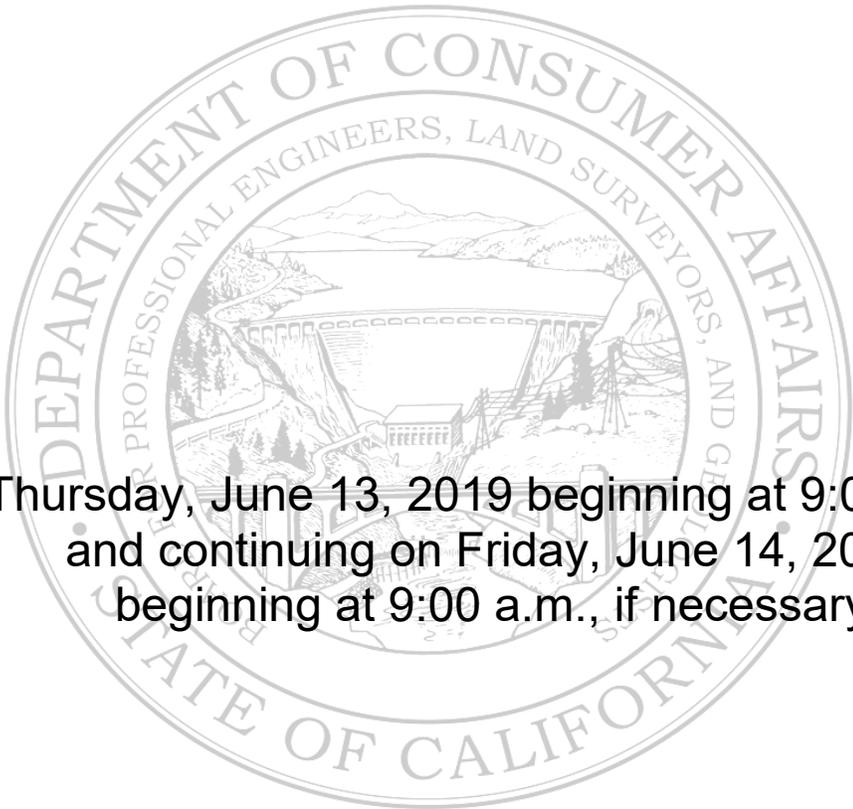




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists



Thursday, June 13, 2019 beginning at 9:00 a.m.
and continuing on Friday, June 14, 2019
beginning at 9:00 a.m., if necessary

Cal Poly Pomona, Bronco Student Center
3801 W. Temple Avenue
Pomona, CA 91768

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

BOARD MEETING

JUNE 13-14, 2019

Cal Poly Pomona, Bronco Student Center
3801 W. Temple Avenue
Pomona, CA 91768

BOARD MEMBERS

Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Frank Ruffino; Jerry Silva; Robert Stockton; and Steve Wilson

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.

IV. Hearing on the Petition for Reinstatement of the Revoked License of Paul Christopher Ehe

This hearing will be held on Thursday, June 13, 2019, beginning at 9:00 a.m., or as soon thereafter as the matter may be heard.

- V. Closed Session – The Board will meet in Closed Session to discuss, as needed:**
- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. Executive Officer Performance Evaluation
 - B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
 - C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
 - D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

NOTE: The Board will meet in Closed Session immediately following the Hearing on the Petition for Reinstatement of Revoked License to decide that matter.

VI. Open Session to Announce the Results of Closed Session

VII. Administration

- A. Fiscal Year 2017/18 Budget Status
- B. Fiscal Year 2018/19 Budget Report

**0770- Professional Engineers, Land Surveyors and Geologist
Financial Statement**

Prepared 5/30/19

| | FY 2017-18 Month 9 (7/17-2/18) | FY 2018-19 Month 9 (7/18-3/19) | % Change | FY 2018-19 FM 1 Projections | FY 2018-19 Updated Projections | % Change |
|--|--------------------------------------|--------------------------------------|-------------|-----------------------------------|--------------------------------------|-------------|
| Revenue | | | | | | |
| Applications/Licensing Fees | 1,128,173 | 1,311,035 | 16% | 1,643,000 | 1,748,047 | 6% |
| ¹ Renewal fees | 6,441,738 | 5,916,345 | -8% | 6,310,000 | 6,354,139 | 1% |
| ² Delinquent fees | 68,500 | 57,706 | -16% | 90,000 | 76,941 | -15% |
| Other | 98,536 | 183,630 | 86% | 138,000 | 99,282 | -28% |
| ³ Interest | | | | 97,000 | 225,490 | 132% |
| Total Revenue: | 7,736,947 | 7,468,716 | -3% | 8,278,000 | 8,503,900 | 3% |
| Expense | | | | | | |
| Personnel Services: | | | | | | |
| ⁴ Salary & Wages (Staff) | 2,026,706 | 2,084,856 | 3% | 2,707,527 | 2,815,410 | 4% |
| Temp Help | 98,721 | 68,252 | -31% | 53,212 | 120,671 | 127% |
| Statutory Exempt (EO) | 93,078 | 96,804 | 4% | 134,037 | 129,072 | -4% |
| Board Member Per Diem | 5,300 | 6,600 | 25% | 17,200 | 12,120 | -30% |
| Overtime/Flex Elect/Lump Sum | 185,628 | 14,026 | -92% | 27,866 | 18,702 | -33% |
| Staff Benefits | 1,072,116 | 1,200,843 | 12% | 1,552,500 | 1,601,124 | 3% |
| Total Personnel Services | 3,481,549 | 3,471,381 | 0% | 4,492,342 | 4,697,098 | 5% |
| Operating Expense and Equipment: | | | | | | |
| General Expense | 36,912 | 50,042 | 36% | 72,905 | 66,723 | -8% |
| ⁵ Printing | 5,286 | 8,290 | 57% | 120,505 | 11,053 | -91% |
| Communication | 18,159 | 15,888 | -13% | 28,270 | 23,028 | -19% |
| ⁶ Postage | 26,406 | 0 | -100% | 42,948 | 20,000 | -53% |
| Insurance | 133 | 0 | -100% | 19,373 | 0 | -100% |
| Travel In State | 61,939 | 33,851 | -45% | 37,281 | 41,314 | 11% |
| Travel, Out-of-State | 1,425 | 0 | -100% | 0 | 0 | 0% |
| Training | 145 | 775 | 434% | 930 | 930 | 0% |
| Facilities Operations | 277,802 | 291,170 | 5% | 414,665 | 388,226 | -6% |
| ⁷ C & P Services - Interdept. | 224,171 | 537,256 | 140% | 704,486 | 716,342 | 2% |
| ⁸ C & P Services - External | 821,438 | 1,052,451 | 28% | 1,677,814 | 1,677,814 | 0% |
| ⁹ DCA Pro Rata | 1,124,652 | 501,480 | -55% | 2,009,000 | 2,039,000 | 1% |
| DOI - Investigations | 201,000 | 0 | -100% | 336,000 | 326,000 | -3% |
| Interagency Services | 0 | 10,659 | 100% | 27,000 | 14,211 | -47% |
| Consolidated Data Center | 141 | 5,731 | 3969% | 22,000 | 7,642 | -65% |
| Information Technology | 6,934 | 10,631 | 53% | 7,961 | 14,175 | 78% |
| Equipment | 246 | 6,476 | 2532% | 0 | 8,634 | 100% |
| ¹⁰ Other Items of Expense | 41 | 10,225 | 24838% | 0 | 13,633 | 100% |
| ¹¹ Plan of Financial Adjustment | 0 | 2,091,400 | 100% | 0 | 0 | 0% |
| Total OE&E | 2,806,830 | 4,626,324 | 65% | 5,521,138 | 5,368,724 | -3% |
| Total Expense: | 6,288,379 | 8,097,705 | 29% | 10,013,481 | 10,065,822 | 1% |
| Total Revenue: | 7,736,947 | 7,468,716 | | 8,278,000 | 8,503,900 | |
| Total Expense: | 6,288,379 | 8,097,705 | | 10,013,481 | 10,065,822 | |
| Difference: | 1,448,567 | (628,989) | | (1,735,481) | (1,561,923) | |

Financial Statement Notes

Renewal fees - Internal tracking indicates \$5.9 million in renewal fee revenue. Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.

Delinquent fees - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.

Interest - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate. Line item projection was provided by the DCA Budgets office.

Salary & Wages (Staff) - The projected expenditure increase for salaries and wages is due to new hires. This expenditure line item was taken from the May 2019 Management Information Retrieval System (MIRS) reports. The Board has filled the following positions: SSA, PT II, 2.0 AGPA's and Senior Registrar - Civil.

Printing - Projections have decreased because of external tracking documents data. There are no large printing projects planned for this fiscal year. Printing was higher in previous fiscal years because of large one-time costs for plastic cards and college outreach publications.

Postage - Paid in advance and loaded in large increments to the Board's mailing machine. \$20,000 was added in March 2019.

C&P Services Interdepartmental - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.

C&P Services External - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing).

DCA Pro Rata - Includes distributed costs of programmatic and administrative services from DCA.

Other Items of Expense- Tort payment which includes damages unrelated to physical or personal injury (exclusive of attorney's fees)

Plan of Financial Adjustment (PFA)- Used to instruct the State Controller's Office to move costs paid from the Clearing Account to the ultimate funding sources. Transactions included in a PFA derive from allocation journals such as Labor, Allocations, Journal Vouchers and General Ledger Journals. Staff predicts the majority of the PFA is DCA pro rata, DOI investigations and C&P services.

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund
Analysis of Fund Condition

Prepared 5/30/19

(Dollars in Thousands)

| Governor's Budget | Governor's Budget | | | | |
|---|-------------------|---------------|---------------|------------------|------------------|
| | PY 2017-18 | CY 2018-19 | BY 2019-20 | BY +1 2020-21 | BY +2 2021-22 |
| BEGINNING BALANCE | \$ 10,042 | \$ 7,955 | \$ 6,342 | \$ 2,862 | \$ -1,085 |
| Prior Year Adjustment | \$ - | \$ - | \$ - | \$ - | \$ - |
| Adjusted Beginning Balance | \$ 10,042 | \$ 7,955 | \$ 6,342 | \$ 2,862 | \$ -1,085 |
| REVENUES AND TRANSFERS | | | | | |
| Revenues: | | | | | |
| 4121200 Delinquent fees | | \$ 77 | \$ 88 | \$ 78 | \$ 89 |
| 4127400 Renewal fees | \$ 88 | | \$ 88 | \$ 78 | \$ 89 |
| 4129200 Other regulatory fees | \$ 6,851 | \$ 6,354 | \$ 6,891 | \$ 6,418 | \$ 6,960 |
| 4129400 Other regulatory licenses and permits | \$ 124 | \$ 99 | \$ 109 | \$ 109 | \$ 109 |
| 4150500 Interest Income from interfund loans | \$ 1,643 | \$ 1,748 | \$ 1,646 | \$ 1,766 | \$ 1,662 |
| 4163000 Income from surplus money investments | \$ 97 | \$ - | \$ - | \$ - | \$ - |
| 4171400 Escheat of unclaimed checks and warrants | \$ - | \$ 212 | \$ 163 | \$ 169 | \$ 116 |
| 4172500 Miscellaneous revenues | \$ 13 | \$ 13 | \$ 13 | \$ 13 | \$ 13 |
| Totals, Revenues | \$ 10 | \$ 1 | \$ 1 | \$ 1 | \$ 1 |
| | \$ 8,826 | \$ 8,504 | \$ 8,911 | \$ 8,553 | \$ 8,950 |
| Transfers from Other Funds | | | | | |
| Revenue Transfer from Geology/General Fund | | | \$ 1,134 | | |
| FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011 | | \$ 800 | | | |
| Totals, Revenues and Transfers | \$ 8,826 | \$ 9,304 | \$ 10,045 | \$ 8,553 | \$ 8,950 |
| Totals, Resources | \$ 18,868 | \$ 17,259 | \$ 16,387 | \$ 11,415 | \$ 7,865 |
| EXPENDITURES | | | | | |
| Disbursements: | | | | | |
| 1111 Department of Consumer Affairs (State Operations) | \$ 10,214 | \$ 10,066 | \$ 11,250 | \$ 11,475 | \$ 11,705 |
| 8880 Financial Information System for CA (State Operations) | \$ 15 | \$ 1 | \$ -3 | \$ -3 | \$ -3 |
| 9892 Supplemental Pension Payments (State Operations) | \$ - | \$ 98 | \$ 209 | \$ 209 | \$ 209 |
| 9900 Statewide Admin. (State Operations) | \$ 684 | \$ 753 | \$ 819 | \$ 819 | \$ 819 |
| Spring Finance Letter (Business Modernization) | \$ - | \$ - | \$ 1,250 | \$ - | \$ - |
| Total Disbursements | \$ 10,913 | \$ 10,918 | \$ 13,525 | \$ 12,500 | \$ 12,730 |
| FUND BALANCE | \$ 7,955 | \$ 6,342 | \$ 2,862 | \$ -1,085 | \$ -4,865 |
| Reserve for economic uncertainties | | | | | |
| Months in Reserve | 8.7 | 5.6 | 2.7 | -1.0 | -4.5 |

VIII. Legislation

A. 2019 Legislative Calendar

B. Discussion of Legislation for 2019 (Possible Action)

AB 544 Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

AB 613 Professions and vocations: regulatory fees.

AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists.

SB 53 Open meetings.

SB 339 Land surveyors.

SB 556 Professional land surveyors and engineers.

DEADLINES

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

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

[Jan. 7](#) Legislature **reconvenes** (J.R. 51(a)(1)).

[Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12(a)).

[Jan. 21](#) Martin Luther King, Jr. Day.

[Jan. 25](#) Last day to submit **bill requests** to the Office of Legislative Counsel

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

[Feb. 18](#) Presidents' Day.

[Feb. 22](#) Last day for **bills to be introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

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

[Mar. 29](#) Cesar Chavez Day observed.

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

[Apr. 11](#) **Spring recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).

[Apr. 22](#) Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).

[Apr. 26](#) Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).

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

[May 3](#) Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).

[May 10](#) Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).

[May 17](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).

[May 27](#) Memorial Day.

[May 28-31](#) **Floor Session Only.**

No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

[May 31](#) Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

*Holiday schedule subject to Rules committee approval.

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

Jun. 3 Committee meetings may resume (J.R. 61(a)(9)).

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

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

Jul. 4 Independence Day.

Jul. 10 Last day for **policy committees** to hear and report **fiscal bills** to **fiscal committees** (J.R. 61(a)(10)).

Jul. 12 Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)).
Summer recess begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

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

Aug. 12 Legislature reconvenes from Summer recess (J.R. 51(a)(3)).

Aug. 30 Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

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

Sep. 2 Labor Day.

Sep. 3-13 **Floor Session Only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(a)(13)).

Sep. 6 Last day to **amend bills on the floor** (J.R. 61(a)(14)).

Sep. 13 Last day for **each house to pass bills** (J.R. 61(a)(15)).
Interim Study Recess begins upon adjournment of this day's session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2019

Oct. 13

Last day for Governor to sign or veto bills passed by the Legislature on or before Sep. 13 and in the Governor's possession after Sep. 13 (Art. IV, Sec.10(b)(1)).

2020

Jan. 1

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

Jan. 6

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

AB 544 (Brough R-Dana Point)

Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Status: 5/17/2019 – Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2019) (May be acted upon Jan 2020)

Location: 5/17/2019 – Assembly 2 YEAR

Amended: 3/21/2019

Board Position: Oppose, as amended 3/21/2019

Board Staff Analysis: 5/2/19

Bill Summary: Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued and unpaid renewal and delinquent fees as a condition of reinstatement of the license, certificate, or permit. This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal and delinquent fees as a condition of reinstating an expired license or registration.

Staff Comment: Under current law, the Board’s licensees must pay all accrued and unpaid renewal and delinquent fees to bring their expired license current. Since the renewal periods are for two years, if an individual’s license is expired for more than two years, they must pay for all of the missed renewal periods to bring their license current. For example, if the license expired on December 31, 2016, and the individual wished to renew as of April 2, 2019, they would have to pay for two renewal and delinquency cycles to bring the license current to December 31, 2020. This bill would change the law so that the licensee would pay only the current renewal fee. Since the Board does not have an inactive status for any of its licenses, those provisions would not apply to the Board.

At its April 11, 2019, meeting, the Board voted to take a “Watch” position and to express its concerns with removing the requirement to pay “all accrued and unpaid renewal fees” from Sections 6796, 7881, 7883, and 8802 as doing so rewards individuals who fail to timely renew their licenses.

Based on staff’s fiscal analysis that this bill could have an annual impact of between \$300,000 to \$400,000 to the Board’s fund, the Board voted at its May 11, 2019, meeting to oppose the bill.

The bill was placed on suspense in the Assembly Appropriations Committee and failed to make it out of committee by the deadline. The bill could be brought up again in January 2020 as a two-year bill.

Staff Recommendation: No Board action required at this time

Laws: An act to amend Sections 121.5, 462, 703, 1006.5, 1718, 1718.3, 1936, 2427, 2456.3, 2535.2, 2538.54, 2646, 2734, 2892.1, 2984, 3147, 3147.7, 3524, 3774, 3775.5, 4545, 4843.5, 4901, 4966, 4989.36, 4999.104, 5070.6, 5600.2, 5680.1, 6796, 6980.28, 7076.5, 7417, 7672.8, 7725.2, 7729.1, 7881, 7883, 8024.7, 8802, 9832, 9832.5, 9884.5, 19170.5, and 19290 of the Business and Professions Code, relating to professions and vocations.

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 544

Introduced by Assembly Member Brough

February 13, 2019

~~An act to amend Section 4073 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Sections 121.5, 462, 703, 1006.5, 1718, 1718.3, 1936, 2427, 2456.3, 2535.2, 2538.54, 2646, 2734, 2892.1, 2984, 3147, 3147.7, 3524, 3774, 3775.5, 4545, 4843.5, 4901, 4966, 4989.36, 4999.104, 5070.6, 5600.2, 5680.1, 6796, 6980.28, 7076.5, 7417, 7672.8, 7725.2, 7729.1, 7881, 7883, 8024.7, 8802, 9832, 9832.5, 9884.5, 19170.5, and 19290 of the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Brough. ~~Prescriptions.~~ *Professions and vocations: inactive license fees and accrued and unpaid renewal fees.*

Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued fees as a condition of reinstatement of the license, certificate, or permit.

