



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

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, August 8, 2019 beginning at 9:00 a.m.
and continuing on Friday, August 9, 2019
beginning at 9:00 a.m., if necessary

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

TABLE OF CONTENTS

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

BOARD MEETING

AUGUST 8-9, 2019

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

BOARD MEMBERS

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

I. Roll Call to Establish a Quorum	7
II. Pledge of Allegiance	9
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.	11
IV. Request from Professional Engineers in California Government (PECG) that the Board Remove its Opposition to the Creation of Title Act Licenses (Possible Action)	13
V. Administration A. Fiscal Year 2017/18 Budget Status B. Fiscal Year 2018/19 Budget Report C. Fiscal Year 2019/20 Budget Report	21
VI. 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	27 29 31 57 61 75 81 89
VII. Enforcement A. Enforcement Statistical Reports 1. Fiscal Year 2018/19 Update	103
VIII. Exams/Licensing A. Update on 2019 Examinations – First and Second Quarter Examination Results	111
IX. Executive Officer's Report	121

A. Rulemaking Status Report	123
B. Update on Board's Business Modernization/PAL Process	124
C. Personnel	
D. ABET	
1. Status of Board Observer Assignments for Fall 2019	
E. Association of State Boards of Geology (ASBOG)	
F. National Council of Examiners for Engineering and Surveying (NCEES)	127
1. Annual Meeting Motions (Possible Action)	
a. Advisory Committee on Council Activities (ACCA) Motion 2 – Relating to Proxy Voting	
b. Education Committee Motion 1 – Relating to Engineering Technology Degrees	
c. Committee on Examination Policy and Procedures (EPP) Motion 1 – Relating to Exam Irregularity Procedures	
d. EPP Motion 2 – Relating to the Naming of Examinations in the <i>Manual of Policy and Position Statements</i>	
e. EPP Motion 3 – Relating to the Procedures for Reinstatement of Examinations in the <i>Manual of Policy and Position Statements</i>	
f. Finance Committee Motions 4 and 5 and Board of Directors Motion 1 – Relating to Funding Delegates to Meetings and Zone Meeting Budgeting and Finances	
g. Surveying Exam Module Task Force Motion 1 – Relating to the Restructuring of the Professional Surveyor Exam into Separately-Scored Divisions	
G. Update on Outreach Efforts	167
X. Technical Advisory Committees (TACs)	173
A. Assignment of Items to TACs (Possible Action)	
B. Appointment of TAC Members (Possible Action)	175
C. Reports from the TACs (Possible Action)	
XI. President's Report/Board Member Activities	177
XII. Approval of Meeting Minutes (Possible Action)	179
A. Approval of the Minutes of the June 13, 2019, Board Meeting	
XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting	191
A. September 26-27, 2019, Board Meeting will be held in San Diego at CalTrans District 11.	
XIV. Closed Session – The Board will meet in Closed Session to discuss, as needed:	193
A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]	
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. <u>Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786</u>	

XV. Open Session to Announce the Results of Closed Session

195

XVI. Adjourn

197

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. Request from Professional Engineers in California Government (PECG) that
the Board Remove its Opposition to the Creation of Title Act Licenses**

Request from Professional Engineers in California Government (PECG) that the Board Remove Its Opposition to the Creation of Title Act Licenses

The Professional Engineers in California Government (PECG) has submitted the following letter to the Board requesting that the Board remove its opposition to the creation of Title Act licenses, especially for the creation of a Title Act license for “Environmental Engineer.” PECG is the State bargaining unit (“union”) that represents individuals employed by the State of California in various engineering classifications (as well as other related professions).

As PECG notes in the letter, PECG sponsored legislation (Assembly Bill (AB) 320 (Wilk)) in 2015 to create a new discipline of professional engineer license for environmental engineers. This new license would have restricted the use of the title “Environmental Engineer” to only those individuals licensed by the Board in that discipline [although later amendments to the bill would have allowed civil, electrical, and mechanical engineers to also use that title without having to obtain a second license]. The Board opposed this legislation based on its opposition to the creation a new Title Act licenses in any discipline.

Although there is no similar legislation currently pending, PECG is asking the Board to rescind its opposition to the creation of a new Title Act license for environmental engineers.

PECG states in its letter that there is even more need for an environmental engineer Title Act license because “thousands of California engineers currently provide essential environmental engineering services to all levels of government, private industry and the public” and notes that they do so without “licensure or regulation.” It is important to note that the creation of a Title Act license would not regulate who could provide environmental engineering services; it would only regulate who could use the title “Environmental Engineer.”

The mission of the Board is to protect the health, safety, welfare, and property of the public by promoting standards for competence and integrity through licensing and regulation of the Board's professions. Licenses and certificates currently regulated by the Board are comprised of three primary categories: Practice Acts, Title Acts, and Title Authorities. Practice Act licenses indicate that both the actual practice and the use of the title are regulated. Title Act licenses indicate that only the use of the title is regulated, but the actual practice is not. Title Authorities represent additional authorities obtained by an individual that is subsequent to and in concurrence with a Practice Act license.

For over 25 years, the Board has held the position that restricting only the use of the title without also regulating the associated practice does not provide sufficient public protection. Based on that position, the Board has been opposed to the creation of new Title Act licenses in any discipline. The Board reconfirmed this position in 2015 when it voted to oppose AB 320.

PECG claims that 48 other states offer a licensing path for environmental engineers. In actuality, 48 other states administer the National Council of Examiners for Engineering and Surveying (NCEES) examination on the principles and practices of environmental engineering. However, 44 of those states issue a “professional engineer” license that is not discipline-specific, and it is solely the licensee’s responsibility to practice in the area of his or her expertise and competency, regardless of the discipline in which he or she has experience or was examined. In California, licenses are issued by discipline, based on the person’s experience and examination.

Furthermore, PECG indicates that the Board would be able to adopt through the regulatory process a definition of “environmental engineering.” Additionally, PECG suggests that the Board could “adopt the national standardized examination materials applicable to environmental engineering,” presumably meaning that the Board would use the NCEES environmental engineering examination. PECG also claims that creating a new Title Act license would not require the expenditure of any State General or Special Fund monies because the fees paid by the applicants would cover the cost of licensure.

However, before the Board could determine if the NCEES environmental engineering examination would be appropriate, the Board would need to conduct an occupational analysis to develop the definition of environmental engineering. Since environmental engineering itself would not be a regulated practice, the Board would have to ensure that the definition did not overlap with regulated practices, such as civil engineering and geology. In 2015, the Board was concerned that the resulting definition would be so narrow in scope that it would preclude people from having the required experience needed to qualify for licensure. Furthermore, at the time, the Board estimated that it would cost \$60,000 and \$150,000 to perform the occupational analysis to develop the definition. Once the definition was adopted, the Board would then be able to decide if the NCEES environmental engineering examination would be appropriate for licensure in California, or if it would need to develop its own examination. If it were to be determined that the NCEES examination was not appropriate and the Board had to develop its own examination, the costs incurred by the Board could range from \$100,000 to \$200,000. All of these costs would have to be paid for by the Board through its fund prior to the creation of the new Title Act license and before any applicant fees could be charged or collected.

Restricting the use of a title without regulating the associated practice does not provide sufficient protection for the public. Although the Board would be able to investigate and take disciplinary action against the holder of a Title Act license, the Board would not be able to prevent the person from continuing to practice. For example, if the Board were to issue an administrative disciplinary decision that found that a person licensed in a Title Act discipline practiced incompetently, the Board could order the revocation of the license. The person would then be prohibited from using the title associated with the revoked license; however, they would be able to continue practicing (incompetently), and there would be no further action the Board could take to protect the public. If the Board revokes a Practice Act license, the person is prohibited from continuing to practice, and if they do so, the Board has remedies against unlicensed practice, such as issuing citations or

requesting that criminal charges be filed. These are not options available with the Title Act licenses unless the person continues to use the title after the license is revoked.

STAFF RECOMMENDATION:

Staff recommends that the Board, by motion, reconfirm its opposition to the creation of new license categories in which only the use of the title is restricted and the associated practice is not regulated.



June 20, 2019

Mohammad Qureshi
President, Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

RE: Board Support for an Environmental Engineer Title Act

Dear President Qureshi:

On behalf of the Professional Engineers in California Government (PECG), I write to encourage the Board for Professional Engineers, Land Surveyors, and Geologists (Board) to support the establishment of an environmental engineer title act. In 2015, you may recall, PECG sponsored AB 320 (Wood) to create a new environmental engineer title act.

Regrettably, the Board officially opposed that legislation. The need for an environmental engineer title act grows more apparent every day and we urge you to officially rescind your opposition to this license.

Over the past few decades, the study and practice of environmental engineering has expanded greatly throughout the nation. Despite leading the way in environmental remediation programs, including our significant actions to address global climate change, the State of California is an anomaly in that it does not currently offer a pathway for the licensure of environmental engineers. Many colleges in California have accredited environmental engineering programs and thousands of California engineers currently provide essential environmental engineering services to all levels of government, private industry and the public. They do so, unfortunately, without official licensure or regulation.

As programs of environmental mitigation and protection continue to expand in scope and complexity for our air, water, and soil -- testing and certification of environmental engineers is needed to establish benchmarks for competency to help protect and safeguard the public.

The Board was created and exists to safeguard the life, health, property and public welfare by regulating the practice of professional engineering. The Board provides this public service by testing and licensing individuals, establishing regulations, enforcing laws and regulations, and providing information so that consumers can make informed decisions.

In the early 1970's, the Board created title acts in the branches of agriculture, control system, corrosion, fire protection, manufacturing, nuclear, quality, safety and traffic. At that time,

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LOS ANGELES: 215 N. Marengo Avenue, Suite 185, Pasadena, CA 91101 • (818) 500-9941
SAN FRANCISCO: 100 Pine Street, Suite 750, San Francisco, CA 94111 • (415) 861-5720

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

In California, Professional Engineers are licensed in the three (3) practice act categories of civil, electrical and mechanical engineering, and licensed in the ten (10) title act categories of agricultural, chemical, control system, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, and traffic engineering. Forty-eight other states currently test and provide a licensing path for environmental engineers. Hawaii and California currently do not.

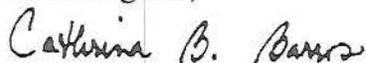
Environmental engineering is the branch of engineering which understands and applies engineering principles in the areas of solid waste management, water supply and treatment, wastewater treatment, air pollution management, hazardous waste management and related environmental and public health impact, assessment, and mitigation including the physical, chemical and biological processes by which pollutants form, release, disperse, react or neutralize in air, water or soil.

PECG urges the Board to remove its opposition to the creation of an environmental engineer title act. Under any legislation to create this license, the Board would be responsible for defining “environmental engineering” through rulemaking (adding to the definitions found in Title 16 CCR §404). This is the same process used to define the other title acts.

We would suggest that the Board adopt the national standardized examination materials applicable to environmental engineering, similar to what is done in testing for other branches of engineering. Creating a new environmental engineering title will not require the expenditure of any general or special funds. Just as is the case with other practice and title act licensees, applicant fees will cover the cost of license and registration.

Thank you for your consideration of this request. Adoption of an environmental engineer title act will enhance public safety for all consumers receiving environmental engineer services. If you would like to discuss this matter, or have questions, please call Ted Toppin at 916/446-0400.

Warm Regards,



Cathrina Barros
PECG President

cc: Governor Gavin Newsom
Alexis Podesta, Secretary – Business, Consumer Affairs and Housing Agency
Christopher Shultz, Chief Deputy Director, Department of Consumer Affairs
Keeley Bosler, Director, Department of Finance
Assembly Member Jim Wood
Ric Moore, Executive Director, Board for Professional Engineers, Land Surveyors and Geologists

V. Administration

- A. Fiscal Year 2017/18 Budget Status
- B. Fiscal Year 2018/19 Budget Report
- C. Fiscal Year 2019/20 Budget Report

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

Prepared 7/26/19

	FY 2017-18 Month 10 (7/17-4/18)	FY 2018-19 Month 10 (7/18-4/19)	% Change	FY 2018-19 FM 1 Projections	FY 2018-19 Updated Projections	% Change
Revenue						
Applications/Licensing Fees	1,213,988	1,438,845	19%	1,643,000	1,730,518	5%
1 Renewal fees	6,734,818	6,135,690	-9%	6,310,000	6,353,014	1%
2 Delinquent fees	73,905	63,487	-14%	90,000	71,198	-21%
Other & Reimbursements	196,553	136,686	-30%	138,000	164,829	19%
3 Interest	95,798	90,461	-6%	97,000	90,461	-7%
Total Revenue:	8,315,062	7,865,168	-5%	8,278,000	8,410,020	2%
Expense						
Personnel Services:						
4 Salary & Wages (Staff)	2,250,381	2,327,269	3%	2,707,527	2,812,093	4%
Temp Help	112,263	81,020	-28%	53,212	106,556	100%
Statutory Exempt (EO)	103,420	107,560	4%	134,037	129,072	-4%
Board Member Per Diem	6,500	7,800	20%	17,200	10,920	-37%
Overtime/Flex Elect/Lump Sum	62,856	14,064	-78%	27,866	17,018	-39%
Staff Benefits	1,328,958	1,342,316	1%	1,552,500	1,627,865	5%
Total Personnel Services	3,864,378	3,880,029	0%	4,492,342	4,703,524	5%
Operating Expense and Equipment:						
General Expense	38,507	54,657	42%	72,905	64,905	-11%
5 Printing	9,148	8,290	-9%	120,505	8,290	-93%
Communication	20,487	20,315	-1%	28,270	28,860	2%
Postage	26,406	20,103	-24%	42,948	20,338	-53%
Insurance	19,373	0	0%	19,373	0	-100%
Travel In State	59,636	39,511	-34%	37,281	48,719	31%
Travel, Out-of-State	1,425	0	0%	0	0	0%
Training	145	775	434%	930	775	-17%
Facilities Operations	311,718	325,549	4%	414,665	390,083	-6%
6 C & P Services - Interdept.	274,042	594,225	117%	704,486	685,238	-3%
7 C & P Services - External	980,195	1,645,616	68%	1,677,814	1,737,593	4%
8 DCA Pro Rata	1,476,236	0	0%	2,009,000	2,091,400	4%
DOI - Investigations	0	0	0%	336,000	336,000	0%
Interagency Services	0	15,474	100%	27,000	19,896	-26%
Consolidated Data Center	15,615	28,442	82%	22,000	34,763	58%
Information Technology	6,934	23,075	233%	7,961	23,075	190%
Equipment	246	6,476	2528%	0	6,476	0%
9 Other Items of Expense	41	10,225	24669%	0	10,225	0%
10 Plan of Financial Adjustment	0	2,091,400	0%	0	0	0%
Total OE&E	3,240,153	4,884,132	51%	5,521,138	5,506,636	0%
Total Expense:	7,104,531	8,764,161	23%	10,013,481	10,210,160	2%
Total Revenue:	8,315,062	7,865,168		8,278,000	8,410,020	
Total Expense:	7,104,531	8,764,161		10,013,481	10,210,160	
Difference:	1,210,531	(898,993)		(1,735,481)	(1,800,140)	

Financial Statement Notes

- 1 Renewal fees** - Internal tracking indicates \$6.1 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.
- 2 Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 3 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.
- 4 Salary & Wages (Staff)** - The projected expenditure increase for salaries and wages is due to new hires. The Board has filled the following positions: SSA, PT II, 2.0 AGPA's and Senior Registrar - Civil.
- 5 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.
- 6 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.
- 7 C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing).
- 8 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 9 Other Items of Expense**- Tort payment which includes damages unrelated to physical or personal injury (exclusive of attorney's fees)
- 10 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 estimates the PFA is DCA Pro Rata.

