall have at least 25 percent of the financial assurance cost estimate in an acceptable financial assurance mechanism other than a corporate financial test if a qualifying corporation operates multiple surface mining operations.

(d)Subject to the requirements of this subdivision, an operator of multiple surface mining operations may use a corporate financial test that combines the financial assurance cost estimates of each surface mining operation.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 8. This act shall become operative only if both this bill and Assembly Bill 1142 of the 2015–16 Regular Session are enacted and become operative on or before January 1, 2017.

Supported Legislation

Senate Bill 1085 (Roth, D)

Laws and Regulations Renewal Examination

Status: Set for hearing April 18.

Location: 4/7/2016 Senate Business, Professions and Economic Development Committee

Last Amendment: 4/7/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: SB 1085

Bill Summary: Existing law makes the Board responsible for the certification, licensure, and regulation of the practice of professional engineers, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. This bill would additionally require an applicant for renewal to complete a specified board-administered assessment. The bill would make the failure to complete the assessment a cause for disciplinary action.

Staff Comment: This is Board sponsored legislation. This bill is needed to safeguard the public from unnecessary non-practice-related violations of the laws committed by California Professional Engineers, Land Surveyors, and Geologists. This bill would institute an assessment relating to California laws and regulations under the Board's jurisdiction to reinforce licensees knowledge of the relevant laws.

Board Position: Support as of 2/17/16

Staff Recommendation: Board staff recommends the Board take a **Support** position on the bill as amended 4/17/16.

Laws: An act to add Sections 6795.2, 7881.5, and 8801.1 to the Business and Professions Code, relating to professions and vocations.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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March 1, 2016

The Honorable Jerry Hill
Chair, Senate Business, Professions and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

Re: Support of SB 1085

Dear Chairman Hill:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **Support** Senate Bill 1085.

This bill is needed to safeguard the public from unnecessary non-practice-related violations of the laws committed by California Professional Engineers, Land Surveyors, Geologists, and Geophysicists. This bill would institute an examination relating to California laws and regulations under the Board's jurisdiction to reinforce licensees' knowledge of the relevant laws. Based on the Board's experience, licensees fail to adequately and independently stay up-to-date with critical legal and regulatory changes that directly affect the manner in which they provide services to and for the general public.

This bill would NOT put a hold on the renewal of the license or impact the status of the license. Instead this bill would give the Board the authority to pursue disciplinary action only in situations where a licensee failed to complete the examination. Such action would be pursued under the provisions of the Administrative Procedure Act to ensure the licensee's due process rights.

If you have any questions or concerns please contact Kara Williams, Legislative Analyst, at 916.263.5438.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

Richard B. Moore, PLS
Executive Officer

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1085

Introduced by Senator Roth

February 17, 2016

An act to add Sections 6795.2, 7881.5, and 8801.1 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1085, as amended, Roth. Professional engineers: geologists: land surveyors.

Existing law makes the Board for Professional Engineers, Land Surveyors, and Geologists responsible for the certification, licensure, and regulation of the practice of professional engineering, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. Existing law subjects these certificates and licenses to renewal and requires the ~~certificate holder or licenseholder~~ *of the certificate or license* to apply for renewal on a form prescribed by the board and pay a prescribed fee, as provided.

This bill would additionally require an applicant for renewal to complete ~~a specified board-administered examination.~~ *a board-administered assessment, which includes questions to reinforce the certificate holder's or licenseholder's knowledge of laws applicable to his or her practice area.* The bill would make the failure to complete the ~~examination~~ *assessment within a specified period of time* a cause for disciplinary action.

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 6795.2 is added to the Business and
2 Professions Code, to read:

3 6795.2. (a) At the time of renewal specified in Section 6795
4 or 6796, ~~the certificate holder shall complete an examination board~~
5 *shall administer an assessment of the certificate holder* that
6 includes questions to reinforce the certificate holder's knowledge
7 of state laws and the board's rules and regulations relating to the
8 practice of professional engineers. Failure to complete this
9 ~~examination assessment within 60 days after the date of expiration~~
10 *of the certificate* shall constitute a cause for disciplinary action
11 under Section ~~6775. The board shall administer the examination.~~
12 *6775, but shall not affect the renewal of the certificate.*

13 (b) The crime in subdivision (j) of Section 6787 shall not apply
14 to this section.

15 SEC. 2. Section 7881.5 is added to the Business and Professions
16 Code, to read:

17 7881.5. (a) At the time of renewal specified in Section 7880
18 or 7881, ~~the certificate holder shall complete an examination board~~
19 *shall administer an assessment of the certificate holder* that
20 includes questions to reinforce the certificate holder's knowledge
21 of state laws and the board's rules and regulations relating to the
22 practice of professional geologists and geophysicists. Failure to
23 complete this ~~examination assessment within 60 days after the~~
24 *date of expiration of the certificate* shall constitute a cause for
25 disciplinary action under Section ~~7860. The board shall administer~~
26 *the examination. 7860, but shall not affect the renewal of the*
27 *certificate.*

28 (b) The crime in subdivision (h) of Section 7872 shall not apply
29 to this section.

30 SEC. 3. Section 8801.1 is added to the Business and Professions
31 Code, to read:

32 8801.1. (a) At the time of renewal specified in Section 8801
33 or 8802, ~~the licenseholder shall complete an examination board~~
34 *shall administer an assessment of the licenseholder* that includes
35 questions to reinforce the ~~certificate holder's~~ *licenseholder's*
36 knowledge of state laws and the board's rules and regulations
37 regulating the practice of professional land surveyors. Failure to
38 complete this ~~examination assessment within 60 days after the~~

1 *date of expiration of the license* shall constitute a cause for
2 disciplinary action under Section ~~8780~~. ~~The board shall administer~~
3 ~~the examination.~~ *8780, but shall not affect the renewal of the*
4 *license.*

5 (b) The crime in subdivision (j) of Section 8792 shall not apply
6 to this section.

O

Supported Legislation

Senate Bill 1479 (Committee)

Senate Omnibus Bill

Status: Set for hearing April 18.

Location: Senate Business, Professions and Economic Development Committee

Introduced: 3/10/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: SB 1479

Bill Summary: This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services

Staff Comment: This is the omnibus bill introduced by the Senate Committee on Business, Professions and Economic Development. This bill would make nonsubstantive changes to the provisions of the Board's Acts

Staff Recommendation: Board staff recommends the Board take a **Support** position.

Laws: An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

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

March 10, 2016

An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, as introduced, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law requires an applicant for licensure as a certified public accountant to provide documentation to the board of the completion of a certain number of units of ethics study, as specified. Existing law requires a portion of those units to come from courses containing specified terms in the course title, including, but not limited to, corporate governance.

This bill would instead require those units to come from courses in specified subjects relating to ethics.

(2) The Architects Practice Act provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which is within the Department of Consumer Affairs, and requires a person to pass an examination as a condition of licensure as an architect. Existing law authorizes the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in an Additional Path to Architecture Licensing program that integrates

the experience and examination components offered by a National Architectural Accrediting Board-accredited degree program.

This bill would instead authorize the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in a degree program accepted by the National Council of Architectural Registration Boards that integrates the licensure degree experience and examination components required under that act.

(3)The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board, which is within the Department of Consumer Affairs. That law requires, except as specified, an application for an original license, an additional classification, or for a change of qualifer to become void when certain conditions are met, including if the applicant or examinee for the applicant has failed to appear for the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to appear or if the applicant or the examinee for the applicant has failed to achieve a passing grade in the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to pass the examination.

This bill would delete those above-mentioned conditions as reasons for an application for an original license, an additional classification, or for a change of qualifer to become void.

(4)The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs. That act requires an applicant for registration to take an examination and requires the examination to be held at the times and places within the state that the board determines.

This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization the for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services.

(5)The California Tourism Marketing Act requires the Governor to appoint a Tourism Selection Committee, as specified, and provides that the Director of the Governor's Office of Business and Economic

Development has the power to veto actions of the commission. That act states various findings and declarations by the Legislature regarding the tourism industry in California, including that the mechanism created by that act to fund generic promotions be pursuant to the supervision and oversight of the secretary.

This bill would instead find and declare that the mechanism to fund generic promotions be pursuant to the supervision and oversight of the Director of the Governor’s Office of Business and Economic Development.

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 5092 of the Business and Professions
2 Code is amended to read:

3 5092. (a) To qualify for the certified public accountant license,
4 an applicant who is applying under this section shall meet the
5 education, examination, and experience requirements specified in
6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
7 this article. The board may adopt regulations as necessary to
8 implement this section.

9 (b) An applicant for the certified public accountant license shall
10 present satisfactory evidence that the applicant has completed a
11 baccalaureate or higher degree conferred by a college or university,
12 meeting, at a minimum, the standards described in Section 5094,
13 the total educational program to include a minimum of 24 semester
14 units in accounting subjects and 24 semester units in business
15 related subjects. This evidence shall be provided prior to admission
16 to the examination for the certified public accountant license,
17 except that an applicant who applied, qualified, and sat for at least
18 two subjects of the examination for the certified public accountant
19 license before May 15, 2002, may provide this evidence at the
20 time of application for licensure.

21 (c) An applicant for the certified public accountant license shall
22 pass an examination prescribed by the board pursuant to this article.

23 (d) The applicant shall show, to the satisfaction of the board,
24 that the applicant has had two years of qualifying experience. This
25 experience may include providing any type of service or advice
26 involving the use of accounting, attest, compilation, management

1 advisory, financial advisory, tax, or consulting skills. To be
2 qualifying under this section, experience shall have been performed
3 in accordance with applicable professional standards. Experience
4 in public accounting shall be completed under the supervision or
5 in the employ of a person licensed or otherwise having comparable
6 authority under the laws of any state or country to engage in the
7 practice of public accountancy. Experience in private or
8 governmental accounting or auditing shall be completed under the
9 supervision of an individual licensed by a state to engage in the
10 practice of public accountancy.

11 (e) This section shall become inoperative on January 1, 2014,
12 but shall become or remain operative if the educational
13 requirements in ethics study and accounting study established by
14 subdivision (b) of Section 5093, Section 5094.3, and Section
15 5094.6 are reduced or eliminated.

16 (f) *The amendment to subdivision (d) of Section 5094.3 made*
17 *by the measure adding this subdivision shall not be deemed to*
18 *reduce or eliminate the educational requirements of Section 5094.3*
19 *for purposes of subdivision (e) of this Section.*

20 SEC. 2. Section 5094.3 of the Business and Professions Code
21 is amended to read:

22 5094.3. (a) An applicant for licensure as a certified public
23 accountant shall, to the satisfaction of the board, provide
24 documentation of the completion of 10 semester units or 15 quarter
25 units of ethics study, as set forth in paragraph (2) of subdivision
26 (b) of Section 5093, in the manner prescribed in this section.

27 (b) (1) Between January 1, 2014, and December 31, 2016,
28 inclusive, an applicant shall complete 10 semester units or 15
29 quarter units in courses described in subdivisions (d), (e), and (f).

30 (2) Beginning January 1, 2017, an applicant shall complete 10
31 semester units or 15 quarter units in courses described in
32 subdivisions (c), (d), (e), and (f).

33 (c) A minimum of three semester units or four quarter units in
34 courses at an upper division level or higher devoted to accounting
35 ethics or accountants' professional responsibilities, unless the
36 course was completed at a community college, in which case it
37 need not be completed at the upper division level or higher.

38 (d) Between January 1, 2014, and December 31, 2016, inclusive,
39 a maximum of 10 semester units or 15 quarter units, and on and
40 after January 1, 2017, a maximum of 7 semester units or 11 quarter

1 units, in courses containing the following terms in the course title:
2 *the following subjects relating to ethics:*

- 3 (1) Business, government, and society.
- 4 (2) Business law.
- 5 (3) Corporate governance.
- 6 (4) Corporate social responsibility.
- 7 (5) Ethics.
- 8 (6) Fraud.
- 9 (7) Human resources management.
- 10 (8) Business leadership.
- 11 (9) Legal environment of business.
- 12 (10) Management of organizations.
- 13 (11) Morals.
- 14 (12) Organizational behavior.
- 15 (13) Professional responsibilities.
- 16 (14) Auditing.

17 (e) (1) A maximum of three semester units or four quarter units
18 in courses taken in the following disciplines:

- 19 (A) Philosophy.
- 20 (B) Religion.
- 21 (C) Theology.

22 (2) To qualify under this subdivision, the course title shall
23 contain one or more of the terms “introduction,” “introductory,”
24 “general,” “fundamentals of,” “principles,” “foundation of,” or
25 “survey of,” or have the name of the discipline as the sole name
26 of the course title.

27 (f) A maximum of one semester unit of ethics study for
28 completion of a course specific to financial statement audits.

29 (g) An applicant who has successfully passed the examination
30 requirement specified under Section 5082 on or before December
31 31, 2013, is exempt from this section unless the applicant fails to
32 obtain the qualifying experience as specified in Section 5092 or
33 5093 on or before December 31, 2015.

34 SEC. 3. Section 5550.2 of the Business and Professions Code
35 is amended to read:

36 5550.2. Notwithstanding subdivision (b) of Section 5552, the
37 board may grant eligibility, based on an eligibility point determined
38 by the Additional Path to Architectural Licensing Program, for a
39 candidate *eligibility* to take the *licensure* examination for a license
40 to practice architecture if he or she is to a candidate enrolled in

1 ~~an Additional Path to Architectural Licensing program a degree~~
 2 ~~program accepted by the National Council of Architectural~~
 3 ~~Registration Boards that integrates the licensure degree experience~~
 4 ~~and examination components offered by a National Architectural~~
 5 ~~Accrediting Board-accredited degree program. required under this~~
 6 ~~chapter. The eligibility point shall be determined by that degree~~
 7 ~~program.~~

8 SEC. 4. Section 7074 of the Business and Professions Code is
 9 amended to read:

10 7074. (a) Except as otherwise provided by this section, an
 11 application for an original license, for an additional ~~classification-~~
 12 ~~classification~~, or for a change of qualifer shall become void when:

13 ~~(1) The applicant or examinee for the applicant has failed to~~
 14 ~~appear for the scheduled qualifying examination and fails to request~~
 15 ~~and pay the fee for rescheduling within 90 days of notification of~~
 16 ~~failure to appear, or, after being rescheduled, has failed to appear~~
 17 ~~for a second examination.~~

18 ~~(2) The applicant or the examinee for the applicant has failed~~
 19 ~~to achieve a passing grade in the scheduled qualifying examination,~~
 20 ~~and fails to request and pay the fee for rescheduling within 90 days~~
 21 ~~of notification of failure to pass the examination.~~

22 ~~(3)~~
 23 (1) The applicant or the examinee for the applicant has failed
 24 to achieve a passing grade in the qualifying examination within
 25 18 months after the application has been deemed acceptable by
 26 the board.

27 ~~(4)~~
 28 (2) The applicant for an original license, after having been
 29 notified to do so, fails to pay the initial license fee within 90 days
 30 from the date of the notice.

31 ~~(5)~~
 32 (3) The applicant, after having been notified to do so, fails to
 33 fle within 90 days from the date of the notice any bond or cash
 34 deposit or other documents that may be required for issuance or
 35 granting pursuant to this chapter.

36 ~~(6)~~
 37 (4) After fling, the applicant withdra ws the application.

38 ~~(7)~~

1 (5)The applicant fails to return the application rejected by the
2 board for insufficiency or incompleteness within 90 days from the
3 date of original notice or rejection.

4 (8)

5 (6)The application is denied after disciplinary proceedings
6 conducted in accordance with the provisions of this code.

7 (b)The void date on an application may be extended up to 90
8 days or one examination may be rescheduled without a fee upon
9 documented evidence by the applicant that the failure to complete
10 the application process or to appear for an examination was due
11 to a medical emergency or other circumstance beyond the control
12 of the applicant.

13 (c)An application voided pursuant to ~~the provisions of this~~
14 section shall remain in the possession of the registrar for the period
15 as he or she deems necessary and shall not be returned to the
16 applicant. Any reapplication for a license shall be accompanied
17 by the fee fixed by this chapter.

18 SEC. 5. Section 7844 of the Business and Professions Code is
19 amended to read:

20 7844. (a) Examination for ~~registration~~ licensure shall be held
21 at the times and places within the state as the board shall determine.
22 The scope of examinations and the methods of procedure may be
23 prescribed by rule of the board.

24 (b) *The board may make arrangements with a public or private*
25 *organization to conduct the examination. The board may contract*
26 *with a public or private organization for materials or services*
27 *related to the examination.*

28 (c) *The board may authorize an organization specified by the*
29 *board to receive directly from applicants payment of the*
30 *examination fees charged by that organization as payment for*
31 *examination materials and services.*

32 SEC. 6. Section 7887 of the Business and Professions Code is
33 amended to read:

34 7887. The amount of the fees prescribed by this chapter shall
35 be fixed by the board in accordance with the following schedule:

36 (a)The fee for filing each application for licensure as a geologist
37 or a geophysicist or certification as a specialty geologist or a
38 specialty geophysicist and for administration of the examination
39 shall be fixed at not more than two hundred fifty dollars (\$250).

1 (b) The license fee for a geologist or for a geophysicist and the
2 fee for the certification in a specialty shall be fixed at an amount
3 equal to the renewal fee in effect on the last regular renewal date
4 before the date on which the certificate is issued, except that, with
5 respect to certificates that will expire less than one year after
6 issuance, the fee shall be fixed at an amount equal to 50 percent
7 of the renewal fee in effect on the last regular renewal date before
8 the date on which the certificate is issued. The board may, by
9 appropriate regulation, provide for the waiver or refund of the
10 initial certificate fee where the certificate is issued less than 45
11 days before the date on which it will expire.

12 (c) The duplicate certificate fee shall be fixed at not more than
13 six dollars (\$6).

14 (d) The renewal fee for a geologist or for a geophysicist shall
15 be fixed at not more than four hundred dollars (\$400).

16 (e) The renewal fee for a specialty geologist or for a specialty
17 geophysicist shall be fixed at not more than one hundred dollars
18 (\$100).

19 (f) Notwithstanding Section 163.5, the delinquency fee for a
20 certificate is an amount equal to 50 percent of the renewal fee in
21 effect on the last regular renewal date.

22 (g) Each applicant for licensure as a geologist shall pay an
23 examination fee fixed at an amount equal to the actual cost to the
24 board to administer the examination described in subdivision (d)
25 of Section ~~7841~~. 7841, unless an applicant pays the examination
26 fee directly to an organization pursuant to Section 7844.

27 (h) Each applicant for licensure as a geophysicist or certification
28 as an engineering geologist or certification as a hydrogeologist
29 shall pay an examination fee fixed by the board at an amount equal
30 to the actual cost to the board for the development and maintenance
31 of the written examination, and shall not exceed one hundred
32 dollars (\$100).

33 (i) The fee for a retired license shall be fixed at not more than
34 50 percent of the fee for filing an application for licensure as a
35 geologist or a geophysicist in effect on the date of application for
36 a retired license.

37 SEC. 7. Section 13995.1 of the Government Code is amended
38 to read:

39 13995.1. The Legislature hereby finds and declares all of the
40 following:

1 (a) Tourism is among California's biggest industries,
2 contributing over fifty-two billion dollars (\$52,000,000,000) to
3 the state economy and employing nearly 700,000 Californians in
4 1995.

5 (b) In order to retain and expand the tourism industry in
6 California, it is necessary to market travel to and within California.

7 (c) State funding, while an important component of marketing,
8 has been unable to generate sufficient funds to meet the threshold
9 levels of funding necessary to reverse recent losses of California's
10 tourism market share.

11 (d) In regard to the need for a cooperative partnership between
12 business and industry:

13 (1) It is in the state's public interest and vital to the welfare of
14 the state's economy to expand the market for, and develop,
15 California tourism through a cooperative partnership funded in
16 part by the state that will allow generic promotion and
17 communication programs.

18 (2) The mechanism established by this chapter is intended to
19 play a unique role in advancing the opportunity to expand tourism
20 in California, and it is intended to increase the opportunity for
21 tourism to the benefit of the tourism industry and the consumers
22 of the State of California.

23 (3) Programs implemented pursuant to this chapter are intended
24 to complement the marketing activities of individual competitors
25 within the tourism industry.

26 (4) While it is recognized that smaller businesses participating
27 in the tourism market often lack the resources or market power to
28 conduct these activities on their own, the programs are intended
29 to be of benefit to businesses of all sizes.

30 (5) These programs are not intended to, and they do not, impede
31 the right or ability of individual businesses to conduct activities
32 designed to increase the tourism market generally or their own
33 respective shares of the California tourism market, and nothing in
34 the mechanism established by this chapter shall prevent an
35 individual business or participant in the industry from seeking to
36 expand its market through alternative or complementary means,
37 or both.

38 (6) (A) An individual business's own advertising initiatives are
39 typically designed to increase its share of the California tourism

1 market rather than to increase or expand the overall size of that
2 market.

3 (B)In contrast, generic promotion of California as a tourism
4 destination is intended and designed to maintain or increase the
5 overall demand for California tourism and to maintain or increase
6 the size of that market, often by utilizing promotional methods
7 and techniques that individual businesses typically are unable, or
8 have no incentive, to employ.

9 (7)This chapter creates a mechanism to fund generic promotions
10 that, pursuant to the required supervision and oversight of the
11 ~~secretary~~ *director* as specified in this chapter, further specific state
12 governmental goals, as established by the Legislature, and result
13 in a promotion program that produces nonideological and
14 commercial communication that bears the characteristics of, and
15 is entitled to all the privileges and protections of, government
16 speech.

17 (8)The programs implemented pursuant to this chapter shall
18 be carried out in an effective and coordinated manner that is
19 designed to strengthen the tourism industry and the state's economy
20 as a whole.

21 (9) Independent evaluation of the effectiveness of the programs
22 will assist the Legislature in ensuring that the objectives of the
23 programs as set out in this section are met.

24 (e) An industry-approved assessment provides a private-sector
25 financing mechanism that, in partnership with state funding, will
26 provide the amount of marketing necessary to increase tourism
27 marketing expenditures by California.

28 (f)The goal of the assessments is to assess the least amount per
29 business, in the least intrusive manner, spread across the greatest
30 practical number of tourism industry segments.

31 (g)The California Travel and Tourism Commission shall target
32 an amount determined to be sufficient to market effectively travel
33 and tourism to and within the state.

34 (h) In the course of developing its written marketing plan
35 pursuant to Section 13995.45, the California Travel and Tourism
36 Commission shall, to the maximum extent feasible, do both of the
37 following:

38 (1)Seek advice and recommendations from all segments of
39 California's travel and tourism industry and from all geographic
40 regions of the state.

1 (2)Harmonize, as appropriate, its marketing plan with the travel
2 and tourism marketing activities and objectives of the various
3 industry segments and geographic regions.

4 (i) The California Travel and Tourism Commission’s marketing
5 budget shall be spent principally to bring travelers and tourists into
6 the state. No more than 15 percent of the commission’s assessed
7 funds in any year shall be spent to promote travel within California,
8 unless approved by at least two-thirds of the commissioners.

O

Supported Legislation

Senate Bill 1165 (Cannella, R)

Sign/Seal and Delinquent Reinstatement

Status: Set for hearing April 11.