This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

~~The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy, which is within the Department of Consumer Affairs, and authorizes a pharmacist filling a prescription order for a drug product prescribed by its brand or trade name to select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name of those drug products having the same active chemical ingredients, as specified.~~

~~This bill would make a nonsubstantive change to that provision.~~

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

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

1 *SECTION 1. Section 121.5 of the Business and Professions*
2 *Code is amended to read:*

3 121.5. (a) Except as otherwise provided in this code, the
4 application of delinquency fees ~~or accrued and unpaid renewal~~
5 fees for the renewal of expired licenses or registrations shall not
6 apply to licenses or registrations that have lawfully been designated
7 as inactive or retired.

8 (b) *Notwithstanding any other law, a board shall not require a*
9 *person to pay accrued and unpaid renewal fees as a condition of*
10 *reinstating an expired license or registration.*

11 *SEC. 2. Section 462 of the Business and Professions Code is*
12 *amended to read:*

13 462. (a) Any of the boards, bureaus, commissions, or programs
14 within the department may establish, by regulation, a system for
15 an inactive category of licensure for persons who are not actively
16 engaged in the practice of their profession or vocation.

17 (b) The regulation shall contain the following provisions:

18 (1) The holder of an inactive license issued pursuant to this
19 section shall not engage in any activity for which a license is
20 required.

21 (2) An inactive license issued pursuant to this section shall be
22 renewed during the same time period in which an active license
23 is renewed. The holder of an inactive license need not comply with
24 any continuing education requirement for renewal of an active
25 license.

1 (3) The renewal fee for a license in ~~an active status shall apply~~
 2 ~~also for a renewal of a license in an inactive status, unless a lesser~~
 3 ~~renewal fee is specified by the board.~~ *status shall be no more than*
 4 *50 percent of the renewal fee for a license in an active status.*

5 (4) In order for the holder of an inactive license issued pursuant
 6 to this section to restore ~~his or her~~ *the* license to an active status,
 7 the holder of an inactive license shall comply with all the
 8 following:

9 (A) Pay the renewal fee.

10 (B) If the board requires completion of continuing education
 11 for renewal of an active license, complete continuing education
 12 equivalent to that required for renewal of an active license, unless
 13 a different requirement is specified by the board.

14 (c) This section shall not apply to any healing arts board as
 15 specified in Section 701.

16 *SEC. 3. Section 703 of the Business and Professions Code is*
 17 *amended to read:*

18 703. (a) An inactive healing arts license or certificate issued
 19 pursuant to this article shall be renewed during the same time
 20 period at which an active license or certificate is renewed. In order
 21 to renew a license or certificate issued pursuant to this article, the
 22 holder thereof need not comply with any continuing education
 23 requirement for renewal of an active license or certificate.

24 (b) ~~The~~ *Notwithstanding any other law, the* renewal fee for a
 25 license or certificate in an ~~active inactive~~ status shall ~~apply also~~
 26 ~~for renewal of a license or certificate in an inactive status, unless~~
 27 ~~a lower fee has been established by the issuing board.~~ *be no more*
 28 *than 50 percent of the renewal fee for a license in an active status.*

29 *SEC. 4. Section 1006.5 of the Business and Professions Code*
 30 *is amended to read:*

31 1006.5. Notwithstanding any other law, the amount of
 32 regulatory fees necessary to carry out the responsibilities required
 33 by the Chiropractic Initiative Act and this chapter are fixed in the
 34 following schedule:

35 (a) Fee to apply for a license to practice chiropractic: three
 36 hundred seventy-one dollars (\$371).

37 (b) Fee for initial license to practice chiropractic: one hundred
 38 eighty-six dollars (\$186).

39 (c) Fee to renew an ~~active or inactive~~ license to practice
 40 chiropractic: three hundred thirteen dollars (\$313).

- 1 (d) Fee to renew an inactive license to practice chiropractic:
 2 no more than 50 percent of the renewal fee for an active license.
 3 ~~(d)~~
- 4 (e) Fee to apply for approval as a continuing education provider:
 5 eighty-four dollars (\$84).
 6 ~~(e)~~
- 7 (f) Biennial continuing education provider renewal fee: fifty-six
 8 dollars (\$56).
 9 ~~(f)~~
- 10 (g) Fee to apply for approval of a continuing education course:
 11 fifty-six dollars (\$56) per course.
 12 ~~(g)~~
- 13 (h) Fee to apply for a satellite office certificate: sixty-two dollars
 14 (\$62).
 15 ~~(h)~~
- 16 (i) Fee to renew a satellite office certificate: thirty-one dollars
 17 (\$31).
 18 ~~(i)~~
- 19 (j) Fee to apply for a license to practice chiropractic pursuant
 20 to Section 9 of the Chiropractic Initiative Act: three hundred
 21 seventy-one dollars (\$371).
 22 ~~(j)~~
- 23 (k) Fee to apply for a certificate of registration of a chiropractic
 24 corporation: one hundred eighty-six dollars (\$186).
 25 ~~(k)~~
- 26 (l) Fee to renew a certificate of registration of a chiropractic
 27 corporation: thirty-one dollars (\$31).
 28 ~~(l)~~
- 29 (m) Fee to file a chiropractic corporation special report:
 30 thirty-one dollars (\$31).
 31 ~~(m)~~
- 32 (n) Fee to apply for approval as a referral service: five hundred
 33 fifty-seven dollars (\$557).
 34 ~~(n)~~
- 35 (o) Fee for an endorsed verification of licensure: one hundred
 36 twenty-four dollars (\$124).
 37 ~~(o)~~
- 38 (p) Fee for replacement of a lost or destroyed license: fifty
 39 dollars (\$50).
 40 ~~(p)~~

1 (q) Fee for replacement of a satellite office certificate: fifty
2 dollars (\$50).

3 ~~(q)~~

4 (r) Fee for replacement of a certificate of registration of a
5 chiropractic corporation: fifty dollars (\$50).

6 ~~(r)~~

7 (s) Fee to restore a forfeited or canceled license to practice
8 chiropractic: double the annual renewal fee specified in subdivision
9 (c).

10 ~~(s)~~

11 (t) Fee to apply for approval to serve as a preceptor: thirty-one
12 dollars (\$31).

13 ~~(t)~~

14 (u) Fee to petition for reinstatement of a revoked license: three
15 hundred seventy-one dollars (\$371).

16 ~~(u)~~

17 (v) Fee to petition for early termination of probation: three
18 hundred seventy-one dollars (\$371).

19 ~~(v)~~

20 (w) Fee to petition for reduction of penalty: three hundred
21 seventy-one dollars (\$371).

22 *SEC. 5. Section 1718 of the Business and Professions Code is*
23 *amended to read:*

24 1718. Except as otherwise provided in this chapter, an expired
25 license may be renewed at any time within five years after its
26 expiration on filing of application for renewal on a form prescribed
27 by the board, and payment of ~~all accrued~~ *the* renewal and
28 delinquency fees. If the license is renewed more than 30 days after
29 its expiration, the licensee, as a condition precedent to renewal,
30 shall also pay the delinquency fee prescribed by this chapter.
31 Renewal under this section shall be effective on the date on which
32 the application is filed, on the date on which the renewal fee is
33 paid, or on the date on which the delinquency fee, if any, is paid,
34 whichever last occurs. If so renewed, the license shall continue in
35 effect through the expiration date provided in Section 1715 which
36 next occurs after the effective date of the renewal, when it shall
37 expire if it is not again renewed.

38 *SEC. 6. Section 1718.3 of the Business and Professions Code*
39 *is amended to read:*

1 1718.3. (a) A license which is not renewed within five years
 2 after its expiration may not be renewed, restored, reinstated, or
 3 reissued thereafter, but the holder of the license may apply for and
 4 obtain a new license if the following requirements are satisfied:

5 (1) No fact, circumstance, or condition exists which would
 6 justify denial of licensure under Section 480.

7 (2) ~~He or she~~ *The person* pays all of the fees which would be
 8 required of him or her if he or she if *the person* were then applying
 9 for the license for the first time and ~~all the~~ renewal and delinquency
 10 fees which have accrued since the date on which he or she last
 11 renewed his or her license. *fees.*

12 (3) ~~He or she~~ *The person* takes and passes the examination, if
 13 any, which would be required of him or her if he or she if *the*
 14 *person* were then applying for the license for the first time, or
 15 otherwise establishes to the satisfaction of the board that with due
 16 regard for the public interest, ~~he or she~~ *the person* is qualified to
 17 practice the profession or activity in which ~~he or she~~ *again the*
 18 *person* seeks to be licensed.

19 (b) The board may impose conditions on any license issued
 20 pursuant to this section, as it deems necessary.

21 (c) The board may by regulation provide for the waiver or refund
 22 of all or any part of the examination fee in those cases in which a
 23 license is issued without an examination under this section.

24 *SEC. 7. Section 1936 of the Business and Professions Code is*
 25 *amended to read:*

26 1936. Except as otherwise provided in this article, an expired
 27 license may be renewed at any time within five years after its
 28 expiration by filing an application for renewal on a form prescribed
 29 by the hygiene board and payment of ~~all accrued~~ *the* renewal and
 30 delinquency fees. If the license is renewed after its expiration, the
 31 licensee, as a condition precedent of renewal, shall also pay the
 32 delinquency fee prescribed by this article. Renewal under this
 33 section shall be effective on the date on which the application is
 34 filed, on the date on which the renewal fee is paid, or on the date
 35 on which the delinquency fee, if any, is paid, whichever last occurs.
 36 If so renewed, the license shall continue in effect until the
 37 expiration date provided in Section 1935 that next occurs after the
 38 effective date of the renewal.

39 *SEC. 8. Section 2427 of the Business and Professions Code is*
 40 *amended to read:*

1 2427. (a) Except as provided in Section 2429, a license which
 2 has expired may be renewed at any time within five years after its
 3 expiration on filing an application for renewal on a form prescribed
 4 by the licensing authority and payment of ~~all accrued~~ *the* renewal
 5 ~~fees~~ *fee* and any other fees required by Section 2424. If the license
 6 is not renewed within 30 days after its expiration, the licensee, as
 7 a condition precedent to renewal, shall also pay the prescribed
 8 delinquency fee, if any. Except as provided in Section 2424,
 9 renewal under this section shall be effective on the date on which
 10 the renewal application is filed, on the date on which the renewal
 11 ~~fee or accrued renewal fees are~~ *is* paid, or on the date on which
 12 the delinquency fee or the delinquency fee and penalty fee, if any,
 13 are paid, whichever last occurs. If so renewed, the license shall
 14 continue in effect through the expiration date set forth in Section
 15 2422 or 2423 which next occurs after the effective date of the
 16 renewal, when it shall expire and become invalid if it is not again
 17 renewed.

18 (b) Notwithstanding subdivision (a), the license of a doctor of
 19 podiatric medicine which has expired may be renewed at any time
 20 within three years after its expiration on filing an application for
 21 renewal on a form prescribed by the licensing authority and
 22 payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and any other fees
 23 required by Section 2424. If the license is not renewed within 30
 24 days after its expiration, the licensee, as a condition precedent to
 25 renewal, shall also pay the prescribed delinquency fee, if any.
 26 Except as provided in Section 2424, renewal under this section
 27 shall be effective on the date on which the renewal application is
 28 filed, on the date on which the renewal ~~fee or accrued renewal fees~~
 29 ~~are~~ *is* paid, or on the date on which the delinquency fee or the
 30 delinquency fee and penalty fee, if any, are paid, whichever last
 31 occurs. If so renewed, the license shall continue in effect through
 32 the expiration date set forth in Section 2422 or 2423 which next
 33 occurs after the effective date of the renewal, when it shall expire
 34 and become invalid if it is not again renewed.

35 *SEC. 9. Section 2456.3 of the Business and Professions Code*
 36 *is amended to read:*

37 2456.3. Except as provided in Section 2429, a license which
 38 has expired may be renewed at any time within five years after its
 39 expiration by filing an application for renewal on a form prescribed
 40 by the board and payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and

1 any other fees required by Section 2455. Except as provided in
 2 Section 2456.2, renewal under this section shall be effective on
 3 the date on which the renewal application is filed, on the date on
 4 which the renewal fee ~~or accrued renewal fees are~~ *is* paid, or on
 5 the date on which the delinquency fee or the delinquency fee and
 6 penalty fee, if any, are paid, whichever last occurs. If so renewed,
 7 the license shall continue in effect through the expiration date set
 8 forth in Section 2456.1 which next occurs after the effective date
 9 of the renewal.

10 *SEC. 10. Section 2535.2 of the Business and Professions Code*
 11 *is amended to read:*

12 2535.2. Except as provided in Section 2535.3, a license that
 13 has expired may be renewed at any time within five years after its
 14 expiration upon filing of an application for renewal on a form
 15 prescribed by the board and payment of ~~all accrued and unpaid~~
 16 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed on or
 17 before its expiration, the licensee, as a condition precedent to
 18 renewal, shall also pay the prescribed delinquency fee. Renewal
 19 under this section shall be effective on the date on which the
 20 application is filed, on the date on which ~~all the renewal fees are~~
 21 *fee is* paid, or on the date on which the delinquency fee is paid,
 22 whichever last occurs. If so renewed, the license shall continue in
 23 effect through the expiration date provided in Section 2535, after
 24 the effective date of the renewal, when it shall expire and become
 25 invalid if it is not again renewed.

26 *SEC. 11. Section 2538.54 of the Business and Professions Code*
 27 *is amended to read:*

28 2538.54. Except as otherwise provided in this article, an expired
 29 license may be renewed at any time within three years after its
 30 expiration on filing of an application for renewal on a form
 31 prescribed by the board, and payment of ~~all accrued and unpaid~~
 32 ~~renewal fees.~~ *the renewal fee.* If the license is renewed after its
 33 expiration the licensee, as a condition precedent to renewal, shall
 34 also pay the delinquency fee prescribed by this article. Renewal
 35 under this section shall be effective on the date on which the
 36 application is filed, on the date on which the renewal fee is paid,
 37 or on the date on which the delinquency fee, if any, is paid,
 38 whichever last occurs. If so renewed, the license shall continue in
 39 effect through the date provided in Section 2538.53 which next

1 occurs after the effective date of the renewal, when it shall expire
2 if it is not again renewed.

3 *SEC. 12. Section 2646 of the Business and Professions Code*
4 *is amended to read:*

5 2646. A license that has expired may be renewed at any time
6 within five years after its expiration by applying for renewal as
7 set forth in Section 2644. Renewal under this section shall be
8 effective on the date on which the renewal application is filed, on
9 the date on which the renewal fee ~~or accrued renewal fees are~~ *is*
10 paid, or on the date on which the delinquency fee and penalty fee,
11 if any, are paid, whichever last occurs. A renewed license shall
12 continue in effect through the expiration date set forth in Section
13 2644 that next occurs after the effective date of the renewal, at
14 which time it shall expire and become invalid if it is not so
15 renewed.

16 *SEC. 13. Section 2734 of the Business and Professions Code*
17 *is amended to read:*

18 2734. Upon application in writing to the board and payment
19 of ~~the a fee not to exceed 50 percent of the~~ biennial renewal fee,
20 a licensee may have ~~his~~ *their* license placed in an inactive status
21 for an indefinite period of time. A licensee whose license is in an
22 inactive status may not practice nursing. However, such a licensee
23 does not have to comply with the continuing education standards
24 of Section 2811.5.

25 *SEC. 14. Section 2892.1 of the Business and Professions Code*
26 *is amended to read:*

27 2892.1. Except as provided in Sections 2892.3 and 2892.5, an
28 expired license may be renewed at any time within four years after
29 its expiration upon filing of an application for renewal on a form
30 prescribed by the board, payment of ~~all accrued and unpaid renewal~~
31 ~~fees,~~ *the renewal fee,* and payment of any fees due pursuant to
32 Section 2895.1.

33 If the license is renewed more than 30 days after its expiration,
34 the licensee, as a condition precedent to renewal, shall also pay
35 the delinquency fee prescribed by this chapter. Renewal under this
36 section shall be effective on the date on which the application is
37 filed, on the date on which ~~all the renewal fees are~~ *fee is* paid, or
38 on the date on which the delinquency fee is paid, whichever last
39 occurs. If so renewed, the license shall continue in effect through
40 the date provided in Section 2892 which next occurs after the

1 effective date of the renewal, when it shall expire if it is not again
2 renewed.

3 *SEC. 15. Section 2984 of the Business and Professions Code*
4 *is amended to read:*

5 2984. Except as provided in Section 2985, a license that has
6 expired may be renewed at any time within three years after its
7 expiration on filing of an application for renewal on a form
8 prescribed by the board and payment of ~~all accrued and unpaid~~
9 ~~the renewal fees.~~ *fee*. If the license is renewed after its expiration,
10 the licensee, as a condition precedent to renewal, shall also pay
11 the prescribed delinquency fee, if any. Renewal under this section
12 shall be effective on the date on which the application is filed, on
13 the date on which ~~all the renewal fees are~~ *fee is* paid, or on the date
14 on which the delinquency fee, if any, is paid, whichever last occurs.
15 If so renewed, the license shall continue in effect through the
16 expiration date provided in Section 2982 which next occurs after
17 the effective date of the renewal, when it shall expire and become
18 invalid if it is not again renewed.

19 *SEC. 16. Section 3147 of the Business and Professions Code*
20 *is amended to read:*

21 3147. (a) Except as otherwise provided by Section 114, an
22 expired optometrist license may be renewed at any time within
23 three years after its expiration, and a retired license issued for less
24 than three years may be reactivated to active status, by filing an
25 application for renewal or reactivation on a form prescribed by the
26 board, paying ~~all accrued and unpaid the renewal fees~~ *fee* or
27 ~~reactivation fees~~ *fee* determined by the board, paying any
28 delinquency fees prescribed by the board, and submitting proof of
29 completion of the required number of hours of continuing education
30 for the last two years, as prescribed by the board pursuant to
31 Section 3059. Renewal or reactivation to active status under this
32 section shall be effective on the date on which all of those
33 requirements are satisfied. If so renewed or reactivated to active
34 status, the license shall continue as provided in Sections 3146 and
35 3147.5.

36 (b) Expired statements of licensure, branch office licenses, and
37 fictitious name permits issued pursuant to Sections 3070, 3077,
38 and 3078, respectively, may be renewed at any time by filing an
39 application for renewal, paying ~~all accrued and unpaid renewal~~

1 fees, *the renewal fee*, and paying any delinquency fees prescribed
2 by the board.

3 *SEC. 17. Section 3147.7 of the Business and Professions Code*
4 *is amended to read:*

5 3147.7. The provisions of Section 3147.6 shall not apply to a
6 person holding a license that has not been renewed within three
7 years of expiration, if the person provides satisfactory proof that
8 ~~he or she~~ *the person* holds an active license from another state and
9 meets all of the following conditions:

10 (a) Is not subject to denial of a license under Section 480.