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

Prepared 7.16.2019

Analysis of Fund Condition

(Dollars in Thousands)

2019-2020 Budget Act	Budget				
	PY 2017-18	PY 2018-19	Act CY 2019-20	BY 2020-21	BY + 1 2021-22
BEGINNING BALANCE	\$ 10,042	\$ 7,955	\$ 6,238	\$ 2,757	\$ -2,412
	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,042	\$ 7,955	\$ 6,238	\$ 2,757	\$ -2,412
REVENUES AND TRANSFERS					
4121200 Delinquent fees	\$ 88	\$ 71	\$ 88	\$ 72	\$ 89
4127400 Renewal fees	\$ 6,851	\$ 6,353	\$ 6,891	\$ 6,891	\$ 6,891
4129200 Other regulatory fees	\$ 124	\$ 165	\$ 109	\$ 109	\$ 109
4129400 Other regulatory licenses and permits	\$ 1,643	\$ 1,731	\$ 1,646	\$ 1,646	\$ 1,646
4163000 Income from surplus money investments	\$ 97	\$ 212	\$ 163	\$ -	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13
4172500 Miscellaneous revenues	\$ 10	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,826	\$ 8,546	\$ 8,911	\$ 8,732	\$ 8,749
Revenue Transfer from Geology/General Fund	\$ -		\$ 1,134		
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 800	\$ -	\$ -	\$ -
	\$ 8,826	\$ 9,346	\$ 10,045	\$ 8,732	\$ 8,749
Totals, Resources	\$ 18,868	\$ 17,301	\$ 16,283	\$ 11,489	\$ 6,337
EXPENDITURES					
1111 Department of Consumer Affairs (State Operations)	\$ 10,214	\$ 10,210	\$ 12,499	\$ 12,874	\$ 13,260
8880 Financial Information System for CA (State Operations)	\$ 15	\$ 1	\$ -1	\$ -1	\$ -1
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 98	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 684	\$ 753	\$ 819	\$ 819	\$ 819
Total Disbursements	\$ 10,913	\$ 11,062	\$ 13,526	\$ 13,901	\$ 14,287
FUND BALANCE	\$ 7,955	\$ 6,238	\$ 2,757	\$ -2,412	\$ -7,950
Months in Reserve	8.6	5.5	2.4	-2.0	-6.5

CURRENT YEAR 2019-20 APPROPRIATION
AUTHORITY

GOVERNOR'S
BUDGET

CIVIL SERVICE PERM/EXEMPT SALARIES	\$ 3,131,000
TEMP HELP, BD. MBRS. & COMM. MBRS., OVERTIME	\$ 268,000
BENEFITS	\$ 1,596,000
TOTALS, PERSONAL SERVICES	\$ 4,995,000
GENERAL OE&E	\$ 526,000
C & P SVCS -INTERDEPARTMENTAL	\$ 85,000
C & P SVCS - EXTERNAL	\$ 954,000
DEPARTMENT PRORATA	\$ 1,803,000
EXAM EXPENSES SUBTOTAL	\$ 3,104,000
ENFORCEMENT EXPENSES SUBTOTAL	\$ 1,049,000
TOTALS, OPERATING EXPENSES & EQUIPMENT	\$ 7,521,000
TOTALS, EXPENDITURES	\$ 12,516,000

VI. 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 Appropriations Committee 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: 7/24/19

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~~ *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.~~

O

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

Status: 7/10/2019 – Failed Deadline pursuant to Rule 61(a)(10). (Last location was B., P. & E.D. on 5/8/2019) (May be acted upon Jan 2020)

Location: 7/10/2019 – Senate 2 YEAR

Introduced: 2/14/2019

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

Board Staff Analysis: 7/24/19

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: 7/8/2019 – From committee: Do pass and re-refer to Senate Appropriations Committee; scheduled for hearing on 8/12/19

Location: 7/8/2019 – Senate Appropriations Committee

Amended: 6/25/2019

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

Board Staff Analysis: 7/24/19

Bill Summary: Current law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. Existing law requires the board to appoint an executive officer. Current law repeals the provisions establishing the board, requiring the board to appoint an executive officer, and vesting the board with the power to administer these provisions on January 1, 2020. This bill would extend these repeal dates to January 1, 2024.

Staff Comment: The bill was amended on June 25, 2019, to include all of the amendments requested by the Board. Although the Board previously took a position of support with the understanding that the amendments would be made as requested, staff recommends that the Board take a position of support now that the amendments are in print.

Staff Recommendation: Support as amended 6/25/19

Laws: An act to amend Sections 6710, 6714, 6775.2, 6787, 6788, 7830, 7830.1, 7860.2, 7872, 8710, 8727, 8780.2, and 8792 of, to add Section 7860.1 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE JUNE 25, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1522

**Introduced by ~~Committee on Business and Professions~~ Assembly
Member Low**

February 22, 2019

An act to amend ~~Section 6710 and 6714 of Sections 6710, 6714, 6775.2, 6787, 6788, 7830, 7830.1, 7860.2, 7872, 8710, 8727, 8780.2, and 8792 of, to add Section 7860.1 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as amended, ~~Committee on Business and Professions~~ *Low*. Board for Professional Engineers, Land Surveyors, and ~~Geologists~~. *Geologists: licensees*.

Existing

(1) *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, engineers under the Professional Engineers Act, to license and regulate land surveyors, surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists and authorizes under the Geologist and Geophysicist Act. Existing law requires the board to appoint an executive officer. Existing law officer. Existing law repeals these~~ the provisions establishing the board, requiring the board to appoint an executive officer, and vesting the board with the power to administer 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 these repeal dates to January 1, 2024.~~

(2) The Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act contain provisions that make it a cause for disciplinary action for a licensee to fail or refuse to respond to a request by the board to cooperate in an investigation of a complaint against the licensee. Existing law repeals those provisions on January 1, 2020.

This bill would instead make it a cause for disciplinary action for a licensee to fail or refuse to respond to a request by the board in an investigation of a complaint against the licensee and would extend the operation of those provisions indefinitely.

(3) The Professional Engineers Act makes it a misdemeanor for a person to impersonate or use the seal of a licensed professional engineer.

This bill would also make it a misdemeanor for a person to use the signature or license number of a licensed professional engineer or use a false license number.

(4) The Geologist and Geophysicist Act makes it unlawful for anyone other than a licensed specialty geologist or licensed geophysicist to use certain titles. The act also makes it a misdemeanor for a person to impersonate or use the seal of any other practitioner.

This bill would also make it unlawful to use a combination of the words and phrases or abbreviations that are restricted pursuant to the aforementioned provisions and would make it a misdemeanor for a person to use the license number of a licensee or use a false license number.

(5) The Geologist and Geophysicist Act provides for certification as a geologist-in-training by the board upon application and satisfaction of specified requirements.

This bill would authorize the board to investigate the actions of a geologist-in-training, make findings, and, by majority vote, revoke the certificate of a geologist-in-training for specified acts, including conviction of certain crimes.

(6) The Professional Land Surveyors' Act specifies that surveys made exclusively for geological or landscaping purposes that do not involve the determination of any property line do not constitute surveying for purposes of the act. The act also makes it a misdemeanor to impersonate

or use the seal of a professional land surveyor or to use an expired, suspended, or revoked license.

This bill would exclude from the act's provisions a survey specified above only if the survey is performed by a person authorized to practice geology or licensed to practice landscape architecture. The bill would make it a misdemeanor to use the signature or license number of a professional land surveyor or to use a surrendered license or a false license number.

(7) This bill would make other conforming and nonsubstantive changes to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, including deleting an obsolete reporting requirement.

(8) Because the bill would expand the scope of crimes under those acts, the bill would impose a state-mandated local program.

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

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

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

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

1 *SECTION 1. Section 6704.1 of the Business and Professions*
2 *Code is repealed.*

3 ~~6704.1. (a) The Department of Consumer Affairs, in~~
4 ~~conjunction with the board, and the Joint Committee on Boards,~~
5 ~~Commissions, and Consumer Protection shall review the~~
6 ~~engineering branch titles specified in Section 6732 to determine~~
7 ~~whether certain title acts should be eliminated from this chapter,~~
8 ~~retained, or converted to practice acts similar to civil, electrical,~~
9 ~~and mechanical engineering, and whether supplemental engineering~~
10 ~~work should be permitted for all branches of engineering. The~~
11 ~~department shall contract with an independent consulting firm to~~
12 ~~perform this comprehensive analysis of title act registration.~~

13 ~~(b) The independent consultant shall perform, but not be limited~~
14 ~~to, the following: (1) meet with representatives of each of the~~
15 ~~engineering branches and other professional groups; (2) examine~~

1 the type of services and work provided by engineers in all branches
2 of engineering and interrelated professions within the marketplace,
3 to determine the interrelationship that exists between the various
4 branches of engineers and other interrelated professions; (3) review
5 and analyze educational requirements of engineers; (4) identify
6 the degree to which supplemental or “overlapping” work between
7 engineering branches and interrelated professions occurs; (5)
8 review alternative methods of regulation of engineers in other
9 states and what impact the regulations would have if adopted in
10 California; (6) identify the manner in which local and state agencies
11 utilize regulations and statutes to regulate engineering work; and
12 (7) recommend changes to existing laws regulating engineers after
13 considering how these changes may affect the health, safety, and
14 welfare of the public.

15 (e) The board shall reimburse the department for costs associated
16 with this comprehensive analysis. The department shall report its
17 findings and recommendations to the Legislature by September 1,
18 2002.

19 **SECTION 1.**

20 *SEC. 2.* Section 6710 of the Business and Professions Code is
21 amended to read:

22 6710. (a) There is in the Department of Consumer Affairs a
23 Board for Professional Engineers, Land Surveyors, and Geologists,
24 which consists of 15 members.

25 (b) Any reference in any law or regulation to the Board of
26 Registration for Professional Engineers and Land Surveyors, or
27 the Board for Professional Engineers and Land Surveyors, is
28 deemed to refer to the Board for Professional Engineers, Land
29 Surveyors, and Geologists.

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

34 ~~**SEC. 2.**~~

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

37 6714. The board shall appoint an executive officer at a salary
38 to be fixed and determined by the board with the approval of the
39 Director of Finance.

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

3 *SEC. 4. Section 6775.2 of the Business and Professions Code*
4 *is amended to read:*

5 6775.2. ~~(a)~~ The failure of, or refusal by, a licensee or a
6 certificate holder to respond to a written request from a
7 representative of the board to cooperate in the investigation of a
8 complaint against that licensee or certificate holder constitutes a
9 cause for disciplinary action under Section 6775 or 6775.1.

10 ~~(b) This section shall remain in effect only until January 1, 2020,~~
11 ~~and as of that date is repealed.~~

12 *SEC. 5. Section 6787 of the Business and Professions Code is*
13 *amended to read:*

14 6787. ~~Every~~ A person who does any of the following is guilty
15 of a misdemeanor:

16 (a) ~~Who, unless he or she~~ Unless the person is exempt from
17 licensure under this chapter, ~~practices or offers practice or offer~~
18 to practice civil, electrical, or mechanical engineering in this state
19 according to the provisions of this chapter without legal
20 authorization.

21 (b) ~~Who presents~~ Present or attempts attempt to file as his or
22 her the person's own the certificate of licensure of a licensed
23 professional engineer unless he or she is they are the person named
24 on the certificate of licensure.

25 (c) ~~Who gives~~ Give false evidence of any kind to the board, or
26 to any member thereof, board member, in obtaining a certificate
27 of licensure.

28 (d) ~~Who impersonates~~ Impersonate or uses use the seal seal,
29 signature, or license number of a licensed professional engineer.
30 engineer or use a false license number.

31 (e) ~~Who uses~~ Use an expired, suspended, surrendered, or
32 revoked certificate issued by the board. license.

33 (f) ~~Who represents himself or herself~~ Represent themselves as,
34 or uses the title of, a licensed or registered civil, electrical, or
35 mechanical engineer, or any other title whereby that person could
36 be considered as practicing or offering to practice civil, electrical,
37 or mechanical engineering in any of its branches, unless he or she
38 is they are correspondingly qualified by licensure as a civil,
39 electrical, or mechanical engineer under this chapter.

1 (g) ~~Who, unless~~ *Unless* appropriately licensed, ~~manages, or~~
2 ~~conducts~~ *manage, or conduct* as manager, proprietor, or agent,
3 any place of business from which civil, electrical, or mechanical
4 engineering work is solicited, performed, or practiced, except as
5 authorized pursuant to subdivision ~~(d)~~ *(e)* of Section 6738 and
6 Section 8726.1.

7 (h) ~~Who uses~~ *Use* the title, or any combination of that title, of
8 “professional engineer,” “licensed engineer,” “registered engineer,”
9 or the branch titles specified in Section 6732, or the authority titles
10 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
11 or ~~who makes~~ use of any abbreviation of that title that might lead
12 to the belief that ~~he or she~~ *the person* is a licensed engineer, is
13 authorized to use the titles specified in Section 6736 or 6736.1, or
14 holds a certificate as an engineer-in-training, without being
15 licensed, authorized, or certified as required by this chapter.