Location: 3/29/2016- Senate Business, Professions and Economic Development Committee

Last Amendment: 3/29/2016

Calendar: 4/11/2016 Senate Business, Professions And Economic Development Committee

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Updated 4/11/16

Staff Analysis: SB 1165

Bill Summary: Currently, the laws allow professional geologists and geophysicists to either sign or seal their documents. This bill would require professional geologists and geophysicists to both sign and seal (or stamp) their final work product documents to indicate their responsibility for them and to require professional geologists and geophysicists to obtain a seal (or stamp). This bill would also extend the delinquent reinstatement rights to a licensee from 3-years to 5-years after expiration of their license. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of these licensee after this time. The bill would also make other technical and conforming changes.

Staff Comment: This is Board sponsored legislation. This Bill would provide for more uniformity among the Boards acts. The Board anticipates the increased uniformity of our acts will permit licensees and consumers with improved protection and comprehension of our acts.

Board Position: Support as Introduced 2/18/2016

Staff Recommendation: Board staff recommends the Board take a **Support** position as amended 3/29/2016

Laws: An act to amend Sections 6751, 6755, 6756, 6762, 6763.5, 6796, 6796.3, 6796.5, 6799, 7835, 7835.1, 7842, 7843, 7850, 7850.1, 7850.5, 7852, 7852.1, 7884, 8731, 8740, 8741, 8741.1, 8742, 8743, 8744, 8747, 8748.5, 8802, 8803, 8803.1, and 8805 of the Business and Professions Code, relating to professions and vocations.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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April 1, 2016

The Honorable Jerry Hill
Chair, Senate Business, Professions and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

Re: Support of SB 1165

Dear Chairman Hill:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **SUPPORT** Senate Bill 1165 (Cannella). The Board for Professional Engineers, Land Surveyors, and Geologists administers and enforces the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, each of which defines and regulates their respective professions.

SB 1165 would provide the consumers of California with improved assurance that the documents of professional geologists and geophysicists reflect their final professional opinion. SB 1165 would also provide for consistent operations among the Board for Professional Engineers, Land Surveyors, and Geologists licensing programs by conforming the correlating laws.

If you have any questions or concerns please contact Kara Williams, Legislative Analyst, at 916.263.5438.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

Richard B. Moore, PLS
Executive Officer

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

March 10, 2016

An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, as introduced, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law requires an applicant for licensure as a certified public accountant to provide documentation to the board of the completion of a certain number of units of ethics study, as specified. Existing law requires a portion of those units to come from courses containing specified terms in the course title, including, but not limited to, corporate governance.

This bill would instead require those units to come from courses in specified subjects relating to ethics.

(2) The Architects Practice Act provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which is within the Department of Consumer Affairs, and requires a person to pass an examination as a condition of licensure as an architect. Existing law authorizes the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in an Additional Path to Architecture Licensing program that integrates

the experience and examination components offered by a National Architectural Accrediting Board-accredited degree program.

This bill would instead authorize the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in a degree program accepted by the National Council of Architectural Registration Boards that integrates the licensure degree experience and examination components required under that act.

(3) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board, which is within the Department of Consumer Affairs. That law requires, except as specified, an application for an original license, an additional classification, or for a change of qualifer to become void when certain conditions are met, including if the applicant or examinee for the applicant has failed to appear for the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to appear or if the applicant or the examinee for the applicant has failed to achieve a passing grade in the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to pass the examination.

This bill would delete those above-mentioned conditions as reasons for an application for an original license, an additional classification, or for a change of qualifer to become void.

(4)The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs. That act requires an applicant for registration to take an examination and requires the examination to be held at the times and places within the state that the board determines.

This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization the for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services.

(5)The California Tourism Marketing Act requires the Governor to appoint a Tourism Selection Committee, as specified, and provides that the Director of the Governor's Office of Business and Economic

Development has the power to veto actions of the commission. That act states various findings and declarations by the Legislature regarding the tourism industry in California, including that the mechanism created by that act to fund generic promotions be pursuant to the supervision and oversight of the secretary.

This bill would instead find and declare that the mechanism to fund generic promotions be pursuant to the supervision and oversight of the Director of the Governor’s Office of Business and Economic Development.

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 5092 of the Business and Professions
2 Code is amended to read:

3 5092. (a) To qualify for the certified public accountant license,
4 an applicant who is applying under this section shall meet the
5 education, examination, and experience requirements specified in
6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
7 this article. The board may adopt regulations as necessary to
8 implement this section.

9 (b) An applicant for the certified public accountant license shall
10 present satisfactory evidence that the applicant has completed a
11 baccalaureate or higher degree conferred by a college or university,
12 meeting, at a minimum, the standards described in Section 5094,
13 the total educational program to include a minimum of 24 semester
14 units in accounting subjects and 24 semester units in business
15 related subjects. This evidence shall be provided prior to admission
16 to the examination for the certified public accountant license,
17 except that an applicant who applied, qualified, and sat for at least
18 two subjects of the examination for the certified public accountant
19 license before May 15, 2002, may provide this evidence at the
20 time of application for licensure.

21 (c) An applicant for the certified public accountant license shall
22 pass an examination prescribed by the board pursuant to this article.

23 (d) The applicant shall show, to the satisfaction of the board,
24 that the applicant has had two years of qualifying experience. This
25 experience may include providing any type of service or advice
26 involving the use of accounting, attest, compilation, management

1 advisory, financial advisory, tax, or consulting skills. To be
2 qualifying under this section, experience shall have been performed
3 in accordance with applicable professional standards. Experience
4 in public accounting shall be completed under the supervision or
5 in the employ of a person licensed or otherwise having comparable
6 authority under the laws of any state or country to engage in the
7 practice of public accountancy. Experience in private or
8 governmental accounting or auditing shall be completed under the
9 supervision of an individual licensed by a state to engage in the
10 practice of public accountancy.

11 (e) This section shall become inoperative on January 1, 2014,
12 but shall become or remain operative if the educational
13 requirements in ethics study and accounting study established by
14 subdivision (b) of Section 5093, Section 5094.3, and Section
15 5094.6 are reduced or eliminated.

16 (f) *The amendment to subdivision (d) of Section 5094.3 made*
17 *by the measure adding this subdivision shall not be deemed to*
18 *reduce or eliminate the educational requirements of Section 5094.3*
19 *for purposes of subdivision (e) of this Section.*

20 SEC. 2. Section 5094.3 of the Business and Professions Code
21 is amended to read:

22 5094.3. (a) An applicant for licensure as a certified public
23 accountant shall, to the satisfaction of the board, provide
24 documentation of the completion of 10 semester units or 15 quarter
25 units of ethics study, as set forth in paragraph (2) of subdivision
26 (b) of Section 5093, in the manner prescribed in this section.

27 (b) (1) Between January 1, 2014, and December 31, 2016,
28 inclusive, an applicant shall complete 10 semester units or 15
29 quarter units in courses described in subdivisions (d), (e), and (f).

30 (2) Beginning January 1, 2017, an applicant shall complete 10
31 semester units or 15 quarter units in courses described in
32 subdivisions (c), (d), (e), and (f).

33 (c) A minimum of three semester units or four quarter units in
34 courses at an upper division level or higher devoted to accounting
35 ethics or accountants' professional responsibilities, unless the
36 course was completed at a community college, in which case it
37 need not be completed at the upper division level or higher.

38 (d) Between January 1, 2014, and December 31, 2016, inclusive,
39 a maximum of 10 semester units or 15 quarter units, and on and
40 after January 1, 2017, a maximum of 7 semester units or 11 quarter

1 units, in courses containing the following terms in the course title:
2 *the following subjects relating to ethics:*

- 3 (1) Business, government, and society.
- 4 (2) Business law.
- 5 (3) Corporate governance.
- 6 (4) Corporate social responsibility.
- 7 (5) Ethics.
- 8 (6) Fraud.
- 9 (7) Human resources management.
- 10 (8) Business leadership.
- 11 (9) Legal environment of business.
- 12 (10) Management of organizations.
- 13 (11) Morals.
- 14 (12) Organizational behavior.
- 15 (13) Professional responsibilities.
- 16 (14) Auditing.

17 (e) (1) A maximum of three semester units or four quarter units
18 in courses taken in the following disciplines:

- 19 (A) Philosophy.
- 20 (B) Religion.
- 21 (C) Theology.

22 (2) To qualify under this subdivision, the course title shall
23 contain one or more of the terms “introduction,” “introductory,”
24 “general,” “fundamentals of,” “principles,” “foundation of,” or
25 “survey of,” or have the name of the discipline as the sole name
26 of the course title.

27 (f) A maximum of one semester unit of ethics study for
28 completion of a course specific to financial statement audits.

29 (g) An applicant who has successfully passed the examination
30 requirement specified under Section 5082 on or before December
31 31, 2013, is exempt from this section unless the applicant fails to
32 obtain the qualifying experience as specified in Section 5092 or
33 5093 on or before December 31, 2015.

34 SEC. 3. Section 5550.2 of the Business and Professions Code
35 is amended to read:

36 5550.2. Notwithstanding subdivision (b) of Section 5552, the
37 board may grant eligibility, based on an eligibility point determined
38 by the Additional Path to Architectural Licensing Program, for a
39 candidate *eligibility* to take the *licensure* examination for a license
40 to practice architecture if he or she is to a candidate enrolled in

1 ~~an Additional Path to Architectural Licensing program a degree~~
 2 ~~program accepted by the National Council of Architectural~~
 3 ~~Registration Boards that integrates the licensure degree experience~~
 4 ~~and examination components offered by a National Architectural~~
 5 ~~Accrediting Board-accredited degree program. required under this~~
 6 ~~chapter. The eligibility point shall be determined by that degree~~
 7 ~~program.~~

8 SEC. 4. Section 7074 of the Business and Professions Code is
 9 amended to read:

10 7074. (a) Except as otherwise provided by this section, an
 11 application for an original license, for an additional ~~classification-~~
 12 ~~classification~~, or for a change of qualifer shall become void when:

13 ~~(1) The applicant or examinee for the applicant has failed to~~
 14 ~~appear for the scheduled qualifying examination and fails to request~~
 15 ~~and pay the fee for rescheduling within 90 days of notification of~~
 16 ~~failure to appear, or, after being rescheduled, has failed to appear~~
 17 ~~for a second examination.~~

18 ~~(2) The applicant or the examinee for the applicant has failed~~
 19 ~~to achieve a passing grade in the scheduled qualifying examination,~~
 20 ~~and fails to request and pay the fee for rescheduling within 90 days~~
 21 ~~of notification of failure to pass the examination.~~

22 ~~(3)~~

23 (1) The applicant or the examinee for the applicant has failed
 24 to achieve a passing grade in the qualifying examination within
 25 18 months after the application has been deemed acceptable by
 26 the board.

27 ~~(4)~~

28 (2) The applicant for an original license, after having been
 29 notified to do so, fails to pay the initial license fee within 90 days
 30 from the date of the notice.

31 ~~(5)~~

32 (3) The applicant, after having been notified to do so, fails to
 33 file within 90 days from the date of the notice any bond or cash
 34 deposit or other documents that may be required for issuance or
 35 granting pursuant to this chapter.

36 ~~(6)~~

37 (4) After filing, the applicant withdraws the application.

38 ~~(7)~~

1 (5) The applicant fails to return the application rejected by the
2 board for insufficiency or incompleteness within 90 days from the
3 date of original notice or rejection.

4 (8)

5 (6) The application is denied after disciplinary proceedings
6 conducted in accordance with the provisions of this code.

7 (b) The void date on an application may be extended up to 90
8 days or one examination may be rescheduled without a fee upon
9 documented evidence by the applicant that the failure to complete
10 the application process or to appear for an examination was due
11 to a medical emergency or other circumstance beyond the control
12 of the applicant.

13 (c) An application voided pursuant to ~~the provisions of this~~
14 section shall remain in the possession of the registrar for the period
15 as he or she deems necessary and shall not be returned to the
16 applicant. Any reapplication for a license shall be accompanied
17 by the fee fixed by this chapter.

18 SEC. 5. Section 7844 of the Business and Professions Code is
19 amended to read:

20 7844. (a) Examination for ~~registration~~ licensure shall be held
21 at the times and places within the state as the board shall determine.
22 The scope of examinations and the methods of procedure may be
23 prescribed by rule of the board.

24 (b) *The board may make arrangements with a public or private*
25 *organization to conduct the examination. The board may contract*
26 *with a public or private organization for materials or services*
27 *related to the examination.*

28 (c) *The board may authorize an organization specified by the*
29 *board to receive directly from applicants payment of the*
30 *examination fees charged by that organization as payment for*
31 *examination materials and services.*

32 SEC. 6. Section 7887 of the Business and Professions Code is
33 amended to read:

34 7887. The amount of the fees prescribed by this chapter shall
35 be fixed by the board in accordance with the following schedule:

36 (a) The fee for filing each application for licensure as a geologist
37 or a geophysicist or certification as a specialty geologist or a
38 specialty geophysicist and for administration of the examination
39 shall be fixed at not more than two hundred fifty dollars (\$250).

1 (b) The license fee for a geologist or for a geophysicist and the
2 fee for the certification in a specialty shall be fixed at an amount
3 equal to the renewal fee in effect on the last regular renewal date
4 before the date on which the certificate is issued, except that, with
5 respect to certificates that will expire less than one year after
6 issuance, the fee shall be fixed at an amount equal to 50 percent
7 of the renewal fee in effect on the last regular renewal date before
8 the date on which the certificate is issued. The board may, by
9 appropriate regulation, provide for the waiver or refund of the
10 initial certificate fee where the certificate is issued less than 45
11 days before the date on which it will expire.

12 (c) The duplicate certificate fee shall be fixed at not more than
13 six dollars (\$6).

14 (d) The renewal fee for a geologist or for a geophysicist shall
15 be fixed at not more than four hundred dollars (\$400).

16 (e) The renewal fee for a specialty geologist or for a specialty
17 geophysicist shall be fixed at not more than one hundred dollars
18 (\$100).

19 (f) Notwithstanding Section 163.5, the delinquency fee for a
20 certificate is an amount equal to 50 percent of the renewal fee in
21 effect on the last regular renewal date.

22 (g) Each applicant for licensure as a geologist shall pay an
23 examination fee fixed at an amount equal to the actual cost to the
24 board to administer the examination described in subdivision (d)
25 of Section ~~7841~~. 7841, *unless an applicant pays the examination*
26 *fee directly to an organization pursuant to Section 7844.*

27 (h) Each applicant for licensure as a geophysicist or certification
28 as an engineering geologist or certification as a hydrogeologist
29 shall pay an examination fee fixed by the board at an amount equal
30 to the actual cost to the board for the development and maintenance
31 of the written examination, and shall not exceed one hundred
32 dollars (\$100).

33 (i) The fee for a retired license shall be fixed at not more than
34 50 percent of the fee for filing an application for licensure as a
35 geologist or a geophysicist in effect on the date of application for
36 a retired license.

37 SEC. 7. Section 13995.1 of the Government Code is amended
38 to read:

39 13995.1. The Legislature hereby finds and declares all of the
40 following:

1 (a) Tourism is among California's biggest industries,
2 contributing over fifty-two billion dollars (\$52,000,000,000) to
3 the state economy and employing nearly 700,000 Californians in
4 1995.

5 (b) In order to retain and expand the tourism industry in
6 California, it is necessary to market travel to and within California.

7 (c) State funding, while an important component of marketing,
8 has been unable to generate sufficient funds to meet the threshold
9 levels of funding necessary to reverse recent losses of California's
10 tourism market share.

11 (d) In regard to the need for a cooperative partnership between
12 business and industry:

13 (1) It is in the state's public interest and vital to the welfare of
14 the state's economy to expand the market for, and develop,
15 California tourism through a cooperative partnership funded in
16 part by the state that will allow generic promotion and
17 communication programs.

18 (2) The mechanism established by this chapter is intended to
19 play a unique role in advancing the opportunity to expand tourism
20 in California, and it is intended to increase the opportunity for
21 tourism to the benefit of the tourism industry and the consumers
22 of the State of California.

23 (3) Programs implemented pursuant to this chapter are intended
24 to complement the marketing activities of individual competitors
25 within the tourism industry.

26 (4) While it is recognized that smaller businesses participating
27 in the tourism market often lack the resources or market power to
28 conduct these activities on their own, the programs are intended
29 to be of benefit to businesses of all sizes.

30 (5) These programs are not intended to, and they do not, impede
31 the right or ability of individual businesses to conduct activities
32 designed to increase the tourism market generally or their own
33 respective shares of the California tourism market, and nothing in
34 the mechanism established by this chapter shall prevent an
35 individual business or participant in the industry from seeking to
36 expand its market through alternative or complementary means,
37 or both.

38 (6) (A) An individual business's own advertising initiatives are
39 typically designed to increase its share of the California tourism

1 market rather than to increase or expand the overall size of that
2 market.

3 (B) In contrast, generic promotion of California as a tourism
4 destination is intended and designed to maintain or increase the
5 overall demand for California tourism and to maintain or increase
6 the size of that market, often by utilizing promotional methods
7 and techniques that individual businesses typically are unable, or
8 have no incentive, to employ.

9 (7) This chapter creates a mechanism to fund generic promotions
10 that, pursuant to the required supervision and oversight of the
11 ~~secretary~~ *director* as specified in this chapter, further specific state
12 governmental goals, as established by the Legislature, and result
13 in a promotion program that produces nonideological and
14 commercial communication that bears the characteristics of, and
15 is entitled to all the privileges and protections of, government
16 speech.

17 (8) The programs implemented pursuant to this chapter shall
18 be carried out in an effective and coordinated manner that is
19 designed to strengthen the tourism industry and the state's economy
20 as a whole.

21 (9) Independent evaluation of the effectiveness of the programs
22 will assist the Legislature in ensuring that the objectives of the
23 programs as set out in this section are met.

24 (e) An industry-approved assessment provides a private-sector
25 financing mechanism that, in partnership with state funding, will
26 provide the amount of marketing necessary to increase tourism
27 marketing expenditures by California.

28 (f) The goal of the assessments is to assess the least amount per
29 business, in the least intrusive manner, spread across the greatest
30 practical number of tourism industry segments.

31 (g) The California Travel and Tourism Commission shall target
32 an amount determined to be sufficient to market effectively travel
33 and tourism to and within the state.

34 (h) In the course of developing its written marketing plan
35 pursuant to Section 13995.45, the California Travel and Tourism
36 Commission shall, to the maximum extent feasible, do both of the
37 following:

38 (1) Seek advice and recommendations from all segments of
39 California's travel and tourism industry and from all geographic
40 regions of the state.

1 (2) Harmonize, as appropriate, its marketing plan with the travel
2 and tourism marketing activities and objectives of the various
3 industry segments and geographic regions.

4 (i) The California Travel and Tourism Commission's marketing
5 budget shall be spent principally to bring travelers and tourists into
6 the state. No more than 15 percent of the commission's assessed
7 funds in any year shall be spent to promote travel within California,
8 unless approved by at least two-thirds of the commissioners.

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“architect-in- training”, is clear that the individual using that title is not yet a licensed architect.”

2. **Background.** The CAB was created in 1901 by the Legislature to fulfill the mission of protecting the health, safety, and welfare of the public through the regulation of the practice of architecture. The CAB establishes regulations for the examination and licensing of the architecture profession in California, which today numbers approximately 21,000 licensed architects and approximately 11,000 candidates who are in the process of meeting examination and licensure requirements.
3. **Architect Registration Exam.** To be eligible for the Architect Registration Examination (ARE), a candidate is required to meet one of the following requirements below and possess an active Council Record with the National Council of Architectural Registration Boards (NCARB):
 - a) Have a degree in architecture accredited by the National Architectural Accrediting Board from a school of architecture as approved by CAB, or
 - b) Have at least sixty (60) net months of architectural training and experience under the direct supervision of an architect in private practice or the equivalent as evaluated by CAB, or
 - c) Have a combination of educational and experience credit as evaluated by CAB such as to total sixty (60) net months.

These requirements are outlined in the California Code of Regulations, Title 16, Division 2, Article 3, Section 116.

The ARE consists of seven divisions that include multiple-choice, fill-in-the-blank, and check-all-that-apply questions as well as graphic vignettes.

4. **Engineer-In-Training and Land Surveyors-In-Training.** In BPC § 6756 of the Professional Engineers Act and BPC § 8747(a) of the Professional Land Surveyors Act, professionals are required to obtain an “in-training” certificate prior to licensure. These certificates do not authorize the holder of the certificate to practice or offer to practice engineering or land surveying work. It is also important to note that many employers look to see if an applicant has an “in-training” certificate prior to employment.
5. **NCARB Ruling.** In 2014, NCARB created the Future Title Task Force to discuss what professionals who are on the path to become licensed architects should be called. Over the course of many months, the task force carefully debated the issue, and finally came to the conclusion that there is no agreed-upon terminology for professionals on the path to licensure. NCARB states:

“The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that

NCARB discontinue the use of the word intern, intern architect, or any other regulatory 'title' describing those pursuing licensure."

6. **No Official Position by the CAB.** The CAB states "at this time, it is unclear to the Board that the proposal would address any identified risk to consumer health, safety and welfare. It is also difficult to justify the regulation and enforcement of a title appropriated to unlicensed individuals who do not yet come under the regulatory purview of the Board. At its most recent meeting (March 2015), the Board voted to accept REC's recommendation to table the matter until AIACC presents a comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration. The Board has not received such a proposal to date."
7. **Arguments in Support.** The American Institute of Architects, California Council writes that "SB 1132 would allow individuals to have the job title 'architect-in-training' during their internship once they are eligible to take the licensing examinations. This job title does not harm the public as it does not imply licensure or grant any of the authority of a licensed architect. Importantly, it is helpful as it describes the qualification of the individual to clients of an architectural firm."

SUPPORT AND OPPOSITION:

Support:

The American Institute of Architects, California Council (Sponsor)

Neutral:

California Architects Board

Opposition:

None on file as of March 29, 2016.

-- END --

Introduced by Senator Galgiani

February 18, 2016

An act to amend Section 5500 of, and to add Section 5500.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

SB 1132, as introduced, Galgiani. Architects: architects-in-training. The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture by the California Architects Board, which is within the Department of Consumer Affairs, and defines the term “architect” for those purposes. That act requires an applicant for licensure as an architect to, among other things, take an examination. Existing regulations require an applicant for licensure to take the Architect Registration Examination.

This bill would define the term “architect-in-training,” for purposes of that act, as a person who has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of a licensed architect, and would authorize a person to use the title “architect-in-training” for purposes of employment in the state if he or she meets the definition of that term.

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

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

- 1 SECTION 1. Section 5500 of the Business and Professions
- 2 Code is amended to read:
- 3 5500. As used in this ~~chapter~~, *chapter*, the following terms
- 4 shall have the following meanings: ~~architect~~

1 (a) “Architect” means a person who is licensed to practice
2 architecture in this state under the authority of this chapter.

3 (b) “Architect-in-training” means a person who has received
4 board confirmation of eligibility for the Architect Registration
5 Examination and is employed under the direct supervision of an
6 architect licensed under this chapter.