11 (b) Applies in writing for restoration of the license on a form
12 prescribed by the board.

13 (c) Pays ~~all accrued and unpaid~~ *the renewal fees fee* and any
14 delinquency fees prescribed by the board.

15 (d) Submits proof of completion of the required number of hours
16 of continuing education for the last two years.

17 (e) Takes and satisfactorily passes the board's jurisprudence
18 examination.

19 *SEC. 18. Section 3524 of the Business and Professions Code*
20 *is amended to read:*

21 3524. A license or approval that has expired may be renewed
22 at any time within five years after its expiration by filing an
23 application for renewal on a form prescribed by the board or
24 Medical Board of California, as the case may be, and payment of
25 ~~all accrued and unpaid renewal fees.~~ *the renewal fee*. If the license
26 or approval is not renewed within 30 days after its expiration, the
27 licensed physician assistant and approved supervising physician,
28 as a condition precedent to renewal, shall also pay the prescribed
29 delinquency fee, if any. Renewal under this section shall be
30 effective on the date on which the application is filed, on the date
31 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on
32 which the delinquency fee, if any, is paid, whichever occurs last.
33 If so renewed, the license shall continue in effect through the
34 expiration date provided in Section 3522 or 3523 which next occurs
35 after the effective date of the renewal, when it shall expire, if it is
36 not again renewed.

37 *SEC. 19. Section 3774 of the Business and Professions Code*
38 *is amended to read:*

39 3774. On or before the birthday of a licensed practitioner in
40 every other year, following the initial licensure, the board shall

1 mail to each practitioner licensed under this chapter, at the latest
 2 address furnished by the licensed practitioner to the executive
 3 officer of the board, a notice stating the amount of the renewal fee
 4 and the date on which it is due. The notice shall state that failure
 5 to pay the renewal fee on or before the due date and submit
 6 evidence of compliance with Sections 3719 and 3773 shall result
 7 in expiration of the license.

8 Each license not renewed in accordance with this section shall
 9 expire but may within a period of three years thereafter be
 10 reinstated upon payment of ~~all accrued and unpaid~~ *the* renewal
 11 fees and penalty fees required by this chapter. The board may also
 12 require submission of proof of the applicant's qualifications, except
 13 that during the three-year period no examination shall be required
 14 as a condition for the reinstatement of any expired license that has
 15 lapsed solely by reason of nonpayment of the renewal fee.

16 *SEC. 20. Section 3775.5 of the Business and Professions Code*
 17 *is amended to read:*

18 3775.5. The fee for an inactive license shall be ~~the same as no~~
 19 *more than 50 percent of the renewal fee for an active license* for
 20 the practice of respiratory care as specified in Section 3775.

21 *SEC. 21. Section 4545 of the Business and Professions Code*
 22 *is amended to read:*

23 4545. Except as provided in Section 4545.2, a license that has
 24 expired may be renewed at any time within four years after its
 25 expiration on filing an application for renewal on a form prescribed
 26 by the board, payment of ~~all accrued and unpaid renewal fees, the~~
 27 *renewal fee*, and payment of all fees required by this chapter. If
 28 the license is renewed more than 30 days after its expiration, the
 29 holder, as a condition precedent to renewal, shall also pay the
 30 delinquency fee prescribed by this chapter. Renewal under this
 31 section shall be effective on the date on which the application is
 32 filed, on the date on which the renewal fee is paid, or on the date
 33 on which the delinquency fee, if any, is paid, whichever last occurs.
 34 If so renewed, the license shall continue in effect through the date
 35 provided in Section 4544 which next occurs after the effective date
 36 of the renewal, when it shall expire if it is not again renewed.

37 A certificate which was forfeited for failure to renew under the
 38 law in effect before October 1, 1961, shall, for the purposes of this
 39 article, be considered to have expired on the date that it became
 40 forfeited.

1 *SEC. 22. Section 4843.5 of the Business and Professions Code*
 2 *is amended to read:*

3 4843.5. Except as otherwise provided in this article, an expired
 4 certificate of registration may be renewed at any time within five
 5 years after its expiration on filing of an application for renewal on
 6 a form prescribed by the board, and payment of ~~all accrued and~~
 7 ~~unpaid renewal fees.~~ *the renewal fee.* If the certificate of
 8 registration is renewed more than 30 days after its expiration, the
 9 registrant, as a condition precedent to renewal, shall also pay the
 10 delinquency fee prescribed by this article. Renewal under this
 11 section shall be effective on the date on which the application is
 12 filed, on the date ~~all the renewal fees are~~ *fee is* paid, or on the date
 13 on which the delinquency fee, if any, is paid, whichever occurs
 14 last.

15 *SEC. 23. Section 4901 of the Business and Professions Code*
 16 *is amended to read:*

17 4901. Except as otherwise provided in this chapter, an expired
 18 license or registration may be renewed at any time within five
 19 years after its expiration on filing of an application for renewal on
 20 a form prescribed by the board, and payment of ~~all accrued and~~
 21 ~~unpaid renewal fees.~~ *the renewal fee.* If the license or registration
 22 is renewed more than 30 days after its expiration, the licensee or
 23 registrant, as a condition precedent to renewal, shall also pay the
 24 delinquency fee prescribed by this chapter. Renewal under this
 25 section shall be effective on the date on which the application is
 26 filed, on the date on which ~~all renewal fees are~~ *the renewal fee is*
 27 paid, or on the date on which the delinquency fee, if any, is paid,
 28 whichever last occurs. If so renewed, the license or registration
 29 shall continue in effect through the expiration date provided in
 30 Section 4900 that next occurs after the effective date of the renewal,
 31 when it shall expire if it is not again renewed.

32 *SEC. 24. Section 4966 of the Business and Professions Code*
 33 *is amended to read:*

34 4966. Except as provided in Section 4969, a license that has
 35 expired may be renewed at any time within three years after its
 36 expiration by filing of an application for renewal on a form
 37 provided by the board, paying ~~all accrued and unpaid renewal fees,~~
 38 *the renewal fee,* and providing proof of completing continuing
 39 education requirements. If the license is not renewed prior to its
 40 expiration, the acupuncturist, as a condition precedent to renewal,

1 shall also pay the prescribed delinquency fee. Renewal under this
 2 section shall be effective on the date on which the application is
 3 filed, on the date on which the renewal fee is paid, or on the date
 4 the delinquency fee is paid, whichever occurs last. If so renewed,
 5 the license shall continue in effect through the expiration date
 6 provided in Section 4965, after the effective date of the renewal,
 7 when it shall expire and become invalid if it is not again renewed.

8 *SEC. 25. Section 4989.36 of the Business and Professions Code*
 9 *is amended to read:*

10 4989.36. A licensee may renew a license that has expired at
 11 any time within three years after its expiration date by taking all
 12 of the actions described in Section 4989.32 and by paying ~~all~~
 13 ~~unpaid prior renewal fees and delinquency fees.~~ *the delinquency*
 14 *fee.*

15 *SEC. 26. Section 4999.104 of the Business and Professions*
 16 *Code is amended to read:*

17 4999.104. Licenses issued under this chapter that have expired
 18 may be renewed at any time within three years of expiration. To
 19 renew an expired license described in this section, the licensee
 20 shall do all of the following:

21 (a) File an application for renewal on a form prescribed by the
 22 board.

23 ~~(b) Pay all fees that would have been paid if the license had not~~
 24 ~~become delinquent.~~

25 ~~(c)~~

26 ~~(b)~~ Pay ~~all~~ *the delinquency fees.* *fee.*

27 ~~(d)~~

28 (c) Certify compliance with the continuing education
 29 requirements set forth in Section 4999.76.

30 ~~(e)~~

31 (d) Notify the board whether ~~he or she~~ *the licensee* has been
 32 convicted, as defined in Section 490, of a misdemeanor or felony,
 33 or whether any disciplinary action has been taken by any regulatory
 34 or licensing board in this or any other state, subsequent to the
 35 licensee's last renewal.

36 *SEC. 27. Section 5070.6 of the Business and Professions Code*
 37 *is amended to read:*

38 5070.6. Except as otherwise provided in this chapter, an expired
 39 permit may be renewed at any time within five years after its
 40 expiration upon the filing of an application for renewal on a form

1 prescribed by the board, payment of ~~all accrued and unpaid renewal~~
 2 ~~fees~~ *the renewal fee*, and providing evidence satisfactory to the
 3 board of compliance as required by Section 5070.5. If the permit
 4 is renewed after its expiration, its holder, as a condition precedent
 5 to renewal, shall also pay the delinquency fee prescribed by this
 6 chapter. Renewal under this section shall be effective on the date
 7 on which the application is filed, on the date on which the ~~accrued~~
 8 ~~renewal fees are~~ *fee is* paid, or on the date on which the
 9 delinquency fee, if any, is paid, whichever last occurs. If so
 10 renewed, the permit shall continue in effect through the date
 11 provided in Section 5070.5 that next occurs after the effective date
 12 of the renewal, when it shall expire if it is not again renewed.

13 *SEC. 28. Section 5600.2 of the Business and Professions Code*
 14 *is amended to read:*

15 5600.2. Except as otherwise provided in this chapter, a license
 16 which has expired may be renewed at any time within five years
 17 after its expiration on filing of application for renewal on a form
 18 prescribed by the board, and payment of ~~all accrued and unpaid~~
 19 ~~renewal fees.~~ *the renewal fee*. If a license is renewed more than
 20 30 days after its expiration, the licenseholder, as a condition
 21 precedent to renewal, shall also pay the delinquency fee prescribed
 22 by this chapter. Renewal under this section shall be effective on
 23 the date on which the application is filed, on the date on which the
 24 renewal fee is paid, or on the date on which the delinquency fee,
 25 if any, is paid, whichever last occurs. If so renewed, the license
 26 shall continue in effect through the expiration date provided in this
 27 chapter which next occurs after the effective date of the renewal,
 28 when it shall expire if it is not again renewed.

29 *SEC. 29. Section 5680.1 of the Business and Professions Code*
 30 *is amended to read:*

31 5680.1. Except as otherwise provided in this chapter, a license
 32 that has expired may be renewed at any time within five years after
 33 its expiration on filing of an application for renewal on a form
 34 prescribed by the board, and payment of ~~all accrued and unpaid~~
 35 ~~renewal fees.~~ *the renewal fee*. If the license is renewed more than
 36 30 days after its expiration, the licenseholder, as a condition
 37 precedent to renewal, shall also pay the delinquency fee prescribed
 38 by this chapter. Renewal under this section shall be effective on
 39 the date on which the application is filed, on the date on which ~~all~~
 40 ~~the renewal fees are~~ *fee is* paid, or on the date on which the

1 delinquency fee, if any, is paid, whichever last occurs. If so
 2 renewed, the license shall continue in effect through the date
 3 provided in Section 5680 that next occurs after the effective date
 4 of the renewal, when it shall expire if it is not again renewed.

5 *SEC. 30. Section 6796 of the Business and Professions Code*
 6 *is amended to read:*

7 6796. Except as otherwise provided in this article, certificates
 8 of registration as a professional engineer and certificates of
 9 authority may be renewed at any time within five years after
 10 expiration on filing of application for renewal on a form prescribed
 11 by the board and payment of ~~all accrued and unpaid renewal fees.~~
 12 *the renewal fee.* If the certificate is renewed more than 60 days
 13 after its expiration, the certificate holder, as a condition precedent
 14 to renewal, shall also pay the delinquency fee prescribed by this
 15 chapter. Renewal under this section shall be effective on the date
 16 on which the application is filed, on the date on which the renewal
 17 fee is paid, or on the date on which the delinquency fee, if any, is
 18 paid, whichever last occurs.

19 The expiration date of a certificate renewed pursuant to this
 20 section shall be determined pursuant to Section 6795.

21 *SEC. 31. Section 6980.28 of the Business and Professions Code*
 22 *is amended to read:*

23 6980.28. A locksmith license not renewed within three years
 24 following its expiration may not be renewed thereafter. Renewal
 25 of the license within three years, or issuance of an original license
 26 thereafter, shall be subject to payment of any ~~and all fines~~ *fine*
 27 assessed by the chief or the director ~~which are~~ *that is* not pending
 28 appeal and all other applicable fees.

29 *SEC. 32. Section 7076.5 of the Business and Professions Code*
 30 *is amended to read:*

31 7076.5. (a) A contractor may inactivate ~~his or her~~ *their* license
 32 by submitting a form prescribed by the registrar accompanied by
 33 the current active license certificate. When the current license
 34 certificate has been lost, the licensee shall pay the fee prescribed
 35 by law to replace the license certificate. Upon receipt of an
 36 acceptable application to inactivate, the registrar shall issue an
 37 inactive license certificate to the contractor. The holder of an
 38 inactive license shall not be entitled to practice as a contractor until
 39 ~~his or her~~ *their* license is reactivated.

1 (b) Any licensed contractor who is not engaged in work or
 2 activities which require a contractor's license may apply for an
 3 inactive license.

4 (c) Inactive licenses shall be valid for a period of four years
 5 from their due date.

6 (d) During the period that an existing license is inactive, no
 7 bonding requirement pursuant to Section 7071.6, 7071.8 or 7071.9
 8 or qualifier requirement pursuant to Section 7068 shall apply. An
 9 applicant for license having met the qualifications for issuance
 10 may request that the license be issued inactive unless the applicant
 11 is subject to the provisions of Section 7071.8.

12 (e) The board shall not refund any of the renewal fee which a
 13 licensee may have paid prior to the inactivation of ~~his or her~~ *the*
 14 license.

15 (f) An inactive license shall be renewed on each established
 16 renewal date by submitting the renewal application and paying the
 17 inactive renewal fee.

18 (g) An inactive license may be reactivated by submitting an
 19 application acceptable to the registrar, by paying ~~the full~~ *a fee no*
 20 *more than 50 percent of the* renewal fee for an active ~~license~~
 21 *license*, and by fulfilling all other requirements of this chapter. No
 22 examination shall be required to reactivate an inactive license.

23 (h) The inactive status of a license shall not bar any disciplinary
 24 action by the board against a licensee for any of the causes stated
 25 in this chapter.

26 *SEC. 33. Section 7417 of the Business and Professions Code*
 27 *is amended to read:*

28 7417. Except as otherwise provided in this article, a license
 29 that has expired for failure of the licensee to renew within the time
 30 fixed by this article may be renewed at any time within five years
 31 following its expiration upon application and payment of ~~all~~
 32 ~~accrued and unpaid~~ *the* renewal ~~fees~~ and delinquency fees. If the
 33 license is renewed after its expiration, the licensee, as a condition
 34 precedent to renewal, shall also pay the delinquency fee and meet
 35 current continuing education requirements, if applicable, prescribed
 36 by this chapter. Renewal under this section shall be effective on
 37 the date on which the application is filed, or on the date on which
 38 ~~the accrued renewal fees are~~ *fee is* paid, or on the date on which
 39 the delinquency fee, if any, is paid, whichever occurs last. If so
 40 renewed, the license shall continue in effect through the expiration

1 date provided in this article which next occurs following the
 2 effective date of the renewal, when it shall expire if it is not again
 3 renewed.

4 *SEC. 34. Section 7672.8 of the Business and Professions Code*
 5 *is amended to read:*

6 7672.8. All cremated remains disposer registrations shall expire
 7 at midnight on September 30 of each year. A person desiring to
 8 renew ~~his or her~~ *their* registration shall file an application for
 9 renewal on a form prescribed by the bureau accompanied by the
 10 required fee. A registration that has expired may be renewed within
 11 five years of its expiration upon payment of ~~all accrued and unpaid~~
 12 ~~renewal fees.~~ *the renewal fee.* The bureau shall not renew the
 13 registration of any person who has not filed the required annual
 14 report until ~~he or she~~ *the person* has filed a complete annual report
 15 with the department.

16 *SEC. 35. Section 7725.2 of the Business and Professions Code*
 17 *is amended to read:*

18 7725.2. Except as otherwise provided in this chapter, a license
 19 that has expired may be renewed at any time within five years after
 20 its expiration on filing of an application for renewal on a form
 21 prescribed by the bureau and payment of ~~all accrued and unpaid~~
 22 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed within
 23 30 days after its expiration the licensee, as a condition precedent
 24 to renewal, shall also pay the delinquency fee prescribed by this
 25 chapter. Renewal under this section shall be effective on the date
 26 on which the application is filed, on the date on which ~~all the~~
 27 ~~renewal fees are~~ *fee is* paid, or on the date on which the
 28 delinquency fee, if any, is paid, whichever last occurs. If so
 29 renewed, the license shall continue in effect through the date
 30 provided in Section 7725 that next occurs after the effective date
 31 of the renewal, when it shall expire if it is not again renewed.

32 If a license is not renewed within one year following its
 33 expiration, the bureau may require as a condition of renewal that
 34 the holder of the license pass an examination on the appropriate
 35 subjects provided by this chapter.

36 *SEC. 36. Section 7729.1 of the Business and Professions Code*
 37 *is amended to read:*

38 7729.1. The amount of fees prescribed for a license or
 39 certificate of authority under this act is that fixed by the following
 40 provisions of this article. Any license or certificate of authority

1 provided under this act that has expired may be renewed within
 2 five years of its expiration upon payment of ~~all accrued and unpaid~~
 3 ~~renewal and regulatory fees.~~ *the renewal fee.*

4 *SEC. 37. Section 7881 of the Business and Professions Code*
 5 *is amended to read:*

6 7881. Except as otherwise provided in this article, certificates
 7 of registration as a geologist or as a geophysicist, or certified
 8 specialty certificates, may be renewed at any time within five years
 9 after expiration on filing an application for renewal on a form
 10 prescribed by the board and payment of ~~all accrued and unpaid~~
 11 ~~renewal fees.~~ *the renewal fee.* If the certificate is renewed more
 12 than 30 days after its expiration, the certificate holder, as a
 13 condition precedent to renewal, shall also pay the delinquency fee
 14 prescribed by this chapter. Renewal under this section shall be
 15 effective on the date on which the application is filed, on the date
 16 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on
 17 which the delinquency fee, if any, is paid, whichever last occurs.
 18 If so renewed, the certificate shall continue in effect through the
 19 date provided in Section 7880 that next occurs after the effective
 20 date of the renewal, when it shall expire if it is not again renewed.

21 *SEC. 38. Section 7883 of the Business and Professions Code*
 22 *is amended to read:*

23 7883. A revoked certificate is subject to expiration as provided
 24 in this article, but it may not be renewed. If it is reinstated after its
 25 expiration, the holder of the certificate, as a condition precedent
 26 to its reinstatement, shall pay a reinstatement fee in an amount
 27 equal to the renewal fee in effect on the last regular date before
 28 the date on which it is ~~reinstated, plus all accrued and unpaid~~
 29 ~~renewal fees~~ *reinstated* and the delinquency fee, if any, accrued
 30 at the time of its revocation.