16 (i) ~~Who uses~~ *Use* the title “consulting engineer” without being
17 licensed as required by this chapter or without being authorized
18 to use that title pursuant to legislation enacted at the 1963, 1965
19 or 1968 Regular Session.

20 (j) ~~Who violates~~ *Violate* any provision of this chapter.

21 *SEC. 6. Section 6788 of the Business and Professions Code is*
22 *amended to read:*

23 6788. Any person who violates any provision of subdivisions
24 (a) to ~~(i)~~, *(j)*, inclusive, of Section 6787 in connection with the
25 offer or performance of engineering services for the repair of
26 damage to a residential or nonresidential structure caused by a
27 disaster for which a state of emergency is proclaimed by the
28 Governor pursuant to Section 8625 of the Government Code, or
29 for which an emergency or major disaster is declared by the
30 President of the United States, shall be punished by a fine up to
31 ten thousand dollars (\$10,000), or by imprisonment pursuant to
32 subdivision (h) of Section 1170 of the Penal Code for 16 months,
33 or for two or three years, or by both the fine and imprisonment, or
34 by a fine up to one thousand dollars (\$1,000), or by imprisonment
35 in a county jail not exceeding one year, or by both the fine and
36 imprisonment.

37 *SEC. 7. Section 7830 of the Business and Professions Code is*
38 *amended to read:*

39 7830. It is unlawful for anyone other than a geologist ~~registered~~
40 *licensed* under this chapter to stamp or seal any plans,

1 specifications, plats, reports, or other documents with the seal or
2 stamp of a professional geologist or ~~registered licensed~~ certified
3 specialty geologist, or to use in any manner the title “professional
4 geologist” or the title of any ~~registered licensed~~ certified specialty
5 ~~geologist unless registered or registered and certified~~ *geologist,*
6 *or any combination of the words and phrases or abbreviations*
7 *thereof, unless licensed, or licensed and certified,* under this
8 chapter.

9 *SEC. 8. Section 7830.1 of the Business and Professions Code*
10 *is amended to read:*

11 7830.1. It is unlawful for ~~anyone~~ *any person* other than a
12 geophysicist ~~registered licensed~~ under this chapter to stamp or seal
13 any plans, specifications, plats, reports, or other documents with
14 the seal or stamp of a ~~registered licensed~~ geophysicist, professional
15 geophysicist, or ~~registered licensed~~ certified specialty geophysicist,
16 or to use in any manner the title “registered geophysicist,”
17 “professional geophysicist,” or the title of any registered certified
18 specialty ~~geophysicist unless registered, or registered~~ *geophysicist,*
19 *or any combination of the words and phrases or abbreviations*
20 *thereof, unless the person is licensed, or licensed and certified,*
21 under this chapter.

22 *SEC. 9. Section 7860.1 is added to the Business and Professions*
23 *Code, to read:*

24 7860.1. *The board may, upon its own initiative or upon the*
25 *receipt of a complaint, investigate the actions of any*
26 *geologist-in-training and make findings. By a majority vote, the*
27 *board may revoke the certificate of any geologist-in-training who*
28 *does any of the following:*

29 (a) *Has been convicted of a crime as defined in subdivision (a)*
30 *of Section 480.*

31 (b) *Committed an act that would be grounds for denial of a*
32 *license pursuant to Section 480 or 496.*

33 (c) *Committed an act of fraud, deceit, or misrepresentation in*
34 *obtaining their geologist-in-training certificate or license as a*
35 *professional geologist, certified specialty geologist, professional*
36 *geophysicist, or certified specialty geophysicist.*

37 (d) *Aids or abets any person in the violation of any provision*
38 *of this chapter or any regulation adopted by the board pursuant*
39 *to this chapter.*

1 (e) *Violates Section 119 with respect to a geologist-in-training*
2 *certificate.*

3 (f) *Commits any act described in Section 7872.*

4 (g) *Violates any provision of this chapter.*

5 *SEC. 10. Section 7860.2 of the Business and Professions Code*
6 *is amended to read:*

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

12 ~~(b) This section shall remain in effect only until January 1, 2020,~~
13 ~~and as of that date is repealed.~~

14 *SEC. 11. Section 7872 of the Business and Professions Code*
15 *is amended to read:*

16 7872. ~~Every~~ *A person who does any of the following is guilty*
17 *of a misdemeanor and for each offense of which he or she is*
18 *convicted is punishable by a fine of not more than one thousand*
19 *dollars (\$1,000) or by imprisonment not to exceed three months,*
20 *or by both fine and imprisonment:*

21 (a) ~~Who, unless he or she~~ *Unless the person is exempt from*
22 *registration licensure under this chapter, practices or offers to*
23 *practice geology or geophysics for others in this state according*
24 *to the provisions of this chapter without legal authorization.*

25 (b) ~~Who presents~~ *Presents or attempts to file as his or her their*
26 *own the certificate of registration of another. another person.*

27 (c) ~~Who gives~~ *Gives false evidence of any kind to the board, or*
28 *to any member thereof, board member, in obtaining a certificate*
29 *of registration.*

30 (d) ~~Who impersonates or uses the seal of any other practitioner.~~

31 (e) ~~Who uses an expired or revoked certificate of registration.~~

32 (d) *Impersonates or uses the seal, signature, or license number*
33 *of any professional geologist, certified specialty geologist,*
34 *professional geophysicist, or certified specialty geophysicist or*
35 *who uses a false license number.*

36 (e) *Uses an expired, suspended, surrendered, or revoked license.*

37 (f) ~~Who shall represent himself or herself~~ *Represents themselves*
38 *as, or use uses the title of, professional geologist, or any other title*
39 *whereby the person could be considered as practicing or offering*
40 *to practice geology for others, unless he or she the person is*

1 qualified by ~~registration~~ licensure as a professional geologist under
2 this chapter, or ~~who shall represent himself or herself~~ represents
3 themselves as, or ~~use~~ uses the title of, professional geophysicist,
4 or any other title whereby the person could be considered as
5 practicing or offering to practice geophysics for others, unless ~~he~~
6 ~~or she~~ the person is qualified by ~~registration~~ licensure as a
7 professional geophysicist under this chapter.

8 (g) ~~Who manages,~~ Unless the person is licensed, manages, or
9 conducts as manager, proprietor, or agent, any place of business
10 from which geological or geophysical work is solicited, ~~performed~~
11 performed, or practiced for others, unless the geological work is
12 supervised or performed by a professional geologist, or unless the
13 geophysical work is supervised or performed by a professional
14 geophysicist or geologist. *except as authorized pursuant to Section*
15 *7834.*

16 (h) *Uses the title, or any combination of that title, of*
17 *“professional geologist,” “registered geophysicist,” or*
18 *“professional geophysicist,” the title of any licensed certified*
19 *specialty geologist or any licensed certified specialty geophysicist,*
20 *or “geologist-in-training,” or who makes use of any abbreviation*
21 *of a title that might lead to the belief that the person is licensed*
22 *as a geologist, a geophysicist, a certified specialty geologist, or a*
23 *certified specialty geophysicist, or holds a certificate as a*
24 *geologist-in-training, without being licensed, licensed and certified,*
25 *or certified, as required by this chapter.*

26 ~~(h)~~

27 (i) ~~Who violates~~ Violates any provision of this chapter.

28 SEC. 12. Section 8710 of the Business and Professions Code
29 is amended to read:

30 8710. (a) The Board for Professional Engineers, Land
31 Surveyors, and Geologists is vested with power to administer the
32 provisions and requirements of this chapter, and may make and
33 enforce rules and regulations that are reasonably necessary to carry
34 out its provisions.

35 (b) The board may adopt rules and regulations of professional
36 conduct that are not inconsistent with state and federal law. The
37 rules and regulations may include definitions of incompetence and
38 negligence. Every person who holds a license or certificate issued
39 by the board pursuant to this chapter, or a license or certificate

1 issued to a civil engineer pursuant to Chapter 7 (commencing with
2 Section 6700), shall be governed by these rules and regulations.

3 (c) This section shall remain in effect only until January 1, ~~2020,~~
4 2024, and as of that date is repealed. Notwithstanding any other
5 law, the repeal of this section renders the board subject to review
6 by the appropriate policy committees of the Legislature.

7 *SEC. 13. Section 8727 of the Business and Professions Code*
8 *is amended to read:*

9 8727. Surveys made exclusively for geological ~~or landscaping~~
10 ~~purposes, which purposes performed by a person authorized to~~
11 ~~practice geology under Chapter 12.5 (commencing with Section~~
12 ~~7800) or exclusively for landscaping purposes performed by a~~
13 ~~person authorized to practice landscape architecture pursuant to~~
14 ~~Chapter 3.5 (commencing with Section 5615), that do not involve~~
15 the determination of any property line do not constitute surveying
16 within the meaning of this chapter.

17 *SEC. 14. Section 8780.2 of the Business and Professions Code*
18 *is amended to read:*

19 8780.2. ~~(a)~~ The failure of, or refusal by, a licensee or a
20 certificate holder to respond to a written request from a
21 representative of the board to ~~cooperate~~ in the investigation of a
22 complaint against that licensee or certificate holder constitutes a
23 cause for disciplinary action under Section 8780 or 8780.1.

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

26 *SEC. 15. Section 8792 of the Business and Professions Code*
27 *is amended to read:*

28 8792. ~~Every~~ A person who does any of the following is guilty
29 of a misdemeanor:

30 (a) ~~Who, unless he or she~~ Unless the person is exempt from
31 ~~licensing~~ licensure under this chapter, practices, or offers to
32 practice, land surveying in this state without legal authorization.

33 (b) ~~Who presents as his or her~~ Presents as their own the license
34 of a professional land surveyor unless ~~he or she is~~ they are the
35 person named on the license.

36 (c) ~~Who attempts~~ Attempts to file as ~~his or her~~ their own any
37 record of survey under the license of a professional land surveyor.

38 (d) ~~Who gives~~ Gives false evidence of any kind to the board,
39 or to any board member, in obtaining a license.

1 ~~(e) Who impersonates or uses the seal of a professional land~~
2 ~~surveyor.~~

3 *(e) Impersonates or uses the seal, signature, or license number*
4 *of a professional land surveyor or who uses a false license number.*

5 ~~(f) Who uses~~ *Uses* an expired, suspended, *surrendered*, or
6 *revoked* license.

7 ~~(g) Who represents himself or herself~~ *Represents themselves*
8 *as, or uses the title of, professional land surveyor, or any other title*
9 *whereby that person could be considered as practicing or offering*
10 *to practice land surveying, unless he or she the person is*
11 *correspondingly qualified by licensure as a land surveyor under*
12 *this chapter.*

13 ~~(h) Who uses~~ *Uses* the title, or any combination of that title, of
14 *“professional land surveyor,” “licensed land surveyor,” “land*
15 *surveyor,” or the titles specified in Sections 8751 and 8775, or*
16 *“land surveyor-in-training,” or who makes use of any abbreviation*
17 *of that title that might lead to the belief that he or she the person*
18 *is a licensed land surveyor or holds a certificate as a land*
19 *surveyor-in-training, without being licensed or certified as required*
20 *by this chapter.*

21 ~~(i) Who, unless~~ *Unless* appropriately licensed, manages, or
22 *conducts as manager, proprietor, or agent, any place of business*
23 *from which land surveying work is solicited, performed, or*
24 *practiced, except as authorized pursuant to Section 6731.2 and*
25 *subdivision ~~(d)~~ (e) of Section 8729.*

26 ~~(j) Who violates~~ *Violates* any provision of this chapter.

27 *SEC. 16. No reimbursement is required by this act pursuant*
28 *to Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

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BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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June 26, 2019

The Honorable Steven M. Glazer, Chair
Senate Committee on Business, Professions
and Economic Development
State Capitol, Room 2053
Sacramento, CA 95814

RE: AB 1522, as amended June 25, 2019 – **SUPPORT**

Dear Chairman Glazer:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **SUPPORT** Assembly Bill 1522, as amended June 25, 2019. This bill is scheduled to be heard in the Committee on Business, Professions and Economic Development on July 8, 2019.

This bill will extend the sunset date for this Board to January 1, 2024; will make permanent the provisions of law that require licensees to respond to requests from the Board during investigations of complaints against themselves; will give the Board the authority to revoke a Geologist-in-Training certificate; and make other non-substantive, clarifying changes to the laws under the Board's jurisdiction. The Board appreciates the support of the Assembly and Senate Committees in recognizing the efforts the Board continues to make towards providing its services in an efficient and effective manner.

If you have any questions or concerns, please contact Nancy A. Eissler, Assistant Executive Officer, at 916-263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

Original Signed

Richard B. Moore, PLS
Executive Officer

cc The Honorable Evan Low, Chair
Assembly Committee on Business and Professions

SB 53 (Wilk R-Santa Clarita)

Open meetings

Status: 7/11/2019 – From committee: Do pass and re-refer to Assembly Appropriations Committee.

Location: 7/10/2019 – Assembly Appropriations Committee

Amended: 3/5/2019

Board Position: Oppose as amended 3/5/2019

Board Staff Analysis: 7/24/19

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.

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.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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June 27, 2019

The Honorable Adam Gray
Chair, Governmental Organization Committee
1020 N Street, Room 360A
Sacramento, California 95814

Re: Senate Bill 53 (Wilk). – **Oppose**

Dear Assembly Member Gray:

On April 11, 2019 the Board for Professional Engineers, Land Surveyors, and Geologists (Board) voted to **OPPOSE** Senate Bill 53, as amended March 05, 2019, which is scheduled to be heard in the Governmental Organization Committee on July 10, 2019.

Senate Bill 53 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 SB 53 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 85 (Wilk), 2015-2016 Legislative Session, “I believe strongly in transparency and openness but the more informal deliberation of advisory bodies is best left to current law.”

The Board understands the importance of public participation and encourages members of the public to attend its meetings and address the Board. However, the Board cannot support SB 53 in its current form due to the ambiguity created by this proposed amendment.

If you wish to discuss the Board’s concerns with SB 53 further, please feel free to contact Kara Williams, Legislative Analyst, at Kara.Williams@dca.ca.gov or (916) 263-5438.