7 SEC. 2. Section 5500.2 is added to the Business and Professions
8 Code, to read:

9 5500.2. A person may use the title “architect-in-training” for
10 purposes of employment in the state if he or she meets the
11 definition of architect-in-training in Section 5500.

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IV. Consideration of Rulemaking Proposals

- A. Proposal to Amend Title 16, California Code of Regulations §3031 (Geologist Education and References)
- B. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations section 464 (Corner Records)
- C. Proposal to Amend Title 16, California Code of Regulations §425 (Land Surveyor Experience Requirements) (Possible Action)

Goal 1.1 of the 2015-2018 BPELSG Strategic Plan states the Board's intent to "Identify the minimum curriculum required for a qualifying geological sciences degree." The minimum qualifications for licensure as a geologist in California are described in Business and Professions Code section 7841. The Board has long recognized that there is confusion among potential licensees regarding the requirement described in §7841 (b) *Graduation with a major in geological sciences from a college or university.*

During the January 2016 Board Meeting, the Board authorized staff to conduct workshops to solicit input from industry, academia and any other interested stakeholders on the education requirement. A workshop was held in Riverside on February 19, 2016, and in Sacramento on February 26, 2016. A total of 14 members of the public attended the two workshops. Additionally, a narrated video of the workshop slides was posted on YouTube and links were provided on the Board's website. As of March 30, the video had been viewed 132 times. Additional outreach was conducted with presentations or announcements at the Association of Engineering Geologists section meetings in San Francisco, Sacramento and Southern California (Westlake).

Twenty individuals provided formal comments either via email, U.S. Mail, by completing comment forms, or by providing verbal comments. Comments included:

- Practicing geologists reporting a perceived lack of field skills with recent graduates
- Recent graduates indicating that traditional summer field courses are expensive
- Members of non-licensed professions seeking a pathway to geology licensure
- Suggestions that the Board initiate an "environmental license"
- Frustration from some non-licensed professionals that they were not made aware of licensing requirements when choosing a college major
- Suggested lists of specific courses that should be included in the requirements
- Suggestions to include newer technologies and techniques in the list of courses
- General support for defining a qualifying degree
- Requests that the requirements be specific and clear so applicants can understand them
- A request that all applicants be held to the same standard, and that the requirements not be reduced to accommodate non-geology professionals
- Positive feedback from college and university geology departments indicating a willingness to provide students with help documenting their educational qualifications for a license application
- A dominant preference for a list of classes that includes an explanation or statement describing the skills and competencies expected out of each course

After considering all input, the proposed amendments to Section 3031 have been drafted and are included in these meeting materials for Board review. The amendments define a qualifying geological sciences degree.

The proposed amendments also include additions to this section of the regulations regarding references used to document the experience requirements for a Professional Geologist license, for a Professional Geophysicist license, and for any specialty certification application. The amendments addressing the experience requirements are intended to increase consistency between the regulations for engineers and land surveyors, and the regulations for geologists and geophysicists.

RECOMMENDED MOTION:

Board staff recommends that the Board approve the above proposal and direct staff to begin the formal rulemaking process to amend Title 16, California Code of Regulations section 3031.

3031. Examination Required.

(a) Every applicant for ~~registration~~ licensure as a geologist shall be required to take and pass examinations as provided in Section 7841(d) of the Code or every applicant for ~~registration~~ licensure as a geophysicist, or every applicant for certification in any specialty, shall be required to take and pass an examination as prescribed by the Board except as provided in Section 7847 of the Code.

(b) To be eligible for the ~~geological~~ Professional Geologist license ~~examination~~, an applicant shall have completed at least five years of educational and work experience in professional geological work, as set forth in subdivisions (b) and (c) of Section 7841 of the Code.

An applicant for licensure as a Professional Geologist will be granted credit towards the experience requirement for the following curriculum fulfilled at a school or university which, at the time the applicant was enrolled, was accredited by a regional accrediting commission recognized by the United States Department of Education. "Life Experience Degrees" are not acceptable.

(1) Two years experience credit for graduation with a bachelor of arts or bachelor of science degree in geology or a geoscience specialty that includes successfully completing 30 semester units in geological science courses, of which at least 24 semester units are upper division or graduate courses as specified in (A) and (B) below; or graduation with a bachelor degree from a program other than geology, but with the required 30 semester units as specified in (A) and (B) below. The 30 semester units must include:

(A) Instruction sufficient to demonstrate an understanding of basic geologic concepts such as geologic time, earth history and origin, and plate tectonics; the scientific method and techniques used for geologic investigations; the training to think and visualize in spatial and temporal dimensions; the skills necessary to predict the lateral or vertical subsurface conditions based point geologic data; and the ability to understand reasonable variations in data and offer plausible explanations for anomalous values, including recognizing errors in measurement. This shall be accomplished by completing core coursework that includes at least one class in each of the following four subject areas:

(i) "Earth Materials" is that subject which deals with the identification, classification, and chemistry of minerals and rocks; their formation; the

interpretation of their origins; as well as their uses and importance. Example course names include Mineralogy, Optical Mineralogy, Igneous Petrology/Petrography, Metamorphic Petrology/Petrography, and Sedimentary Petrology/Petrography.

- (ii) “Structural Geology” is that branch of geology that describes and analyzes structural features of rocks to reconstruct the motions and processes involved in the build up and deformation of the Earth’s crust from small to large scales. It also includes the interpretation of brittle and ductile strain, the fundamentals of plate tectonics, and the analysis of local and regional geologic structure. Example course names include Structural Geology, Tectonics, Neotectonics, and Advanced Physical Geology.
- (iii) “Stratigraphy and Sedimentation” refers to the identification and interpretation of sedimentary rocks, sedimentary processes and structures, application of stratigraphic and dating methods, identifying the impact of climate and geologic processes on depositional patterns, and facies analysis. Course names may include Stratigraphy, Sedimentology, Sedimentary Petrology, and Sedimentary Basin Analysis.
- (iv) “Upper-Division Field Coursework” is a minimum of five calendar weeks of field training designed to demonstrate a progression of field investigation skills culminating in a capstone project or integrative field experience that is based on the knowledge and skills acquired in earlier geologic coursework. The coursework must demonstrate that the applicant has instruction in the methods needed to measure, map, evaluate and communicate geologic data; and the ability to plan and conduct geological investigations based upon existing sources of geologic information. This shall include preparing and interpreting geologic maps, cross-sections, stratigraphic columns, and written reports. Field experience in skills including logging trenches or borings, designing wells, and other common professional geologic tasks may be accepted at the discretion of the Board so long as it is part of the established college academic program for a geology degree. The field training can be obtained in one or more separate field classes over the course of the third and/or fourth academic years, but must

not be introductory in nature or be part of laboratory exercises for other coursework. Traditional course names may include Advanced Field, Applied Geologic Investigation Techniques, Summer Field, Spring Field, and Senior Thesis.

(B) Applied upper-division coursework including at least two classes from the following subject areas. Courses that combine subjects or skill sets and are educationally equivalent in rigor to those specified below will be considered, at the Board's discretion, to meet the requirements:

- (i) “Geomorphology” is that branch of geology dealing with the origin and development of landforms, landform classification, identification of watersheds, and geomorphic processes and their relationship to the underlying geology. Skills learned include methods of geomorphological analysis, topographic map interpretation, and interpreting remote sensing data. Traditional course names may include Surface Processes, Quaternary Geomorphology, Quantitative Geomorphology, and Remote Sensing.
- (ii) “Engineering Geology” refers to that branch of geology as defined in Section 3003 (b) of Title 16, California Code of Regulations. Skills learned should include application of geologic methods, principles, and information to engineering and related fields; the relationship between engineered structures and geology; the assessment and mitigation of geologic hazards including seismic hazards, flood potential and slope stability issues; and communication of hazard information. Typical course names may include Engineering Geology, Applied Geology and Geologic Hazards.
- (iii) “Hydrogeology” refers to that branch of geology as defined in Section 3003 (h) of Title 16, California Code of Regulations. Skills learned include the theory and analysis of groundwater flow, the relationship between geology and groundwater flow, the relationship of surface water and groundwater, fluid and vapor movement within the vadose zone, aquifer properties and mechanics, development of groundwater as a resource, design of water wells and vapor wells, groundwater chemistry, and water quality issues. Typical course names

may include Hydrogeology, Geohydrology, Contaminant Hydrogeology, and Water Resources.

- (iv) “California Geology” is the study of the geology, geologic history, tectonic evolution, geologic resources, and landforms of California. Course outcomes should include the knowledge required to pass the California Specific Examination required for professional licensure in this state as described in Section 7841 (d) of the Code. Topics may include specific California geologic formations known to present geologic hazards, earthquake hazards, and an analysis of case histories of major geologic/engineering failures. Typical course names may include California Geology, Engineering Geology, and Applied Geology.
- (v) “Paleontology” is the study of life throughout geologic time, exclusive of hominids. Coursework should address recognizing common fossils and fossil types, the geologic settings which would indicate the potential for paleontological resources, and the evolutionary history of fossil groups of traditional importance to geologists. Other topics may include basic modes of preservation, skeletal anatomy, systematics and taxonomy, biostratigraphy, paleoecology, and paleobiogeography. Example course names include, Paleontology, Invertebrate Paleontology, and Biostratigraphy.
- (vi) “Resources Geology” teaches the skills needed to identify the origin, occurrence, and distribution of non-renewable resources, including metallic, nonmetallic, and energy-producing materials; problems related to resource extraction; estimations and limitations of reserves; and reclaiming sites after extraction of resources. Typical course names include Economic Geology, Resources Geology, Petroleum Geology, Ore Deposits, Basin Analysis, Geothermal Processes and Applied Geochemistry.
- (vii) “Environmental Geology” includes an introduction to environmental site assessment and remediation, environmental geochemistry, and the mitigation of potentially negative effects of human activities such as exploration for mineral and energy resources, or solid and hazardous waste disposal on geologic systems, as well as the protection of water resources, land and

watershed restoration. Example course names include Environmental Geology or Applied Geology.

- (viii) “Geophysics” refers to that subject as defined in Section 7802.1 of the Code and Section 3003 (e) of Title 16, California Code of Regulations. This subject typically includes familiarization with geophysical exploration techniques, seismic wave propagation, attenuation physics of the earthquake source, magnitude, seismic moment and focal mechanism, seismic recording instruments, seismic reflection and refraction methods, gravity surveys, magnetic surveys; and geological interpretation of geophysical data. Typical course names would include Introduction to Geophysics, Applied Geophysics, Seismology, Engineering Geology, Applied Geology.
 - (ix) “Technology Applications in Geology” encompasses a wide range of technology skills with coursework that includes an emphasis on application to geologic investigations. These could include, but are not limited to, the use of Geographic Information Systems (GIS), computer modeling of groundwater or other processes, or numerical methods of data analysis. Coursework without a specific and demonstrable geologic application will not qualify.
 - (x) “Applied geoscience coursework taught by university departments other than geology” refers to coursework with a reasonable and rational application to the professional practice of geology as determined by the Board. A maximum of one course would be accepted at the discretion of the Board. Examples include Geologic or Geotechnical Engineering, Soil Mechanics, Rock Mechanics, Mining Engineering, Hydrology, or Soil Genesis and Morphology.
- (C) Independent study, research projects, theses or dissertations may, at the Board’s discretion, be used to satisfy the applied upper-division coursework requirement defined in (B).
- (D) Workshops, professional development seminars, conferences, short courses, student internships, or reading courses may not be used to satisfy the 30 hour geological sciences requirement, or equivalent.
- (E) It shall be the applicant’s responsibility to demonstrate that his/her academic coursework and training meet the requirements of the Board. To do so, the applicant

must provide official sealed transcripts and any other supporting evidence necessary to document that these educational requirements or equivalents have been met. Examples of acceptable supporting evidence to demonstrate educational equivalence includes, but is not limited to, copies of course descriptions from the school catalog in effect at the time the class was taken, course syllabi, copies of study materials, and the tables of contents of books required for the course, or any other reasonable and necessary information requested by the Board for this purpose.

(2) A bachelor of arts or bachelor of science degree in geology from a geology program accredited by an organization recognized by the Board may be substituted for the requirements described in Section 3031(b)(1) above.

~~—(1) (3)~~ Graduate study or research in geological sciences at a school or university whose geological curricula meet criteria established by rules of the Board, shall be counted on a year-for-year basis in computing the experience requirements specified in Section 7841 of the Code. A year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as two semesters per year of eight semester units each, or as defined by the college or university whichever is less. Part-time graduate study ~~Shorter periods~~ will be prorated.

~~—(2) (4)~~ An applicant shall not be eligible to earn credit for professional geological work performed under the supervision of a ~~p~~Professional ~~g~~Geologist or ~~registered~~-licensed ~~e~~Civil or ~~p~~Petroleum ~~e~~Engineer until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841 of the Code.

~~—(3) (5)~~ In no case will credit be given for professional geological work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geological work experience will be prorated and combined on a 12 calendar month basis.

(c) Qualifying experience for geologist licensure is that experience satisfactory to the Board which has been gained while performing geologic tasks under the responsible charge of a person legally qualified to practice geology.

(1) For the purposes of this section, “legally qualified” means having an appropriate license as a Professional Geologist; a licensed Civil Engineer with documented expertise in the

area of geology in which the applicant's experience is earned sufficient to qualify them as being in responsible charge of geologic work; or a reference legally practicing geology in a situation or locale where they are not required to be licensed.

(2) Qualifying experience shall be computed on an actual time worked basis not to exceed forty hours per week.

~~(e)~~ (d) To be eligible for ~~the geophysical examination~~ licensure as a Professional Geophysicist, an applicant shall have completed at least seven years of educational and work experience in professional geophysical work, as set forth in subdivisions (b) and (c) of Section 7841.1 of the Code.

(1) An applicant for licensure as a Professional Geophysicist will be granted credit towards the experience requirement for education, as specified in Section 7841.1 of the Code, fulfilled at a school or university which, at the time the applicant was enrolled, was accredited by a regional accrediting commission recognized by the United States Department of Education. "Life Experience Degrees" are not acceptable.

~~(1)~~ (2) Graduate study or research in geophysical related sciences at a school or university whose geophysical curricula meet criteria established by rules of the Board, shall be counted on a year-for-year basis in computing the experience requirements specified in Section 7841.1 of the Code. A year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as two semesters per year of eight semester units each, or as defined by the college or university whichever is less. Part-time graduate study ~~Shorter periods~~ will be prorated.

~~(2)~~ (3) An applicant shall not be eligible to earn credit for professional geophysical work performed under the supervision of a ~~p~~Professional ~~g~~Geophysicist until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841.1 of the Code.

~~(3)~~ (4) In no case will credit be given for professional geophysical work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geophysical work experience will be prorated and combined on a 12 calendar month basis.

(e) Qualifying experience for geophysics licensure is that experience satisfactory to the Board which has been gained while performing geophysics tasks under the responsible charge of a person legally qualified to practice geophysics.

(1) For the purposes of this section, “legally qualified” means having an appropriate license as a Professional Geophysicist; a licensed Civil Engineer with documented expertise in the area of geophysics in which the applicant’s experience is earned sufficient to qualify them as being in responsible charge of geophysical work; or a reference legally practicing geophysics in a situation or locale where they are not required to be licensed.

(2) Qualifying experience shall be computed on an actual time worked basis not to exceed forty hours per week.

(f) To assist the Board in evaluating qualifications, each applicant for licensure as a Professional Geologist, a Professional Geophysicist, or any specialty certification, shall submit completed reference forms from as many references as may be consistent with the length and character of the professional experience, but no less than three.

(1) None of the references can be related to the applicant by birth or marriage.

(2) At least one of the references must have been in responsible charge of the applicant’s qualifying work for the length of the experience claimed in the application.

(3) Reference forms must either be stamped by the licensee giving the reference, or must be notarized and, and must clearly indicate areas of personal knowledge of the applicant’s qualifying experience.

(4) Information submitted by references is confidential.

(5) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications and other information pertinent to the applicant’s education and/or experience to verify that the applicant meets the minimum qualifications for a Professional Geologist license as defined in Section 7841 of the Code; the minimum qualifications for a Professional Geophysicist license as defined in Section 7841.1 of the Code; or for a specialty in either geology or geophysics as defined in Sections 7842 and 7842.1 of the Code.

~~(d)~~ (g) Every applicant for registration licensure as a geologist who obtains a passing score determined by a recognized criterion-referenced method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing

score may vary moderately with changes in test composition. This subsection shall become effective on December 1, 1998, and shall be repealed on December 31, 1999.

~~(e)~~ (h) Each applicant for ~~registration~~ licensure as a geologist who obtains a passing score on the Fundamentals of Geology and Practice of Geology examinations created by the National Association of State Boards of Geology on or after November 1, 1996 and obtains a passing score as determined by a recognized criterion-referenced method of establishing the pass point in the California specific examination pursuant to Section 7841(d) shall be deemed to have passed the required examinations for licensure as a professional geologist in California. This subsection shall become effective on January 1, 2000.

(1) Candidates shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination and the California specific examination and shall be required to submit an application to retake and pass only those examinations previously failed.

~~(f)~~ (i) Every applicant for ~~registration~~ licensure as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition.

**Proposal to Amend Title 16, California Code of Regulations section 425
regarding Experience Requirements – Professional Land Surveyors**

Over the last year, at the Board’s direction, the Land Surveyor Technical Advisory Committee (LSTAC) has discussed possible amendments to Title 16, California Code of Regulations section 425 (Board Rule 425) regarding the experience requirements for licensure as a professional land surveyor. The genesis for these discussions were concerns raised by staff who reviewed the applications for licensure; based on the information provided on the application Engagement Record and Reference Forms (ERRFs) by both the applicants and the licensees serving as references, it appears that neither the applicants nor the references have a clear understanding of what constitutes qualifying experience for licensure or how to clearly describe the experience on the ERRFs.

Board Rule 425 describes what is considered to be qualifying experience for licensure as a professional land surveyor and how much credit may be given and is required for various components of that experience. One subdivision discusses educational credit, while other subdivisions describe qualifying work experience. Two subdivisions provide lengthy lists of activities that are included in the meaning of the terms “responsible field training” and “responsible office training.”

When the Board first promulgated the regulation and included the lists of what activities constitute “responsible field training” and “responsible office training,” it believed it would be providing clearer guidance to applicants and references so that they would have a better understanding of what activities constitute qualifying experience. Unfortunately, the lists are not interpreted as guidance; they are viewed as checklists, and the applicants simply repeat verbatim a certain number of the items on the ERRFs and believe that is sufficient for explaining how they have met the requirements for responsible field and office training.

The proposed amendments are shown in underlined text for additions and ~~strikethrough text~~ for deletions.

425. Experience Requirements - Professional Land Surveyors.

(a) An applicant for licensure as a professional land surveyor shall be granted credit towards the experience requirements contained in Sections 8741 and 8742 of the Code, for the following education curriculum:

- (1) Four (4) years experience credit for graduation from an approved land surveying curriculum.
- (2) Two (2) years experience credit for graduation from a non-approved land surveying curriculum.
- (3) Five (5) years of experience credit for graduation from an approved cooperative work-study land surveying curriculum.
- (4) One-half (1/2) year of education credit for each year of study completed in an approved land surveying curriculum that did not result in the awarding of a baccalaureate degree, except that the maximum of such experience shall be two (2) years. A year of study shall be at least 32 semester units or 48 quarter units, no less than 10 semester units or 15 quarter units of which shall be from classes clearly identified as being land surveying subjects.

“Life Experience Degrees” are not acceptable and will not be counted towards the education credit.

(b) All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. An applicant shall possess at least two years of actual responsible training experience in land surveying which shall involve at least four of the land surveying activities specified in subdivisions (a) - (g) and (k) - (n) of Section 8726 of the Code. Qualifying experience in activities specified in subdivision (a), (b), (k), (m), and (n) of Section 8726 shall not exceed one year in total. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.

(c) For purposes of Section 8742 of the Code, the terms “responsible field training” and “responsible office training” include the land surveying activities specified in subdivisions (a) - (g) and (k) - (n) of Section 8726 of the Code performed in a field or office environment. Responsible training means the exercise of independent judgment under the responsible charge of a person legally authorized to practice land surveying.

~~may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person legally authorized to practice land surveying, the applicant:~~

- ~~(1) Determines field survey methods and procedures, including selection of accuracy standards.~~
- ~~(2) Selects or verifies that the correct control monumentation is used to establish the designated survey datum(s) (horizontal and vertical) and selects on the ground locations for control monuments.~~
- ~~(3) Determines the relevance of monuments and physical field evidence for the purpose of establishing boundary and property lines.~~
- ~~(4) Reviews measurement observations for the determination of accuracy, completeness, and consistency.~~
- ~~(5) Reviews field notes and records for application of proper field survey procedures.~~
- ~~(6) Plans, performs, and reviews field checks and, based on such checks, determines if completed field surveys are accurate and sufficient.~~

~~(7) Searches for boundary and control monuments; assists in analyzing field evidence for locating boundary points and lines; identifies and describes such evidence; compares record data to found physical evidence; compares record data to measured data; documents discrepancies; assists in acquiring and documenting testimony regarding boundary locations; recommends boundary location and/or establishment; selects or verifies that the correct controlling monuments are used to locate or establish boundary points and lines; and prepares draft record documents.~~

~~(8) Coordinates the fieldwork necessary to prepare maps, plats, reports, descriptions, or other documents.~~

~~(9) Recommends when existing boundary monuments are to be replaced, selects the method(s) to be used for replacing and resetting monuments, and prepares field documentation of such work, including that necessary for Parcel Maps, Final Maps, Record of Survey Maps, and Corner Records.~~

~~(10) Functions as a party chief, chief of parties, or lead person in charge of field crew(s) in the performance of field surveys.~~

~~(11) Plans and performs field observations using Global Positioning System technology and determines if completed field surveys are accurate and sufficient in geodetic and land surveying applications.~~

~~(12) Performs surveys to facilitate the location or construction of infrastructure and fixed works of improvement.~~

~~The enumeration of the above tasks does not preclude the Board from awarding “responsible field training” credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed Professional Land Surveyors.~~

~~(d) For purposes of Section 8742 of the Code, the term “responsible office training” experience may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person authorized to practice land surveying, the applicant:~~

~~(1) Performs the planning and analysis necessary for the preparation of survey documents, such as Parcel Maps, Final Maps, Record of Survey Maps, Corner Records, legal descriptions, topographic maps, plat maps, lot line adjustments, annexations, and boundary line agreements.~~

~~(2) Reduces and evaluates field data.~~

~~(3) Develops procedures and systems for the collection, reduction, adjustment, and use of land surveying data.~~

~~(4) Prepares data to be used by field surveyors or field crews.~~

~~(5) Coordinates the processing of maps, plats, reports, descriptions, or other documents with local agencies, other licensed surveyors, or County Surveyors Offices.~~

~~(6) Coordinates the office work necessary to prepare maps, plats, reports, descriptions, or other documents.~~

~~(7) Coordinates survey and design efforts for improvement plans as required for sufficiency to enable proper location of improvements in the field.~~

~~(8) Researches public and private records to obtain survey and title data.~~

~~(9) Performs boundary analysis and determination using record descriptions, survey, and title data.~~

~~(10) Plans and coordinates the application of Global Positioning System technology for geodetic and land surveying applications.~~

~~(11) Plans, coordinates, performs, and reviews the entry of property boundary related geo-referenced data into an electronic database.~~

~~(12) Prepares topographic mapping utilizing photogrammetric methods.~~

~~The enumeration of the above tasks does not preclude the Board from awarding “responsible office training” credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed professional land surveyors.~~

~~(e) (d)~~ Computation of qualifying experience for a license as a professional land surveyor shall be to the date of filing of the application, or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.