31 *SEC. 39. Section 8024.7 of the Business and Professions Code*
 32 *is amended to read:*

33 8024.7. The board shall establish an inactive category of
 34 licensure for persons who are not actively engaged in the practice
 35 of shorthand reporting.

36 (a) The holder of an inactive license issued pursuant to this
 37 section shall not engage in any activity for which a license is
 38 required.

39 (b) An inactive license issued pursuant to this section shall be
 40 renewed during the same time period in which an active license

1 is renewed. The holder of an inactive license is exempt from any
 2 continuing education requirement for renewal of an active license.

3 (c) The renewal fee for a license in an active status shall ~~apply~~
 4 ~~also for a renewal of a license in an inactive status, unless a lesser~~
 5 ~~renewal fee is specified by the board.~~ *be no more than 50 percent*
 6 *of the renewal fee for a license in an active status.*

7 (d) In order for the holder of an inactive license issued pursuant
 8 to this section to restore ~~his or her~~ *their* license to an active status,
 9 the holder of an inactive license shall comply with both of the
 10 following:

11 (1) Pay the renewal fee.

12 (2) If the board requires completion of continuing education for
 13 renewal of an active license, complete continuing education
 14 equivalent to that required for renewal of an active license, unless
 15 a different requirement is specified by the board.

16 *SEC. 40. Section 8802 of the Business and Professions Code*
 17 *is amended to read:*

18 8802. Except as otherwise provided in this article, licenses
 19 issued under this chapter may be renewed at any time within five
 20 years after expiration on filing of application for renewal on a form
 21 prescribed by the board and payment of ~~all accrued and unpaid~~
 22 ~~renewal fees.~~ *the renewal fee.* If the license is renewed more than
 23 30 days after its expiration, the licensee, as a condition precedent
 24 to renewal, shall also pay the delinquency fee prescribed by this
 25 chapter. Renewal under this section shall be effective on the date
 26 on which the application is filed, on the date on which the renewal
 27 fee is paid, or on the date on which the delinquency fee, if any, is
 28 paid, whichever last occurs. If so renewed, the license shall
 29 continue in effect through the date provided in Section 8801 which
 30 next occurs after the effective date of the renewal, when it shall
 31 expire if it is not again renewed.

32 *SEC. 41. Section 9832 of the Business and Professions Code*
 33 *is amended to read:*

34 9832. (a) Registrations issued under this chapter shall expire
 35 no more than 12 months after the issue date. The expiration date
 36 of registrations shall be set by the director in a manner to best
 37 distribute renewal procedures throughout the year.

38 (b) To renew an unexpired registration, the service dealer shall,
 39 on or before the expiration date of the registration, apply for

1 renewal on a form prescribed by the director, and pay the renewal
2 fee prescribed by this chapter.

3 (c) To renew an expired registration, the service dealer shall
4 apply for renewal on a form prescribed by the director, pay the
5 renewal fee in effect on the last regular renewal date, and pay ~~all~~
6 ~~accrued and unpaid~~ the delinquency ~~and renewal fees.~~ *fee.*

7 (d) Renewal is effective on the date that the application is ~~filed,~~
8 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

9 (e) For purposes of implementing the distribution of the renewal
10 of registrations throughout the year, the director may extend by
11 not more than six months, the date fixed by law for renewal of a
12 registration, except that in that event any renewal fee that may be
13 involved shall be prorated in a manner that no person shall be
14 required to pay a greater or lesser fee than would have been
15 required had the change in renewal dates not occurred.

16 *SEC. 42. Section 9832.5 of the Business and Professions Code*
17 *is amended to read:*

18 9832.5. (a) Registrations issued under this chapter shall expire
19 no more than 12 months after the issue date. The expiration date
20 of registrations shall be set by the director in a manner to best
21 distribute renewal procedures throughout the year.

22 (b) To renew an unexpired registration, the service contractor
23 shall, on or before the expiration date of the registration, apply for
24 renewal on a form prescribed by the director, and pay the renewal
25 fee prescribed by this chapter.

26 (c) To renew an expired registration, the service contractor shall
27 apply for renewal on a form prescribed by the director, pay the
28 renewal fee in effect on the last regular renewal date, and pay ~~all~~
29 ~~accrued and unpaid~~ the delinquency and renewal fees.

30 (d) Renewal is effective on the date that the application is ~~filed,~~
31 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

32 (e) For purposes of implementing the distribution of the renewal
33 of registrations throughout the year, the director may extend, by
34 not more than six months, the date fixed by law for renewal of a
35 registration, except that, in that event, any renewal fee that may
36 be involved shall be prorated in such a manner that no person shall
37 be required to pay a greater or lesser fee than would have been
38 required had the change in renewal dates not occurred.

39 (f) This section shall remain in effect only until January 1, 2023,
40 and as of that date is repealed.

1 *SEC. 43. Section 9884.5 of the Business and Professions Code*
2 *is amended to read:*

3 9884.5. A registration that is not renewed within three years
4 following its expiration shall not be renewed, restored, or reinstated
5 thereafter, and the delinquent registration shall be canceled
6 immediately upon expiration of the three-year period.

7 An automotive repair dealer whose registration has been canceled
8 by operation of this section shall obtain a new registration only if
9 ~~he or she~~ *the automotive repair dealer* again meets the requirements
10 set forth in this chapter relating to registration, is not subject to
11 denial under Section 480, and pays the applicable fees.

12 An expired registration may be renewed at any time within three
13 years after its expiration upon the filing of an application for
14 renewal on a form prescribed by the bureau and the payment of
15 ~~all accrued~~ *the* renewal and delinquency fees. Renewal under this
16 section shall be effective on the date on which the application is
17 filed and ~~all~~ *the* renewal and delinquency fees are paid. If so
18 renewed, the registration shall continue in effect through the
19 expiration date of the current registration year as provided in
20 Section 9884.3, at which time the registration shall be subject to
21 renewal.

22 *SEC. 44. Section 19170.5 of the Business and Professions Code*
23 *is amended to read:*

24 19170.5. (a) Except as provided in Section 19170.3, licenses
25 issued under this chapter expire two years from the date of
26 issuance. To renew ~~his or her~~ *a* license, a licensee shall, on or
27 before the date on which it would otherwise expire, apply for
28 renewal on a form prescribed by the chief, and pay the fees
29 prescribed by Sections 19170 and 19213.1. If a licensee fails to
30 renew ~~his or her~~ *their* license before its expiration, a delinquency
31 fee of 20 percent, but not more than one hundred dollars (\$100),
32 notwithstanding the provisions of Section 163.5, shall be added
33 to the renewal fee. If the renewal fee and delinquency fee are not
34 paid within 90 days after expiration of a license, the licensee shall
35 be assessed an additional penalty fee of 30 percent of the renewal
36 fee.

37 (b) Except as otherwise provided in this chapter, a licensee may
38 renew an expired license within six years after expiration of the
39 license by filing an application for renewal on a form prescribed

1 by the bureau, and paying ~~all accrued renewal, delinquent, the~~
 2 *renewal, delinquency, and penalty fees.*

3 (c) A license that is not renewed within six years of its expiration
 4 shall not be renewed, restored, reinstated, or reissued, but the holder
 5 of the license may apply for and obtain a new license if both of
 6 the following requirements are satisfied:

7 (1) No fact, circumstance, or condition exists which would
 8 justify denial of licensure under Section 480.

9 (2) The licensee pays ~~all the~~ renewal, delinquency, and penalty
 10 ~~fees that have accrued since the date on which the license was last~~
 11 ~~renewed.~~ *fees.*

12 (d) The bureau may impose conditions on any license issued
 13 pursuant to subdivision (c).

14 *SEC. 45. Section 19290 of the Business and Professions Code*
 15 *is amended to read:*

16 19290. (a) Permits issued under this chapter expire two years
 17 from the date of issuance. To renew a permit, a permittee shall,
 18 on or before the date on which it would otherwise expire, apply
 19 for renewal on a form prescribed by the chief, and continue to pay
 20 the fees prescribed in Sections 19288 and 19288.1. Notwithstanding
 21 Section 163.5, if a permittee fails to renew the permit before its
 22 expiration, a delinquency fee of 20 percent of the most recent fee
 23 paid to the bureau pursuant to Sections 19288 and 19288.1 shall
 24 be added to the amount due to the bureau at the next fee interval.
 25 If the renewal fee and delinquency fee are not paid within 90 days
 26 after expiration of a permit, the permittee shall be assessed an
 27 additional fee of 30 percent of the most recent fee paid to the
 28 bureau pursuant to Sections 19288 and 19288.1.

29 (b) Except as otherwise provided in this chapter, a permittee
 30 may renew an expired permit within two years after expiration of
 31 the permit by filing an application for renewal on a form prescribed
 32 by the bureau, and paying ~~all accrued~~ fees.

33 (c) A permit that is not renewed within two years of its
 34 expiration shall not be renewed, restored, reinstated, or reissued,
 35 but the holder of the expired permit may apply for and obtain a
 36 new permit as provided in this chapter, upon payment of all fees
 37 that accrued since the date the permit was last renewed.

38 (d) The bureau may impose conditions on any permit issued
 39 pursuant to subdivision (c).

1 SECTION 1. ~~Section 4073 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 4073. (a) ~~A pharmacist filling a prescription order for a drug~~
4 ~~product prescribed by its trade or brand name may select another~~
5 ~~drug product with the same active chemical ingredients of the same~~
6 ~~strength, quantity, and dosage form, and of the same generic drug~~
7 ~~name as determined by the United States Adopted Names (USAN)~~
8 ~~and accepted by the federal Food and Drug Administration (FDA),~~
9 ~~of those drug products having the same active chemical ingredients.~~

10 (b) ~~In no case shall a selection be made pursuant to this section~~
11 ~~if the prescriber personally indicates, either orally or in the~~
12 ~~prescriber's own handwriting, "Do not substitute," or words of~~
13 ~~similar meaning. Nothing in this subdivision shall prohibit a~~
14 ~~prescriber from checking a box on a prescription marked "Do not~~
15 ~~substitute"; provided that the prescriber personally initials the box~~
16 ~~or checkmark. To indicate that a selection shall not be made~~
17 ~~pursuant to this section for an electronic data transmission~~
18 ~~prescription as defined in subdivision (c) of Section 4040, a~~
19 ~~prescriber may indicate "Do not substitute," or words of similar~~
20 ~~meaning, in the prescription as transmitted by electronic data, or~~
21 ~~may check a box marked on the prescription "Do not substitute."~~
22 ~~In either instance, it shall not be required that the prohibition on~~
23 ~~substitution be manually initialed by the prescriber.~~

24 (c) ~~Selection pursuant to this section is within the discretion of~~
25 ~~the pharmacist, except as provided in subdivision (b). The person~~
26 ~~who selects the drug product to be dispensed pursuant to this~~
27 ~~section shall assume the same responsibility for selecting the~~
28 ~~dispensed drug product as would be incurred in filling a~~
29 ~~prescription for a drug product prescribed by generic name. There~~
30 ~~shall be no liability on the prescriber for an act or omission by a~~
31 ~~pharmacist in selecting, preparing, or dispensing a drug product~~
32 ~~pursuant to this section. In no case shall the pharmacist select a~~
33 ~~drug product pursuant to this section unless the drug product~~
34 ~~selected costs the patient less than the prescribed drug product.~~
35 ~~Cost, as used in this subdivision, is defined to include any~~
36 ~~professional fee that may be charged by the pharmacist.~~

37 (d) ~~This section shall apply to all prescriptions, including those~~
38 ~~presented by or on behalf of persons receiving assistance from the~~
39 ~~federal government or pursuant to the California Medical~~
40 ~~Assistance Program set forth in Chapter 7 (commencing with~~

1 ~~Section 14000) of Part 3 of Division 9 of the Welfare and~~
2 ~~Institutions Code.~~

3 ~~(e) When a substitution is made pursuant to this section, the use~~
4 ~~of the cost-saving drug product dispensed shall be communicated~~
5 ~~to the patient and the name of the dispensed drug product shall be~~
6 ~~indicated on the prescription label, except where the prescriber~~
7 ~~orders otherwise.~~

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AB 613 (Low D-Cupertino)
Professions and vocations: regulatory fees

Status: 5/8/2019 – Senate Business, Professions and Economic Development Committee. Set for hearing on 6/10/19.

Location: 5/8/2019 – Senate Business, Professions and Economic Development Committee.

Introduced: 2/14/2019

Board Position: Watch, as introduced 2/14/2019

Board Staff Analysis: 5/29/19

Bill Summary: This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of the Department of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Staff Recommendation: No Board action required at this time

Laws: An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

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

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

1 SECTION 1. Section 101.1 is added to the Business and
2 Professions Code, to read:

3 101.1. (a) Notwithstanding any other law, no more than once
4 every four years, any board listed in Section 101 may increase any
5 fee authorized to be imposed by that board by an amount not to
6 exceed the increase in the California Consumer Price Index, as
7 determined pursuant to Section 2212 of the Revenue and Taxation
8 Code, for the preceding four years in accordance with the
9 following:

10 (1) The board shall provide its calculations and proposed fee,
11 rounded to the nearest whole dollar, to the director and the director
12 shall approve the fee increase unless any of the following apply:

13 (A) The board has unencumbered funds in an amount that is
14 equal to more than the board's operating budget for the next two
15 fiscal years.

16 (B) The fee would exceed the reasonable regulatory costs to the
17 board in administering the provisions for which the fee is
18 authorized.

19 (C) The director determines that the fee increase would be
20 injurious to the public health, safety, or welfare.

21 (2) The adjustment of fees and publication of the adjusted fee
22 list is not subject to the Administrative Procedure Act (Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
24 Title 2) of the Government Code.

25 (b) For purposes of this section, "fee" includes any fees
26 authorized to be imposed by a board for regulatory costs. "Fee"
27 does not include administrative fines, civil penalties, or criminal
28 penalties.

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AB 1522 (Committee on Business and Professions)
Board for Professional Engineers, Land Surveyors, and Geologists

Status: 5/24/2019 – In Senate. Read first time

Location: 5/1/2019 – Senate Rules Committee for assignment

Introduced: 2/22/2019

Board Position: Support, as introduced 2/22/2019

Board Staff Analysis: 5/2/19

Bill Summary: Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate professional engineers, land surveyors, geologists, and geophysicists and authorizes the Board to appoint an executive officer. Existing law repeals these provisions on January 1, 2020.

This bill would extend the repeal date of the provision establishing the Board and the Board's authority to appoint an executive officer until January 1, 2024.

Staff Comment: Staff has advised the Committee staff that the section in the Professional Land Surveyors' Act (Section 8710) that also contains the sunset date was left out of the bill; we have been assured it will be added to the bill.

Board staff has been advised that the amendments requested by the Board will be made when the bill is assigned to the Senate Business, Professions and Economic Development Committee.

Staff Recommendation: No Board action required at this time.

Laws: An act to amend Section 6710 and 6714 of the Business and Professions Code, relating to professions and vocations.

ASSEMBLY BILL

No. 1522

Introduced by Committee on Business and Professions

February 22, 2019

An act to amend Section 6710 and 6714 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as introduced, Committee on Business and Professions. Board for Professional Engineers, Land Surveyors, and Geologists.

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers, land surveyors, and geologists and geophysicists and authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2020.

This bill would extend the repeal date of the provision establishing the board and the board's authority to appoint an executive officer until January 1, 2024.

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 6710 of the Business and Professions
- 2 Code is amended to read:
- 3 6710. (a) There is in the Department of Consumer Affairs a
- 4 Board for Professional Engineers, Land Surveyors, and Geologists,
- 5 which consists of 15 members.

1 (b) Any reference in any law or regulation to the Board of
2 Registration for Professional Engineers and Land Surveyors, or
3 the Board for Professional Engineers and Land Surveyors, is
4 deemed to refer to the Board for Professional Engineers, Land
5 Surveyors, and Geologists.

6 (c) This section shall remain in effect only until January 1, ~~2020,~~
7 2024, and as of that date is repealed. Notwithstanding any other
8 law, the repeal of this section renders the board subject to review
9 by the appropriate policy committees of the Legislature.

10 SEC. 2. Section 6714 of the Business and Professions Code is
11 amended to read:

12 6714. The board shall appoint an executive officer at a salary
13 to be fixed and determined by the board with the approval of the
14 Director of Finance.

15 This section shall remain in effect only until January 1, ~~2020,~~
16 2024, and as of that date is repealed.

SB 53 (Wilk R-Santa Clarita)
Open meetings

Status: 5/6/2019 – Referred to Assembly Committee on Governmental Organization

Location: 5/6/2019 – Assembly Committee on Governmental Organization

Amended: 3/5/2019

Board Position: Oppose, as amended 3/5/2019

Board Staff Analysis: 5/7/19

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

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

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

Staff Comment: As originally introduced, this bill would amend Government Code section 11121 by adding the phrase “except as provided in subdivision (d)” to the end of the sentence in subdivision (c). The March 5, 2019, amendment simply replaces the gender-specific terms with gender-neutral language. This bill is identical to AB 85 (Wilk) from 2015 and nearly identical to AB 2058 (Wilk) from 2014, both of which were vetoed by then-Governor Brown. The Board opposed AB 85 and provided the following explanation in its opposition letter.

Assembly Bill 85 proposes to amend the Bagley-Keene Open Meeting Act, specifically Government Code section 11121, relating to what constitutes a “state body” for purposes of compliance with the Act to conduct meetings in an open forum to allow for the public to participate. The author has indicated that the purpose of this bill is to clarify the Bagley-Keene Open Meeting Act regarding what constitutes a “state body” under its provisions. According to the author, there is an ambiguity in the current law regarding whether standing committees composed of fewer than three members must comply with the Act. The author contends that some state agencies interpret the law to allow standing committees that contain fewer than three members and do not vote on action items to hold meetings that are closed to the public. The author indicates that the amendment proposed by AB 85 is intended to clarify that standing committees, including advisory committees composed of less than three members, are subject to the Act and must allow for public participation at their meetings.

The Board respectfully disagrees that there is an ambiguity in the current law and believes that the proposed amendment would, in fact, create an ambiguity regarding what constitutes an advisory body that does not have authority to act on its own. As Governor Brown said in his veto message of AB 2058 (Wilk), 2013-2014 Legislative Session, advisory committees do not have the authority to act on their own. They must present any

findings or recommendations to the overall state body before formal action can be taken, and that state body must conduct its meetings in an open public forum and allow for public input before any action can be taken.