Sincerely,

Original Signed

RICHARD B. MOORE, PLS
Executive Officer

SB 339 (Jones R-Santee)
Land surveyors

Status: 7/19/2019 – Enrolled and presented to the Governor

Location: 7/19/2019 – Senate Enrolled

Amended: 6/18/2019

Board Position: Support as amended 6/18/2019

Board Staff Analysis: 7/24/19

Bill Summary: This bill would add new sections to the Professional Engineers Act, the Geologist and Geophysicist Act, and 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 licensing laws 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.

A letter expressing the Board's support for this bill has been submitted to the Governor's Office.

Staff Recommendation: No Board action required at this time.

Laws: An act to add Sections 6789, 7874, and 8790.5 to the Business and Professions Code, relating to professions and vocations.

Senate Bill No. 339

Passed the Senate July 11, 2019

Secretary of the Senate

Passed the Assembly July 8, 2019

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2019, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 6789, 7874, and 8790.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 339, Jones. Engineers, land surveyors, and geologists and geophysicists: nondisclosure agreements: reporting.

The Professional Engineers Act and the Professional Land Surveyors' Act provide for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. Both acts require 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 both acts, the failure of a licensee to report to the board in the time and manner required is grounds for disciplinary action. Both acts specify 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 Professional Engineers Act requires the executive officer of the board to aid in the enforcement of the act. The Professional Land Surveyors' Act 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 specify that if a licensee under the Professional Engineers Act or under the Professional Land Surveyors' Act 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 Engineers Act, or of the Professional Land Surveyors' Act, as applicable to the licensee, to the board. The bill would also specify that those provisions in each of the acts would not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

The Geologist and Geophysicist Act provides for the licensure and regulation of geologists and geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires the executive officer of the board to aid in the enforcement

of the act. The act also specifies that whenever any person has engaged in or is about to engage in any act or practice which constitutes or which, in the opinion of the board, will constitute an offense against the act, upon application of the board, the superior court of the county in which the offense has occurred or is about to occur, is authorized to issue an injunction or other appropriate order restraining that act or practice.

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 act to the board. The bill would also specify that this provision would not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

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

SECTION 1. Section 6789 is added to the Business and Professions Code, immediately following Section 6788, to read:

6789. (a) 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 Engineers Act to the board.

(b) This section shall not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

SEC. 2. Section 7874 is added to the Business and Professions Code, to read:

7874. (a) 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 Geologist and Geophysicist Act to the board.

(b) This section shall not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

SEC. 3. Section 8790.5 is added to the Business and Professions Code, to read:

8790.5. (a) 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.

(b) This section shall not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

Approved _____, 2019

Governor



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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July 23, 2019

The Honorable Gavin Newsom,
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: Senate Bill 339, as amended June 18, 2019 – **SUPPORT**

Dear Governor Newsom:

The purpose of this letter is to advise you that the Board for Professional Engineers, Land Surveyors, and Geologists supports Senate Bill 339, as amended June 18, 2019, authored by Senator Brian Jones, and respectfully requests that you sign this legislation into law.

The Board believes that the addition of a new section of law in each of its three licensing acts indicating that licensees are not precluded by non-disclosure agreements from providing information regarding potential violations of the licensing laws to the Board assists the Board in its consumer protection mandate.

The Board appreciates your time and consideration of this consumer protection legislation. If you have any questions or wish to discuss this further, please contact Nancy Eissler, Assistant Executive Officer, at 916-263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

Original Signed

RICHARD B. MOORE, PLS
Executive Officer

cc The Honorable Brian Jones,
Member, California State Senate
Mike Belote,
California Advocates on behalf of the
California Land Surveyors Association

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

Status: 7/10/2019 – Failed Deadline pursuant to Rule 61(a)(10). (Last location was Assembly Business and Professions Committee on 6/6/2019) (May be acted upon Jan 2020)

Location: 7/10/2019 – Assembly 2 YEAR

Amended: 5/21/2019

Board Position: Oppose, as amended 5/21/19

Board Staff Analysis: 7/24/19

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).

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.

After a lengthy discussion at its June 13, 2019, meeting, including comments from members of the public, the Board voted to oppose SB 556 as amended May 21, 2019. A letter outlining the reasons for the Board's opposition was sent to the Assembly Committee on Business and Professions and the Author.

The bill was scheduled to be heard in the Assembly Business and Professions Committee on July 9, 2019; however, it was pulled from consideration by the Author.

Staff Recommendation: No Board action required at this time.

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



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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June 20, 2019

The Honorable Evan Low
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 383
Sacramento, CA 95814

RE: Senate Bill 556 (Pan) – **OPPOSE**

Dear Chairman Low:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **OPPOSE** Senate Bill (SB) 556, as amended May 21, 2019. This bill is scheduled to be heard in the Committee on Business and Professions on July 9, 2019.

The Board voted to oppose SB 556 at its June 13, 2019, meeting. This vote occurred after lengthy discussion of the proposal, including discussion with two supporters of the bill who indicated they have worked closely with the bill's sponsors, 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 (Business and Professions Code section 8728.5) 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. The Board has had serious policy concerns with this concept from the beginning, and those concerns remain.

The Board does not believe there is sufficient evidence to support adding another layer of regulation. The Board does 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 pay additional fees and obtain a certification for that business. Existing law, Business and Professions Code 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 the Board 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 in addition to their license renewal 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 those services; costs they would likely pass on to their clients.

During the discussion at the Board meeting, the Board questioned the supporters as to why they believe it is necessary to create this new certification requirement. The supporters indicated that the 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, thus providing the Board with an additional enforcement tool against unlicensed activity.

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 violations relating to unlicensed activity, including operating a land surveying business that is not in compliance with the laws. It remains unclear to the Board how this new requirement would enhance the Board's existing authority and provide better consumer protection against unlicensed activity than the current laws provide.

Additionally, this proposal would create a new category of certification for only one of the professions the Board regulates. In addition to land surveying, the Board also regulates engineering, geology, and geophysics. These professions are closely related, and licensees in the different professions often form multi-disciplinary businesses through which several, if not all, of the professional services are offered. Enacting such a program under only one of the licensing acts administered and enforced by the Board would create many issues, including causing confusion for licensees and consumers as to whether a business needed to obtain a certification in order to offer services.

Furthermore, 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 proposed new Section 8728.5 that addresses this allowance. Civil engineer licensed after January 1, 1982, are not allowed to practice land surveying (be in responsible charge of land surveying work); however, they are allowed to operate businesses that offer land surveying services that are incidental to their civil engineering projects. These civil engineers would not meet the requirements of this new section since they are not authorized to practice land surveying; as such, they would not be able to obtain a certification for their civil engineering business through which they are legally authorized to offer land surveying services. This is only one example of the conflicting and confusing language proposed.

There are also fiscal impact issues related to this bill. Additional staff positions would be required to create and implement the new certification program, along with the ongoing process of reviewing the applications and issuing the certifications. Furthermore, there would be additional staff positions and external costs (such as the Office of the Attorney General) to monitor and enforce the certification program.

The Honorable Evan Low
Chair, Assembly Committee on Business and Professions
June 20, 2019
Page 3

The Board believes more time is needed to research and study the issue of whether protection of the public would be enhanced by requiring land surveying businesses, as well as engineering, geology, and geophysics businesses, to obtain a certification in order to operate. At the meeting, the Board directed its staff to begin this research and report back to the Board at its September meeting initial information regarding unlicensed activity and how other state land surveying boards deal with regulating businesses.

While the Board's staff has met with the Author's staff and the sponsors and other supporters of the bill several times to discuss the Board's concerns, those concerns have not been sufficiently addressed for the Board to remove its opposition to SB 556. The Board believes more research and study should be done regarding the creation of a certification program for land surveying businesses that includes the imposition of an additional fee on its licensees before legislation is enacted. For these reasons, the Board respectfully respects the Committee not pass SB 556.

If you have any questions or concerns, please contact Nancy A. Eissler, Assistant Executive Officer, at 916-263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

Original Signed

Richard B. Moore, PLS
Executive Officer

The Honorable Richard Pan, M.D.
Member, California State Senate

VII. 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
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
June 2019	21	30

**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	328	334

Current Fiscal Year through June 30, 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	247

Current Fiscal Year through June 30, 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	236

Current Fiscal Year through June 30, 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	225	67%	83	25%	27	8%

Current Fiscal Year through June 30, 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
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
June 2019	17	31	26	21	33	42	39	37	1

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	83	75

Current Fiscal Year through June 30, 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	75	76

Current Fiscal Year through June 30, 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	236

Current Fiscal Year through June 30, 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	587

Current Fiscal Year through June 30, 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	34	30

Current Fiscal Year through June 30, 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 June 30, 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 June 30, 2019

VIII. Exams/Licensing

A. Update on 2019 Examinations – First and Second Quarter Examination Results

2019 California State Examination Results

Civil Engineer – First Half 2019
 Geotechnical Engineer – Spring 2019
 Land Surveyor – Spring 2019

Professional Geologist – California Specific Exam – March 2018

Civil Engineer – Seismic Principles			
	Total Number of Candidates	Number Passed	Pass %
January	70	44	63%
February	153	85	56%
March	370	154	42%
April	184	112	61%
May	225	125	56%
June	392	168	43%
Total	1,394	688	49%
Civil Engineer – Engineering Surveying			
	Total Number of Candidates	Number Passed	Pass %
January	61	29	48%
February	165	75	46%
March	327	147	45%
April	163	100	61%
May	214	114	53%
June	446	171	38%
Total	1,376	636	46%
California Land Surveyor			
	Total Number of Candidates	Number Passed	Pass %
April	112	40	36%
Professional Geologist – California Specific Exam (CSE)			
	Total Number of Candidates	Number Passed	Pass %
March	116	56	48%

NCEES Examination Results – April 2019

Pencil and Paper Exams

	California			National		
	Total Tested	Total Passed	Pass %	Total Tested	Total Passed	Pass %
Agricultural Engineer	2	0	0%	18	12	67%
Civil Engineer	2,313	1,051	45%	10,142	5,607	55%
Electrical Engineer	459	194	42%	1,965	994	51%
Industrial Engineer	7	7	100%	85	72	85%
Mechanical Engineer	411	251	61%	2,271	1,536	68%
Structural Engineer (Lateral)	129	48	37%	625	202	32%
Structural Engineer (Vertical)	125	52	42%	617	254	41%

Computer-Based Tests (CBT)

January 2019 – June 2019

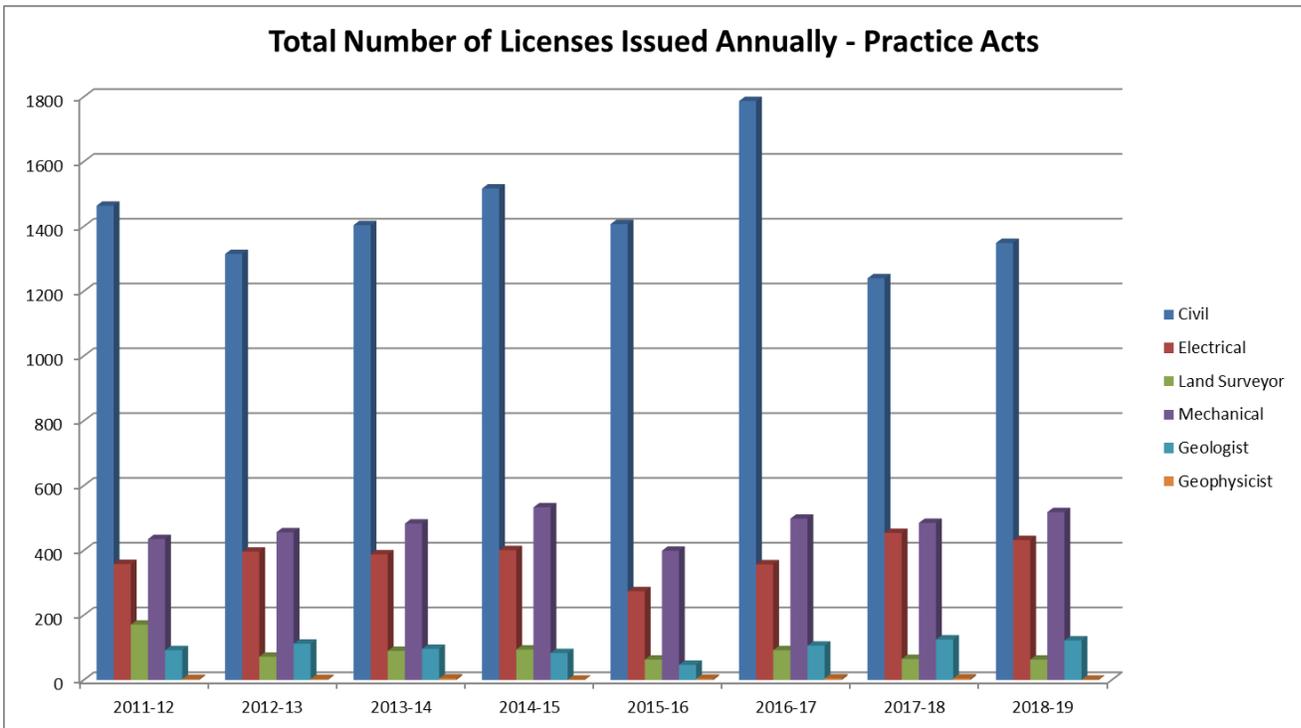
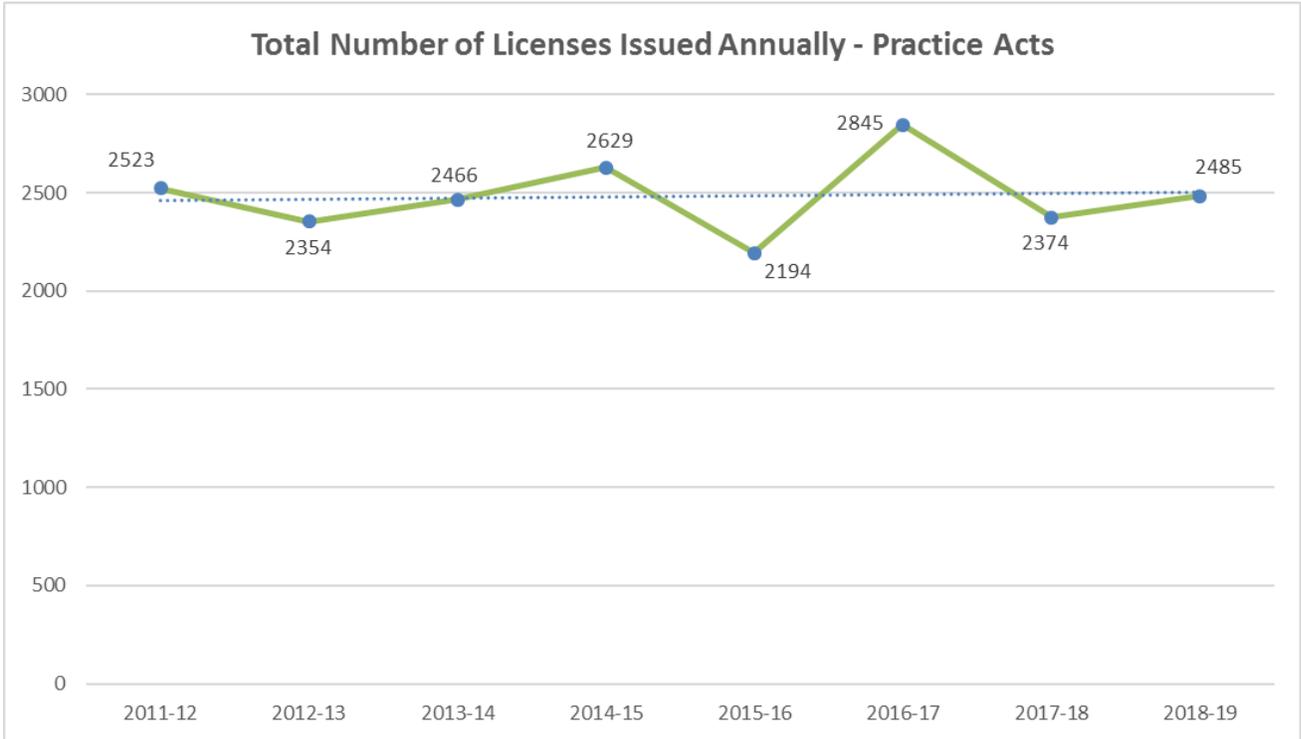
	California			National		
	Total Tested	Total Passed	Pass %	Total Tested	Total Passed	Pass %
Chemical Engineer	30	21	70%	250	184	74%
Fundamentals of Engineering	4,007	2,250	56%	25,327	16,186	64%
Fundamentals of Surveying	162	56	35%	754	307	40%
Practice of Surveying	85	50	59%	367	229	62%