~~(f) (e)~~ An applicant for licensure as a land surveyor who holds a valid and unexpired license as a civil engineer is exempt from the application requirements of ~~(subdivisions (b) and (c), and (d))~~ of this section provided he or she submits sufficient documentation that he or she has a minimum of two years of actual broad based progressive experience in land surveying as required by Business and Professions Code Section 8742(a)(3). For purposes of this subdivision and Section 8742(a)(e) of the Code, “actual broad based progressive experience in land surveying” shall involve at least four of the land surveying activities specified in subdivisions (a) - (g) and (k) - (n) of Section 8726 of the Code. All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. Qualifying experience in activities specified in subdivisions (a), (b), (k), (m), and (n) of Section 8726 shall not exceed six months in total. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week. Time used to qualify for the civil engineer license, including that given for educational credit, shall not be used to qualify for the land surveyor license, except for the six months allowed for the activities specified in subdivisions (a), (b), (k), (m), and (n) of Section 8726.

**Approval and/or Adoption of Proposed Amendments to
Title 16, California Code of Regulations section 464 (Corner Records)**

Proposed amendments to Board Rule 464 regarding the preparation and filing of corner records were noticed for a 45-day public comment period on November 13, 2015. A public hearing was held on January 5, 2016.

At the March 3-4, 2016 Board meeting, the Board considered the received comments, recommended responses, and approved amendments which were noticed for a 15-day public comment period on March 17, 2016. The comment period ended April 4, 2016. The following is a summary of comments received, as well as the proposed response:

Comment (1) – Email message, dated March 18, 2016, from David Woolley:

Mr. Wooley requests that the “proposed language shown for 464(a)(7) which states in pertinent part ‘...the corner record shall also show the applicable provisions of Section 8764 of the Code.’ The Code Section 8764 is exclusive to records of survey. Restated, there is no ‘applicable provision’ in 8764 to corner records. I would recommend that BPELSG staff modify 8764 to include corner records before including it in 464.”

Response to Comment (1):

This comment is unrelated to the amendments noticed for comment during the 15-day period. However, insofar as this comment pertains to the reference to “applicable provisions of Section 8764” in 464(a)(7), the Board accepts this comment and has modified 464(a)(7) to specifically include those provisions, from Section 8764, that would normally be applicable to the filing of a Corner Record.

Comment (2) – Email message, dated March 22, 2016, from Donna Fujihara, PLS, County Surveyor, Kern County Public Works Dept.:

Mrs. Fujihara requests that “section” be added to 464(a)(2) in front of “township” and that Sheet 1 of the form include enough space for the County Surveyor's seal.

Response to Comment (2):

This comment is unrelated to the amendments noticed for comment during the 15-day period. However, the Board accepts this comment and has modified the language of 464(a)(2) to include the word “section.”

Comment (3) – Email message, dated March 23, 2016, from Greg Helmer, PLS:

Mr. Helmer provided comment related to the proposed revisions to Board Rule 464 and the Corner Record form as it applies to the optional use of California Coordinates and how the establishment of those values are mandated in Public Resources Code §§ 8801-8819 and §§ 8850-8902.

Response to Comment (3):

The majority of Mr. Helmer's comments are unrelated to the amendments noticed for comment during the 15-day period. However, the Board accepts all of Mr. Helmer's comments in concept and has revised the proposed language and form accordingly.

Additionally, at the March 3-4, 2016, Board meeting, the Board considered the following comment and response:

(Former) Comment (3)

California Land Surveyors Association (CLSA): CLSA forwarded comment from its Legislative Committee related to inclusion of the language referencing Business and Professions Code section 8764 stating that the additional language directly referencing Section 8764 does not serve the purpose of interpreting statute more clearly because Section 8764 pertains to information to be included on a Record of Survey, not a Corner Record. They suggested that the Board remove the reference to Section 8764 and replace it with language that specifically relates to Corner Records.

(Former) Response to (Former) Comment (3)

The Board rejects this comment. Section 8765(d) provides an exemption from the requirement to file a Record of Survey as long as a Corner Record is filed. Section 8764 identifies information that, when applicable, needs to be shown on a Record of Survey to allow sufficient understanding of a monument's pedigree. It is appropriate that the applicable provisions of Section 8764 would be shown on the map that can be filed in lieu of a Record of Survey (i.e., a Corner Record). Just as the statute uses the phrase "applicable provisions" to allow the preparer to determine which information applies and must be included on a Record of Survey, the Board is using the same phrase for the same reason in Board Rule 464 regarding the preparation and filing of a Corner Record.

After further consideration, Board staff believes this comment should be accepted and the language modified. Therefore, staff recommends that the response to this comment be changed as follows:

New Response to (Former) Comment (3)

After further consideration, the Board accepts this comment in concept and has revised the proposed language to include those provisions, from Section 8764, that would normally be applicable to the filing of a Corner Record.

Procedural Information:

In response to the comments, modifications have been made to the text and form as originally noticed. These modifications require a 15-day noticed public comment period, during which time interested parties may submit written comments on only the proposed modifications. If any comments are received, they would be presented to the Board for consideration of whether further modifications should be made. If no comments are

received or the comments do not warrant further changes, the final language would then be presented to the Board for adoption. At this time, staff requests that the Board approve the modifications shown in the text and form and direct staff to issue the 15-day notice for public comment.

Modified Text & Form

Included is the modified text and the modified form. The proposed modifications in the text are shown in double underlined italicized text for additions and ~~double strikethrough italicized text~~ for deletions. The proposed modifications to the form are shown in the red outlined box. (The original noticed changes are shown in single underlined text and ~~single strikethrough text~~. The initial 15-day modifications in the text are shown in double underlined italicized text for additions and ~~double strikethrough italicized text~~ for deletions. A new form was created and noticed during the original public comment period. The initial 15-day modifications to the form are also shown in double underlined text for additions and ~~double strikethrough text~~ for deletions.)

RECOMMENDED MOTION:

The Board approves the modified text and directs staff to issue a 15-day notice regarding the modified text for changes to Title 16, CCR Section 464.

Alameida, Jeff@DCA

From: Dave Woolley <dave@dwoolley.com>
Sent: Friday, March 18, 2016 12:23 PM
To: Alameida, Jeff@DCA
Subject: FW: Status of the Section 464 of Title 16 of the California Code of Regulations

Jeff Alameida:

Please see my request below. I noted on the notification of "modified text", issued yesterday, that you are the contact person. I would like a copy of the "rule making file" which I expect to contain the information requested below.

I am not sure of your role in this process. However, I ask you to simply review the proposed language shown for 464 (a) (7) which states in pertinent part "*...the corner record shall also show the applicable provisions of Section 8764 of the Code.*" The Code Section 8764 is exclusive to records of survey. Restated, there is no "applicable provision" in 8764 to corner records. I would recommend that BPELSG staff modify 8764 to include corner records before including it in 464.

Please confirm receipt. We are currently in the 15 day comment period. I would appreciate anything you can do to expedite my request.

Sincerely,

David Woolley

From: Dave Woolley [mailto:dave@dwoolley.com]
Sent: Friday, March 18, 2016 11:52 AM
To: 'Dave Woolley'; 'Billie.Baldo@dca.ca.gov'
Subject: RE: Status of the Section 464 of Title 16 of the California Code of Regulations

Billie Baldo:

I received the recent rule making notice of Section 464. The California Land Surveyors' Association ("CLSA") submitted written comments before the last hearing the first week of January, 2016.

- 1.) Did BPELSG staff respond the CLSA comments in writing? If so, may I have a copy of the BPELSG staff written comments?
- 2.) Were there any other written comments submitted? If so, may have a copy together with the BPELSG staff response?

Thank you in advance for your prompt response.

Best,

David Woolley

From: Dave Woolley [mailto:dave@dwoolley.com]
Sent: Friday, February 26, 2016 7:23 AM
To: 'Billie.Baldo@dca.ca.gov'
Subject: Status of the Section 464 of Title 16 of the California Code of Regulations

Billie Baldo:

Please provide me with the status of the reference proposed modifications to Section 464.

From the Board's website:

The Board for Professional Engineers, Land Surveyors and Geologists has submitted a rulemaking proposal to amend Section 464 of Title 16 of the California Code of Regulations relating to updating language regarding the Corner Record. In addition, this proposal makes other changes as a result of legislation. The Notice will be published in the California Regulatory Notice Register on November 13, 2015 (Register 2015, No. Z-2015-1029-01).

There was a hearing on January 5th. I am anticipating another public hearing, correct?

Thank you for your assistance.

Best,

Dave Woolley

Alameida, Jeff@DCA

From: Donna Fujihara <dfuji@co.kern.ca.us>
Sent: Tuesday, March 22, 2016 3:38 PM
To: Alameida, Jeff@DCA
Subject: Corner record modification comments
Attachments: corner record modificationcomments 3-22-2016.pdf; Fujihara, Donna.vcf

Jeff,
Attached are a couple of comments from my office.

1. under 464 (2), add "section" to the brief description
2. on sheet 1 of the form, need enough space for the County Surveyor's seal

Thanks for all your hard work!



Donna Fujihara, PLS
County Surveyor
Kern County Public Works Dept.
2700 M St, Suite 570
Bakersfield CA 93301
Direct (661) 862-5084

March 9, 2016

Board for Professional Engineers, Land Surveyors, and Geologists

2535 Capitol Oaks Drive, Suite 300
 Sacramento, CA 95833
 Attn: Billie Baldo
 Billie.Baldo@dca.ca.gov

Subject: Proposed Changes to Divisions 5 of Title 16 of the California Code of Regulations, Section 464 Corner Record Form

It is my understanding that an additional 15-day review period, subsequent to the Board’s meeting on March 3rd, was opened regarding the subject amendments being proposed. I would like to take this opportunity to submit the following commentary limited to a Corner Record’s compliance with Sections 8801-8819 and 8850-8902 of the Public Resources Code (PRC), California Coordinate System (CCS). A joint committee of CSRC and CLSA that I am chairing is developing proposed revisions to PRC in advance of the redefinition of the National Spatial Reference System by NGS in 2022. My commentary attempts to consider those anticipated scientific and legislative changes, balanced with the purposes of a Corner Record (CR) which should typically preclude the establishment of precise geodetic control.

In Section 8813 of the PRC it is stated that “any survey that uses (or establishes) California Coordinate System values shall meet... [the] requirements.” It is clear then that a CR quoting CCS must also comply with these requirements. To that end I recommend the following:

(Optional)

CALIFORNIA COORDINATE SYSTEM

Complies with Calif. Public Resources Code §§8801-8819

N. _____

E. _____

Datum: NAD83 Other _____

Epoch Date: _____ Zone: _____

CALIFORNIA HEIGHT

Complies with Calif. Public Resources Code §§8890-8902

Datum: NAVD88 Other _____

UNITS Metric US Customary

California Coordinate System is the protected terminology for coordinates in compliance with the PRC; likewise, California Orthometric Heights of 1988 is the current protected terminology for elevations in California. Orthometric and 1988 are anticipated to be deleted should the PRC revisions be adopted in 2017. Therefore it is appropriate to title these portions of the CR form with the proper terminology.

Deletion of NAD27 and NGVD29 is anticipated in the PRC, and these unmaintained legacy datum are infrequently used at this point. It is appropriate to delete these also from the CR form. The Other line is sufficient to document untypical horizontal and vertical datum.

Several other requirements are imposed by the PRC for use of CCS, California Geodetic Coordinates, or California Heights. I agree that accuracy, combined factor, ties to the California Spatial Reference Network, and others are beyond the scope of the typical CR. These could be documented within the subject matter of the CR if appropriate, and the check box for compliance with the PRC puts the signatory on notice regarding the requirements.

As others have previously noted, the correct terminology for Imperial units is US Customary units.

Thank you for the opportunity to present my opinion regarding the proposed changes to the Corner Record form. I would be pleased to provide any further explanation if desired by the Board or LSTAC.

Respectfully,


Gregory A. Helmer, PLS

Gregory.helmer@Psomas.com



cc. Ric Moore, Pat Tami

401 B Street, Suite 1600
San Diego, CA 92101

Tel 619.961.2800
www.Psomas.com

464. Corner Record.

(a) The corner record ~~required by Section 8773 of the Code for the perpetuation of monuments provided for in Section 8773.1 of the Code~~ 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 section, 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) Identification of the reference of the related statute (i.e., Section 8765(d), Section 8771, Section 8773, or other relevant sections of the Code).

~~(4)~~ (5) Description of the physical condition of

~~(A) the monument(s) as found and~~

~~(B) any monuments~~ monument(s) found, set, or reset, replaced, or removed.

~~(5)~~ (6) The date of the visit to the monument when the information for the corner record was obtained.

(7) 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, the following consistent with the purpose of the survey:~~

(A) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.

(B) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow.

(C) The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey.

(D) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or the surveyor, as may be determined by the licensee preparing the corner record.

(8) 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)~~ (9) 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.~~

(10) Except for those corners referenced in subdivision (9), 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)~~ ~~(11)~~ 12) The date the corner record was filed and the signature of the county surveyor.

~~(10)~~ ~~(12)~~ 13) A document or filing number and/or Agency Index information.

~~(b)~~ A reference to the California Coordinate System is optional at the discretion of the preparer of the record.

~~(b)~~ (c) 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.

~~(e)~~ (d) 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)~~ (e) 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.

(f) A corner record is limited to ~~on~~ a 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)~~ (g) 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)~~ (h) The corner record shall be filed on a form prescribed by the Board. The approved form is ~~BORPELS-1297~~ BPELSG-201~~56~~.

CORNER RECORD

Agency Index _____

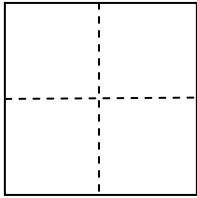
Document Number _____

County of _____, California

City of _____

Brief Legal Description _____

CORNER TYPE



Government Corner Control

Meander Property

Rancho Other

Date of Survey _____

COORDINATES (Optional)

N. _____ E. _____

Elevation _____

Units Metric U.S. Survey Foot

Horizontal Datum _____

Zone _____ Epoch Date _____

Vertical Datum _____

Complies with Public Resources Code §§8801-8819

Complies with Public Resources Code §§8890-8902

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

Corner/Monument: Left as found Established Rebuilt Pre-Construction

Found and tagged Reestablished Referenced Post-Construction

Narrative of corner identified and monument as found, ~~and set~~, or reset, replaced, or removed:

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 _____

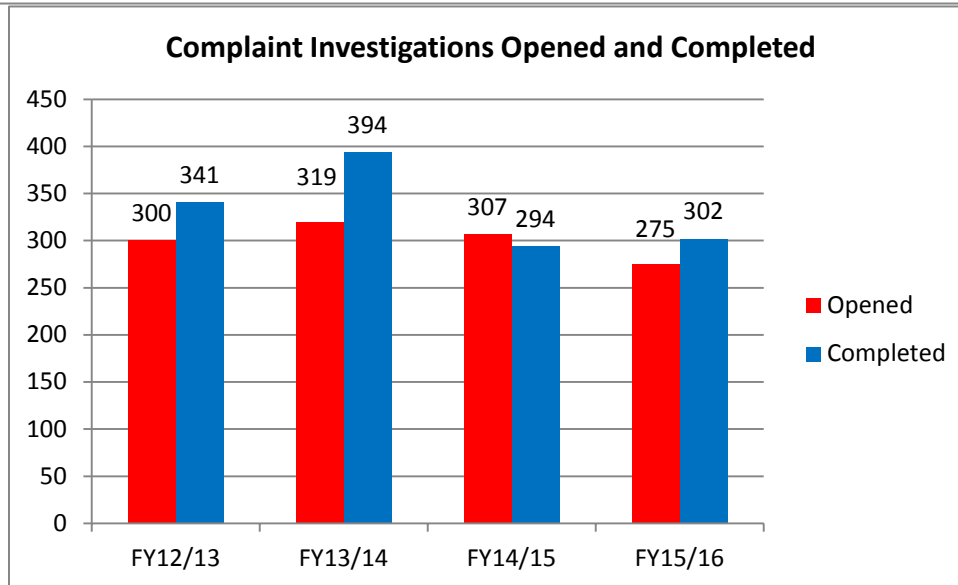
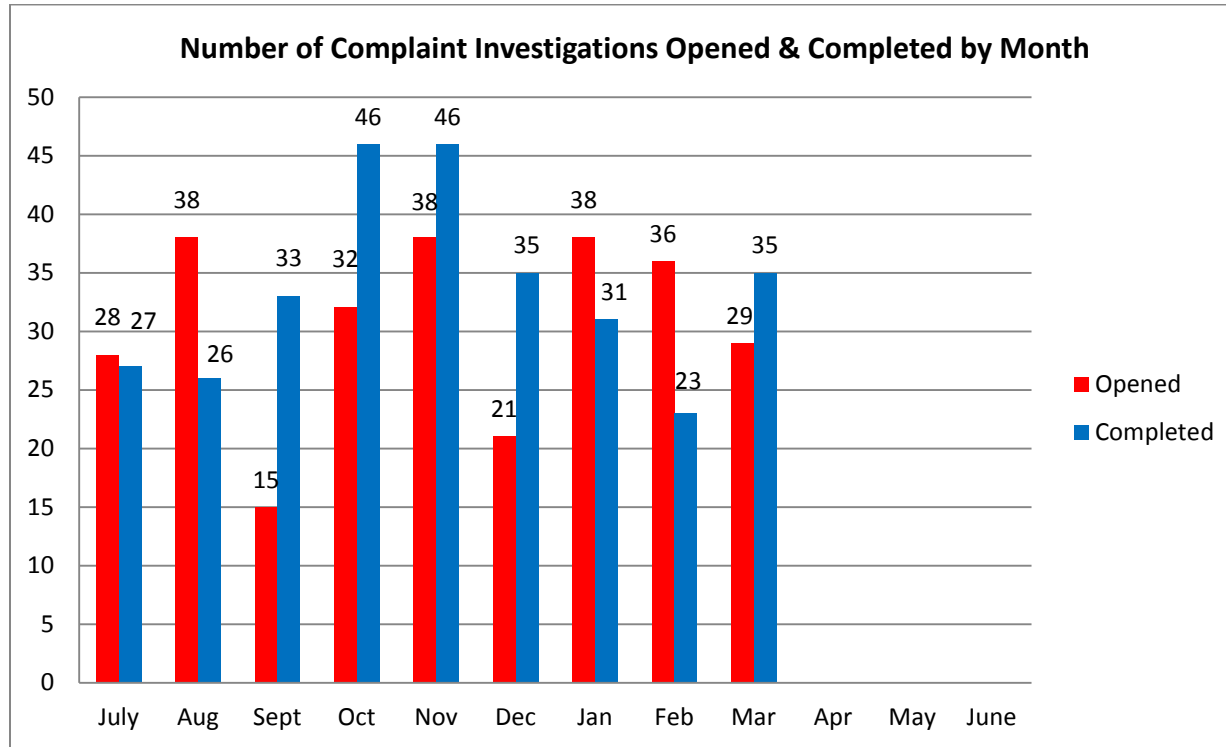
County Surveyor's Comment _____

V. Enforcement

A. Enforcement Statistical Report

PELS ENFORCEMENT PROGRAM

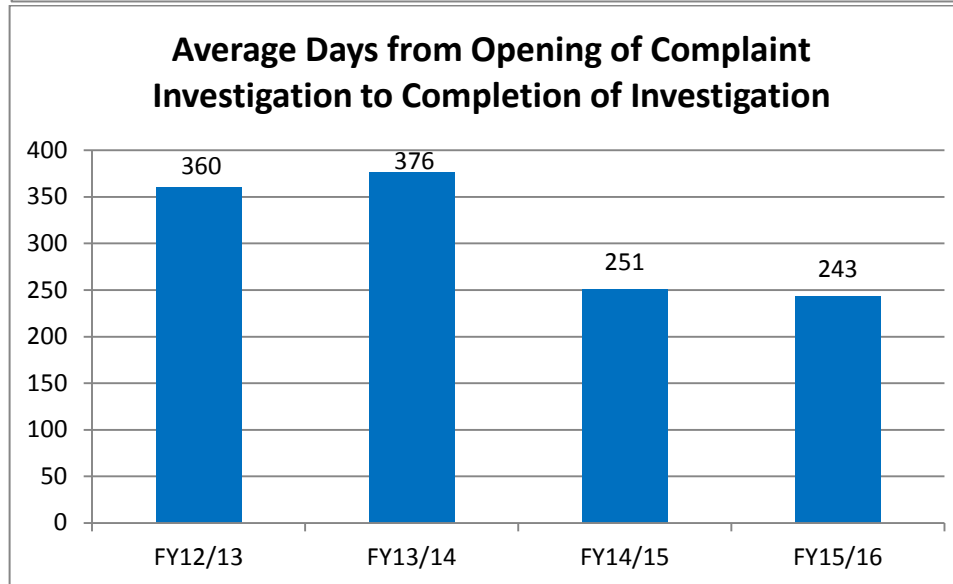
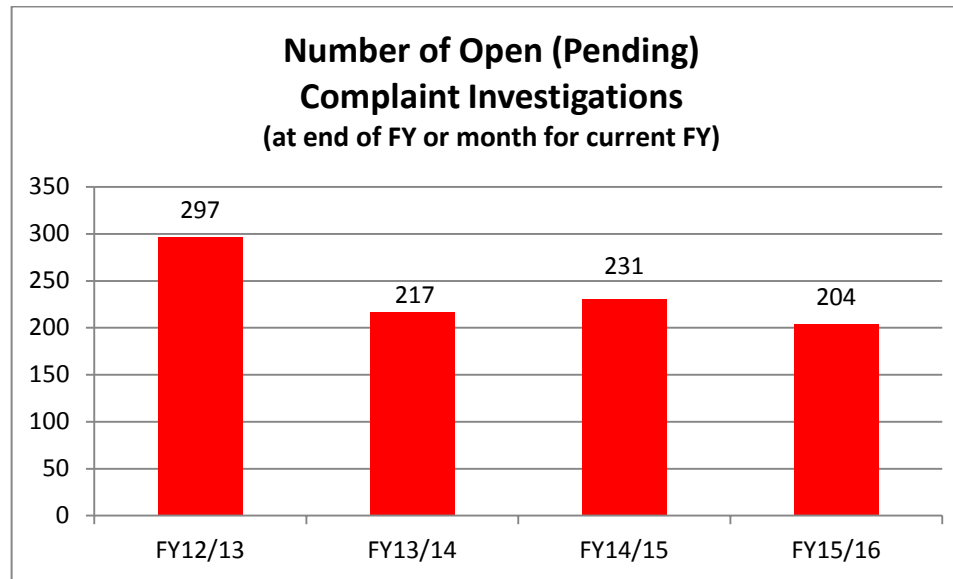
Complaint Investigation Phase