The Board strongly believes in complying with the Bagley-Keene Open Meeting Act because of the importance of public participation and encourages members of the public to attend its meetings and address the Board. However, the Board cannot support AB 85 in its current form due to the ambiguity created by this proposed amendment.

Since SB 53 adds the same language to subdivision (c) that was proposed to be added by AB 85, the same ambiguity exists that concerned the Board with the previous bill.

A letter expressing the Board's opposition will be sent when the bill is assigned to committee and scheduled for hearing.

Staff Recommendation: No Board action required at this time.

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

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

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

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

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

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

This bill would 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 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, "state body" means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

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

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

SB 339 (Jones R-Santee)
Land surveyors

Status: 5/16/2019 – Referred to Assembly Business and Professions Committee. Set for hearing on 6/11/10.

Location: 5/16/2019 – Assembly Business and Professions Committee

Amended: 4/29/2019

Board Position: Support, as amended 4/29/2019

Board Staff Analysis: 5/29/19

Bill Summary: This bill would add a new section to the Professional Land Surveyors’ Act to specify that if a licensee who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Professional Land Surveyors’ Act to the Board.

Staff Comment: This bill is sponsored by the California Land Surveyors Association (CLSA). CLSA has indicated that licensees who serve as experts in civil matters must sign nondisclosure agreements that prohibit them from notifying the Board of suspected violations of the law by other licensees. CLSA indicates that the intent of this proposal is to allow licensees to report suspected violations to the Board, which they cannot do if they have entered into a nondisclosure agreement.

At its May 11, 2019, meeting, the Board voted to support SB 339 as amended April 29, 2019. The Board also voted to direct staff to make a request to the Author and Sponsor to amend the bill to include similar provisions in the Professional Engineers Act and the Geologist and Geophysicist Act.

Staff has conveyed the Board’s position of support and request for amendments to the Author and Sponsor. They have indicated they will consider this request.

Staff Recommendation: No Board action required at this time.

Laws: An act to add Section 8790.5 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE APRIL 29, 2019
AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 339

Introduced by Senator Jones

February 19, 2019

An act to ~~amend Section 8776 of~~ *add Section 8790.5 to the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

SB 339, as amended, Jones. Land surveyors.

The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires a licensee to report to the board in writing the occurrence of specified events in relation to the licensee within 90 days of the date the licensee has knowledge of the event. Under the act, the failure of a licensee to report to the board in the time and manner required is grounds for disciplinary action. ~~A violation of the act is a crime.~~ *The act specifies that a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a required report to the board. The act also requires the board to enforce all of the provisions of the act and cause the prosecution of all violations coming to its notice.*

~~This bill would prohibit a licensee who is retained as an expert from entering into a nondisclosure agreement, or similar agreement, if the agreement prohibits the licensee from reporting the occurrence of any of those specified events. Because a violation of this prohibition would be a 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.~~

~~This bill would specify that if a licensee who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Professional Land Surveyors' Act to the board.~~

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

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

1 ~~SECTION 1. Section 8790.5 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~8790.5. If a licensee who is retained as an expert witness enters~~
4 ~~into a nondisclosure agreement, that agreement shall not be~~
5 ~~construed to prevent the licensee from reporting a potential~~
6 ~~violation of the Professional Land Surveyors' Act to the board.~~

7 ~~SECTION 1. Section 8776 of the Business and Professions~~
8 ~~Code is amended to read:~~

9 ~~8776. (a) A licensee shall report to the board in writing the~~
10 ~~occurrence of any of the following events that occurred on or after~~
11 ~~January 1, 2008, within 90 days of the date the licensee has~~
12 ~~knowledge of the event:~~

13 ~~(1) The conviction of the licensee of any felony.~~

14 ~~(2) The conviction of the licensee of any other crime that is~~
15 ~~substantially related to the qualifications, functions, and duties of~~
16 ~~a licensed land surveyor.~~

17 ~~(3) A civil action settlement or administrative action resulting~~
18 ~~in a settlement against the licensee in any action alleging fraud,~~
19 ~~deceit, misrepresentation, breach or violation of contract,~~
20 ~~negligence, incompetence, or recklessness by the licensee in the~~
21 ~~practice of land surveying if the amount or value of the settlement~~
22 ~~is greater than fifty thousand dollars (\$50,000).~~

23 ~~(4) A civil action judgment or binding arbitration award, or~~
24 ~~administrative action resulting in a judgment or binding arbitration~~
25 ~~award, against the licensee in any action alleging fraud, deceit,~~
26 ~~misrepresentation, breach or violation of contract, negligence,~~

1 incompetence, or recklessness by the licensee in the practice of
 2 land surveying if the amount or value of the judgment or binding
 3 arbitration award is twenty-five thousand dollars (\$25,000) or
 4 greater.

5 (b) The report required by subdivision (a) shall be signed by
 6 the licensee and set forth the facts that constitute the reportable
 7 event. If the reportable event involves the action of an
 8 administrative agency or court, the report shall set forth the title
 9 of the matter, court or agency name, docket number, and the dates
 10 the reportable event occurred.

11 (c) A licensee shall promptly respond to oral or written inquiries
 12 from the board concerning the reportable events, including inquiries
 13 made by the board in conjunction with license renewal.

14 (d) Nothing in this section shall impose a duty upon any licensee
 15 to report to the board the occurrence of any of the events set forth
 16 in subdivision (a) either by or against any other licensee.

17 (e) Failure of a licensee to report to the board in the time and
 18 manner required by this section shall be grounds for disciplinary
 19 action.

20 (f) For purposes of this section, a conviction includes the initial
 21 plea, verdict, or finding of guilt; a plea of no contest; or
 22 pronouncement of sentence by a trial court even though the
 23 conviction may not be final or sentence actually imposed until all
 24 appeals are exhausted.

25 (g) A licensee who is retained as an expert shall not enter into a
 26 nondisclosure agreement, or similar agreement, if the agreement
 27 prohibits the licensee from reporting the occurrence of any of the
 28 events described in subdivision (a) to the board.

29 SEC. 2. No reimbursement is required by this act pursuant to
 30 Section 6 of Article XIII B of the California Constitution because
 31 the only costs that may be incurred by a local agency or school
 32 district will be incurred because this act creates a new crime or
 33 infraction, eliminates a crime or infraction, or changes the penalty
 34 for a crime or infraction, within the meaning of Section 17556 of
 35 the Government Code, or changes the definition of a crime within
 36 the meaning of Section 6 of Article XIII B of the California
 37 Constitution.

SB 556 (Pan D-Sacramento)
Professional land surveyors and engineers

Status: 5/28/2019 –Passed the Senate. (Ayes 34. Noes 1.) In Assembly. Read first time. Held at Desk.

Location: 5/28/2019 – Assembly Desk

Amended: 5/21/2019

Board Position: Oppose, as amended 4/29/2019

Board Staff Analysis: 5/29/19

Bill Summary: This bill would add a new section to the Professional Land Surveyors’ Act that would create a new certification program for land surveying businesses, as defined (Section 8728.5).

All other amendments to the Act (Sections 6731.1, 8728.5, 8726, 8790.1, and 8793) where removed from the May 21 version of the bill.

Staff Comment:

This bill is sponsored by the California & Nevada Civil Engineers and Land Surveyors Association Inc. (CELSA) and the International Union of Operating Engineers.

SB 556, as amended May 21, 2019, proposes to add a new section to the Professional Land Surveyors’ Act that would require certain types of business entities, as specified, to obtain a certificate from the Board in order to offer land surveying services. The proposal to create this new certification requirement has remained constant through all of the iterations of this bill since it was introduced. Some of the specific provisions and wording have been changed in various versions of the bill; however, the concept has not changed.

As has been stated regarding previous versions of this bill, Board staff has serious concerns with this proposal, both from a policy perspective and from a wording perspective.

From a policy standpoint, we question the necessity of adding another layer of regulation. We do not believe the matter has been studied sufficiently to show that consumers would be better protected by requiring land surveyors who wish to offer their services through a business entity to obtain a certification for that business. Existing law (Section 8729) specifies the requirements licensees must meet in order to offer and provide their professional services through a business entity, including requiring that they submit an Organization Record (OR) form to the Board providing information regarding the type of business entity, the location(s) of the business, the names of the owners/officers/partners, and the names of the individuals in responsible charge of the land surveying services. The information required to be provided on the OR form allows us to determine if the business is in compliance with the laws. The submittal of an OR does not require a fee and no license or certificate number is issued to the business. Requiring land surveyors to pay fees and obtain a certification for their business before they could offer and provide their professional services would increase the costs incurred by the licensees to provide their services; costs they would pass on to their clients.

When Board staff met with the Author’s staff and representatives of the sponsors of the bill, as well as representatives from the International Union of Operating Engineers Local 3 and Local 12; the American Council of Engineer Companies of California (ACEC-CA); and the California Land Surveyors Association (CLSA), we questioned why the sponsors believe it is necessary to add another layer of

regulation on businesses by requiring them to apply for and obtain a certificate in order to operate when existing law requires OR forms to be filed. We asked if the intent was to no longer require the OR form. The sponsors indicated that both would be required; the business would have to apply for and obtain a certificate, while the licensees would have to file the OR form.

The sponsors also indicated that their intent is to give the Board more authority over businesses that provide land surveying services, especially those that are not legally authorized to do so. However, under current law, the Board already has the authority to pursue enforcement action against licensees who operate or associate with businesses that are not in compliance with the law, as well as the authority to issue citations for unlicensed activity, including operating a land surveying business that is not in compliance with the laws. It is unclear how this new requirement would enhance the Board's existing authority and provide better consumer protection.

Furthermore, this bill sets up new certification program under only one of the three Acts regulated and enforced by the Board; it does not require certifications for engineering or geology or geophysics businesses. Additionally, it would create conflict between the Professional Engineers Act and the Professional Land Surveyors' Act since the Professional Engineers Act allows all civil engineers to offer land surveying services under certain conditions, but there is nothing in the language of Section 8728.5 that addresses this.

With regard to the actual wording of proposed Section 8728.5, it is confusing and internally inconsistent.

Subdivision (a) defines the word "business" as used in the section, and includes a statement that says sole proprietorships and limited liability companies are not required to obtain a certificate. This makes it appear that these types of business entities could offer land surveying without obtaining a certificate or meeting any other requirements. It also includes a statement that says "nothing in this section requires a certificate for any form of corporation or partnership otherwise prohibited in this chapter from offering or providing land surveying services." There is no section in the Professional Land Surveyors' Act that lists forms of corporations or partnerships that are prohibited from offering or providing land surveying services.

Subdivision (b) is poorly worded in that it says "a business shall not engage in the practice of ... land surveying" [Emphasis added.] However, a business cannot practice land surveying; only individuals can practice, which is why licenses are issued to individuals and not businesses.

Subdivisions (c) and (d) are internally inconsistent. They list certain information the Board is mandated to obtain during the application process and also mandate that the Board issue the certificate if all of the information is provided. However, they also indicate that the Board may request additional information. This is contradictory: the Board cannot both have the discretion to request additional information before issuing the certificate and be mandated to issue the certificate if all of the information listed in statute is provided.

The listed requirements in subdivision (d) indicate that the business must meet are inconsistent with other provisions in the laws under the Board's jurisdiction; specifically, the provision in the Professional Engineers Act that allow civil engineers licensed after January 1, 1982, to operate businesses that offer land surveying services that are incidental to their civil engineering projects. These civil engineers would not meet the specified requirements since they are not authorized to practice land surveying or be in responsible charge of land surveying work, so they would not be able to obtain a certification for their

civil engineering business through which they are authorized to offer land surveying services (in limited circumstances).

Subdivisions (d)(1)(B) and (d)(3) both use the phrase "... [licensee who is] the responsible charge of work ...". This phrasing is not grammatically correct; it should say "in responsible charge of the work."

Subdivisions (d)(1)(C) and (d)(1)(D) require the names of the partners, majority stockholders, and authorized agent to be provided to the Board. However, they do not indicate whether any or all of these individuals must be licensed to practice land surveying.

Subdivision (d)(2)(A) says the Board shall charge "an application fee as determined pursuant to Section 8805." However, no amendments to Section 8805 were proposed to specify the maximum amount that could be charged for such an application fee. The amendments also added provisions to allow the Board to adopt regulations to implement the program, including describing the circumstances under which the business would have to seek renewal of an existing certificate. However, no language was included to indicate if the Board can charge a fee for the renewal. Authority must be given to the Board in statute to charge fees, and to specify the maximum amount the Board may charge, before the Board can include a specific fee in regulation.

There are also fiscal impact issues related to this bill. The creation and implementation of a new certification program will require additional staff positions, in addition to the enforcement of the program increasing the workload of the Board's Enforcement Unit.

Staff Recommendation: Although some of the amendments made in the May 21 version of SB 556 do address some of the Board's concerns, we do not believe they are sufficient to remove the Board's opposition to this bill. At this time, the Board needs to decide if it wishes to oppose the bill from the policy standpoint that questions whether there has been a sufficient demonstration that it is necessary at this time to create a new certification program for land surveying businesses in order to provide for better consumer protection, or if it wishes to accept the creation of such a program but oppose the bill unless it is amended to address all of the concerns with the wording.

Laws: An act to add Section 8728.5 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

AMENDED IN SENATE MAY 21, 2019
AMENDED IN SENATE APRIL 29, 2019
AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 556

Introduced by Senator Pan
(Principal coauthor: Assembly Member Salas)

February 22, 2019

An act to amend Sections 6731.1 and 8726 of, and to add Sections 8728.5, 8790.1, and 8793 to, add Section 8728.5 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Pan. Professional land surveyors and engineers.

(1) ~~The Professional Engineers Act and the Professional Land Surveyors' Act~~ provides for the licensure and regulation of ~~professional engineers and~~ land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of ~~those acts~~ *that act* is a misdemeanor.

~~Under those acts, a land surveyor or civil engineer includes a person who locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as defined. Existing law also includes within the practice of a land surveyor or civil engineer a person who determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry, or engages in geodetic or cadastral surveying, as defined.~~

~~This bill would revise the practice of land surveying and civil engineering to, among other things, include the laying out through the use of mathematics or geometric measurements the alignment or elevation for any building or other fixed works embraced within the practice of civil engineering, and, for land surveying, would specify that these include items designed within the practice of electrical engineering or mechanical engineering. The bill would also include within the practice of land surveying and civil engineering determining the benthic surface below water bodies and the measuring for volumetric calculations of earthwork and would include the use of remote sensing, as defined, for making certain determinations. The bill would modify the definition of geodetic surveying, for purposes of the Professional Land Surveyor Act, to mean performing surveys by using techniques or methods of three-dimensional data acquisitions, and make conforming changes to that effect.~~

~~By expanding the practices that constitute civil engineering and land surveying, thereby expanding the persons subject to the act, the violation of which is a crime, the bill would impose a state-mandated local program.~~

~~(2) Existing~~

~~Existing law requires fees and civil penalties received pursuant to the Professional Land Surveyors' Act to be deposited in the Professional Engineer's, Land Surveyor's, and Geologist's Fund, and continuously appropriates those funds to the board for purposes of the act.~~

~~This bill, on and after January 1, 2022, would prohibit a business, except for a sole proprietorship or a limited liability company, from engaging in the practice of, or offering services for, land surveying in this state unless that business obtains a certificate from the board. The bill would require the board to develop a process to that effect, including developing an application form that meets certain requirements, including that the applicant pay a fee, as determined by the board, for that certificate and a process to renew and revoke a certificate. This bill would authorize the board to impose a fine, as specified, on a business that performs land surveying without a certificate. By authorizing additional fees and penalties to be deposited into a continuously appropriated fund, this bill would make an appropriation. By expanding the scope of the existing crime with respect to giving false evidence to the board, *crime with regard to violations of the Professional Land Surveyors' Act*, this bill would impose a state-mandated local program.~~

~~(3) Existing law requires the board to enforce all of the provisions of the act, and to prosecute all violations of the act that come to its notice.~~

~~This bill would require the board to send a copy of each valid complaint, as defined, to all boards that regulate the health and safety of persons working on construction, building, or infrastructure projects, as well as all boards that regulate the wages and other labor requirements related to those persons.~~

~~(4)~~

~~(2) 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: yes. Fiscal committee: yes. State-mandated local program: 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, retraces, or~~
6 ~~lays out through the use of mathematics or geometric measurements~~
7 ~~the alignment or elevation for any buildings or other fixed works~~
8 ~~embraced within the practice of civil engineering, as described in~~
9 ~~Section 6731.~~

10 ~~(1) This subdivision shall not prohibit a contractor, licensed~~
11 ~~under Chapter 9 (commencing with Section 7000) of Division 3,~~
12 ~~while engaged in the business of contracting for the installation~~
13 ~~or layout of electrical or mechanical systems or facilities, from~~
14 ~~designing those systems or facilities in accordance with the~~
15 ~~applicable building codes and standards for work to be performed~~
16 ~~and supervised by that contractor within the classification for which~~
17 ~~their license is issued, or from preparing electrical or mechanical~~
18 ~~shop or field drawings for work which the contractor has contracted~~
19 ~~to perform.~~

20 ~~(2) For purposes of this subdivision, "buildings" means the~~
21 ~~exterior location of the building or building control lines and does~~

1 not limit building contractors or others from layout of items based
2 on the grid lines or building corners set by a licensed surveyor.

3 ~~(b) (1) Determines the configuration or contour of the earth's~~
4 ~~surface, the benthic surface below water bodies, the measuring for~~
5 ~~volumetric calculations of earthwork, or the position of manmade~~
6 ~~or natural fixed objects above, on, or below the surface of earth~~
7 ~~by applying the principles of mathematics, photogrammetry, or~~
8 ~~remote sensing.~~

9 ~~(2) For purposes of this subdivision, "remote sensing" means~~
10 ~~the detecting, collection, processing, and analysis of physical~~
11 ~~objects regarding the location or dimensions of a location or object,~~
12 ~~or otherwise using various acquisition methods intended to or~~
13 ~~resulting in the determination of the configuration or contour of~~
14 ~~the earth's surface, or the position of fixed objects above, on, or~~
15 ~~below the surface of the earth.~~

16 ~~(e) Creates, prepares, or modifies electronic or computerized~~
17 ~~data in the performance of the activities described in subdivisions~~
18 ~~(a) and (b).~~

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

21 ~~SEC. 2. Section 8726 of the Business and Professions Code is~~
22 ~~amended to read:~~

23 ~~8726. A person, including any person employed by the state~~
24 ~~or by a city, county, or city and county within the state, practices~~
25 ~~land surveying within the meaning of this chapter who, either in~~
26 ~~a public or private capacity, does or offers to do any one or more~~
27 ~~of the following:~~

28 ~~(a) Locates, relocates, establishes, reestablishes, retraces, or~~
29 ~~lays out through the use of mathematics or geometric measurements~~
30 ~~the alignment or elevation for any of the buildings or other fixed~~
31 ~~works embraced within the practice of civil engineering, as~~
32 ~~described in Section 6731, including, but not limited to, any items~~
33 ~~designed within the practice of electrical engineering, as described~~
34 ~~in Section 6731.5, or mechanical engineering, as described in~~
35 ~~Section 6731.6~~

36 ~~(1) This section shall not prohibit a contractor, licensed under~~
37 ~~Chapter 9 (commencing with Section 7000) of Division 3, while~~
38 ~~engaged in the business of contracting for the installation or layout~~
39 ~~of electrical or mechanical systems or facilities, from designing~~
40 ~~those systems of facilities in accordance with the applicable~~

1 construction codes and standards for work to be performed and
2 supervised by that contractor within the classification for which
3 their license is issued, or from preparing electrical or mechanical
4 shop or field drawings for work the contractor has contracted to
5 perform.