ASBOG Examination Results – March 2019

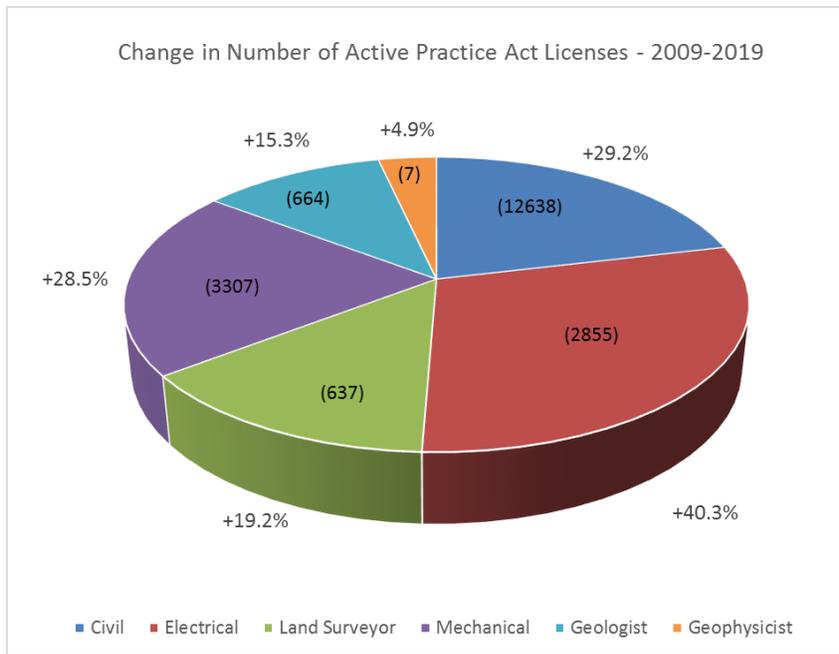
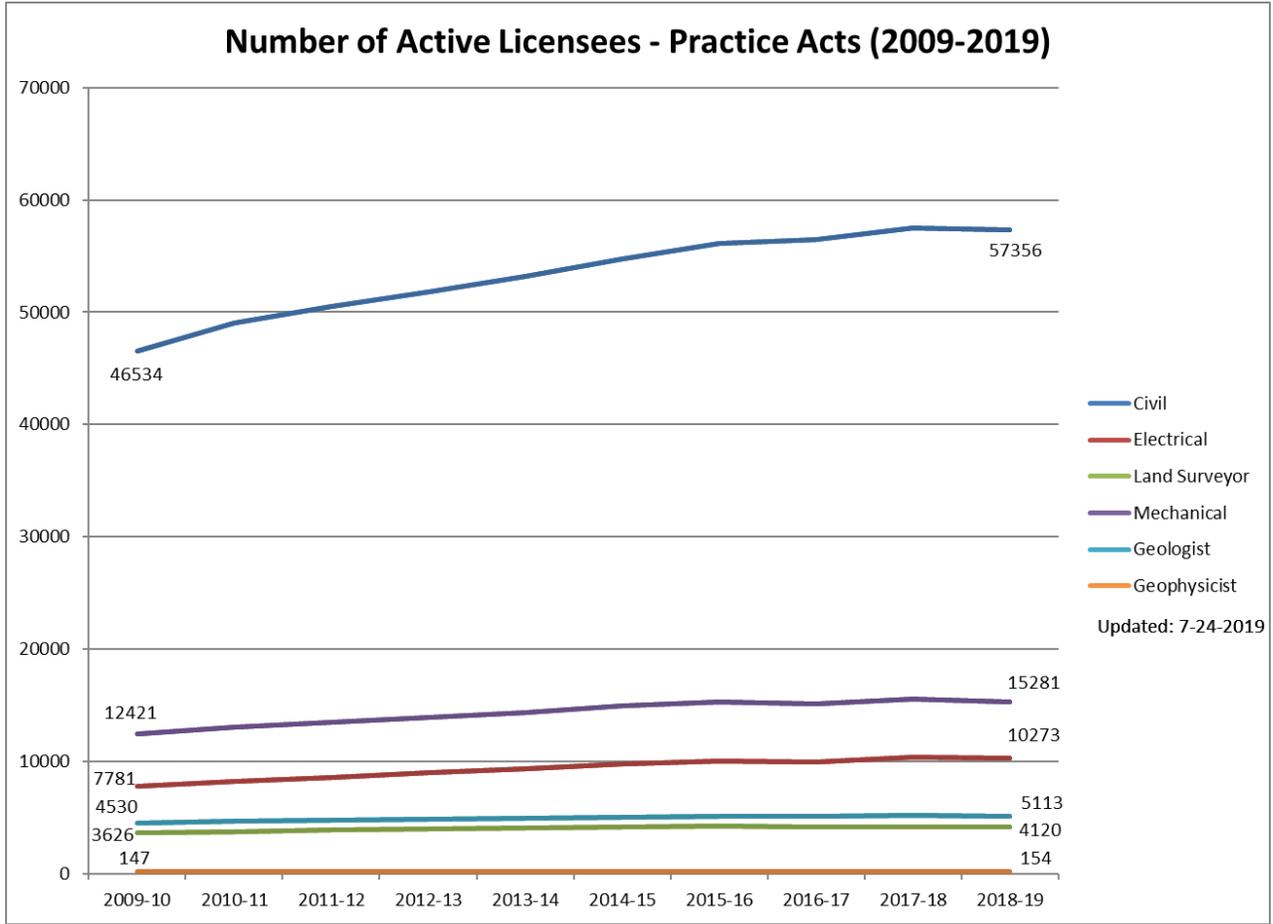
Pencil and Paper Exams

	California			National		
	Total Tested	Total Passed	Pass %	Total Tested	Total Passed	Pass %
Fundamentals of Geology (FG)	153	108	71%	841	554	66%
Practice of Geology (PG)	80	61	76%	352	276	78%

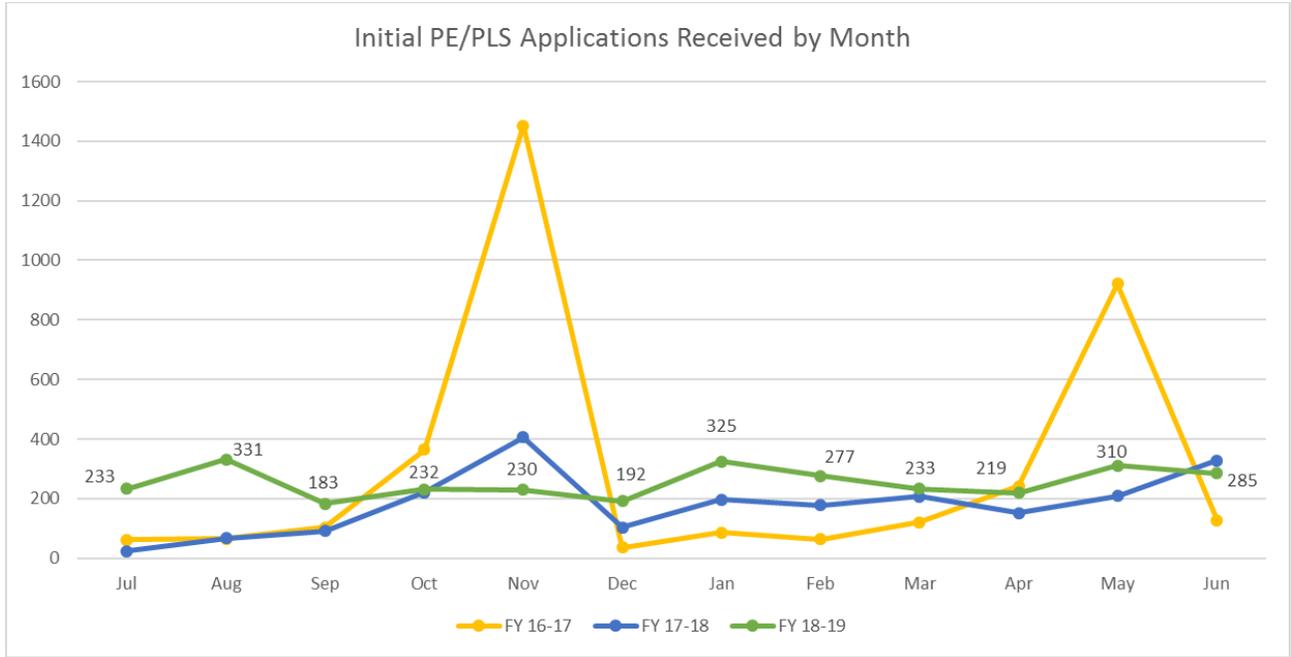
Annual Licenses



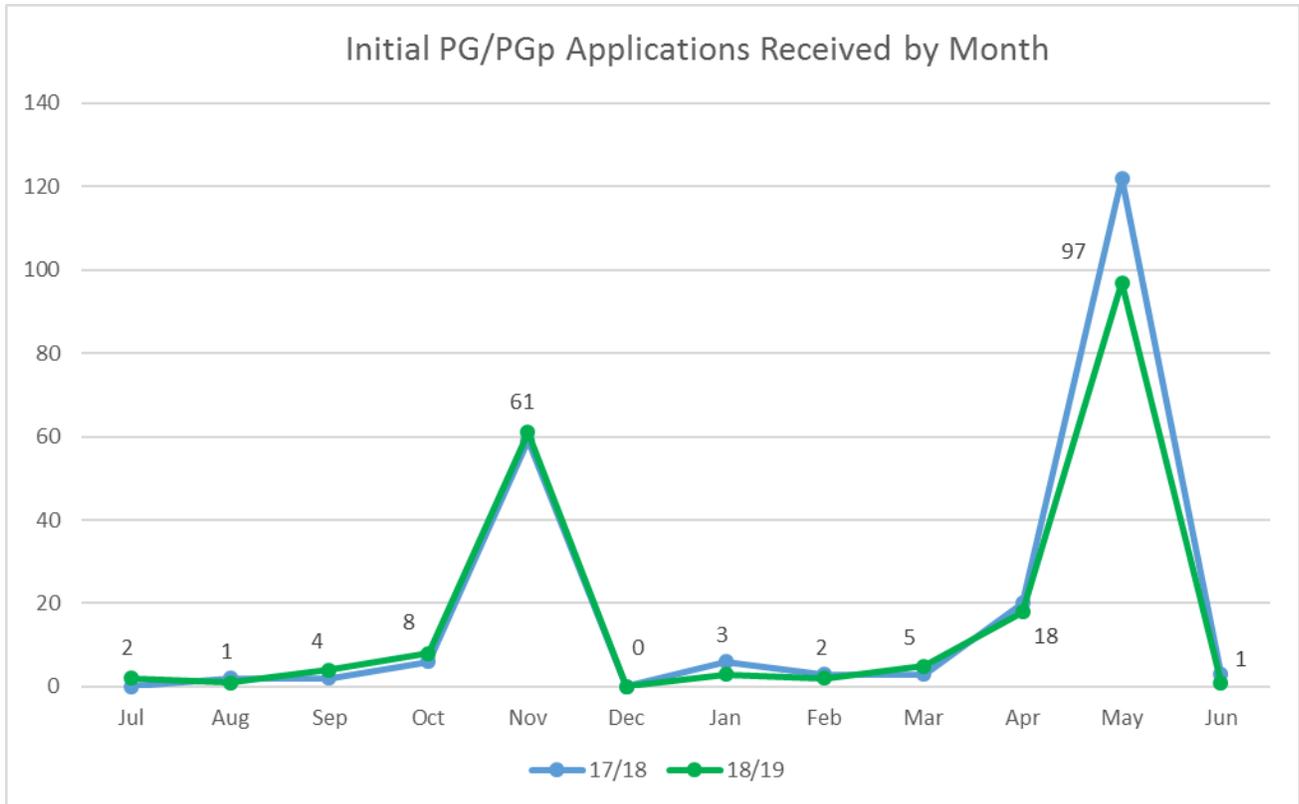
Active Licenses (Fiscal Year)