NOTE: FY15/16 statistics are through March 31, 2016

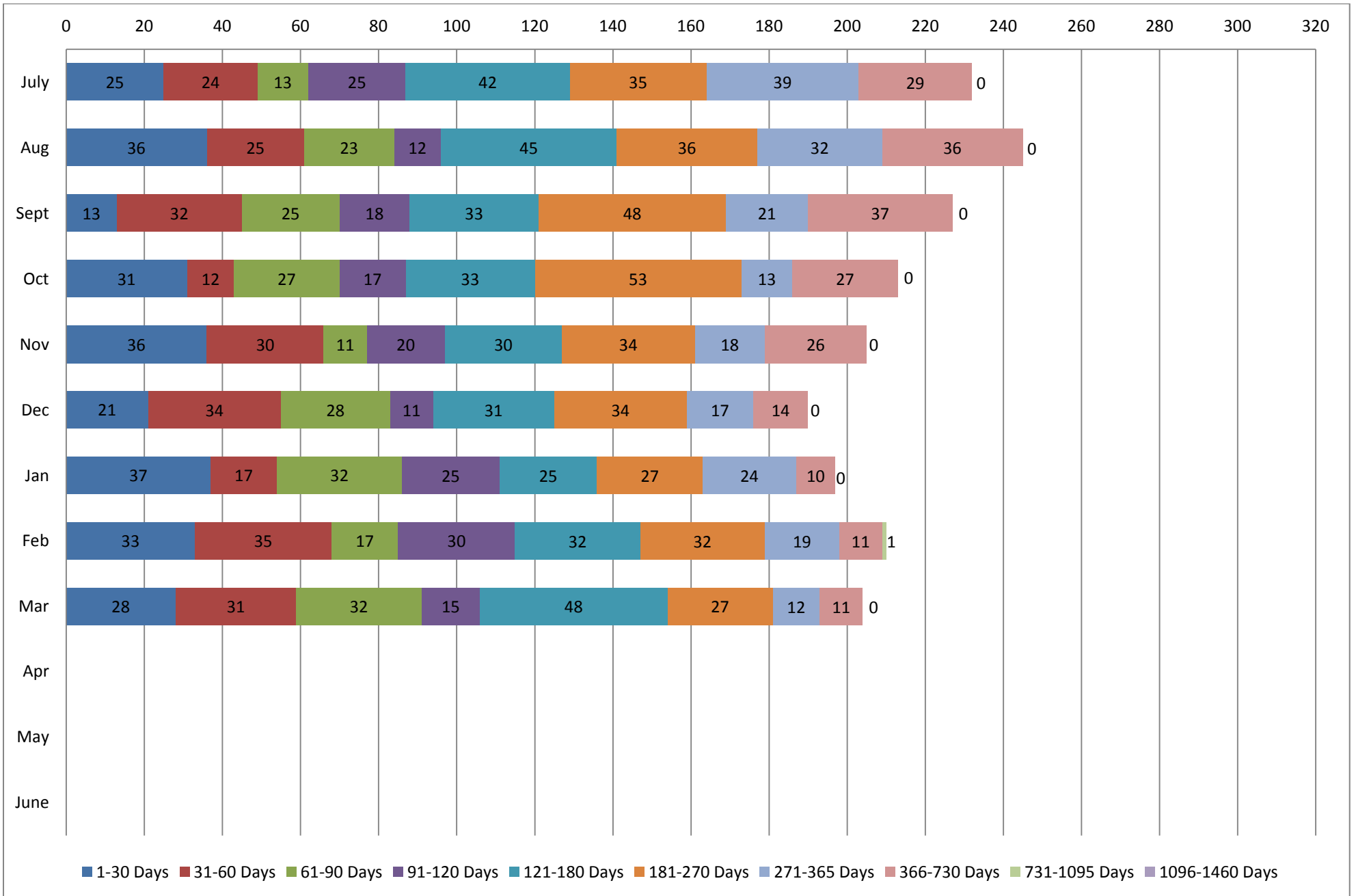
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



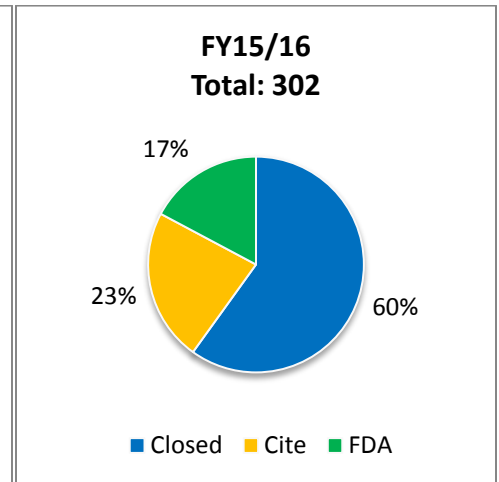
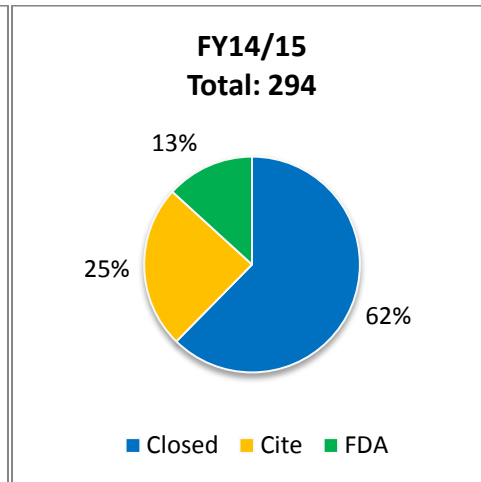
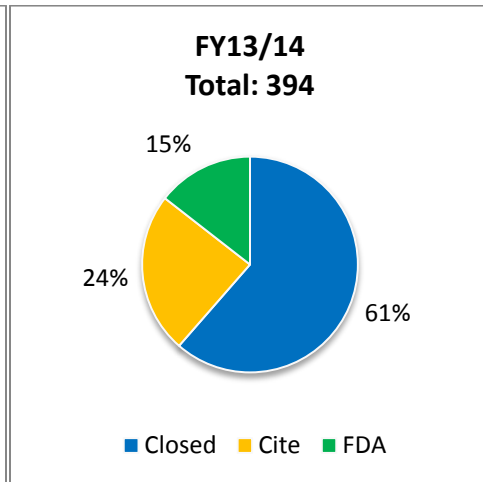
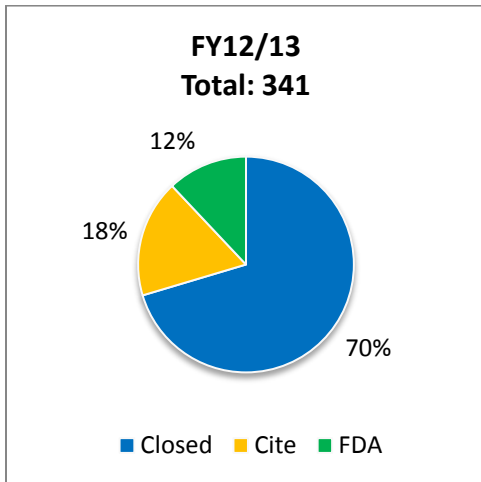
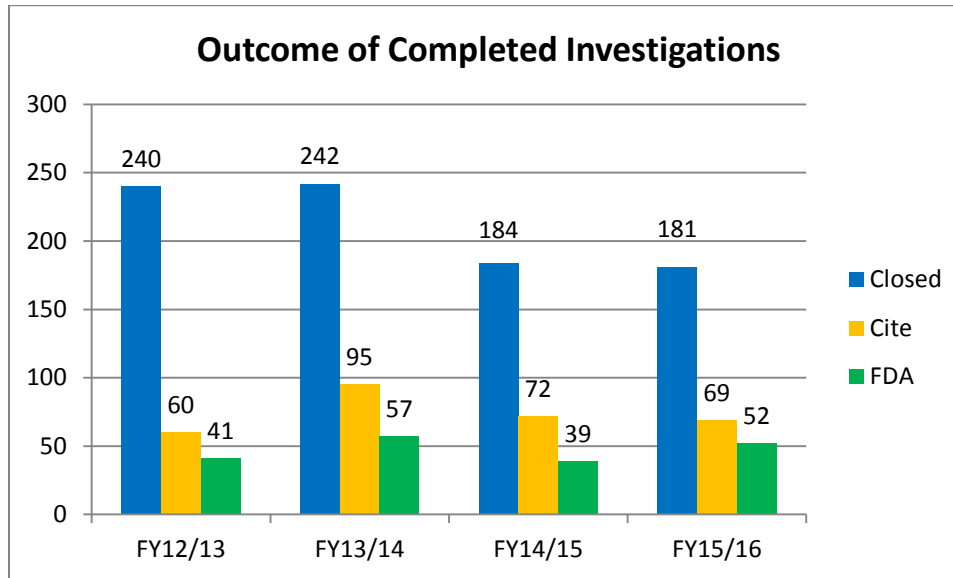
NOTE: FY15/16 statistics are through March 31, 2016

Aging of Open (Pending) Complaint Investigation Cases FY15/16



PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY15/16 statistics are through March 31, 2016

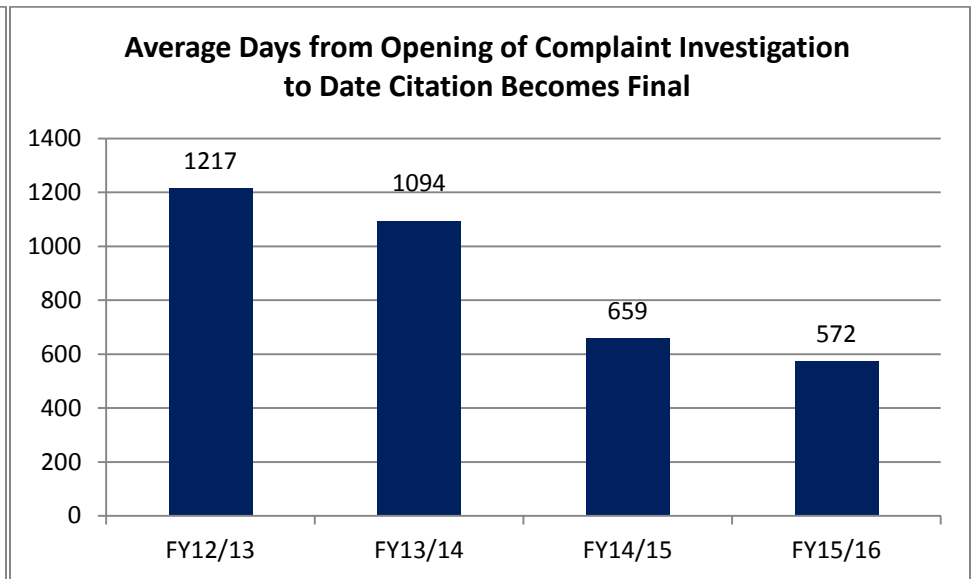
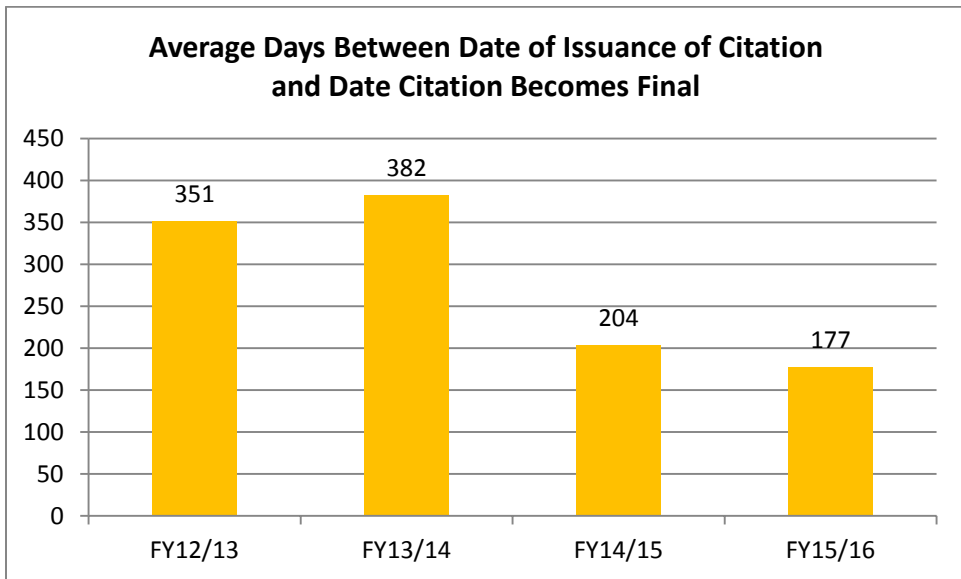
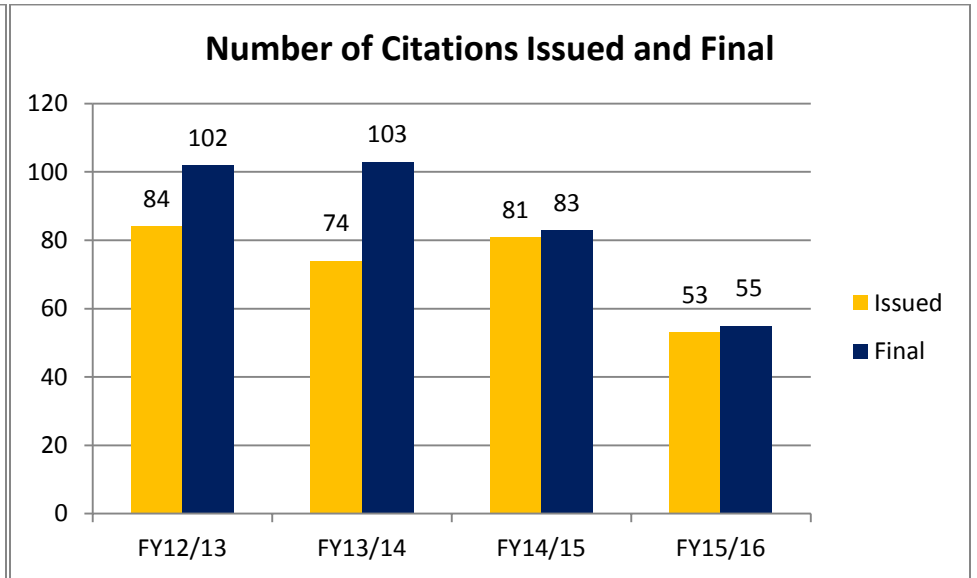
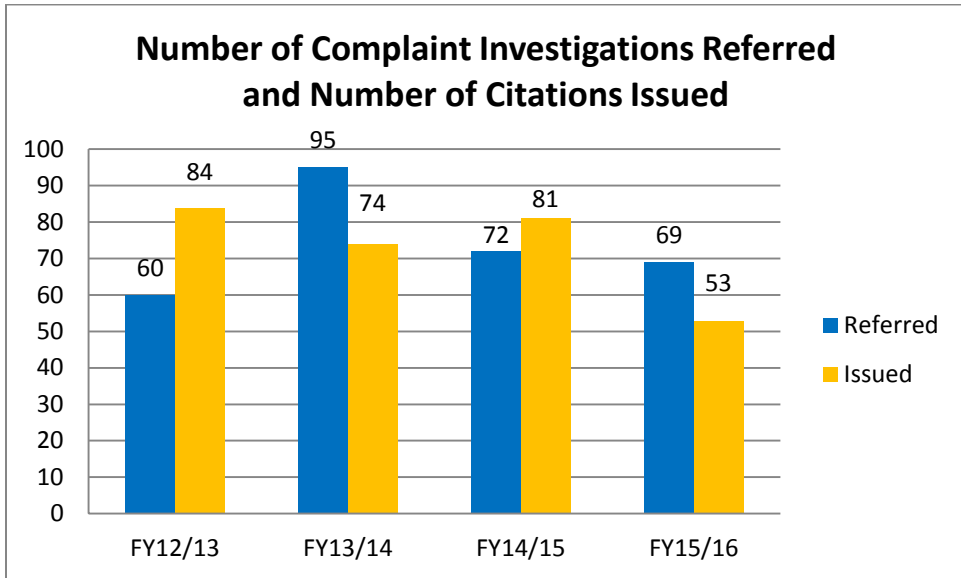
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

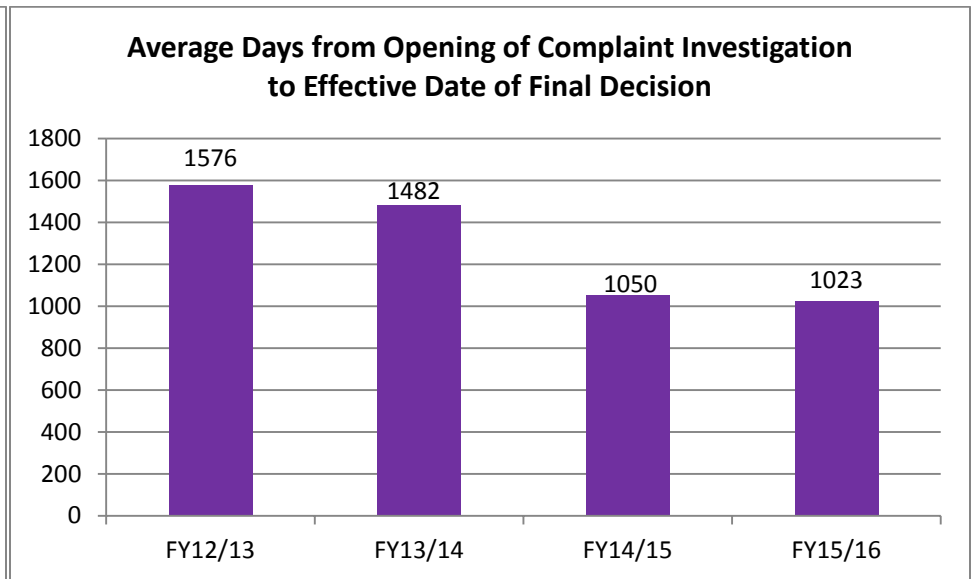
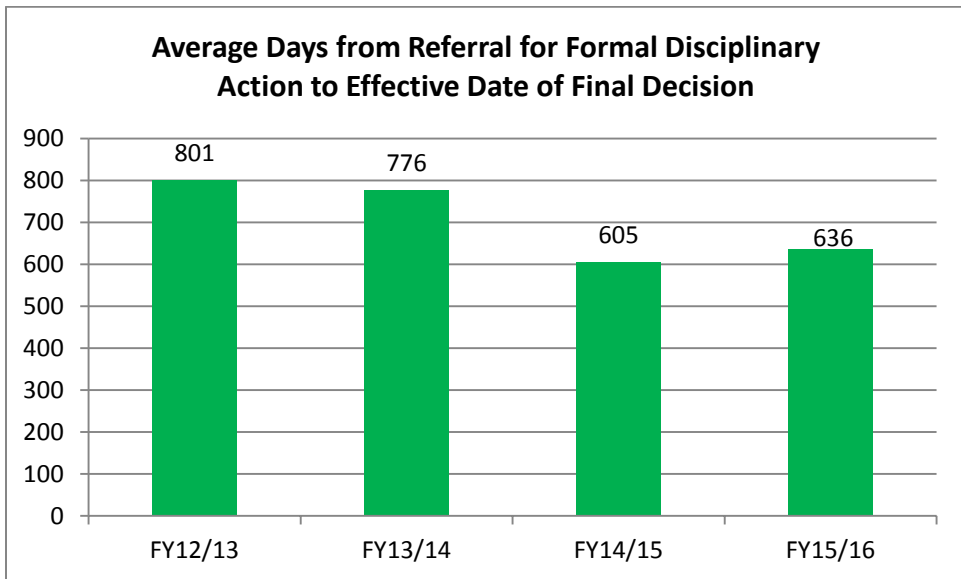
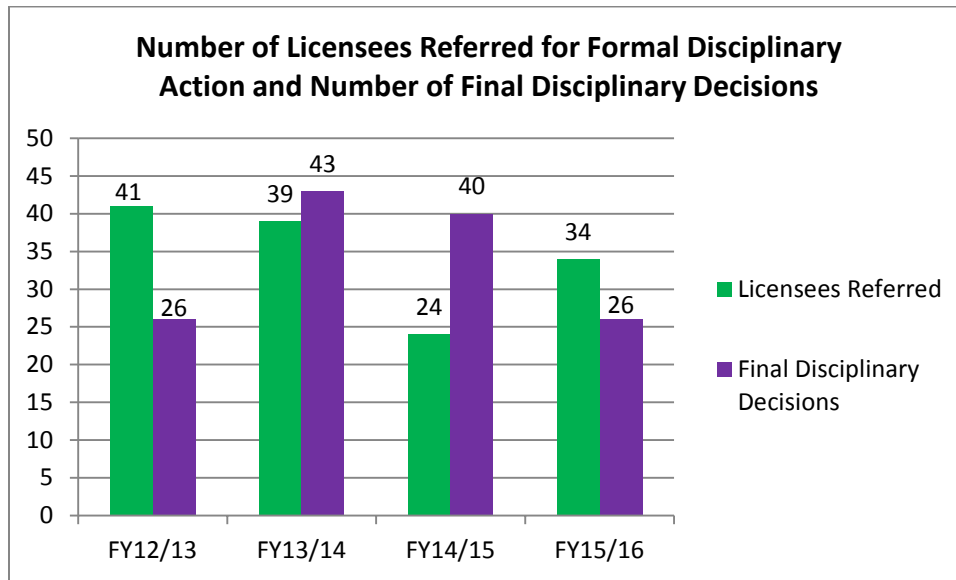
Citations (Informal Enforcement Actions)