6 (2) For purposes of this subdivision, “buildings” means the
7 exterior location of the building or building control lines and does
8 not limit building contractors or others from layout of items based
9 on the grid lines or building corners set by a licensed surveyor.

10 (b) (1) Determines the configuration or contour of the earth’s
11 surface, the benthic surface below water bodies, the measuring for
12 volumetric calculations of earthwork, or the position of manmade
13 or natural fixed objects above, on, or below the surface of the earth
14 by applying the principles of mathematics, photogrammetry, or
15 remote sensing.

16 (2) For purposes of this subdivision, “remote sensing” means
17 the detecting, collection, processing, and analysis of physical
18 objects regarding the location or dimensions of a location or object,
19 or otherwise using various acquisition methods intended to or
20 resulting in the determination of the configuration or contour of
21 the earth’s surface, or the position of fixed objects above, on, or
22 below the surface of the earth.

23 (e) Locates, relocates, establishes, reestablishes, or retraces any
24 property line or boundary of any parcel of land, right-of-way,
25 easement, or alignment of those lines or boundaries.

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

34 (e) By the use of the principles of land surveying determines
35 the position for any monument or reference point which marks a
36 property line, boundary, or corner, or sets, resets, or replaces any
37 monument or reference point.

38 (f) Geodetic surveying or cadastral surveying. As used in this
39 chapter, geodetic surveying means performing surveys, by using
40 techniques or methods of three dimensional geospatial data

1 acquisition in which account is taken of the figure and size of the
2 earth to determine or predetermine the horizontal or vertical
3 positions of fixed objects thereon or related thereto, geodetic
4 control points, monuments, or stations for use in the practice of
5 land surveying or for stating the geospatial establishment of three
6 dimensional positions of fixed objects, geodetic control points,
7 monuments, or stations by California Coordinate System
8 coordinates in accordance with Chapter 1 (commencing with
9 Section 8801) of Division 8 of the Public Resources Code.

10 (g) ~~Determines the information shown or to be shown on any~~
11 ~~map or document prepared or furnished in connection with any~~
12 ~~one or more of the functions described in subdivisions (a), (b), (c),~~
13 ~~(d), (e), and (f).~~

14 (h) ~~Indicates, in any capacity or in any manner, by the use of~~
15 ~~the title "land surveyor" or by any other title or by any other~~
16 ~~representation that the person practices or offers to practice land~~
17 ~~surveying in any of its branches.~~

18 (i) ~~Procures or offers to procure land surveying work for~~
19 ~~themselves or others.~~

20 (j) ~~Manages, or conducts as manager, proprietor, or agent, any~~
21 ~~place of business from which land surveying work is solicited,~~
22 ~~performed, or practiced.~~

23 (k) ~~Coordinates the work of professional, technical, or special~~
24 ~~consultants in connection with the activities authorized by this~~
25 ~~chapter.~~

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

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

34 (n) ~~Renders a statement regarding the accuracy of maps or~~
35 ~~measured survey data.~~

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

1 The review, approval, or examination by a governmental entity
2 of documents prepared or performed pursuant to this section shall
3 be done by, or under the direct supervision of, a person authorized
4 to practice land surveying.

5 (e) ~~Nothing in this section shall require the use of a licensed
6 land surveyor for underground utility locating and subsurface
7 imaging that is not required under this chapter as it read on January
8 1, 2018.~~

9 ~~SEC. 3.~~

10 *SECTION 1.* Section 8728.5 is added to the Business and
11 Professions Code, to read:

12 8728.5. (a) For purposes of this section, “business” means a
13 partnership, general partnership, limited liability partnership, or
14 corporation. However, “business” does not include a sole
15 proprietorship or a limited liability company. Nothing in this
16 section requires a certificate for any form of corporation or
17 partnership otherwise prohibited in this chapter from offering or
18 providing land surveying services.

19 (b) A business shall not engage in the practice of, or offer
20 services for, land surveying, as defined in Section 8726, in the
21 state, unless that business obtains a certificate from the board
22 pursuant to the requirements of this section.

23 (c) The board shall create a process to certify a business
24 practicing land surveying. As a part of that process, the board shall
25 establish an application form for a business to apply for
26 certification, that shall contain all of the information required by
27 subdivision (d), as well as any other information the board
28 determines is necessary or convenient to administer this section.

29 (d) A business shall apply for a certificate to practice land
30 surveying by submitting an application form to the board. The
31 board may develop rules and regulations governing the conditions
32 under which a certificate shall be granted, including, but not limited
33 to, taking into consideration whether the business has submitted
34 the following requirements to the board:

35 (1) A completed application form that includes all of the
36 following:

37 (A) The name and address of the business applying for the
38 certification.

1 (B) The name and current state license number of the
2 professional land surveyor or civil engineer who will be the
3 responsible charge of work of the business.

4 (C) The name of the partners in a partnership, general
5 partnership, or limited liability partnership, or the names of the
6 majority stockholders of a corporation.

7 (D) The signature and title of an agent authorized by the
8 partnership, general partnership, limited liability partnership, or
9 corporation to submit the application.

10 (2) (A) The board shall charge an application fee as determined
11 pursuant to Section 8805.

12 (B) The board may develop rules and regulations governing
13 both of the following:

14 (i) The circumstances when the board may require a business
15 to seek a renewal of an existing certificate, including, but not
16 limited to, consideration of a business's change of ownership.

17 (ii) The circumstances when the board may revoke an existing
18 certificate.

19 (3) A copy of a resolution by the partners of a partnership, the
20 general partners of a general partnership or a limited liability
21 partnership, or the board of directors of a corporation that
22 designates an individual in the business with a current license
23 issued by this state for the practice of land surveying or civil
24 engineering who is authorized to practice surveying that is the
25 responsible charge for work and that has the authority to make all
26 final decisions in the practice of land surveying on behalf of the
27 business.

28 (4) A copy of the partnership agreement of a partnership, general
29 partnership, or limited liability partnership, the articles of
30 incorporation or the bylaws of a corporation.

31 (e) A business that is organized or incorporated in a state or
32 territory outside of California shall not offer land surveying
33 services in California unless that business obtains a certificate
34 under this section and complies with all other requirements of this
35 chapter.

36 (f) This section shall become operative on January 1, 2022.

37 ~~SEC. 4. Section 8790.1 is added to the Business and Professions~~
38 ~~Code, to read:~~

39 ~~8790.1. (a) Upon receipt of a valid complaint, the board shall~~
40 ~~send a copy of the complaint to the following state boards:~~

1 ~~(1) Boards that regulate the health and safety of persons working~~
2 ~~on construction, building, or infrastructure projects.~~

3 ~~(2) Boards that regulate the wages and other labor requirements~~
4 ~~related to persons working on construction, building, or~~
5 ~~infrastructure projects.~~

6 ~~(b) For the purposes of this section, “valid complaint” means~~
7 ~~one for which the board determines that a violation of this chapter~~
8 ~~may have or is likely to have occurred.~~

9 ~~(c) It is the intent of the Legislature in enacting this section to~~
10 ~~ensure these state boards are made aware of the possible need to~~
11 ~~further investigate and regulate the cited business, as defined by~~
12 ~~subdivision (a) of Section 8728.5.~~

13 ~~SEC. 5.—Section 8793 is added to the Business and Professions~~
14 ~~Code, to read:~~

15 ~~8793. Any business, as defined in subdivision (a) of Section~~
16 ~~8728.5, that performs land surveying without a certificate obtained~~
17 ~~under Section 8728.5 shall be subject to the board’s citation~~
18 ~~authority pursuant to Section 148. For purposes of this section,~~
19 ~~and notwithstanding Section 125.9, the board may impose fines~~
20 ~~on a business described in this section, in an amount that is higher~~
21 ~~than the maximum authorized in Section 125.9, if the board~~
22 ~~concludes it is necessary to deter violations of this chapter.~~

23 ~~SEC. 6.~~

24 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
25 ~~Section 6 of Article XIII B of the California Constitution because~~
26 ~~the only costs that may be incurred by a local agency or school~~
27 ~~district will be incurred because this act creates a new crime or~~
28 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
29 ~~for a crime or infraction, within the meaning of Section 17556 of~~
30 ~~the Government Code, or changes the definition of a crime within~~
31 ~~the meaning of Section 6 of Article XIII B of the California~~
32 ~~Constitution.~~

O

IX. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

**Number of Complaint Investigations Opened & Completed by Month
12-Month Cycle**

| Month | Complaint Investigations Opened | Complaint Investigations Completed |
|----------------|------------------------------------|---------------------------------------|
| June 2018 | 35 | 26 |
| July 2018 | 36 | 34 |
| August 2018 | 19 | 36 |
| September 2018 | 28 | 21 |
| October 2018 | 17 | 33 |
| November 2018 | 51 | 18 |
| December 2018 | 12 | 17 |
| January 2019 | 39 | 28 |
| February 2019 | 12 | 21 |
| March 2019 | 29 | 42 |
| April 2019 | 32 | 43 |
| May 2019 | 32 | 11 |

**Complaint Investigations Opened and Completed
Total by Fiscal Year**

| Fiscal Year | Complaint Investigations Opened | Complaint Investigations Completed |
|-------------|------------------------------------|---------------------------------------|
| 2015/16 | 368 | 400 |
| 2016/17 | 353 | 323 |
| 2017/18 | 362 | 349 |
| 2018/19 | 307 | 304 |

Current Fiscal Year through May 31, 2019

**Number of Open (Pending) Complaint Investigations
(at end of FY or month for current FY)**

| Fiscal Year | Number of Open (Pending) Complaint Investigations |
|-------------|--|
| 2015/16 | 211 |
| 2016/17 | 237 |
| 2017/18 | 254 |
| 2018/19 | 256 |

Current Fiscal Year through May 31, 2019

Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

| Fiscal Year | Average Days |
|-------------|--------------|
| 2015/16 | 237 |
| 2016/17 | 243 |
| 2017/18 | 238 |
| 2018/19 | 240 |

Current Fiscal Year through May 31, 2019

Outcome of Completed Investigations

| Fiscal Year | # Closed | % Closed | # Cite | % Cite | # FDA | % FDA |
|-------------|----------|----------|--------|--------|-------|-------|
| 2015/16 | 227 | 57% | 133 | 28% | 60 | 15% |
| 2016/17 | 205 | 63% | 97 | 30% | 21 | 7% |
| 2017/18 | 219 | 63% | 93 | 27% | 37 | 10% |
| 2018/19 | 207 | 68% | 73 | 24% | 24 | 8% |

Current Fiscal Year through May 31, 2019

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

**Aging of Open (Pending) Complaint Investigation Cases
12-Month Cycle**

| Month | 0-30 Days | 31-60 Days | 61-90 Days | 91-12 Days | 121-180 Days | 181-270 Days | 271-365 Days | 1-2 Years | 2-3 Years |
|----------------|-----------|------------|------------|------------|--------------|--------------|--------------|-----------|-----------|
| June 2018 | 34 | 60 | 23 | 34 | 24 | 41 | 16 | 21 | 1 |
| July 2018 | 35 | 32 | 51 | 26 | 33 | 47 | 17 | 14 | 1 |
| August 2018 | 19 | 26 | 37 | 39 | 59 | 24 | 21 | 13 | 1 |
| September 2018 | 28 | 17 | 24 | 35 | 63 | 39 | 27 | 12 | 1 |
| October 2018 | 17 | 27 | 13 | 23 | 65 | 42 | 24 | 18 | 1 |
| November 2018 | 47 | 16 | 24 | 12 | 57 | 65 | 15 | 26 | 1 |
| December 2018 | 12 | 41 | 19 | 23 | 32 | 81 | 19 | 30 | 1 |
| January 2019 | 32 | 11 | 34 | 20 | 32 | 78 | 31 | 30 | 1 |
| February 2019 | 11 | 29 | 11 | 39 | 37 | 60 | 46 | 26 | 1 |
| March 2019 | 27 | 12 | 28 | 11 | 50 | 48 | 53 | 17 | 1 |
| April 2019 | 31 | 25 | 11 | 27 | 41 | 36 | 50 | 14 | 1 |
| May 2019 | 32 | 29 | 25 | 11 | 35 | 57 | 43 | 22 | 2 |

Number of Complaint Investigations Referred and Number of Citations Issued

| Fiscal Year | Complaint Investigations Referred for Issuance of Citation | Citations Issued |
|-------------|--|------------------|
| 2015/16 | 113 | 78 |
| 2016/17 | 97 | 100 |
| 2017/18 | 93 | 83 |
| 2018/19 | 73 | 65 |

Current Fiscal Year through May 31, 2019

Number of Citations Issued and Final

| Fiscal Year | Issued | Final |
|-------------|--------|-------|
| 2015/16 | 78 | 83 |
| 2016/17 | 100 | 101 |
| 2017/18 | 83 | 91 |
| 2018/19 | 65 | 70 |

Current Fiscal Year through May 31, 2019

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

| Fiscal Year | Number of Days |
|-------------|----------------|
| 2015/16 | 222 |
| 2016/17 | 259 |
| 2017/18 | 164 |
| 2018/19 | 247 |

Current Fiscal Year through May 31, 2019

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

| Fiscal Year | Number of Days |
|-------------|----------------|
| 2015/16 | 635 |
| 2016/17 | 639 |
| 2017/18 | 495 |
| 2018/19 | 591 |

Current Fiscal Year through May 31, 2019

**Number of Licensees Referred for Formal Disciplinary Action
and Number of Final Disciplinary Decisions**

| Fiscal Year | Number of Licensees Referred for Formal Disciplinary Action | Number of Final Disciplinary Decisions |
|-------------|---|--|
| 2015/16 | 41 | 36 |
| 2016/17 | 36 | 41 |
| 2017/18 | 28 | 19 |
| 2018/19 | 30 | 30 |

Current Fiscal Year through May 31, 2019

**Average Days from Referral for Formal Disciplinary Action
to Effective Date of Final Decision**

| Fiscal Year | Number of Days |
|-------------|----------------|
| 2015/16 | 623 |
| 2016/17 | 703 |
| 2017/18 | 585 |
| 2018/19 | 550 |

Current Fiscal Year through May 31, 2019

**Average Days from Opening of Complaint Investigation
to Effective Date of Final Decision**

| Fiscal Year | Number of Days |
|-------------|----------------|
| 2015/16 | 1078 |
| 2016/17 | 1106 |
| 2017/18 | 825 |
| 2018/19 | 923 |

Current Fiscal Year through May 31, 2019

X. Exams/Licensing

Item X. Exams/Licensing

Number of licenses issued February 2019 – April 2019:

| | |
|-----|------------------------|
| 649 | Total PE |
| 2 | Total PLS |
| 2 | Total PG (and related) |
| 1 | Total PGp |
| 654 | Total Licenses Issued |

Number of licenses issued FY 2018-19 (July 2018 – April 2019) to date:

| | |
|-------|------------------------|
| 2157 | Total PE |
| 31 | Total PLS |
| 119 | Total PG (and related) |
| 1 | Total PGp |
| 2308 | Total Licenses Issued |
| *2769 | Projected Total for FY |

Number of Initial applications received FY 2018-19 (July 2018 – April 2019) to date:

| | |
|-------|------------------------|
| 2455 | Total PE/PLS (to date) |
| 246 | Monthly Average |
| 2182 | Total FY 2017-18 |
| +273 | Change |
| *2946 | Projected Total for FY |

XI. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization/PAL Process
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. Nomination for 2020 ASBOG Secretary – New York Nomination (Possible Action)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Report from Southern Zone/Western Zone Interim Meeting

Rulemaking Overview

1. Geology Education (3022, 3022.1, 3022.2, and 3031)

- Filing final rulemaking package with Office of Administrative Law (OAL).
 - Rulemaking package approved by Agency on May 15, 2019.
 - Final rulemaking package sent to Agency on March 28, 2019.
 - Submitted to DCA, Legal, and Budget Office on February 21, 2019.
 - Board adopted final rulemaking on February 21, 2019.
 - Regulatory hearing occurred on January 22, 2019.
 - 45-day comment period ended on January 14, 2019.
 - OAL published rulemaking package on November 30, 2018.
 - Submitted to OAL for publication November 15, 2018.
 - Initial review completed on November 9, 2018.
 - Board approved revised text and directed staff to continue with the rulemaking process on November 1, 2018.

2. Fees and Certificates (404, 410, 3005, and 3010)

- Initial review with DCA Legal for approval of rulemaking package.
 - Board directed staff to pursue initial rulemaking on November 1, 2018.

3. Repeal Professional Engineer and Land Surveyor Appeals (443 and 444)

- Developing initial rulemaking package to submit to DCA, Legal, and Budget Office.
 - Board directed staff to pursue initial rulemaking on March 1, 2013.

4. Definition of Traffic Engineering (404)

- Developing initial rulemaking package to submit to DCA, Legal, and Budget Office.
 - Board directed staff to pursue initial rulemaking on March 8, 2018.

5. Definitions of Negligence and Incompetence (3003 and 3003.1)

- Developing initial rulemaking package to submit to DCA, Legal, and Budget Office.
 - Board directed staff to pursue initial rulemaking on September 6, 2018.