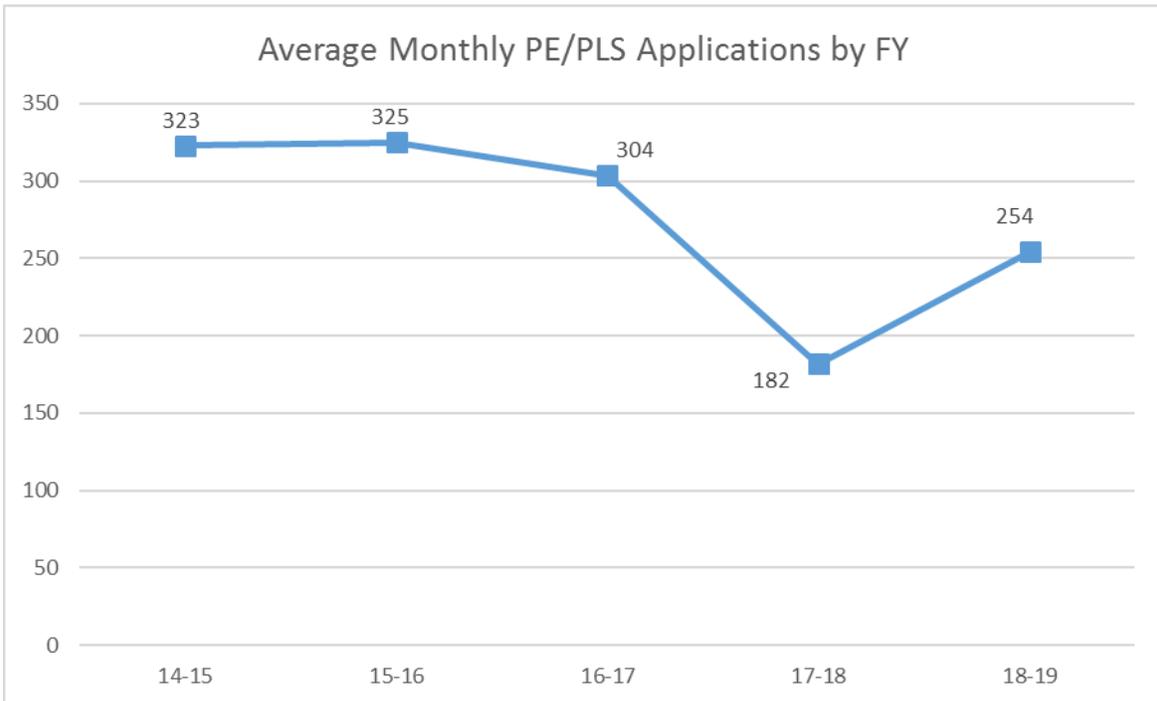
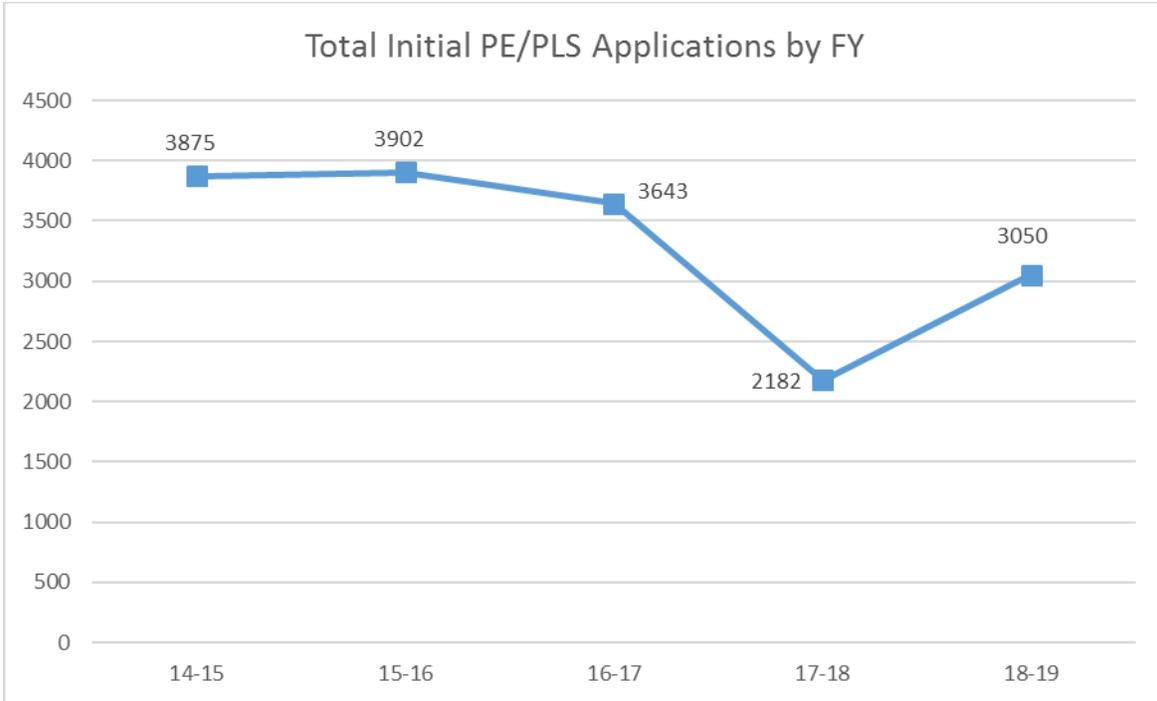


Initial Applications Engineers and Surveyors

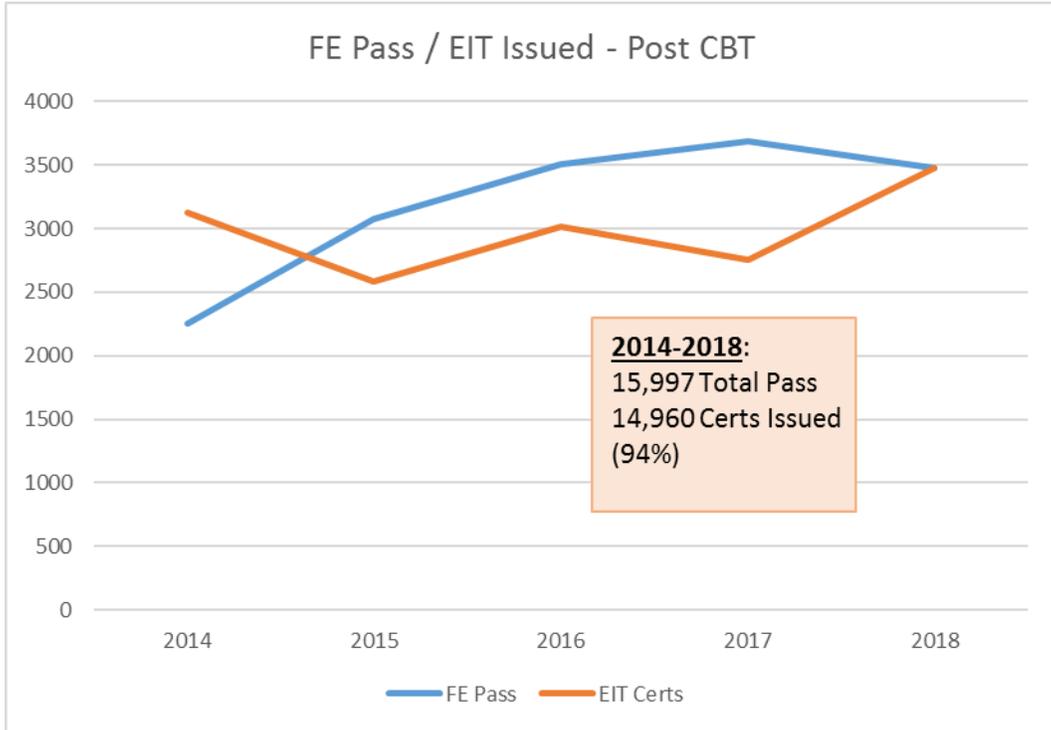


Geologists and Geophysicists

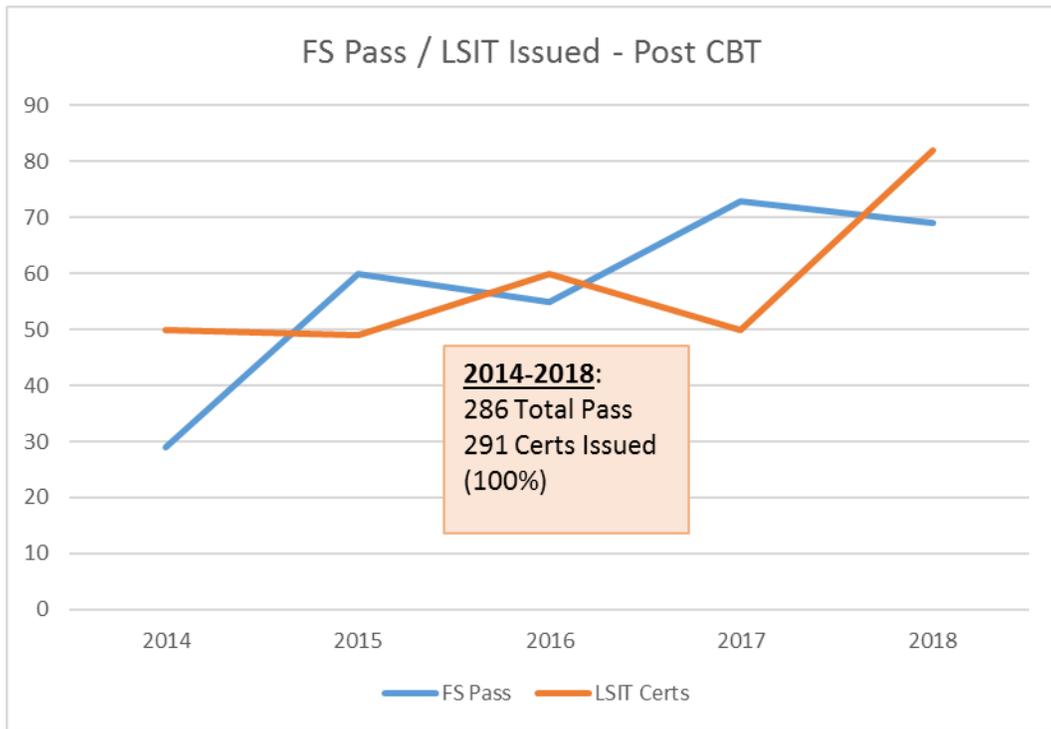




Engineer in Training



Land Surveyor in Training



IX. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization/PAL Process
- C. Personnel
- D. ABET
 - 1. Status of Board Observer Assignments for Fall 2019
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Annual Meeting Motions (Possible Action)
 - a. Advisory Committee on Council Activities (ACCA) Motion 2 – Relating to Proxy Voting
 - b. Education Committee Motion 1 – Relating to Engineering Technology Degrees
 - c. Committee on Examination Policy and Procedures (EPP) Motion 1 – Relating to Exam Irregularity Procedures
 - d. EPP Motion 2 – Relating to the Naming of Examinations in the *Manual of Policy and Position Statements*
 - e. EPP Motion 3 – Relating to the Procedures for Reinstatement of Examinations in the *Manual of Policy and Position Statements*
 - f. Finance Committee Motions 4 and 5 and Board of Directors Motion 1 – Relating to Funding Delegates to Meetings and Zone Meeting Budgeting and Finances
 - g. Surveying Exam Module Task Force Motion 1 – Relating to the Restructuring of the Professional Surveyor Exam into Separately-Scored Divisions
- G. Update on Outreach Efforts

Rulemaking Overview

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

- The Office of Administrative Law (OAL) approved the rulemaking file on July 11, 2019. This regulatory action becomes effective on October 1, 2019.
 - 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 Chief Counsel for approval of rulemaking package on May 30, 2019.
 - 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)

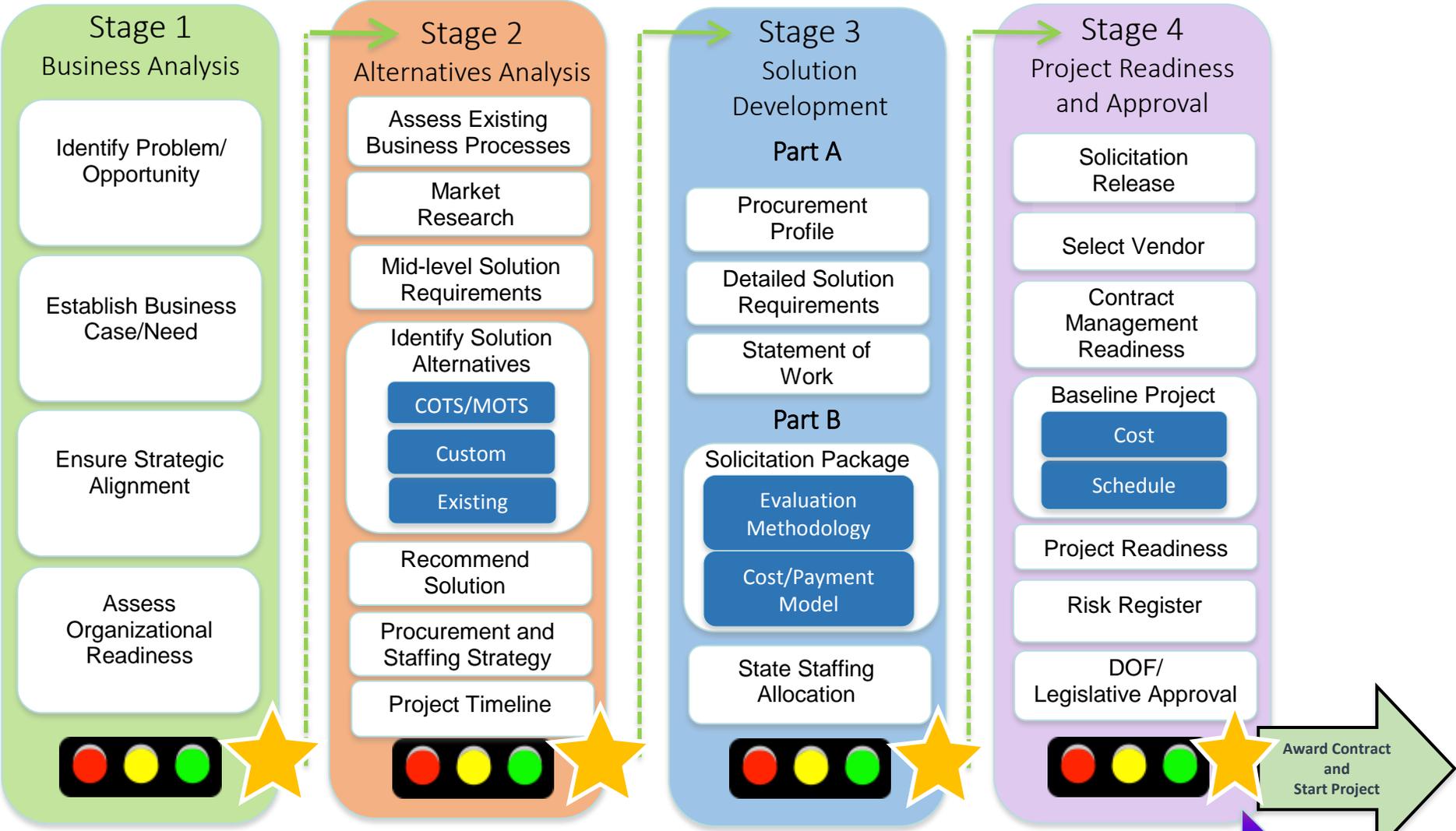
- Initial review with DCA Legal for approval of rulemaking package on June 11, 2019.
 - Board directed staff to pursue initial rulemaking on February 21, 2019.