NOTE: FY15/16 statistics are through March 31, 2016

PELS ENFORCEMENT PROGRAM

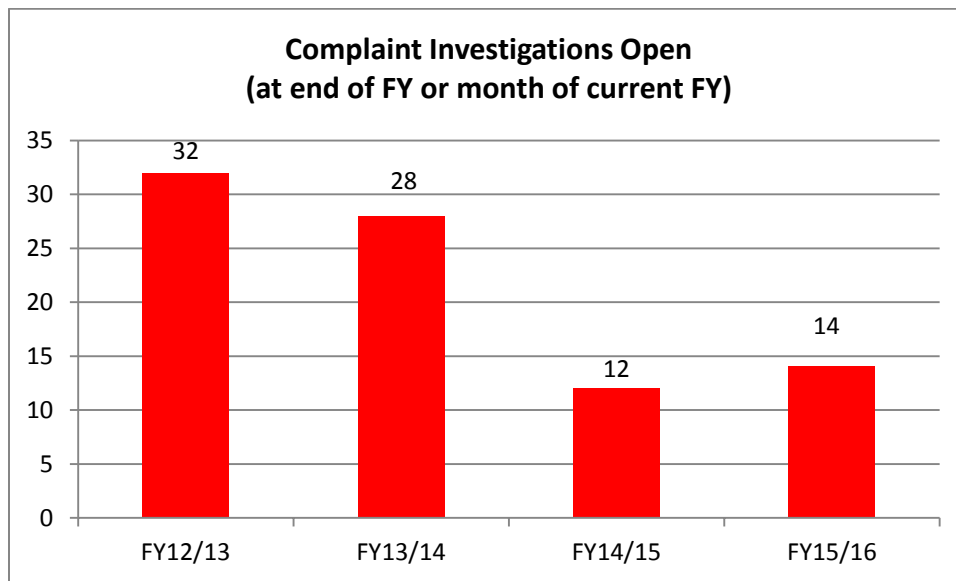
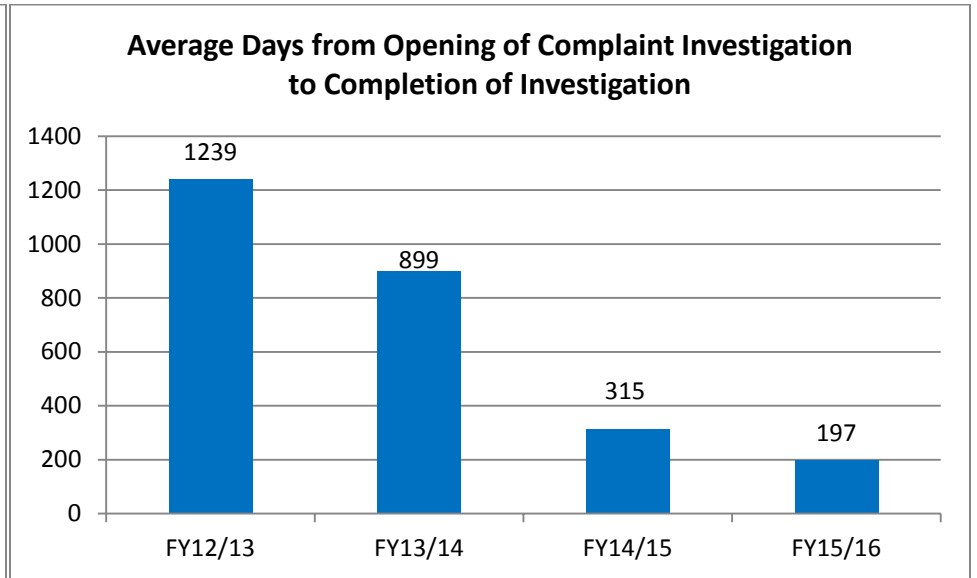
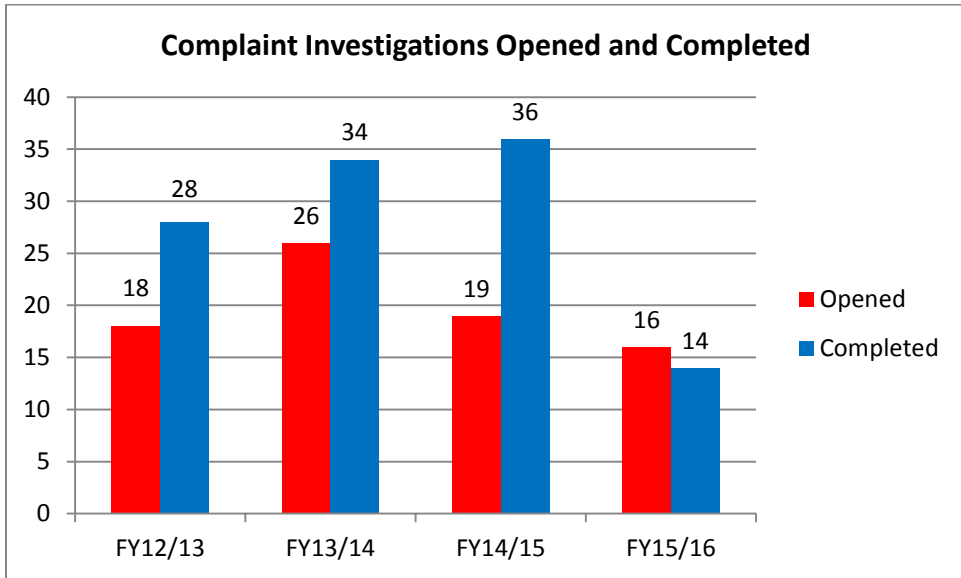
Formal Disciplinary Actions Against Licensees



NOTE: FY15/16 statistics are through March 31, 2016

G&G ENFORCEMENT PROGRAM

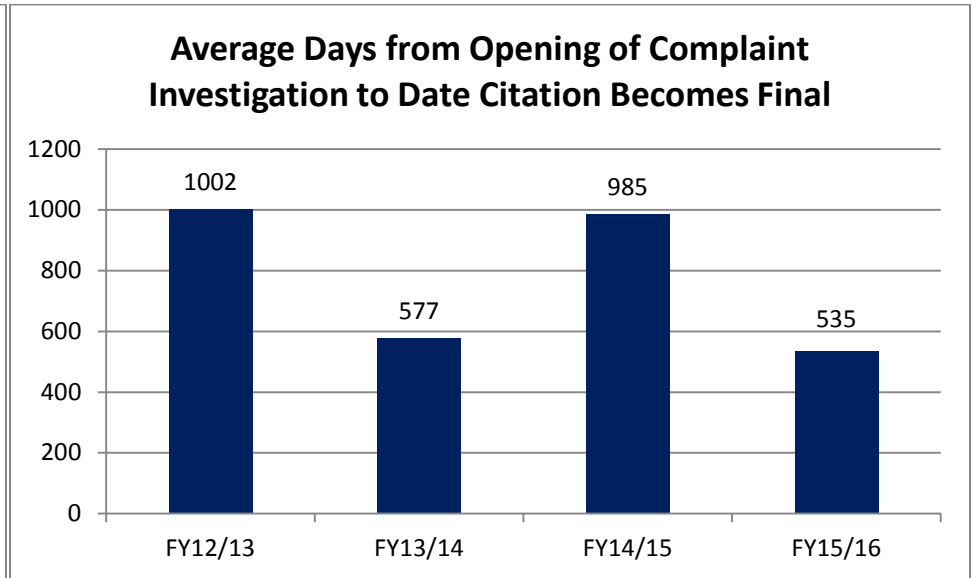
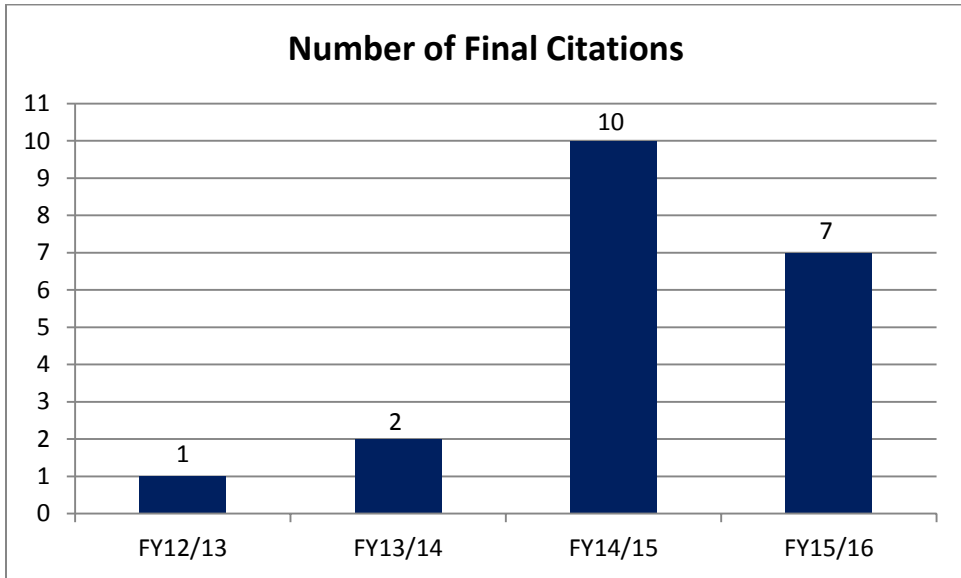
Complaint Investigation Phase



NOTE: FY15/16 statistics are through March 31, 2016

G&G ENFORCEMENT PROGRAM

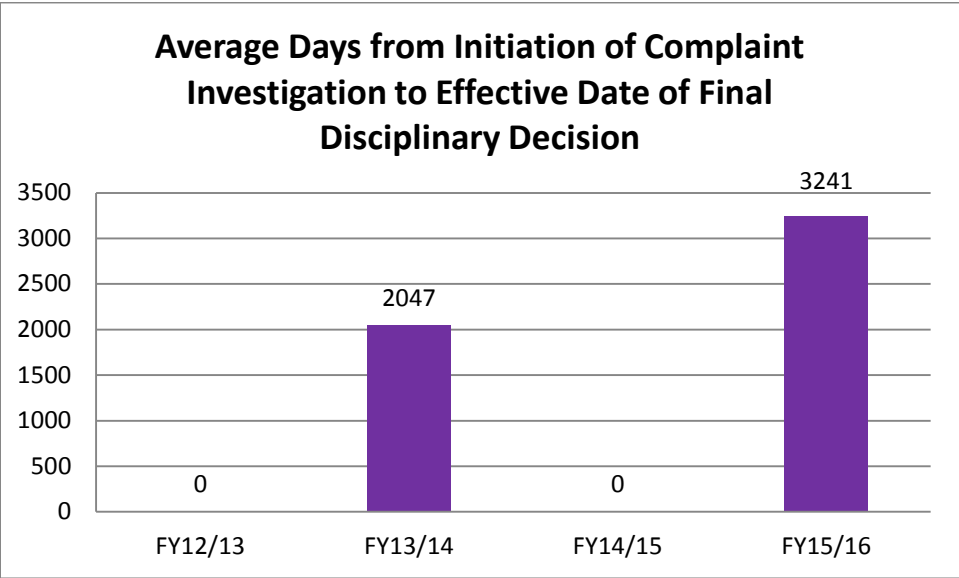
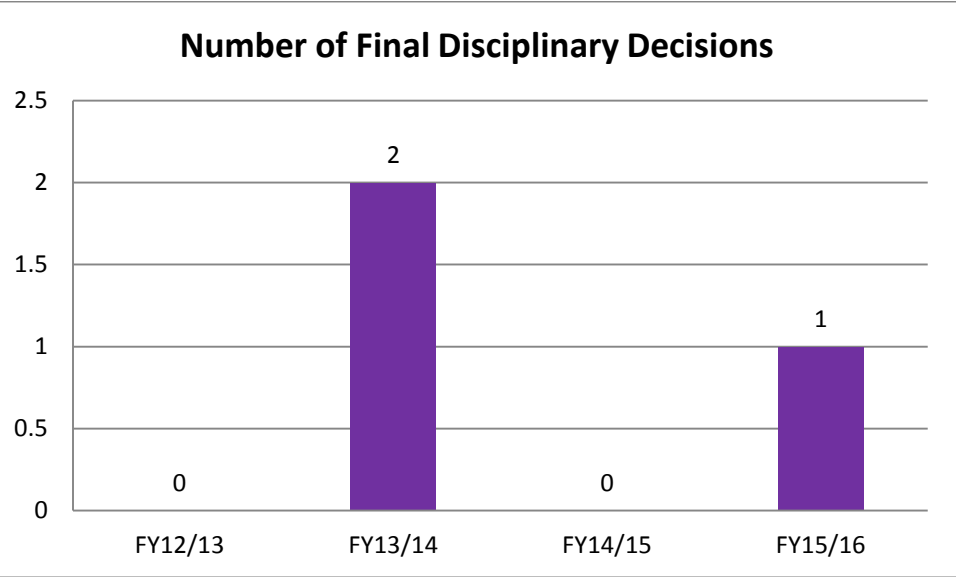
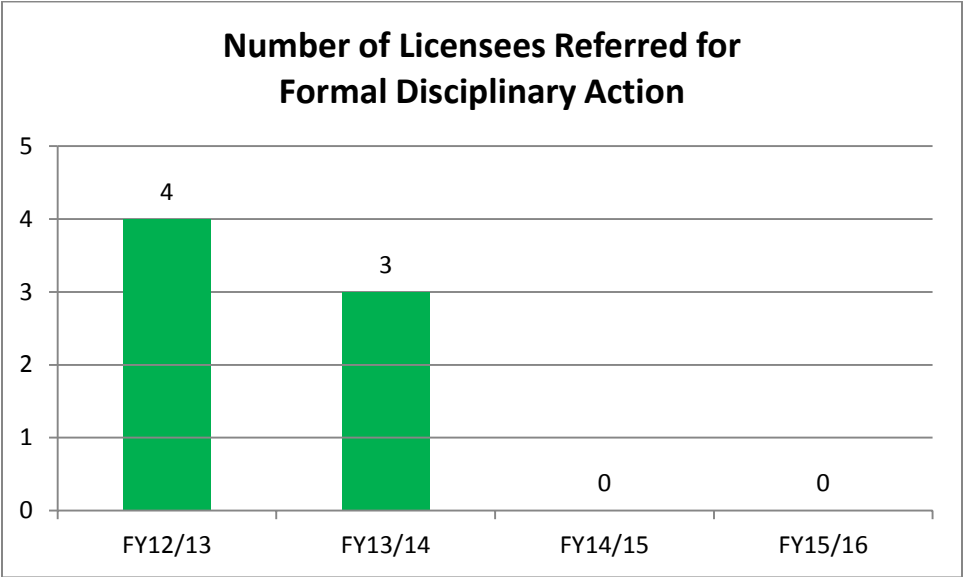
Citations (Informal Enforcement Actions)



NOTE: FY15/16 statistics are through March 31, 2016

G&G ENFORCEMENT PROGRAM

Formal Disciplinary Actions against Licensees



NOTE: FY15/16 statistics are through March 31, 2016

VI. Exams/Licensing

- A. Update on NCEES Exam Registration System as it Pertains to California Licensure Applicants
- B. Update on NCEES's Exam Administration Progress and its Effect on California State Specific Examinations

VI. Plans for California State Specific Examinations (*AMENDED*) (Possible Action)

Fall 2010	First administration which required NCEES online registration First administration of NCEES Structural 16-hour exam.
Fall 2011	NCEES assumes administration responsibility for National exams in CA First CBT administration of CA state exam (Geotechnical)
Spring 2012	First CBT administration of CA Land Surveyor exam
Fall 2012	First CBT administration of CA Civil, Traffic, and CA Geologist/Geophysicist exams First administration of process which allowed EIT/LSIT candidates to register with NCEES and pass FE/FS exam prior to submitting application for certification
Jan. 2013	Board took action directing staff to “...move toward administering exams more often when fiscally and logistically possible no later than October 2014.” Staff introduced the 5 year plan to convert the CA Civil exams to LOFT delivery on a year round basis
Fall 2014	Board begins administering CA PLS exam in fall totaling twice a year
Jan. 2014	NCEES first administers FE and FS examinations using CBT
Jan. 2014	Board begins administering CA Geotechnical Engineer examination on a year round cycle
<hr/>	
Oct. 2016	NCEES is scheduled to begin administering national PS exam year round by CBT. Scheduling will commence June, 2016 upon NCEES opening the Fall 2016 registration period and will remain open for the PS Exam continuously from that point similar to the FE/FS exams.
Jan. 2017 Jan. 2018	Board will begin administering CA Civil, Land Surveyor, and Traffic Engineer exams year round by CBT
Jan. 2018 TBD	Board will begin administering CA Geologist and Geophysicists exams year round by CBT

VII. Approval of Delinquent Reinstatements

APPROVAL OF DELINQUENT REINSTATEMENTS

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

MECHANICAL

Wolodzko, Louis J.

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

VIII. Administration

- A. Fiscal Year 2015-2016 Summary
- B. Fiscal Year 2016-2017 Introduction

Budget Overview

- Introduction
- FY 2015/16– Summary
- FY 2016/17 - Introduction

Introduction

Expenditure Authority

- Non-Discretionary
 - Salaries and Wages
 - Staff Benefits
 - Pro-Rata (DCA, DGS, SCSA, DOF, SCO)
- Discretionary
 - General Operating Expense
 - Travel
 - Training
 - Enforcement

Introduction Cont.

Revenue and Revenue Codes

- Application / License Fees
 - 125700
- Renewal Fees
 - 125800
- Delinquency Fees
 - 125900

Introduction Cont.

- **Appropriation**

- A program's annual expenditure authority approved by Governor

Fund Code	Fund	Actual 2014-15*	Estimated 2015-16*	Proposed 2016-17*
0770	Professional Engineer's and Land Surveyor's Fund	\$7,335	\$10,116	\$11,914
0205	Geology and Geophysics Account, Professional Engineer's and Land Surveyor's Fund	\$1,067	\$1,481	\$0
0995	Reimbursements	\$100	\$16	\$16
Total State Operations	* Dollars in thousands	\$8,502	\$11,613	11,931

- **Fund**

- A program's account where expenditures are paid and revenue is deposited
- 0770 - Engineers, 0205 – Geology
- 0995 – Investigative Cost Recovery, OIS Public Sales

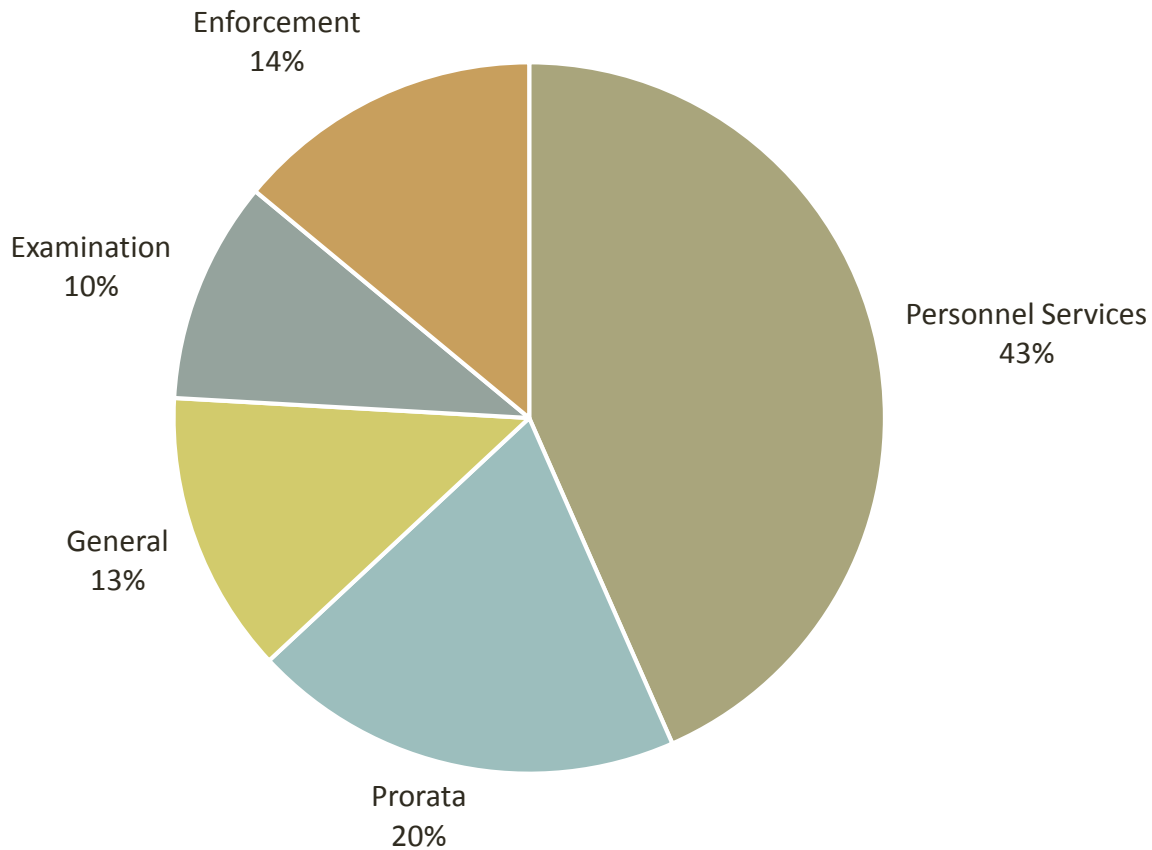
0770 - Board for Prof. Engineer's, Land Surveyor's and Geologist's Analysis of Fund Condition

(Dollars in Thousands)

Pending 2016-17 Governor's Proposed Budget**\$4.0 Million Outstanding General Fund Loan**

	ACTUAL 2014-15	Budget Act CY 2015-16	BY 2016-17
BEGINNING BALANCE	\$ 5,830	\$ 6,991	\$ 7,353
Prior Year Adjustment	-43	-	-
Adjusted Beginning Balance	\$ 5,787	\$ 6,991	\$ 7,353
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 125	\$ 92	\$ 107
125700 Other regulatory licenses and permits	\$ 2,552	\$ 2,458	\$ 2,799
125800 Renewal fees	\$ 5,278	\$ 5,541	\$ 6,322
125900 Delinquent fees	\$ 59	\$ 60	\$ 75
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 15	\$ 15	\$ 1
150500 Interest Income from interfund loans	\$ 7	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 10	\$ 9	\$ 9
161400 Miscellaneous revenues	\$ 2	\$ 1	\$ 1
Totals, Revenues	\$ 8,048	\$ 8,176	\$ 9,314
Transfers from Other Funds			
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ 500	\$ -	\$ 3,200
Transfers from Other Funds			
TO0001 Transfer in from Geology AB 177, Chapter 428	\$ -	\$ -	\$ 1,082
Totals, Revenues and Transfers	\$ 8,548	\$ 8,176	\$ 13,596
Totals, Resources	\$ 14,335	\$ 15,167	\$ 20,949
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (Governor's Budget)	\$ 7,336	\$ 10,116	\$ 11,914
Projected Program Expenditures			
Personnel Services		\$ 3,384	
Prorata		\$ 1,532	
General		\$ 1,001	
Examination		\$ 788	
Enforcement		\$ 1,091	
Sub-Total		\$ 7,796	
8880 Financial Information System for CA (State Operations)	\$ 8	\$ 18	\$ 14
Total Disbursements	\$ 7,344	\$ 7,814	\$ 11,928
FUND BALANCE			
Reserve for economic uncertainties	\$ 6,991	\$ 7,353	\$ 9,021
Months in Reserve	10.7	7.4	8.9