6. Assembly Bill 2138 Conformance (416, 418, 3060, and 3061)

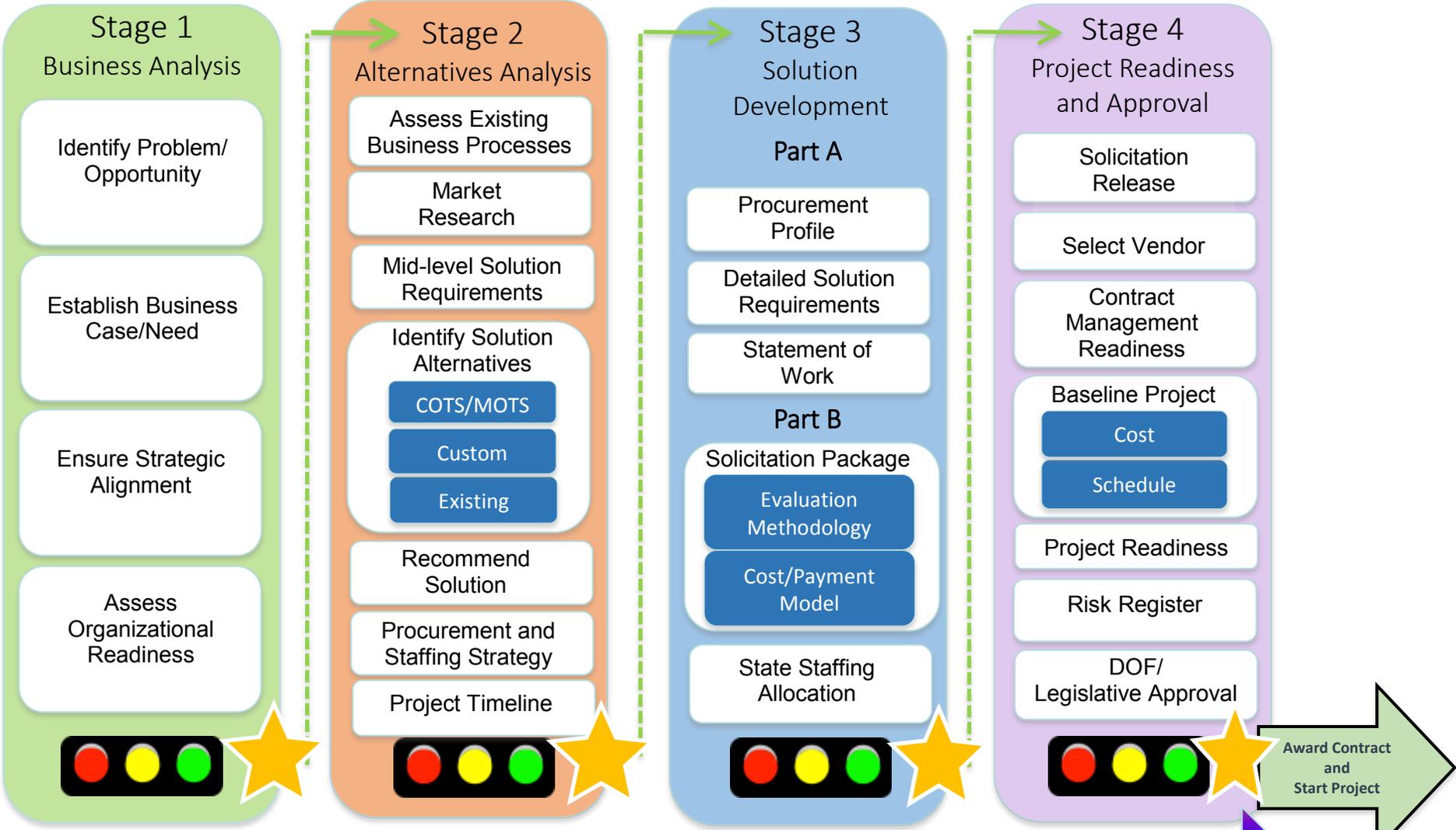
- Developing initial rulemaking package to submit to DCA, Legal, and Budget Office.
 - Board directed staff to pursue initial rulemaking on February 21, 2019.

Note: Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

BPELSG Licensing System Project Timeline

| |
|---|
| 2019 |
| <ul style="list-style-type: none"> • Senate and Assembly Budget Subcommittees approved Spring Finance Letter (SFL) for project funding May • California Department of Technology (CDT) approved Stage 2 Alternatives Analysis (S2AA) - April • Finalized SFL for project funding and inclusion in Governor's May [Budget] Revise - January |
| 2018 |
| <ul style="list-style-type: none"> • Submitted S2AA to CDT - December • Business, Consumer Services and Housing Agency (Agency) approved S2AA - December • Submitted S2AA to Agency - November. • Submitted S2AA to DCA Office of Information Services (OIS) – October • System demonstrations from various vendors – July through September • Completed contract with Business Advantage Consulting (BAC) - July • S2AA Kickoff meeting with DCA OIS and CDT - June • Received Stage 1 Business Analysis (S1BA) final document from CDT with approval signatures - May • Completed mid-level solution requirements draft with BAC vendor - April • Market research with other states engineering, land surveying and geology regulatory programs - March • BreEZe system demonstration provided by DCA OIS - March • S1BA approved by CDT - February • Executed contract with BAC - January |
| 2017 |
| <ul style="list-style-type: none"> • Contract awarded to BAC - November • S1BA approved by Agency - November • DCA OIS submitted Business Modernization Plan (BMP) to Legislature November • BMP submitted to Board members - November • DCA OIS developing BMP - September • Submitted S1BA to DCA OIS, Agency, and CDT - September • System demonstrations from various vendors – January through May |
| 2016 |
| <ul style="list-style-type: none"> • Completed contract with Visionary Integration Professionals (VIP) - December • Completed stakeholder requirements gathering - November • Completed To-Be workshops - October • Completed As-Is business process workshops - August • Identified business processes directly associated with licensing, regulation, and enforcement - June • Executed contract with VIP to conduct a business process improvement study - June |

Project Approval Lifecycle Framework



Department of Technology Oversight and State Entity Collaboration



State Board for Engineering, Land Surveying and Geology, Education Building, 89 Washington Avenue, 2nd Floor Mezzanine-East Wing
Tel. (518) 474-3817, Ext. 140
Fax (518) 473-6282
E-mail: engineer@nysed.gov, E-mail: survey@nysed.gov, E-mail: geology@nysed.gov

April 29, 2019

Mr. Erick Weiland – Chair
ASBOG Committee on Nominations
P.O. Box 5219
6000 Stewart Parkway
Douglasville, GA 30154

Dear Mr. Weiland;

The New York State Board for Engineering, Land Surveying and Geology is pleased and proud to nominate Ms. Laurie Racca for the Executive Committee position of Secretary.

Ms. Racca is a licensed geologist in the state of California who has, for over 30 years, combined work experience in both the public and private sectors. This combination of experiences along with her geology work in the area of complex environmental site investigations as a member of large, multidisciplinary teams has provided her with experience in bringing various opinions and perspectives together to create practical solutions commensurate with the overall goals of her projects. She will be able to bring this diverse experience to her role as Secretary in order to assure representation of all voices in the Association's documents and determinations of record. Her understanding of government, geology, and the driving forces within the private sector prepare her to move through the ASBOG organization with a strong understanding of the multiple forces in play for geologists in their daily work. Her interest in promoting the value of geology to the public is a strong motivator to solving issues that may arise in the future as ASBOG moves forward. She values collaborative work as a method to problem-solving and uses it in her daily practice.

Ms. Racca's willingness and ability to collaborate on projects, to problem-solve while valuing the input of diverse parties, and to bring to a cooperative conclusion complex projects for the benefit of the profession and the public good are all reasons that the New York State Board for Engineering, Land Surveying and Geology are so proud to offer this nomination of Ms. Laurie Racca, P.G. for the office of Secretary.

Please feel free to contact the Board should you require additional information at 518-474-3817 x140 or by email at Geology@NYSED.gov.

Sincerely,

Jane W. Blair, P.E.
Executive Secretary

C: Richard Moore, P.L.S., Executive Officer, CA Board
Dr. Mohammad Qureshi, P.E., President, CA Board

BOARD OUTREACH REPORT

1st Quarter: January - March 2019

SOCIAL MEDIA & WEBPAGE VIEWS

| TOP 5 TWITTER 'TWEETS' | DATE | VIEWS |
|-----------------------------------|------------|-------|
| 2019 Board Laws & Regs Available | January 7 | 3,086 |
| Board Notice & Agenda (April) | March 4 | 2,213 |
| Honoring National Consumer Week | March 4 | 1,973 |
| Meeting Materials (May) Published | March 29 | 1,677 |
| Board Notice & Agenda (Feb) | January 14 | 1,655 |

| TOP 5 FACEBOOK POSTS | DATE | VIEWS |
|-----------------------------------|------------|-------|
| 2019 Board Laws & Regs Available | January 7 | 1,200 |
| Board Notice & Agenda (April) | March 4 | 834 |
| Honoring National Consumer Week | March 4 | 668 |
| Meeting Materials (May) Published | March 29 | 702 |
| Board Notice & Agenda (Feb) | January 14 | 591 |

| TOP 5 WEBPATE HITS | VIEWS |
|-----------------------------------|---------|
| License Lookup | 215,147 |
| Home Page | 118,450 |
| Professional Engineer Application | 77,806 |
| Application Information | 64,317 |
| Licensee Information | 64,252 |

OUTREACH EVENTS

UNIVERSITY OUTREACH

January

January 25 & 26: 58th Annual Fresno State Geomatics Conference - Geomatics Engineering (GME) Conference consists of exhibitors and speakers on varied topics in the field of Geomatics Engineering. Brooke Phayer and Dallas Sweeney attended.

February

February 19: UC Davis American Institute of Professional Geologists (AIPG) Student Chapter - Invited Senior Registrar Laurie Racca to present information regarding geology licensure requirements and the Geologist-In-Training (GIT) certificate.

February 28: Loyola Marymount University – Graduating senior civil engineering students’ classroom Presentation on the “Path to Professional Licensure” by Natalie King, Mike Donelson and Brooke Phayer.

February 28: UC Irvine – Graduating senior civil engineering students’ classroom Presentation on the “Path to Professional Licensure” by Natalie King, Mike Donelson and Brooke Phayer

March

March 9: CSU Stanislaus Science Day - Senior Registrar Laurie Racca participated in the Eighth Annual Science Day at CSU Stanislaus providing information regarding California geology and licensing requirements for geologists. Over 3,000 participants from Stanislaus County attended the event.

March 14: Humboldt State University – Classroom presentation on the “Path to Professional Licensure” by Mike Donelson.

March 14: CSU Bakersfield - Department of Geological Sciences hosted Senior Registrar Laurie Racca for a presentation titled “Career Planning: The GIT and the Professional Geologist License”.

March 26: Sacramento State University’s Society of Hispanic Professional Engineers (SHPE) hosted a “Presentation on the Path to Professional Licensure” by Mike Donelson.

PROFESSIONAL SOCIETY OUTREACH

January

January 3: San Diego CLSA - Professional exam review class with Dallas Sweeney speaking.

January 5: East Bay CLSA - Professional exam review class with Dallas Sweeney speaking.

January 8: Senior Registrar Laurie Racca presented *“50 Years of Protecting the Public: The California Professional Geologist License”* at the Association of Environmental and Engineering Geologists (AEG) San Francisco Bay Area Chapter. Included the history of professional licensure in California and updates on the current status of geology and geophysics licensure.

January 9: Channel Islands CLSA - Professional exam review class with Dallas Sweeney speaking.

February

February 13: BPELSG Senior Registrar Laurie Racca teamed with representatives from the National Association of State Boards of Geology (ASBOG®) to provide a free webinar hosted by the American Geosciences Institute (AGI) Geoscience Online Learning Initiative (GOLI). The webinar titled *“Professional Geologist Licensure Requirements and the ASBOG National Geology License Examinations”* was recorded and is available for viewing on the AGI website: <https://www.americangeosciences.org/workforce/webinars/professional-geologist-licensure-requirements-and-asbog-national-geology-license>

February 13: East Bay CLSA - Professional exam review class with Ric Moore and Dallas Sweeney.

February 15: At the request of the Department of Conservation (DOC) Division of Oil, Gas and Geothermal Resources (DOGGR), Laurie Racca and Mike Donelson presented “Understanding Licensure Requirements in California” to petroleum industry stakeholders.

February 22: Record of Survey Workshop – Sacramento. Dallas Sweeney attended.

February 20: Department of Conservation (DOC) Division of Mine Reclamation (DMR). Laurie Racca participated SMARA Inspection Training Workshop in Independence. The presentation was titled “What is Professional Practice? An Introduction to State Licensing of Engineers, Land Surveyors and Geologists”.

February 25: Certified Unified Program Agencies (CUPAs) Annual Conference. CUPA’s are entities that implement six statewide environmental programs at the local level. Laurie Racca made a overview presentation of BPELSG titled “Understanding Professional Licensure Requirements in California”.

February 27: League of County Surveyors (LCSO) meeting at Central Contra Costa Sanitary District office attended by Dallas Sweeney.

March

March 29 & 30: The Sacramento Chapters of the Association of Environmental and Engineering Geologists (AEG), the Earthquake Engineering Research Institute (EERI), and the American Society of Civil Engineers (ASCE) hosted the 2019 Geo Symposium and Field Expo--A Geo-Resilient Sacramento: State of the Practice and State of the Art. The focus of the symposium was on engineering geology, seismology and geotechnical engineering. Natalie King and Laurie Racca staffed an information booth for both days of the conference and provided a presentation focusing on the application process for those seeking licensure as engineers and geologists.

PRINTED MATERIAL

Spring 2019 *Bulletin*:

<http://www.bpelsq.ca.gov/pubs/bulletin.latest.pdf>

XII. Technical Advisory Committees (TACs)

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

MOTION:

To recommend the individuals named below for reappointment to the Structural Engineer Technical Advisory Committee (SETAC):

- Mr. Gregg Brandow, P.E., S.E. – One-year term commencing July 1, 2019
- Mr. Doug Hohbach, P.E., S.E. – One-year term commencing July 1, 2019
- Mr. Ryan Huxley, P.E., S.E. – Two-year term commencing July 1, 2019
- Mr. Carl Josephson, P.E., S.E. – Two-year term commencing July 1, 2019

BACKGROUND:

All four engineers have considerable experience in structural engineering and have previously served on the SETAC. Mr. Brandow has been a licensed structural engineer in California since 1976 and currently resides in Southern California. Mr. Hohbach has been a licensed structural engineer in California since 1988 and currently resides in Northern California. Mr. Huxley has been a licensed structural engineer in California since 2005 and currently resides in Northern California. Mr. Josephson has been a licensed structural engineer in California since 1988 and currently resides in Southern California. The previous SETAC appointment for all four individuals expired on June 30, 2018.

The SETAC member appointments for the above individuals have been nominated by Alireza Asgari. The reappointment of these candidates will help ensure the continuance and enhancement of the professional structural engineering expertise and advice provided by the SETAC.

RECOMMENDATION:

Recommend that the Board consider and approve the aforementioned individuals to serve as members of the SETAC for the terms requested.

XIII. President's Report/Board Member Activities

XIV. Nomination and Election of President and Vice President for Fiscal Year 2019/20

XV. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the April 11, 2019 and May 13, 2019 Board Meetings.

DRAFT

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

City of Calabasas, Founders Hall
200 Civic Center Way
Calabasas, CA 91302

April 11, 2019

Board Members Present: Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson

Board Members Absent: Andrew Hamilton; Kathy Jones Irish; Asha Lang; Frank Ruffino

Board Staff Present: Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Dallas Sweeney (Senior Registrar); Reza Pejuhesh (Legal Counsel); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

The meeting was called to order at 9:00 a.m., and a quorum was established.

Mr. Friel arrived at 9:03 a.m.

II. Pledge of Allegiance

Mr. Wilson led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

Mr. King introduced Fred Gaines, Councilman with the City of Calabasas. Mr. Gaines welcomed the Board and provided a brief history of the Civic Center complex which is now ten years old. He noted that the steel rebar used in the Council Chambers came from Project Isaiah which used melted guns confiscated by law enforcement.

Hugh Robertson, representing the Association of Engineering Geologists, appreciates having the Board meetings throughout California as it makes it convenient for the public to attend.

IV. Hearing on the Petition for Reinstatement of the Revoked License of Jeffrey Canfield

This hearing was held on Thursday, April 11, 2019.

- XV. Closed Session – The Board met in Closed Session to discuss, as needed:**
- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. Executive Officer Performance Evaluation
 - B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
 - C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
 - D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

XVI. Open Session to Announce the Results of Closed Session

During Closed Session, the Board directed the Administrative Law Judge to prepare the decision on the petition; took action on a stipulation, a default decision, and two proposed decisions; and discussed litigation as noticed.

V. Sunset Review

- A. Response to the Issues Raised in the Background Paper
President Qureshi, Mr. Hamilton, Mr. Moore, and Ms. Eissler testified at the hearing where they were asked to address issues related to enforcement, unlicensed activity, exams, and licensing.

There were eight issues identified by the Committees, and the Board's written response to address those issues has been submitted.

- B. Discussion of the Impact of the California Supreme Court decision in Dynamex Operations West, Inc. v. Superior Court (4 Cal.5th 903) on the Board's Operations and Licensees in Response to Issue #3 in the Sunset Review Background Paper.

Ms. Eissler reported that one of the issues brought up during Sunset was about the recent California Supreme court ruling, referred to as Dynamex, in connection with how to determine if someone is an employee or an independent contractor. Most boards under Sunset Review were asked to address whether it would affect their operations. The Board's Legal Counsel and staff have reviewed it, and there is no apparent impact to the Board's operations.

X. Executive Officer's Report

- A. Rulemaking Status Report
Ms. Eissler reported that the final geology education rulemaking package has been submitted to Agency for final sign-off. It may need to go to the Department of Finance before it is submitted to the Office of Administrative Law for the final review.

Board staff has been working with the Legal Office on the fee regulation that was approved by the Board in November. There are issues that the Board

needs to review and act on; therefore, a teleconference meeting needs to be scheduled.

As for the other rulemaking packages, the Board has approved the language and approved staff to move forward. Documents will be prepared for submittal to DCA.

C. Personnel

Staff member Cheryl Guidi who worked for the Board's Licensing Unit has accepted a promotion with the Board's Examination Unit, and Nicole Beardsley accepted a position with the Licensing Unit to replace Ms. Guidi.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

Ms. Mathieson reported that she attended the 2-day ASBOG Council of Examiners Workshop to assist with examination development for the Fundamentals of Geology and Practice of Geology examinations.

F. National Council of Examiners for Engineering and Surveying (NCEES)

1. Informational Report related to significant structures and the Structural Engineering Licensing Coalition (SELC)

Carl Josephson provided a presentation that outlined structural engineering licensing models and SELC's recommendation for the definition of significant structures.

2. Vote on Western Zone Secretary/Treasurer

MOTION: Vice-President Amistad moved to direct delegates to vote for Mr. Moore for NCEES Secretary/Treasurer, and Ms. Mathieson seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

3. Selection of Funded Delegates to Attend Annual Meeting – August 14-17, 2019

The tentative funded delegates to attend the NCEES Annual Meeting are Fel Amistad, Bob Stockton, and Steve Wilson. Mr. Moore will contact the members who are absent to determine their interest in attending.