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

**National Council of Examiners for Engineering and Surveying (NCEES)
2019 Annual Meeting Motions**

NCEES has provided a summary of the proposed motions that will be considered at the Annual Meeting in August 2019. Board staff has reviewed these items and is bringing the following specific items to the Board's attention so that the Board can provide guidance to its delegates who will be in attendance at the meeting as to how to vote on behalf of the California Board. The summary of motions from NCEES is included for the Board's review.

a. Advisory Committee on Council Activities (ACCA) Motion 2 – Relating to Proxy Voting

The ACCA is recommending that language be added to the *Bylaws* that would specifically state that proxy voting is not allowed. The proposed language to be added to Section 6.02 Quorum and Voting is as follows:

“Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.”

The NCEES Board of Directors (BOD) has endorsed this motion; however, it has not been placed on the consent calendar.

b. Education Committee Motion 1 – Relating to Engineering Technology Degrees

The Education Committee is recommending that the *Model Law* and *Model Rules* be amended to indicate that an ABET-accredited engineering technology degree (“ETAC/ABET degree”) that has been vetted against the most recent NCEES Engineering Education Standard is allowed to satisfy the education requirements for engineering licensure.

The NCEES BOD has not endorsed this motion and has not placed it on the consent agenda.

Staff Comments:

The Member Board Administrators (MBA) Committee supports accepting ABET-accredited engineering technology degrees as an education pathway to licensure; however, it is opposed to the provision requiring additional educational evaluation be performed in order to accept such degrees.

Although there is no requirement for applicants for engineering licensure in California to have a degree or any educational component, we do give two years of credit towards the experience requirement for ABET-accredited engineering technology degrees, and we do not require any further educational evaluation of the engineering technology degree program beyond the ABET accreditation (we

do not give any credit for engineering technology degrees that are not ABET-accredited).

Supporting acceptance of ABET-accredited engineering technology degrees without requiring additional educational evaluation would be in line with our laws.

c. Committee on Examination Policy and Procedures (EPP) Motion 1 – Relating to Exam Irregularity Procedures

The EPP Committee is recommending that the Manual of Policy and Position Statements be amended to indicate that, in cases of suspected exam irregularity, exam results will not be released to the candidate until the issue of the exam irregularity has been resolved and that the candidate will not be allowed to register for another exam until the initial results have been released.

The NCEES BOD endorses this motion and has placed it on the consent agenda.

Staff Comment:

Currently, if NCEES has evidence to indicate that exam irregularity (exam subversion) has occurred, they notify us and ask us to review the matter. We then ask them to not release the results to the candidate and not allow the candidate to register for a future exam until we have completed our review and investigation. This motion will allow NCEES to automatically place holds on the release of the results and ability to register while the member board and NCEES investigate the matter. This eliminates the step of the member board having to request the holds be placed by NCEES.

d. EPP Motion 2 – Relating to the Naming of Examinations in the Manual of Policy and Position Statements

The EPP Committee is recommending that the Manual of Policy and Position Statements be amended to remove the references to Group I and Group II engineering exams and, instead, list all of the exams by name and to change the requirements for the entry of a new discipline or depth module for an engineering exam to apply to all engineering exams and not just those formerly referred to as Group II exams.

In the past, the Group I exams, consisting of the chemical, civil, electrical and computer (all modules), environmental, mechanical, and 16-hour structural engineering exams, were developed by NCEES. The Group II exams, consisting of the agricultural and biological, architectural, control systems, fire protection, industrial and systems, metallurgical and materials, mining and mineral processing, naval architecture and marine, nuclear, petroleum, and software (discontinued after the April 2019 exam) engineering exams, were developed by the technical society associated with the particular discipline. As part of the transition of engineering exams to Computer Based Tests (CBT), NCEES is taking

on responsibility for the development of the Group II exams. Therefore, it is unnecessary to separate the exams into Group I and Group II.

The NCEES BOD endorses this motion and has placed it on the consent agenda.

Staff Comment:

We do not accept the environmental, architectural, mining and mineral processing, naval architecture and marine, or software engineering exams for first-time applicants in California.

e. EPP Motion 3 – Relating to the Procedures for Reinstatement of Examinations in the Manual of Policy and Position Statements

The EPP Committee is recommending that the Manual of Policy and Position Statements be amended to indicate that the same procedures used to implement a new discipline or depth module for an engineering exam be used to reinstate a previously-discontinued discipline or depth module.

The NCEES BOD endorses this motion and has placed it on the consent agenda.

f. Finance Committee Motions 4 and 5 and Board of Directors (BOD) Motion 1 – Relating to Funding Delegates to Meetings and Zone Meeting Budgeting and Finances

Finance Committee Motion 4: The Finance Committee is recommending that the Manual of Policy and Position Statements be amended to add Financial Policy 3D and 3E regarding who NCEES will fund to attend the Board Presidents' Assembly and the MBA meetings.

NCEES currently provides funding for certain individuals to attend these meetings; however, that funding is not specified in the Manual of Policy and Position Statements, whereas other funding (such as to zone and annual meetings) is. This motion would add the existing funding policy to the Manual of Policy and Position Statements.

Finance Committee Motion 5: The Finance Committee is recommending that the Manual of Policy and Position Statements Financial Policy 3 be amended to indicate that zone assistant vice presidents and secretary-treasurers will be funded to attend the annual meeting and their zone meeting and that zone award recipients will be funded to attend the zone meeting at which the award will be presented. The motion would also delete Financial Policy 4 that addresses the budgeting and financial planning for zone meetings and the contribution from NCEES to each zone for their zone meeting.

The funding of zone officers and award recipients would be removed from the Zone Meeting and Continuity Guidelines and added to Financial Policy 3 that addresses who NCEES will fund to attend various meetings.

Preparing and planning zone interim meeting budgets require a significant amount of work. If this motion passes, Council staff, working with the zone officers and host boards, would prepare the zone interim meeting budgets that would become part of the Council's operating budget that is approved at the annual meeting. The zone interim meeting revenue and expenses would be reported in the income statement as opposed to flowing through the zone's reserves. Therefore, Financial Policy 4 would not be needed if the method of preparing zone interim meeting budgets is changed.

BOD Motion 1: The BOD is recommending that Bylaws Section 3.09 Zone Organization be amended to conform to the changes made to Financial Policy 3 and 4, as proposed by Finance Committee Motion 5.

The NCEES BOD endorses these three motions and has placed them on the consent agenda.

g. Surveying Exam Module Task Force Motion 1 – Relating to the Restructuring of the Professional Surveyor Exam into Separately-Scored Divisions

The Surveying Exam Module Task Force is recommending that the Professional Surveyor (PS) examination be restructured into the following separately scored divisions and that the Examinations for Professional Surveyors (EPS) Committee be charged with implementation.

- Core Professional Surveying (PS)
- Boundary
- Public Lands Survey Systems (PLSS)
- Mapping science
- Incidental drainage design

The NCEES BOD endorses this motion and has placed it on the consent agenda.

Per *Bylaws* 6.01 Annual Business Meetings, the NCEES board of directors has prepared a consent agenda for the August 2019 annual meeting.

At its May board meeting, the board of directors considered each motion that will come before the Council. The board position and whether the motion was placed on the consent agenda are listed after the motion. In the review of the motion, the board has the following options:

- Endorse the motion and place it on the consent agenda
- Endorse the motion and not place it on the consent agenda
- Not endorse the motion and not place it on the consent agenda
- Take no position and not place it on the consent agenda

ACCA Motion 1

Move that a Special Committee on Bylaws be charged with incorporating the following language into the appropriate section of *Bylaws 10* Membership Fees: “Examinees may register and sit for NCEES examinations even when their NCEES member board is in arrears.”

Rationale

ACCA is proposing this motion to clarify exam access to examinees when a member board is in inactive status. *Bylaws 10* does not currently address exam access for examinees when an NCEES member board is in arrears with membership fees. Member boards rarely go into arrears, and examinees should not be penalized for the actions of a member board.

Board of directors’ position

Endorses, consent agenda

Bylaws

Section 6.02 Quorum and Voting. A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

[Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.](#)

Rationale

ACCA feels that the use of proxy voting may have a detrimental impact on the attendance at zone interim and annual meetings and have negative consequences on the Council.

Board of directors' position

Endorses, non-consent agenda

Bylaws

Section 4.09 Board Audit Committee. The President, President-Elect, Immediate Past President, ~~and~~ Treasurer, ~~and Finance Committee chair~~ shall comprise the Board Audit Committee. The Board Audit Committee shall annually select and recommend for approval by the full Board the accounting firm that shall conduct the annual financial audit and prepare the annual financial statements of NCEES. The Board Audit Committee shall also review ~~and approve and recommend for formal action by the full Board of Directors~~ the audit results and final financial statement. ~~The Board Audit Committee shall~~ ~~and~~ approve the engagement of other financial consultants as may be necessary to facilitate its review of NCEES finances. Members of the Board Audit Committee must be free from any relationship that, in the opinion of the Board, would interfere with the exercise of independent judgment. The Board Audit Committee shall have a working familiarity with basic finance and accounting principles and practices.

Rationale

ACCA feels that the final approval of the annual financial audit should rest with the board of directors and not the Board Audit Committee. It also is proposing to add the Finance Committee chair to eliminate the potential of a tie vote.

Board of directors' position

Endorses, consent agenda

Manual of Policy and Position Statements

AP 12 Awards

NCEES will officially recognize members, associate members, emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the board of directors shall not be nominated for these awards while serving on the Committee on Awards or on the board of directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the state or national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Service Award with Special Commendation

- Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.
- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include leadership or exemplary service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award

- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- Must participate in member board activities
- Must participate in the promotion of licensure or the enforcement of member board laws and rules
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Examination Service Award

- Must demonstrate positive contributions and longtime commitment to the NCEES examination program
- Must have served on at least one of the Council's examination committees or exam-related task forces
- Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- May be nominated by a member board, an exam committee, or the board of directors

President's Award

- May be given by the president to recognize an individual for outstanding service in support of NCEES

Rationale

AP 12 does not currently include a President's Award. ACCA recognizes that previous presidents have recognized individuals with a President's Award and is proposing add this category of award to AP 12 for consistency and to ensure that additional expense is covered.

Financial Impact

The cost of the President's Award is estimated to be \$2,720 annually.

Board of directors' position

Endorses, consent agenda

Awards Motion 1

Move that Administrative Policy 12 be amended as follows:

Manual of Policy and Position Statements**AP 12 Awards**

NCEES will officially recognize members, associate members, emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the board of directors shall not be nominated for these awards while serving on the Committee on Awards or on the board of directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the state or national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Service Award with Special Commendation

- Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.
- [Must demonstrate service prior to and after receiving Distinguished Service Award](#)
- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include leadership or exemplary service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award

- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- Must participate in member board activities
- Must participate in the promotion of licensure or the enforcement of member board laws and rules
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Examination Service Award

- Must demonstrate positive contributions and longtime commitment to the NCEES examination program
- Must have served on at least one of the Council's examination committees or exam-related task forces
- Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- May be nominated by a member board, an exam committee, or the board of directors

Rationale

The committee is proposing this change to ensure that the person receiving the Distinguished Service Award with Special Commendation has continued to be active and demonstrated service after receiving the Distinguished Service Award.

Board of directors' position

Endorses, consent agenda

Education Motion 1

Move that the UPLG Committee be charged with incorporating the following language into *Model Law* 130.10 B and *Model Rules* 230.10 A and to further make modifications throughout the *Model Law* and *Model Rules* to include the general premise that an ETAC/ABET degree that has been vetted against the most recent NCEES *Engineering Education Standard* (revised August 2019) is allowed to satisfy the education requirements for engineering licensure.

Model Law

130.10 General Requirements for Licensure

B. Engineering

1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

a. Graduating from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master's program accredited by EAC/ABET, [graduating from an engineering technology program of four years or more accredited by the Engineering Technology Accreditation Commission of ABET \(ETAC/ABET\) and meeting the requirements of the NCEES Engineering Education Standard](#), or [graduating from a non-accredited engineering program and meeting the requirements of the NCEES Engineering Education Standard](#)

b. Passing the NCEES Fundamentals of Engineering (FE) examination

2. Licensure as a Professional Engineer

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

(a) A degree in engineering from an EAC/ABET-accredited bachelor's program

(b) A degree in engineering from an EAC/ABET-accredited master's program

[\(c\) A degree in engineering technology from an ETAC/ABET-accredited bachelor's program shown to meet the NCEES Engineering Education Standard](#)

~~(ed)~~ A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination as described below.