FY 2015/16 – PELS Expenditures

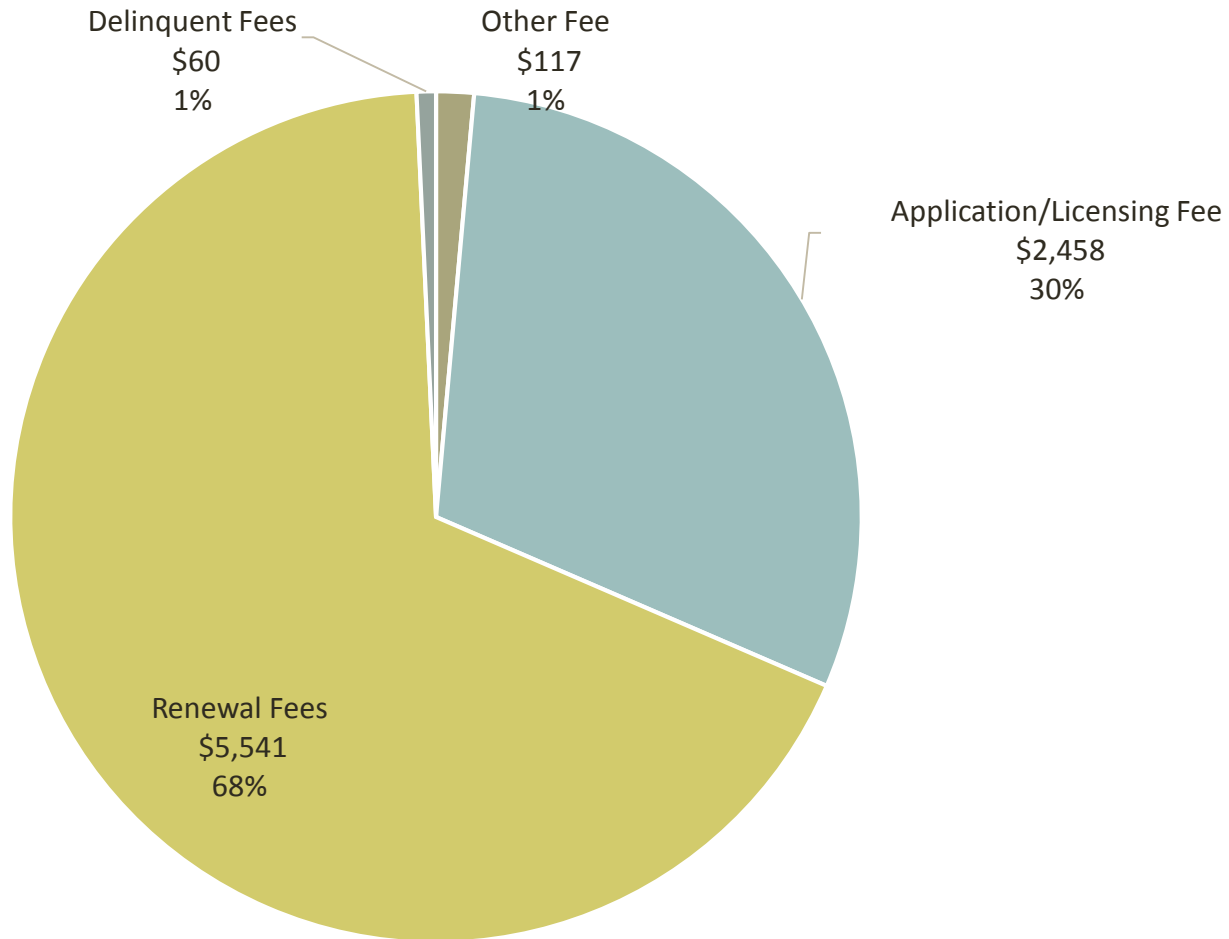


Projected Program Expenditures

Personnel Services		\$ 3,384
Prorata		\$ 1,532
General		\$ 1,001
Examination		\$ 788
Enforcement	184	\$ 1,091
Total		\$ 7,796

* Dollars in thousands

FY 2015/16 – PELS Revenue



Revenues: \$8,176

185

* Dollars in thousands

0205 - Geology Analysis of Fund Condition

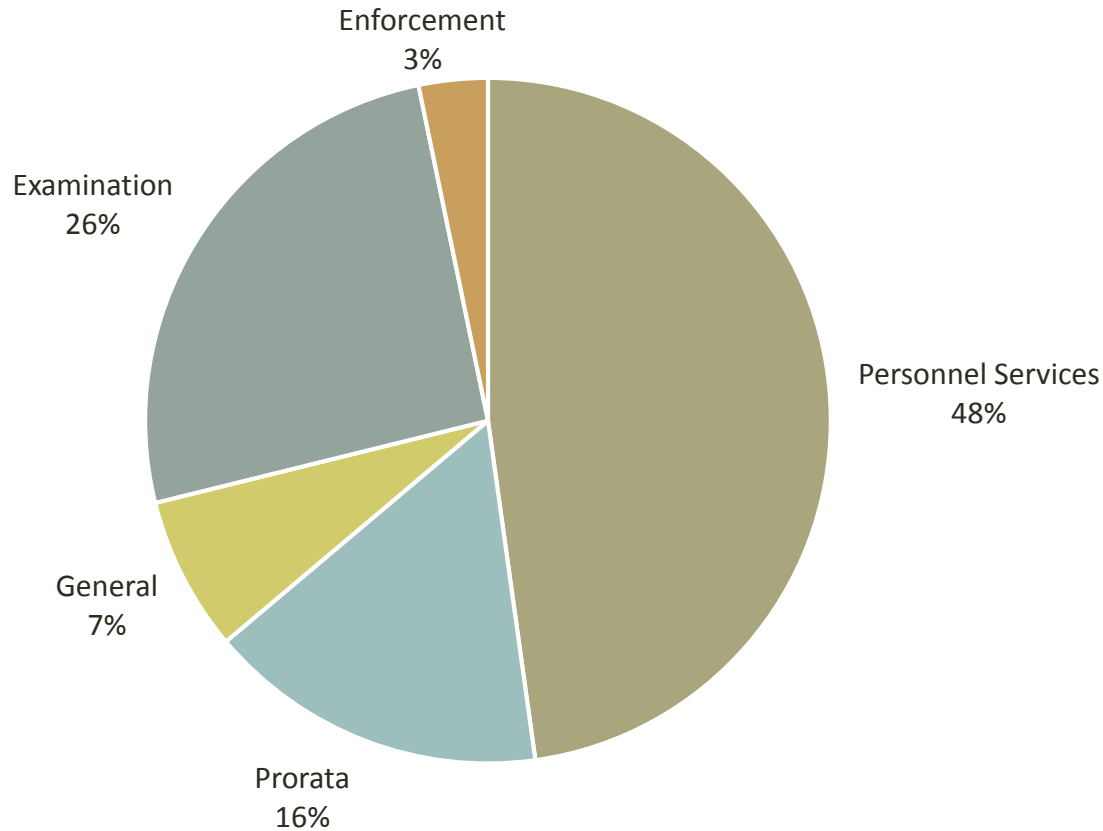
(Dollars in Thousands)

Pending 2016-17 Governor's Proposed Budget

Fund and Appropriation merged with BPELS effective 7/1/2016

	ACTUAL 2014-15	Budget Act CY 2015-16	BY 2016-17
BEGINNING BALANCE	\$ 989	\$ 1,122	\$ 1,082
Prior Year Adjustment	98	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 1,087</u>	<u>\$ 1,122</u>	<u>\$ 1,082</u>
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 7	\$ 11	\$ -
125700 Other regulatory licenses and permits	\$ 275	\$ 257	\$ -
125800 Renewal fees	\$ 802	\$ 817	\$ -
125900 Delinquent fees	\$ 16	\$ 15	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 3	\$ -
150500 Interest Income from interfund loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -
Totals, Revenues	<u>\$ 1,103</u>	<u>\$ 1,103</u>	<u>\$ -</u>
Transfers to Other Funds			
TO0001 Transfer to BPELSG AB 177, Chapter 428	\$ -	\$ -	\$ -993
Totals, Revenues and Transfers	<u>\$ 1,103</u>	<u>\$ 1,103</u>	<u>\$ (993)</u>
Totals, Resources	<u>\$ 2,190</u>	<u>\$ 2,225</u>	<u>\$ 89</u>
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (Governor's Budget)	\$ 1,067	\$ 1,481	\$ -
Projected Program Expenditures			
Personnel Services		\$ 545	
Prorata		\$ 183	
General		\$ 83	
Examination		\$ 292	
Enforcement		<u>\$ 37</u>	
Sub-Total		\$ 1,140	
8880 Financial Information System for CA (State Operations)	\$ 1	\$ 3	\$ -
Total Disbursements	<u>\$ 1,067</u>	<u>\$ 1,143</u>	<u>\$ -</u>
FUND BALANCE			
Reserve for economic uncertainties	\$ 1,122	\$ 1,082	\$ 89
Months in Reserve	11.8	4.5	0.0

FY 2015/16 – GEO Expenditures

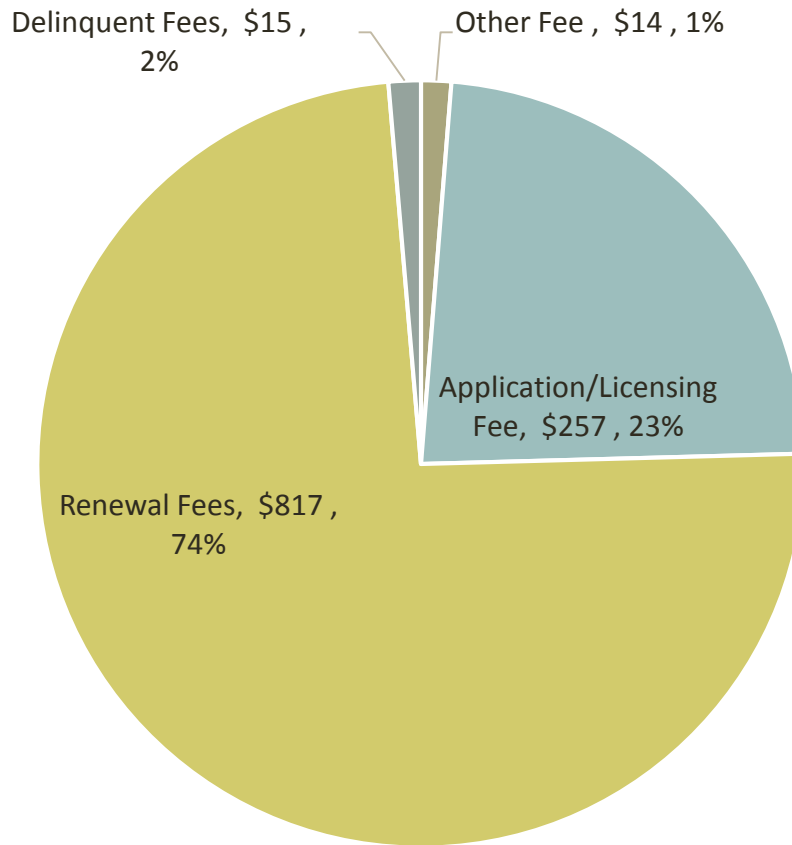


Projected Program Expenditures

Personnel Services		\$ 545
Prorata		\$ 183
General		\$ 83
Examination		\$ 292
Enforcement		\$ 37
Total	187	\$ 1,140

* Dollars in thousands

FY 2015/16 – GEO Revenue

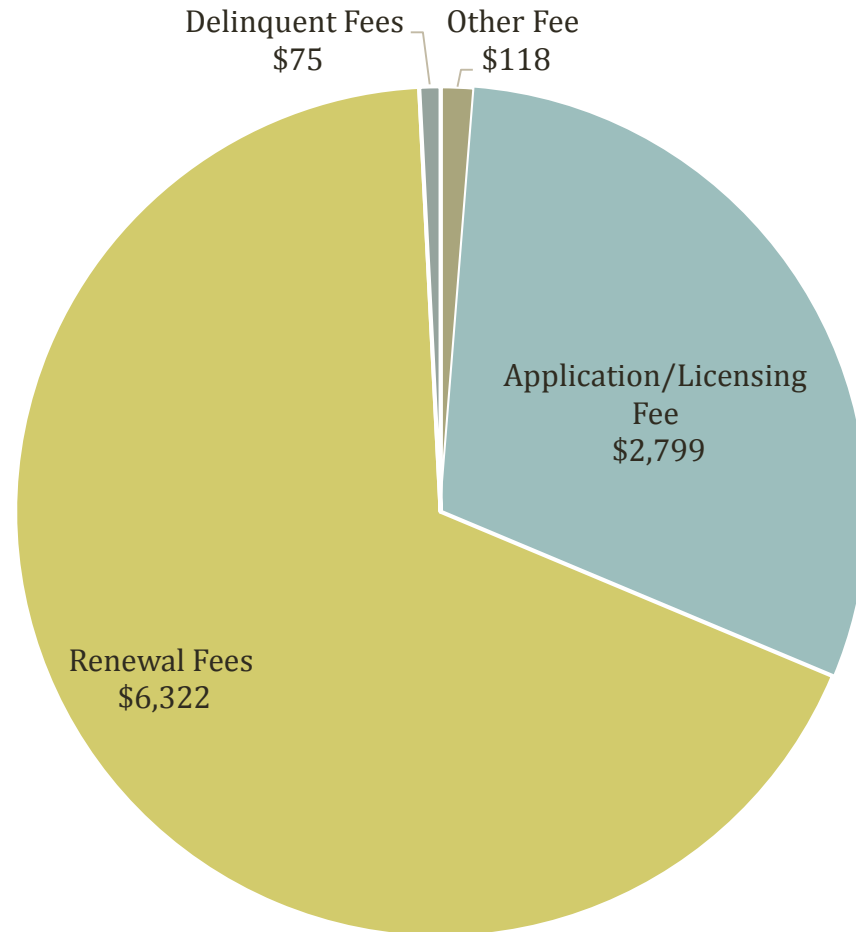


Revenue: \$1,103

FY 2016/17 Introduction

Revenues:

Other Fee	\$	118
Application/Licensing Fee	\$	2,799
Renewal Fees	\$	6,322
<u>Delinquent Fees</u>	\$	75
Total	\$	9,314



Program Expenditures (Governor's Budget) \$ 11,914

Questions?



IX. Executive Officer's Report

- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. Expert Consultant Compensation
- D. BreEZe Update
- E. Business Process Assessment Contract
- F. ABET
- G. ASBOG
- H. NCEES
- I. Outreach

Legislation and Regulations Workgroup

Legislation:

AB 12, AB 320, AB 507, SB 209, SB 1085, SB 1099, SB 1155, SB 1165, SB 1195 and SB 1479

Regulations:

1. Citations (472-473.4/3062-3063.4)

- Current location Office of Administrative Law (OAL) comment period, end April 25, 2016.
 - Board approved initial rulemaking proposal March 8, 2012.
 - Noticed to (OAL) March 11, 201, for 45-day Comment Period.

2. Exam Appeals Repeal (443, 444, 3063.1, 3037.1)

- Current location in-house, in progress.
 - Board approved initial rulemaking proposal March 7, 2013.

3. Waiver of Fundamentals Exam (438(a)(2), (b)(2), & (b)(7))

- Current location Business, Consumer Services and Housing Agency (BCSH) February, 2016.
 - Board approved initial rulemaking proposal February 9, 2015.
 - Noticed to Office of Administrative Law (OAL) May 22, 2015, for 45 day Comment Period.
 - OAL Comment Period ended July 6, 2015.
 - Board approved final rulemaking package, July 16, 2015.
 - Final package sent to DCA final review August 8, 2015.
 - Final rulemaking package at DCA budgets- updated October 27, 2015.
 - Package sent to BCSH (Agency) February, 2016.

4. SE, GE qualifications/experience (426.10/426.14/426.50).

- Current location in-house, in progress.
 - Board approved initial rulemaking proposal February 13, 2014.

5. Corner Record (464(g)).

- Current location in-house, in progress.
 - Board approved initial rulemaking proposal June 11, 2015.
 - Noticed to Office of Administrative Law (OAL) November 13, 2015, for 45 day Comment Period.
 - OAL Comment Period ended December 28, 2015.
 - Public Hearing held January 5, 2016.
 - Noticed for 15-day Comment Period March 17, 2016 to April 4, 2016.

X. Technical Advisory Committees (TACs)

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

XI. President's Report/Board Member Activities

XII. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

- A. Approval of the Minutes of the January 14, 2016 Board Meeting
- B. Approval of the Minutes of the March 3-4, 2016 Board Meeting

DRAFT

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

**2535 Capitol Oaks Drive
Third Floor Conference Room
Sacramento, CA 95833**

**January 14, 2016
Thursday, January 14, beginning at 9:00 a.m.**

Board Members Present:	Robert Stockton, President; Coby King, Vice President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Eric Johnson; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Jerry Silva; and Patrick Tami
Board Members Absent:	Asha Brooks; Chelsea Esquibias; Hong Beom Rhee;
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Kara Williams (Budget Analyst); Jeff Alameida (Administrative Manager); Larry Kereszt (Licensing Manager); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 9:00 a.m., and a quorum was established.

II. Public Comment

During public comment, Alex Calder, land surveyor, representing BKF Engineering of Redwood City, expressed his concerns with general contractors performing surveying. He stated that it is becoming a major issue and creating a lot of problems. He plans to meet with CSLB and discuss the issue with the OE3 union. President Stockton recommended that he file formal complaints to address specific individuals and have the Land Surveying TAC discuss the general issue.

III. Legislation

A. Discussion of Legislation for 2016

Ms. Williams reviewed the Legislative calendar and pointed out important dates.

AB 320

This bill would add the title “environmental engineer” to the Board’s title acts. The Board is opposed to adding new titles acts to the statutes because titles acts do not regulate the

practice, they only regulate the use of the title itself. Additionally, adding the title “environmental engineer” would be difficult to define in regulation due to the need to prevent overlap with regulated practices such as civil engineering and geology.

This bill is currently in the Senate Appropriations Committee, and the Board took an oppose position on the most current amended version of this bill.

AB 12 This bill would require every state agency, department, board, or bureau to review and revise regulations to eliminate inconsistencies, such as overlapping, duplicative, and outdated regulation.

This bill is currently in the Senate Appropriations Committee, and the Board took a watch position on the most current version of this bill.

AB 507 This bill would require the Department of Consumer Affairs to submit an annual report to the legislature and the Department of Finance for the 3rd phase BreZEze implementation.

This bill is currently in the Senate Business, Professions and Economic Development Committee. The Board took a watch position to the most current version of this bill.

SB 209 This bill would allow for Department of Conservation lead agency employees to become certified to inspect surface mining operations and have opportunities for continuing education for doing the inspections. Additionally, this bill would require the inspection of surface mining operations to be performed by appropriately licensed California licensed professionals or qualified lead agency employees.

This bill is currently on the Assembly Floor. The Board agreed to a support position at the November 5, 2016, meeting.

B. Legislative Proposal to Amend Business and Professions Code §7841.2 (GIT Criteria)

Ms. Racca presented a proposal to the Board in which it was recommended that the Board pursue legislation to amend §7841.2 to allow a person to obtain their Geologist-in-Training (GIT) certificate prior to being awarded a degree. She explained that currently the law requires a

person to have a a degree prior to obtaining their GIT certificate. This differs from the EIT and LSIT certificates, where a person may obtain the certificate prior to being awarded a degree. Mr. Tami clarified that the GIT certificate is not a license to practice, just a first step.

MOTION:	Mr. King and Ms. Mathieson moved to direct Board staff to proceed with a legislative proposal to amend §7841.2 of the Business and Professions Code as described.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

IV. Consideration of Rulemaking Proposals

A. Proposal to Amend Title 16, California Code of Regulations §3031 (Geologist Education)

Ms. Racca reviewed and researched undergraduate geological sciences degree requirements at California colleges and universities. Through her outreach with universities and colleges and collaborating with staff, she recommended outreach or a webinar. She requested that the Board direct staff to host public workshops with both industry and academia to look at the research that has been done and the proposed minimum curriculum for licensure and get input and suggestions as to what minimum academic training should be required for licensure as a professional geologist. Once the feedback has been gathered, she would like to have a draft regulation and the Board’s authorization to move forward. Ms. Jones Irish recommended sending participants a letter thanking them for their participation and providing information of what has come from their contribution.

MOTION:	Mr. King and Ms. Alavi moved to adopt proposal.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

V. Enforcement

A. Enforcement Statistical Report

Mr. Tami and President Stockton commended the Enforcement Unit on the amount of cases closed. Mr. King noted that the exception was the Geology and Geophysics program. Ms. Criswell explained that they had to reinvestigate the geology and geophysics cases when the Boards merged. President Stockton noted this aids in meeting some of the Strategic Plan goals.

VI. Exams/Licensing

A. Fall 2015 Examination Results

Mr. Kereszt advised that the Geotechnical Engineer examination is now offered on a continuous basis. Once the candidate is qualified, they can schedule the examination when it is most convenient for them. It is the first state examination administered in this manner. Mr. Kereszt provided an amendment to the Geotechnical results through December. The original data presented reflected 60 candidates through November 30. In December, an additional 33 took the examination, for a total of 93 for the calendar year of 2015. Of the 93 candidates, 23 passed, for a pass rate of 25%. The pass rate is expected to go back up once the candidates become accustomed to the new process.

Mr. Tami would like data for first time takers vs. repeat candidates.

Ms. Alavi inquired as to why the Fall pass rate is lower than the Spring for the land surveyor examination. Mr. Moore explained that, historically, the examination was only offered in the Spring so the surveying community is still focused on that time period. During Public Comment, Mr. McMillan

added that most of the CLSA chapters that provide land surveyor review classes are focused on starting in December and January for the Spring exams. They are now trying to conduct these course in the fall as well.

Mr. Kereszt also reported that the geology and traffic examinations for Fall 2015 were the last examinations that were created in conjunction with OPES (Office of Professional Examination Services). The Board will now produce the examinations in house and no longer utilize OPES. Mr. Tami added that the NCEES Spring 2016 professional surveying exam will be the last pencil and paper exam and will then be computer based beginning in the fall.

B. Fingerprint Program Update

Mr. Kereszt reported that the process continues to develop since its implementation July 1, 2015. Candidates must be fingerprinted to receive their certificate. When the results were released in October, of the 1,190 examinees who were eligible for licensure, 659 were licensed; however, over 400 could not be as they had yet to complete the fingerprint requirement.

C. Delinquent Reinstatement Requirements

Ms. Eissler followed up on a request from the November 2015 Board meeting in which the Board requested additional information prior to making a decision on how to proceed. She explained that if an engineer or land surveyor's license has been expired for more than three years, they can have that same license reinstated if certain requirements are met. Whereas, with geologists and geophysicists if their license has been expired for five years they cannot get that same license back. They must apply for a new license and meet all the requirements in effect at the time including education requirements and taking and passing the examination. During the November meeting there was discussion and there was indication the Board seemed inclined to think that engineers and land surveyors should have the same requirements as geologists and geophysicists. Ms. Eissler provided some statistical data and identified ten individuals who had been issued a new geologist license after allowing the first one to expire beyond five years. On average, these individuals maintained their initial license for a little more than seven years and had let their license lapse for a little more than seven years before applying for a new license.

A professional engineer or land surveyor licensed in another state could apply via the comity process where they would have to show they have the required experience similar to the reinstatement process. It would then be determined if the comity applicant has taken and passed an equivalent exam(s) as would be required of a non-comity applicant, and the Board could waive whichever examination(s) was considered to be equivalent.

Ms. Eissler indicated that it would require legislation to change the statute. Mr. King's opinion is that all professions should be aligned.

Mr. Tami expressed his concern with having to retake the examination. He stated that a licensee would probably pay more attention to maintaining their license if they knew they would have to retake the examination. It would be a major deterrent.

MOTION:	Mr. Tami and Ms. Mathieson moved to direct staff to pursue a legislative proposal for Professional Engineers and Land Surveyors to mirror the Geologist and Geophysicist language.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi		X			
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

VII. Approval of Delinquent Reinstatements

No report given.

VIII. Administration

A. Budget Summary

During the discussion, it was reported that the PELS and the GEO funds will be merged effective July 1, 2016.