4. Louisiana Board Nomination of Southern Zone Vice-President Christopher Knotts, P.E. for NCEES President-Elect

President Qureshi reported that the President-Elect nominee for this year is from the Southern Zone. There will be a vote at the Annual Meeting where there will be an opportunity to support, not support, or offer an alternative. Ms. Eissler noted that the zone meeting is a combined meeting with the Southern Zone, but it will be the Southern Zone members only voting for the nominee for President-Elect.

G. The Saint Francis Dam National Memorial and National Monument (Public Law No. 116-9 (S. 47))

Ms. Eissler discovered there was federal legislation to fund the management of natural resources which helped create the Saint Francis Dam Disaster National Memorial and National Monument. It was because of the collapse of the Saint Francis Dam in 1928 that led to the creation of this Board in 1929. She and Mr. Moore are looking into how the Board can get involved as it includes creating a visitor's center and information about the dam and the disaster. Ms. Mathieson added that there were also geological issues that led to the disaster.

Vice-President Amistad suggested adding this information into the Board Bulletin.

Mr. King has visited the site and offered to provide contact information to people in Santa Clarita that could help in the organization of the event.

President Qureshi suggested writing a letter to express the Board's interest.

VII. Legislation

A. 2019 Legislative Calendar

Ms. Eissler reviewed important dates on the Legislative calendar. She noted that spring recess starts Friday, April 12, through the following week. Any bills listed as fiscal must be out of policy committees by April 26.

B. Discussion of Legislation for 2019

AB 193 Professions and vocations.

This bill would require the Department of Consumer Affairs (DCA), beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill. The bill, beginning February 1, 2021, and every 2 years thereafter, would require each board within the department to submit to the department an assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information.

AB 476 Department of Consumer Affairs: task force: foreign trained professionals.

This bill would require the Department of Consumer Affairs to create a task force, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

AB 544 Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

This bill addresses an inactive status which the Board does not have. It also would change the wording of what the Board could charge someone whose license had expired and is beyond the renewal period without a delinquency fee. Currently, the Board's laws and DCA's laws indicate that in order to renew the license, the person must pay all accrued and unpaid renewal and delinquent fees as a condition of reinstatement of the license, certificate, or permit. The Board's licensees can renew their license up to five years after the expiration date before they can no longer renew. Since the Board has a two year renewal cycle, and if a licensee is delinquent by four years, they must pay all the renewal cycles to bring their license current.

Under current law, the Board's licensees must pay all accrued and unpaid renewal and delinquency fees to bring their expired license current. This bill would change the law so that the licensee would pay only the current renewal fee. Since the Board does not have an inactive status for any of its licenses, those provisions would not apply to the Board.

MOTION: Mr. King moved to take a watch position and to send a letter expressing concerns, and Mr. Silva seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

AB 613 Professions and vocations: regulatory fees.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of the Department of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

MOTION: Mr. Stockton moved to take a watch position, and Mr. Wilson seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists
Ms. Eissler distributed a handout with amendments from the Legislative Counsel's office. These amendments will go into the bill. This is in response to one of the issues in the background paper regarding the Board's Sunset review regarding technical clean-up to the Board's three acts. The Assembly and Senate committees have agreed to all of the sections that the Board has asked them to include.

MOTION: Mr. Stockton moved to support AB 1522 with the understanding that amendments will be added to the bill, and Ms. Alavi seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

Ms. Eissler reported that a request came from the California Land Surveyors Association (CLSA) that the Board consider agreeing to their request to remove the words “to cooperate” from Business and Professions Code section 8780.2. This section in the Professional Land Surveyors’ Act requires a licensee to respond to requests from the Board to cooperate in an investigation against that licensee. Currently, this section does contain a sunset provision that it would only be in effect until January 1, 2020, and then be repealed. The Board has asked the Assembly and Senate Committees, as part of the Sunset review to remove sunset provision so that the section will become permanent, and they have agreed to do so. CLSA has concerns with the words “to cooperate” and have considered taking a position that they will oppose the removal of the Sunset date if the words “to cooperate” are left in. This is not a Board-sponsored bill but is authored and sponsored by the Assembly Business and Professions Committee through the Sunset Review process. CLSA would have the responsibility to go to the committees and ask for this amendment and express their concerns. The Board will also be asked for their thoughts. Ms. Eissler believes there is a misunderstanding of what the section requires of the licensees. It requires them to respond; it does not require them to cooperate. She has discussed this with some of the Deputy Attorneys General who handle cases for the Board, and they indicated there would not be any legal effect to removing the words “to cooperate” since the law would still require the licensees to respond to the Board.

MOTION: Mr. King moved to notify CLSA that the Board will not oppose the removal of the language “to cooperate,” and Mr. Wilson seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

SB 53 Open meetings.

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

Ms. Eissler indicated that this is the same wording that was proposed in previous legislative sessions that the Board felt was not clear and that it created confusion between subdivisions (c) and (d) as to what

constitutes a state body that would require notice. She advised that the Board had opposed the prior legislation, which was vetoed by then-Governor Jerry Brown.

MOTION: Mr. King moved to oppose, and Mr. Johnson seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

SB 339 Land surveyors.

Ms. Eissler reported that this bill is sponsored by the California Land Surveyors Association (CLSA) and that Board staff met with their lobbyist. CLSA has indicated that licensees who serve as experts in civil matters must sign nondisclosure agreements that prohibit them from notifying the Board of suspected violations of the law by other licensees. CLSA indicates that the intent of this proposal is to allow licensees to report suspected violations to the Board, which they cannot do if they have entered into a nondisclosure agreement. CLSA would like to amend the Professional Land Surveyors' Act so that they may disclose information to the Board. Ms. Eissler indicated that staff has advised the lobbyist that the current wording is confusing and does not appear to accomplish their stated intent.

MOTION: Mr. King moved to oppose the bill, as written, but support concept that a licensee should never be prohibited by terms of a contract or agreement from reporting suspected violations of the licensing law to the Board, and Mr. Silva seconded the motion.

VOTE: 11-0, Motion Carried

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

SB 556 Professional land surveyors.

Mr. Friel recused himself and left room during the discussion of this item.

Staff has met with representatives of the sponsors of the bill, the California & Nevada Civil Engineers and Land Surveyors Association Inc. (CELSA) and the International Union of Operating Engineers,

and advised them of some of the concerns, while also advising that the Board has not yet considered the bill or taken a position on it. The sponsors have indicated they are interested and willing to work to clarify the language of the bill of what constitutes the practice of land surveying and to provide better enforcement tools by creating a certification regulation program for land surveying businesses. Ms. Eissler sees a lot of problems in the bill with the way it is worded. Staff has spoken with the Senate Business, Professions and Economic Development Committee consultant who is working on the bill and expressed concerns and made it clear to all of them that the Board had not seen the bill and taken a position. Board staff also reminded the sponsors that the Board has to take a position on the language that is in print and not what they may amend or request amendments for. The sponsors indicated amendments should be in print in the next week. This hearing was scheduled for April 8, 2019 but was postponed at the author's request and is now scheduled for April 22, 2019.

MOTION: Mr. King moved to oppose and accept the staff analysis as the reasons for the Board's opposition, and Ms. Mathieson seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

VI. Administration

A. Fiscal Year 2017/18 Budget Status

Mr. Alameida reported that the Board received notice from DCA advising that the financial reports would not be available for Fiscal Year 2017/18 as a result of Fi\$Cal issues. It also affects approximately 156 programs in addition to DCA. The steering committee comprised of members of the Department of Finance, the State Controller's Office, and the Department of General Services are spearheading the activities of what needs to be done to update the system to be able to create consistent reports and deliver those to the various agencies. DCA is working on a memo that is intended to be distributed to boards and bureaus to present the to-be determined date for when documents can be reported to us. The Board receives activity logs from the DCA Budget Office that outline current expenses and revenue. The difficulty is in closing out Fiscal Year 2017/18.

B. Fiscal Year 2018/19 Budget Report

Mr. Alameida reviewed the Board budget report and clarified an issue regarding an equation error from the last report.

He reported on revenue collected in association with applications, licensing fees, and fines and provided an analysis of staff salaries and wages and reviewed C&P services both interdepartmental and external.

Mr. Alameida explained the interagency services fee from the California Department of Technology (CDT). This fee is for oversight of the PAL project and will appear next year as well until the oversight is complete, and CDT agrees that the Board can manage the project. It is a monthly charge of approximately \$4,500.

X. Executive Officer's Report (cont.)

B. Update on Board's Business Modernization/PAL Process

Ms. Eissler reported that PAL Stage II has been approved, and DCA and CDT are scheduling a kick-off meeting for Stage III with the goal of completing it by June 30, 2019.

Mr. Alameida added that Stage III is solicitation development. This involves potential vendors to come in and identify the services they can perform. A cost methodology would also be developed for what we project this project to cost, not only for the Board but for other programs involved in the PAL process. Staffing allocation breakdown in terms of maintenance needs and IT support from the Department of Technology and/or DCA and externally with contracted experts will also be considered. This will require a lot of staff time regarding requirements, but the goal is to work with DCA and create solicitation packages that will be publically advertised.

Mr. King congratulated staff for all the work they have put into this process.

VIII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell provided an updated handout which highlighted a decrease in numbers during the month of March. Most significantly, there are currently 14 cases over a year old and 8 of those cases are with the Division of Investigation. A number of cases were closed related to long ongoing investigations (DOI). The larger number of cases over 9 months to a year decreased to 48 cases. She has reached out to supervising investigators at DOI and has had discussions about prioritizing and public safety in an effort to move cases along. In addition, Ms. Criswell is planning to meet with Stephanie Whitley with the Division of Investigations to discuss the possibility of training and expectations.

IX. Exams/Licensing

The geologist and geophysicist examinations were administered in early March. The NCEES professional engineering and structural engineering examinations

were administered last weekend. It is anticipated that we will have some results to report in June.

XI. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

MOTION: Mr. Wilson moved to reappoint David Ryan and Scott Tikalsky to the Land Surveying TAC, and Ms. Alavi seconded the motion.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Natalie Alavi; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Jerry Silva; Robert Stockton; and Steve Wilson voted in favor of the motion.

C. Reports from the TACs

No report given.

XII. President's Report/Board Member Activities

President Qureshi reported that he, Mr. Hamilton, Mr. Moore, and Ms. Eissler appeared before the legislative committees regarding Sunset Review.

President Qureshi will also be making a presentation to the American Society of Civil Engineers (ASCE) Shasta branch.

Mr. Wilson attended the Assembly Resolution for Land Surveyor's Week.

President Qureshi asked Mr. Johnson and Mr. King to be on the Nominating Committee for Board President and Vice-President. He indicated if any member is interested in nominating someone or if they would like to self-nominate, to please contact either Mr. Johnson or Mr. King and inform them of their interest. The election for President and Vice-President will take place at the June meeting.

XIII. Approval of Meeting Minutes

A. Approval of the Minutes of the December 13, 2018 and February 21, 2019 Board Meetings.

MOTION: Ms. Mathieson moved to approve the December 13, 2018, Board Meeting Minutes, and Mr. Amistad seconded the motion.

VOTE: 9-0-2, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Alireza Asgari, Eric Johnson, Coby King, Betsy Mathieson, Jerry Silva, Robert Stockton, and Steve Wilson voted in favor of the motion.

ABSTENTIONS: Ms. Alavi and Mr. Friel

MOTION: Mr. King moved to approve the February 21, 2019, Board Meeting Minutes, as amended, and Mr. Johnson seconded the motion.

VOTE: 10-0-1, Motion Carried.

AYE: Members Mohammad Qureshi; Fel Amistad; Alireza Asgari, Duane Friel, Eric Johnson, Coby King, Betsy Mathieson, Jerry Silva, Robert Stockton, and Steve Wilson voted in favor of the motion.

ABSTENTIONS: Ms. Alavi

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Ms. Eissler reminded the Board Members that at the November Board meeting, the Board approved and directed staff to move forward with the regulatory process to amend regulations relating to fees. At the time, it was thought that the Board could direct staff to begin the pre-notice review process through DCA and Agency based on the Board's understanding that changes would be made to the language to make it consistent between both sets of regulations. Through this process, the language would come back to the Board prior to the notice for public comment. However, this is not the process. The Board needs to approve the actual language in order to start the pre-notice review, even though through the process the language could be changed and would have to come back to the Board. There is also an issue with how the motion in the November minutes was worded, and it was not clear what the Board's intent was. Those minutes need to be amended and brought back for approval. Since this needs to be done sooner than the June meeting, a teleconference needs to be scheduled before then. Monday, May 13, 2019 after 11 a.m. was selected as the date to hold the teleconference meeting.

XVII. Adjourn

The meeting adjourned at 3:55 p.m.

PUBLIC PRESENT

Daniel Burillo, SD Managed

Jeff Canfield, Association of Engineering Geologists

Hugh Robertson, Association of Engineering Geologists

Matt Summers, Los Angeles Department of Water and Power

Rob McMillan, California Land Surveyors Association

Steve Hao, CalTrans

Carl Josephson, SEAOC

DRAFT

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

Monday, May 13, 2019, beginning at 1:00 p.m.

Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive
3rd Floor Conference Room
Sacramento, CA 95833

Glenn County Public Works
777 N. Colusa Street
Willows, CA 95988

Elihu Harris Building
1515 Clay Street, Room 14
Oakland, CA 94612-1499

Los Angeles City Hall
200 N Spring Street, Room 1050
Los Angeles, CA 90012

City of Seaside
440 Harcourt Avenue, Conference Room
Seaside, CA 93955

Rick Engineering Company
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

CalTrans District 11
4050 Taylor Street
Breakout Room 1-127
San Diego, CA 92110

Board Members Present: Mohammad Qureshi, President; Fel Amistad, Vice President; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Frank Ruffino; Robert Stockton; and Steve Wilson

Board Members Absent: Natalie Alavi; Alireza Asgari; Jerry Silva

Board Staff Present: Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); and Reza Pejuhesh (Legal Counsel)

I. Roll Call to Establish a Quorum

President Qureshi called the meeting to order at 1:01 p.m., and a quorum was established.

II. Public Comment for Items Not on the Agenda

During public comment, Jennifer Horn representing ACEC, introduced herself.

III. Consideration of Rulemaking Proposal

- A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 (Fees); to Amend Title 16, California Code of Regulations section 410 (Certificates); and to Adopt to Title 16, California Code of Regulations section 3010 (Certificates)

Ms. Eissler reminded the Board that it had approved this regulatory proposal, including the specific fees, at the November 2018 meeting, and that the presentation at that meeting included the supporting documentation for the specific fees proposed. She explained that the Board needs to approve the actual proposed language in order to begin the pre-notice review process.

MOTION: It was moved by Mr. King and seconded by Mr. Wilson that the Board approve the proposed language to amend Title 16, California Code of Regulations sections 407, 410, and 3005 and to adopt Title 16, California Code of Regulations section 3010. The Board further directs staff to begin the pre-notice review process and the official rulemaking process with the understanding that, if there are any substantive changes to the language during the pre-notice review process, it will then be returned to the Board for consideration and approval prior to beginning the official rulemaking process. In approving the proposed language, and the overall regulatory proposals, the Board acknowledges the policy considerations expressed in this proposal and that it anticipates the standardized fee structure proposed will foster an affordable path to licensure, align fees with the full cost of operational services, and set fees to facilitate the effective administration of the Board while meeting the needs of the public, applicants, and licensees.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi, Fel Amistad, Duane Friel, Andrew Hamilton, Kathy Jones Irish, Eric Johnson, Coby King, Betsy Mathieson, Frank Ruffino, Robert Stockton, and Steve Wilson voted in favor of the motion.

IV. Discussion of Legislation for 2019

AB 544 Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

MOTION: It was moved by Mr. Ruffino and seconded by Ms. Irish that the Board oppose AB 544, as amended March 21, 2019.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi, Fel Amistad, Duane Friel, Andrew Hamilton, Kathy Jones Irish, Eric Johnson, Coby King, Betsy Mathieson, Frank Ruffino, Robert Stockton, and Steve Wilson voted in favor of the motion.

AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists
No action necessary at this time.

SB 53 Open meetings.
No action necessary at this time.

SB 339 Land surveyors.

MOTION: It was moved by Vice-President Amistad and seconded by Mr. Johnson to support SB 339, as amended April 29, 2019, and to direct staff to request that similar provisions be added to the Professional Engineers Act and the Geologist and Geophysicist Act.

VOTE: 11-0, Motion Carried.

AYE: Members Mohammad Qureshi, Fel Amistad, Duane Friel, Andrew Hamilton, Kathy Jones Irish, Eric Johnson, Coby King, Betsy Mathieson, Frank Ruffino, Robert Stockton, and Steve Wilson voted in favor of the motion.

SB 556 Professional land surveyors and engineers.

Mr. Friel recused himself and left room during the discussion of this item.

MOTION: It was moved by Ms. Mathieson and seconded by Mr. Wilson to oppose SB 556, as amended April 29, 2019.

VOTE: 9-0-1, Motion Carried.

AYE: Members Mohammad Qureshi, Fel Amistad, Andrew Hamilton, Kathy Jones Irish, Eric Johnson, Coby King, Betsy Mathieson, Robert Stockton, and Steve Wilson voted in favor of the motion.

ABSTENTIONS: Frank Ruffino

RECUSALS: Duane Friel

V. Approval of Board Meeting Minutes

A. Approval of Amendments to the Minutes of the November 1, 2018, Board Meeting

Ms. Lang arrived at 1:31 p.m.

MOTION: It was moved by Mr. Wilson and seconded by Vice-President Amistad to approve the November 1, 2018, minutes as amended.

VOTE: 6-0-6

AYE: Members Mohammad Qureshi, Fel Amistad, Eric Johnson, Coby King, Betsy Mathieson, and Steve Wilson voted in favor of the motion.

ABSTENTIONS: Duane Friel, Andrew Hamilton, Kathy Jones Irish, Asha Lang, Frank Ruffino, and Robert Stockton

VI. Closed Session – The Board met in Closed Session to discuss:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
1. Executive Officer Performance Evaluation

VII. Adjourn

The meeting adjourned at 1:53 p.m.

PUBLIC PRESENT

Bob DeWitt, ACEC

Jennifer Horn, ACEC

XVI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

- A. August 8-9, 2019, Board Meeting will be held in Santa Rosa at the Judge Joseph Rattigan Building, 50 D Street, Conference Room 410 Santa Rosa, CA 95404

XVII. Adjourn