Ms. Williams distributed a Pro rata information booklet from DCA.

President Stockton inquired as to the status of the loan repayment in the Governor's budget. Ms. Williams will look into it since the budget summary was compiled before the Governor's report.

IX. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Ms. Mathieson would like a summary included for each regulation, possibly with links to the public documents.

B. Personnel

Mr. Moore reported that the Board added Angelica Guzman as a full time Office Assistant for the front desk. Carmen Jimenez is now an Office Technician with the Examination Unit, Ray Mathe has retired from State service and has gone on to be the San Diego County Surveyor. Mr. Tami commended Mr. Mathe for his outreach efforts. Mr. Silva suggested sending past Board member Mr. Ray Satorre a certificate as well.

C. BreEZe Update

Mr. Moore reported that Release II will go live Tuesday morning. The Board's Request for Offer was submitted January 4, 2016, as a Non-IT CMAS contract focusing on business process improvement.

D. ABET

Mr. Moore distributed a portfolio of the materials the Board distributes to students, licensees, etc., regarding the licensure process. Dr. Qureshi announced that he applied to become an ABET evaluator and was accepted.

E. ASBOG

Ms. Racca and Ms. Mathieson provided a report on the Fall 2015 ASBOG meeting. Ms. Mathieson indicated there was concern about the size of the item bank being an impediment to the implementation of computer based testing (CBT). Ms. Racca added that ASBOG's impression of CBT is that individual states would contract with computer based testing facilities in order to implement. She believes that may be the main objection. ASBOG suggested California go CBT while the other states would go paper and pencil. ASBOG has requested that the Board's exam staff participate in an administrative workshop to share their experiences.

Ms. Racca reported on the new EPA requirements. The Federal Register issued what is known as the Coal Combustion Residuals Rule. Ms. Racca explained that it deals with waste from coal powered plants that gets buried in a landfill. The EPA Coal Combustion Residuals Rule appears to exclude the geology profession by allowing only professional engineers to certify compliance with certain regulatory requirements for coal combustion residuals. There is no accreditation organization for the geology program. The EPA does not believe the boards that license geologists hold geologists to the same standards as engineers and land surveyors. Ms. Mathieson feels it is a detriment to public and environmental protection when the right professionals are not allowed to

do their jobs investigating underground conditions at sites where wastes from coal powered plants have been buried.

Mr. Moore inquired if professional societies are involved. Mr. Racca noted that there is the American Geosciences Institute (AGI) which is a national organization that represents a number of geology professional societies. She believes ASBOG is attempting to partner with AGI to protest. Mr. Moore recommended staff monitor as it applies to licensure, not necessarily the practice.

President Stockton suggested sending correspondence to the EPA regarding the licensure process for geologists in California.

Mr. Moore reported that the ASBOG committee voted to increase the fee for the GIT from \$150.00 to \$200.00 per exam beginning in 2018.

F. NCEES

Out of State Travel (OST) requests have been made for the NCEES Member Board Administrators meeting. A letter in support of Patrick Tami as NCEES President Elect will be distributed to all Western Zone Boards. The Annual Meeting will take place in August.

G. Outreach

Ms. Racca continues to visit colleges and universities, approximately twice per month. She will be teaming up with ASBOG and attending the Geological Society of America meeting in Ontario, CA.

Mr. Donelson reported that he and Ms. Christ visited CalPoly, San Luis Obispo where they provided outreach. They were well received by the professors and students.

Mr. Phayer will be providing outreach for Fresno State's surveying program in late January.

H. Strategic Plan Year Two Goals

Mr. Moore reviewed the Year Two Objectives for 2016. Mr. Alameida, Mr. Kereszt, and Ms. Criswell reported that internal collaboration is based on communication among all staff which includes job shadowing within each unit and cross-unit training.

Ms. Jones Irish complimented staff on their responsiveness to Board requests.

MOTION:	Mr. King and Ms. Alavi moved to adopt the updates to the Strategic Plan indicated on page 131.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi		X			
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami		X			

X. Technical Advisory Committees (TACs)

- A. Assignment of Items to TACs
No report given.
- B. Appointment of TAC Members
No report given.
- C. Reports from the TACs
No report given.
- D. Approval of Land Surveying TAC Work Plan

MOTION:	Mr. King and Dr. Qureshi moved to adopt proposed LS TAC work plan as presented including a revised #9 and amended to include #10 to discuss the unlicensed practice of land surveying by general contractors and to make recommendations to the Board, as appropriate.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				

Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

XI. President’s Report/Board Member Activities

President Stockton welcomed Dr. Fel Amistad to the Board.

XII. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the November 5, 2015, and December 4, 2015, Board Meetings

MOTION:	Mr. King and Dr. Qureshi moved to approve the November 2015 minutes as amended.
VOTE:	Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad			X		
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson			X		
Kathy Jones Irish	X				
Betsy Mathieson			X		
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

MOTION:	Mr. King and Dr. Qureshi moved to approve the December 2015 minutes as amended.
VOTE:	Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi			X		
Fel Amistad	X				

Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson			X		
Kathy Jones Irish			X		
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

Mr. Tami suggested including a list of directives to aid in the follow-up of items.

XIII. Other Items Not Requiring Board Action

A. Updated 2016 Board Meeting Calendar

Ms. Calderone reported on the two date changes shown on the 2016 Board Meeting Calendar.

XIV. 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)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

XV. Open Session to Announce the Results of Closed Session

During Closed Session the Board took action on four stipulations and a petition for reconsideration and discussed litigation as noticed.

XVI. Adjourn

The meeting adjourned at 4:15 p.m.

PUBLIC PRESENT

Robert DeWitt, ACEC
 Rob McMillan, CLSA
 Steve Hao, CalTrans

DRAFT

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

**Ventura County Government Center
800 S. Victoria Ave., Room 344
Ventura, CA 93009**

**March 3-4, 2016
Thursday, March 3, beginning at 10:00 a.m.**

Board Members Present:	Robert Stockton, President; Coby King, Vice President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Kathy Jones Irish; Eric Johnson; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Jerry Silva; and Patrick Tami
Board Members Absent:	Asha Brooks, Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Kara Williams (Budget Analyst); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 10:00 a.m., and a quorum was established.

II. Public Comment

During public comment, Jeff Pratt, Public Works Director of Ventura County welcomed the Board and expressed their privilege for hosting the Board. He reported the county currently employs 60 licensees.

Paul Calloway, representing ASCE (American Society of Civil Engineers) Region 9, discussed the Raise the Bar initiative. It is seeking to increase the requirements prior to licensure of civil engineers. This initiative is based on an ASCE policy number 465 and is also a policy of NCEES Policy number 35. He asked the Board to agenda this topic in the future as an item and allow ASCE to conduct a presentation.

Hugh Robertson, CEG, AEG, and member of the Geology and Geophysicist TAC expressed his appreciation for having a local Board meeting. He offered the assistance of the AEG to the Board.

Bob Dewitt, representing ACEC, reported on a local agency requiring the engineer sign and seal plans on initial submittal. He noted that 99% of the time there are changes to plans and he is concerned with potential liability if permit is

issued. Ms. Eissler suggested sending information to the Enforcement Unit so that staff can contact the local agencies to explain the laws.

Rob Mcmillan, representing CLSA, invited the Board to attend the 50th Annual Conference that will take place in Rohnert Park, CA.

III. Letter Regarding Licensure of Engineering Faculty

Mr. Moore reported that Howard Turner, representing Cal Poly Pomona, expressed his concerns that while the school has required licensure to teach, it is considering removing it from their requirements. Mr. Moore explained that while the Board cannot dictate what the hiring criteria should be, he recommended composing a letter encouraging licensure. President Stockton and Dr. Qureshi will review the letter prior to sending. Once there is a final draft it will be provided to the Board Members individually for comment.

MOTION:	Vice-President King and Dr. Amistad moved to have staff work with President Stockton and Dr. Qureshi to formulate a response as well as draft a policy in regards to licensure and education.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

IV. Legislation

A. Discussion of Legislation for 2016

Ms. Williams presented the Legislative calendar and pointed out important dates.

She reported on the Omnibus Bill that is being authored by the Senate Business Professions and Economic Development Committee. The Board has requested that language be included in the bill to allow the Board to contract with a public or private entity for examination development and

administration services relating to the geology and geophysics examinations. The Committee Consultant has indicated that the language will be included in the bill when it is introduced.

SB 1085 This bill would require a licensee to complete an online examination related to the Board laws and regulations at the time of renewal. This bill is needed to safeguard the public from unnecessary non practice related violations of the laws committed by California Professional Engineers, Land Surveyors, or Geologists.

MOTION:	Mr. Tami and Ms. Jones Irish moved to take a support position on the bill.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

SB 1099 The Professional Land Surveyors' Act establishes the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs for the licensure and regulation of land surveyors and requires any person practicing, or offering to practice land surveying in the state to submit evidence that he or she is qualified to practice and to be licensed under the act.

MOTION:	Mr. Tami and Ms. Mathieson moved to take a watch position.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				

Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

SB 1165 This bill would require professional geologists and geophysicists to both sign and seal their final work product documents to indicate their responsibility for them and to require professional geologists and geophysicists to obtain a seal or stamp. This bill would also extend the delinquent reinstatement rights to a licensee from 3 to 5 years after the expiration of their license.

MOTION:	Mr. King and Ms. Alavi moved to take a support position.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

AB 320 This bill would add the title “Environmental Engineer” to the Board’s title acts. The Board is opposed to adding new title acts to statute because title acts do not regulate the practice of the title branch of engineering, they only regulate the title itself. Additionally, adding the title “Environmental Engineer”

would be difficult to define in regulation due to the need to prevent overlap with regulated practices such as civil engineering and geology.

Mr. Moore added he received information from DCA that the author's office stated late January that Assembly Member Wood plans to move this bill and the deadline for action is July 1, 2016.

The Board maintained an opposed position.

AB 12 This bill would require every state agency, department, board, or bureau to review and revise regulations to eliminate inconsistencies overlapping duplicative and outdate regulations.

The Board maintained a watch position

AB 507 This bill would require the Department of Consumer Affairs to submit an annual report to the legislature and the Department of Finance for third phase BreZE implementation.

The Board maintained a watch position.

SB 209 This bill would require the Department of Conservation lead agency employees to become certified and have opportunities for continuing education. Additionally, this bill would require the inspection surface mining operations to be performed by an appropriately licensed California licensed professionals.

Ms. Mathieson suggested the staff analysis may be outdated on the basis of amendments that appear later. The summary indicates continuing educational opportunities for lead agency employees to become certified, as appropriate, by the department to inspect surface mining operations and the last sentence indicates, the bill would require the inspections be conducted by certain licensees, as specified which contradicts the language of the bill. It does not indicate whether the lead agency employees who will be given the opportunity to receive continuing education to become certified to do inspections must be licensed. The language that appears later states the lead agency shall cause an inspection to be conducted by a licensee or a qualified lead agency employee. States that a qualified lead agency

employee does not have to be licensed to conduct inspections.

Ms. Eissler explained that the Legislative Counsel’s digest that is in the bill may not reflect what is actually in the bill and suggested that staff review the bill to clearly define anything that pertains to geology, civil engineering, or geophysics; that those inspections must be performed by a licensee.

MOTION:	Vice-President King and Ms. Alavi moved to change position to support if amended, specifically the need for inspections and reviews to be completed by an appropriately licensed professional and directing staff to review bill to determine if there are other issues to consider.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva		X			
Patrick Tami	X				

V. Consideration of Rulemaking Proposals

A. Request for Waiver of Examinations Pursuant to Business and Professions Code section 6755(d)

Mr. Moore explained that the Board has a statute in place that allows the Board to establish by rule, a waiver for second division examinations for individuals who the Board believes is eminently qualified. In order to entertain such requests, it must determine whether to go through the rulemaking process to establish rules to waive examinations. Currently, the Board cannot waive examinations without regulations in place

During public comment, Mr. Rastandeh thanked the Board for their time and read a letter representing himself and his colleagues into record. He requested all exams for civil engineering license be waived for persons

eminently qualified for registration by virtue of their standing in the engineering community and their experiences the Board deems appropriate. He explained they are a group of civil engineering project managers mostly over the age of 55 working for the City of San Diego who manage public work projects and other public and private land development projects at a ministerial level. They do not act in responsible charge. Their experience comes from years of project and construction management. He asked that the Board consider approving the request to waive all examinations and grant them a civil engineering license.

Ms. Eissler explained the Board does not have the legal authority to grant a waiver of any of the second division examinations at this time. The Board needs to decide if they want to move forward with the rulemaking process and draft language to address what is meant in statute by “eminently qualified by virtue of their standing in the engineering community, experience, and other qualifications the Board deems appropriate.”

Mr. Rastandeh indicated that they are managing, mentoring, and teaching the younger people who eventually get their licenses and ultimately promote.

Mr. Tami pointed out that the Board offers special accommodations to those candidates that meet certain requirements. He encouraged Mr. Rastandeh and his colleagues to seek out these opportunities. Mr. Rastandeh indicated that they did pursue special accommodations but it did not work for them.

Ms. Eissler noted that the Board has received these types of requests in the past and the Board has always felt that the professional level examination component is very important towards licensure. While there are provisions to waive the fundamentals examinations or the in-training certificate based on education and work experience, the Board has never felt that it would be appropriate in protecting the public health, safety, and welfare to waive the professional level examination.

President Stockton was concerned with criteria that determines eminently qualified for registration by virtue of their standing in the engineering community.

While Dr. Qureshi understands that it is a hindrance to promotion, he is concerned that if the license is issued, it would provide much more liberty to do things that may not be considered. It then becomes a detriment to public health and safety.

Ms. Alavi understands that there may be an issue with candidates not passing the Fundamentals examinations if they have been out of school for a long time but inquired as to why they cannot pass the second division examination.

Mr. Rastandeh explained that due to their age they have become slower. Speed is a big factor.

Dr. Qureshi made a motion to direct staff to draft suggested language to lead to rulemaking, but since there was not a second, the motion died.

Mr. Tami does not agree with moving forward. He noted there are a lot of projects put on staff that are not completed because their assignments are increasing. Ms. Mathieson and President Stockton agreed.

MOTION:	Mr. Tami and Ms. Mathieson moved to not go forward with rulemaking process to define “eminently qualified” under Section 6755(d) or to allow for a waiver of the second division examinations.
VOTE:	11-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva		X			
Patrick Tami	X				

B. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations section 464 (Corner Records)

Mr. Moore reviewed the proposed amendments to Board Rule 464 regarding the preparation and filing of corner records. A 45-day public comment period was issued November 13, 2015 and a public hearing was held on January 5, 2016.

MOTION:	Mr. Tami and Ms. Jones Irish moved to approve the modified text and direct staff to issue a 15-day notice regarding the modified text for changes to Title 16, CCR Section 464.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

MOTION:	Mr. Tami and Dr. Qureshi moved to adopt the staff's recommended responses to the public comments as received.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

VI. Enforcement

A. Enforcement Statistical Report

Ms. Eissler reported that cases are continuing to move along and the investigations are getting completed in a timely manner. Approximately half of the cases over a year old are with the Division of Investigation and they are moving forward with those investigations, some of which involve unlicensed activity and search warrants that can extend the time it takes to close a case.

Ms. Eissler also explained the enforcement process for the benefit of the newer Board members.

VII. Exams/Licensing

A. Correction to Professional Geophysicist Examination Test Plan

Mr. Moore provided a brief explanation of how the state examinations are developed based on a test plan. This is a result of an occupational analysis which occurs approximately every 5 years to account for any changes in the professions.

There appeared to be a typographical error in the geophysicist test plan in which the word *electrical* was used instead of *gravity* and recommended the Board approve the revision.

MOTION:	Ms. Mathieson and Dr. Qureshi moved to approve as amended.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

Mr. Moore added that NCEES registrations are currently being finalized and reported that the following examinations are scheduled to take place:

- California State Examination for geologists - March 8

- National ASBOG examinations - March 18
- Seismic Principles and Engineering Surveying - April 6 through 27
- NCEES National examinations - April 15
- State specific Professional Land Surveying examination - April 18

Mr. Moore updated the Board on the fingerprinting program. Candidates who passed the October 2015 are just now being licensed as they had to still submit their fingerprints.

Mr. Tami inquired as to how many candidates do not report their convictions as they should. Ms. Eissler indicated that she believed it was approximately 25% but would research and bring those statistics to the next meeting.

VIII. Approval of Delinquent Reinstatements

No report given.

IX. Administration

A. Budget Summary

Ms. Williams reported on the Engineers and Land Surveyors and the Geologist and Geophysicist funds. She indicated that overall the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year.

X. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Ms. Eissler reported that the citation regulation proposal has been submitted to the Office of Administrative Law to be published and noticed for the 45-day comment period beginning March 11, 2016.

B. Personnel

Mr. Moore reported that staff is preparing to interview for the psychometrician position. Jessica Glover and Danielle Rangel have been hired as seasonal employees to aide with the Enforcement Unit and Licensing Unit workload. The Senior Registrar, Land Surveying list has expired and a new examination must be administered to develop a new hiring list.

C. BreZE Update

Release II has gone live with minor issues that have been resolved. Another release is anticipated this month and an update is expected.

D. Business Process Assessment Contract

Mr. Moore, Ms. Eissler, and Ms. Jones Irish conducted interviews with several firms. A selection was made and the paperwork submitted to the

Department and the Department of General Services. In approximately 2-3 weeks an offer may be made. Anticipated start day is April 1, 2016.

E. ABET

Mr. Moore reported on behalf of Laurie Racca that ABET is beginning to do accreditation of Geology programs. Mr. Tami discussed the possibility of changing evaluation criteria. Mr. Moore received some notification and once more information is received, it will be included on the next agenda.

F. ASBOG

Mr. Moore announced that ASBOG has a new Executive Director who in her short term has collaborated with staff and developed a partnership with the Board.

G. NCEES

1. Nomination of NCEES Emeritus Members

Mr. Tami left the room during the discussion.

MOTION:	Mr. Silva and Ms. Alavi moved to nominate Patrick Tami as an Emeritus member of the California Board effective immediately upon the end of his tenure as an active member, subject to the approval of the NCEES Board of Directors.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami					X

2. NCEES Interim Zone Meeting

Mr. Moore reported that both Vice-President King and Dr. Qureshi will represent California at the NCEES Interim Zone meeting pending Out-of-State travel approval.

XIII. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the January 14, 2016, Board Meeting

Ms. Mathieson had several changes. Ms. Eissler recommended submitting them in writing so that staff can make the changes and then present the minutes at the next Board meeting for approval.

The Board recessed at 4:30 p.m.

DRAFT

Friday, March 4, beginning at 9:00 a.m.

Board Members Present:	Robert Stockton, President; Coby King, Vice President; Fel Amistad; Chelsea Esquibias; Eric Johnson; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Jerry Silva; and Patrick Tami
Board Members Absent:	Natalie Alavi; Asha Brooks; Kathy Jones Irish; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 9:07 a.m., and a quorum was established.

II. Public Comment

No public comment

X. Executive Officer's Report (Cont.)

1. Report from NCEES February 6, 2016 MBA Meeting

Mr. Moore attended the NCEES Member Board Administrator meeting in Atlanta, GA.

The Fundamentals examinations completed two full years as a Computer Based Test (CBT) examinations. The FE numbers are going up while the FS numbers have remained the same. He reported that NCEES has elected to change the testing windows to be on a continuous basis, eliminating the quarterly closed months in between. The last paper-based administration of the Principles of Surveying examination will take place April 15, 2016. Registration of the computer based version of the examination will commence June 2016.

A preliminary schedule was provided for the remainder of the examinations that will be converted to CBT. They are anticipating the release of the chemical and nuclear examinations in 2018 with full integration of all PE examinations by 2023.

The NCEES policy that directs all examinees who achieve an acceptable score on one 8-hour component of the Structural examination must achieve an acceptable score on the second 8-hour component within five years of the date of achieving an acceptable score on the first component. If not, then the candidate must start the process over. Even though some member boards do not have attempt restrictions, the Examination Policy and Procedures Committee choose to maintain this policy. NCEES will continue to monitor and keep examinees notified.

NCEES is redesigning its registration system by integrating the various database services into one. It is expected to launch June 2016 to coincide with the fall 2016 registration period.

H. Outreach

Mr. Moore noted the Board has been busy with outreach presentations. Ms. Racca worked with SOLID to produce a video from the workshops she hosted February 19 and 26 in Riverside and Sacramento. Ms. Mathieson commended Ms. Racca on her outreach efforts. Ms. Racca will provide more information at the April meeting. There will be several meetings in the next few weeks to discuss the Board's legislative and rulemaking proposals. Mr. Moore added that Mike Donelson and Susan Christ were invited to San Diego to make a presentation to the Navy's Southwest Division. Ms. Esquibias reported that she attended a presentation with Ms. Racca held at Cal State Bakersfield. She was impressed with the presentation and with the number of students that attended.

Mr. Moore added that over the years it has been suggested by staff to produce a video on how to complete an application. Dr. Qureshi asked that a presentation be done on how to fill out a reference form as well.

I. Report on Little Hoover Commission February 4, 2016 Hearing on Occupational Licensing

Mr. Moore reported that the Board received correspondence from the Little Hoover Commission inviting the Board to provide recommendations on their intended review of occupational licensing in California. He and Ms. Eissler attended the hearing. He believed there was a lot of disappointment by what was being discussed. There was a push for deregulation of licensing, not specific to the Board, but doing away with occupational licensing in general. Currently in Arizona, there is a proposal to deregulate geology and landscape architects licenses. Mr. Moore received a call from the Governor's office and discussed the hurdles and flexibility to establish licensure.

XI. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

1. LS TAC March 2, 2016, Meeting

Mr. Moore reported on the Land Surveying TAC meeting that took place March 2, 2016. They provided additional input for Board Rule 425, the regulation on requirements for licensure as a land surveyor. They also provided recommendations for the Guide to Engineering & Land Surveying for City and County Officials. Mr. Tami added that

they discussed Business and Professions Code section 8726 with regards to contractors allegedly performing surveying.

Mr. Moore will review TAC appointments and expiration dates for possible reappointments at next meeting.

XII. President's Report/Board Member Activities

President Stockton will work on a presentation for CalPoly Pomona faculty.

XIV. Other Items Not Requiring Board Action

A. Next Board Meeting: April 21-22, 2016, in Santa Rosa

XV. 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)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

XVI. Open Session to Announce the Results of Closed Session

During Closed Session the Board discussed pending litigation as noticed and took action on two stipulations, one default decision, and one proposed decision.

XVII. Adjourn

Meeting adjourned at 11:23 a.m.

PUBLIC PRESENT

Bob DeWitt, ACEC CA

Hugh Robertson, Robertson Geotechnical

Paul Callaway, ASCE

Rob McMillan, CLSA

Abbas Rastandeh, City of San Diego

Frank Maxim, Ventura City Surveyor

Wayne Battleson, Ventura County Surveyor

Dan Walsh, County of Ventura Deputy County Surveyor

XIII. Other Items Not Requiring Board Action

- A. Next Board Meeting: June 9-10, 2016, in Riverside

XIV. 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)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

XV. Open Session to Announce the Results of Closed Session

XVI. Adjourn