(a) The FE examination may be taken by a college senior or graduate of an engineering program of four years or more accredited by EAC/ABET, [of an engineering technology program of four years or more accredited by ETAC/ABET and meeting the requirements of the NCEES Engineering Education Standard](#), of a program that meets the requirements of the NCEES *Engineering Education Standard*, or of an engineering master's program accredited by EAC/ABET.

(b) The PE examination may be taken by an engineer intern.

(3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of four years of progressive engineering experience after a qualifying degree is conferred as described in a(1)[\(a\), a\(1\)\(b\), or a\(1\)\(d\)](#) above, [or evidence of a specific record of six years of progressive engineering experience after a qualifying degree is conferred as described in a\(1\)\(c\)](#). This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth above:

(a) An individual with a master's degree in engineering acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) ~~or~~, [a\(1\)\(c\), or a\(1\)\(d\)](#) above

- (b) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: two years of experience
- (c) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: four years of experience

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

Model Rules 230.10 Education Requirements Approved by the Board

A. Engineering Program

The term "an engineering program of four years or more" used in Section 130.10 B.1.a of the NCEES Model Law is interpreted by this board to mean the following:

1. A degree from a bachelor's or master's engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) at the time of the awarding of the degree. The board may accept the degree if accreditation is received within *[insert the prescribed time]*.
2. A degree from an engineering program not accredited by EAC/ABET but that meets the requirements of the NCEES *Engineering Education Standard*
3. [A bachelor's degree from an engineering technology program accredited by ETAC/ABET that meets the requirements of the NCEES *Engineering Education Standard*](#)

Rationale

Current ETAC/ABET and EAC/ABET criteria require similar student outcomes for their bachelor's degree programs. ETAC/ABET criteria value professional registration of its faculty. These faculty teach technical courses that have a theoretical foundation that is focused on application and the practice of engineering. Because of more program-specific flexibility, ETAC/ABET programs often have a greater number of required technical courses, particularly lab-based courses, and fewer high-level calculus courses than traditional engineering programs.

After much discussion and debate, the committee agreed that an ETAC/ABET degree that also meets the NCEES *Engineering Education Standard* should be included as a pathway to engineering licensure. While this modification to the *Model Law* would allow a pathway for four-year engineering technology graduates to obtain licensure, the committee is not recommending revisions to Professional Policy 5, NCEES Model Law Designations, which dictates who is given Model Law Engineer status by the NCEES Records Program.

The consensus of the committee is that this change would provide a pathway to licensure for capable individuals who were performing engineering work and had graduated from a four-year engineering technology program. Creating a pathway to licensure for graduates from bachelor's ETAC/ABET-accredited programs would increase the number of professional engineers coming into the profession. Bringing this group into the engineering profession would also help ensure that the health, safety, and welfare of the public is being protected.

Board of directors' position

Does not endorse, non-consent agenda

Manual of Policy and Position Statements

PS 15 FE Examination as an Outcomes Assessment Tool

- A. Engineering programs should strongly consider using the FE exam topic-level performance data as part of their program assessment, with proper regard for the caveats described.*
- B. Programs that will gain the most from using the FE exam as an assessment tool are those programs in which all students are required to take the FE exam, all students are required to take the discipline-specific exam, the faculty establish specific goals for their program, and comparisons are made with peer institutions that have similar requirements.
- C. Member boards (~~state boards~~) should become proactive in working with academic programs to stress the use and value of the FE exam as an assessment tool.
- D. Institutions must remember that the primary purpose of the FE is to assess minimal technical competencies. Other assessment tools need to be used to assess higher-level theories or critical thought that might be the focus of some portion of their program.
- E. The results of each FE exam should be sent directly to institutions for their use.

*Refer to: [*Using the Fundamentals of Engineering \(FE\) Examination to Assess Academic Programs as an Outcomes Assessment Tool*](#), National Council of Examiners for Engineering and Surveying, March ~~2014~~2019.

Rationale

The committee reviewed PS 15 and discussed if it conforms with current practice. The committee feels that the term “state boards” should be removed from Section C since the term “member boards” is intended to define all member boards. Removing this term from the document does not cause ambiguity in the description. The other proposed change is a housekeeping one to update the current title and publication date.

Board of directors’ position

Endorses, consent agenda

Model Rules

240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

C. Qualifying Activities

PDHs may be earned as follows:

1. Successful completion of college courses
- ~~2. Successful completion of short courses, tutorials, webinars, and distance education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet~~
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study. The method of delivery can be through
 - a. Face-to-face programs or live internet-based programs
 - b. Archived prerecorded programs or archived correspondence programs
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D6 and D8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.
5. No more than half of the total required hours in any renewal period may be obtained through C2b activities.
6. No more than 8 PDHs may be obtained during a 24-hour period.

Rationale

The committee discussed this charge at length and, based on the assortment of courses being offered today, agreed that there needs to be a better definition as to how courses are presented. In addressing the charge, the committee feels that the *Model Rules* needs to spell out the differences between web-based live, web-based pre-recorded, and live face-to-face seminars in the Qualifying Activities section. Because of the increase in the number of courses being offered by a variety of different media, the committee is also proposing that licensees be held to obtaining only 8 PDHs in a 24-hour period.

Board of directors' position

Endorses, consent agenda

Education Motion 4

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules* 240.30 B:

Model Rules

240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
 - a. The term “contact hour” will be defined as the amount of time scheduled to allow for instruction in a course (lecture or laboratory) that provides, at a minimum, 50 minutes of interaction between the instructor and the student.
 - b. The total number of hours allowed for a continuing education program cannot exceed the actual number of clock hours.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee’s field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-accredited programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

Rationale

One of the goals of NCEES is to advance licensure standards for all professional engineers. These standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession. Because of the variety of definitions for a credit hour and without a current definition in the *Model Rules*, the committee is proposing these changes to clarify the definition so that all boards can incorporate into a uniform standard.

Board of directors’ position

Endorses, consent agenda

EPP Motion 1

Move that a new Exam Administration Policy 1F be adopted and Exam Administration Policy 8A be amended as follows:

Manual of Policy and Position Statements**EAP 1 Administration of Examinations**

F. If a candidate's examination results are not released due to a suspected exam irregularity, the candidate will not be allowed to register for another exam until the initial results have been released.

FG. A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period.

GH. The Committee on Examination Audit shall include, as part of its auditing responsibilities, a review of the examination administrative procedures manual for content and effectiveness.

HI. If a member board bans an examinee from registering for an examination as referenced in EAP 8, it shall be the responsibility of that member board to notify NCEES of the specific terms and reasons for the ban. NCEES will make this information available to all member boards. The decision as to whether another member board agrees to honor the terms of the original member board's decision to ban this examinee's registration will remain with the individual member boards.

EAP 8 Release and Use of Examination Results

A. Examination results shall be released only to the respective member board, to its designee, or directly to examinees as directed by the member board. Examination results for candidates suspected of an exam irregularity shall not be released until the irregularity has been resolved.

Rationale

The EPP Committee evaluated a request to allow NCEES staff to temporarily suspend the ability for a candidate to register for any exam if he or she has exam results on hold due to exam irregularities. The committee recommends that this be allowed and is therefore proposing the changes shown above.

Board of directors' position

Endorses, consent agenda

Manual of Policy and Position Statements**EDP 1 Examinations**

It shall be the policy of NCEES in all publications and correspondence to refer to the respective examinations only as follows:

- A. Fundamentals of Engineering (FE) examination
- B. Principles and Practice of Engineering (PE) examination, including the Structural Engineering (SE) examination

~~The PE examinations are designated Group I or Group II as recommended by the Committee on Examinations for Professional Engineers (EPE) and approved by the board of directors.~~

- ~~1. Group I examinations are prepared solely by NCEES.~~
- ~~2. Group II examinations are prepared jointly by NCEES and a society that agrees to sponsor the examination in its discipline.~~

- C. Fundamentals of Surveying (FS) examination
- D. Principles and Practice of Surveying (PS) examination

The purpose of the examinations is to assess licensure candidates' abilities to practice competently as engineers or surveyors and to assist member boards in the regulation of the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public.

EDP 3 Engineering and Surveying Examinations and Formats

- A. The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.
- B. The Principles and Practice of Engineering examinations shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations or offered via CBT with supplied references as defined in EAP 4:

- ~~1. GROUP I~~
 - ~~a. Chemical~~
 - ~~b. Civil~~
 - ~~c. Electrical and Computer—Computer Engineering~~
 - ~~d. Electrical and Computer—Electrical and Electronics~~
 - ~~e. Electrical and Computer—Power~~
 - ~~f. Environmental~~
 - ~~g. Mechanical~~
 - ~~h. 16-hour Structural Engineering~~
- ~~2. GROUP II~~
 - ~~a. Agricultural and Biological~~
 - ~~b. Architectural~~
 - ~~c. Control Systems~~
 - ~~d. Fire Protection~~
 - ~~e. Industrial and Systems~~
 - ~~f. Metallurgical and Materials~~
 - ~~g. Mining and Mineral Processing~~
 - ~~h. Naval Architecture and Marine~~
 - ~~i. Nuclear~~
 - ~~j. Petroleum~~
 - ~~k. Software (to be discontinued after April 2019 exam)~~

- 1. Agricultural and Biological
- 2. Architectural
- 3. Chemical
- 4. Civil
- 5. Control Systems
- 6. Electrical and Computer—Computer Engineering
- 7. Electrical and Computer—Electrical and Electronics
- 8. Electrical and Computer—Power
- 9. Environmental
- 10. Fire Protection
- 11. Industrial and Systems

- [12. Mechanical](#)
- [13. Metallurgical and Materials](#)
- [14. Mining and Mineral Processing](#)
- [15. Naval Architecture and Marine](#)
- [16. Nuclear](#)
- [17. Petroleum](#)
- [18. 16-hour Structural Engineering](#)

EDP 5 Entry of New Discipline or Depth Module to PE Examination Status

- B. No discipline shall be added as ~~a Group II examination~~ unless a technical society agrees to sponsor the examination. All technical societies that sponsor ~~Group II~~ examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.

Rationale

As part of the transition of PE exams to CBT, NCEES is taking on responsibility for the development of the Group II exams. The designation represented only the differentiation in development responsibilities. Therefore, the EPP Committee found no reason to continue to separate the exams as Group I and Group II in the policies and is moving to eliminate all references to them in the exam policies. The list of PE exams in EDP 3B was combined, renumbered, and alphabetized accordingly. The PE Software exam is not shown in the new list since it will be eliminated when the policy manual is updated in September.

Board of directors' position

Endorses, consent agenda

Manual of Policy and Position Statements

EDP 5 Entry of New Discipline or Depth Module [or Reinstatement](#) to PE Examination Status

- A. No discipline shall be added [or reinstated](#) to the examination program unless there is an EAC/ABET-accredited program in the discipline.
- B. No discipline shall be added [or reinstated](#) as a Group II examination unless a technical society agrees to sponsor the examination. All technical societies that sponsor Group II examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.
- C. Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module.
- D. No discipline or depth module shall be added [or reinstated](#) to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for safeguarding the health, safety, and welfare of the public.
- E. The request shall include a plan to develop the exam in CBT format.
- F. Member boards shall be notified one year in advance of the addition [or reinstatement](#) of any discipline or depth module to the PE examination program.

Rationale

The EPP Committee reviewed and discussed the path for adding new exams to understand the required steps. After reviewing them, the committee decided that the steps, whether they are applied to a new or a reinstated exam, are all necessary for the exam to be successful and functional. The committee is proposing the amendments shown above to state that the process for reinstating a discontinued NCEES exam should be the same as that of a new discipline or depth module.

Note: This language does not show the changes related to Group I and Group II exams (proposed in Motion 2) since they are separate items.

Board of directors' position

Endorses, consent agenda

Finance Motion 1

Move that the adoption of the 2019–20 operating budget as shown in **Appendix A** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2019–20 capital budget as shown in **Appendix B** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Manual of Policy and Position Statements

FP 1 Council Funds

- A. NCEES shall maintain operating accounts and operating reserve accounts with account balances in the aggregate sufficient to manage the day-to-day financial obligations of the Council.
- B. NCEES shall maintain long-term and short-term investments in accordance with the investment guidelines reviewed and approved at least annually by the board of directors.
- C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a minimum amount of 100 percent of the annual operating budget plus a designated reserve equal to the computed cost of a total exam breach based on the current approved item replacement costs. [Reserve funds over the breach costs and operating costs may be designated by the board of directors for other NCEES capital projects.](#) If the reserve funds fall below this level, the Council shall strive to correct the situation.
- D. The NCEES board of directors shall have the authority to contribute a maximum of \$500,000 annually for funding of nonprofit organizations. A full Council vote is required to approve contributions above that amount.

Rationale

The committee feels that capital projects that require a large amount of funds may be identified and approved by the board of directors. Designated reserves by the board of directors for a capital project identifies the amount of funds needed and the purpose of the funds. Board-designated funds are displayed on NCEES' balance sheet.

Board of directors' position

Endorses, consent agenda

Finance Motion 4

Move that Financial Policy 3D and 3E be added as follows:

Manual of Policy and Position Statements

FP 3 Travel Expenses

NCEES shall budget for and pay travel expenses for NCEES-funded meeting attendees as described below. NCEES shall also waive the registration fee for NCEES-funded attendees to the annual meeting and zone interim meetings but shall not pay the cost of optional functions that are not included in the registration fee. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy. Unbudgeted international travel shall require authorization by the board of directors.

A. Meetings representing NCEES

1. Members of the board of directors, committee members, and consultants as authorized by the president. The president and the president-elect have the discretion to purchase business class airfares for trips greater than or equal to 5 hours of total in-air flying time each way to mitigate the stress of frequent travel. If no business class is available, first class may be considered.
2. Council staff as approved by the CEO

B. NCEES annual business meetings

1. Members of the current NCEES board of directors, incoming vice presidents, nominees for the incoming NCEES president-elect and treasurer positions, and past presidents. Registration fees shall be waived for a guest of each.
2. A minimum of three funded delegates from each member board as specified by the member board. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
3. Member board members who are attending their first annual meeting and who have been appointed to their board within 24 months before the annual meeting
4. The designated member board administrator (MBA) of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
5. Chairs of NCEES standing committees and task forces
6. NCEES service award recipients. Registration fees shall be waived for a guest of each.

C. Zone interim meetings

1. Members of the current NCEES board of directors and NCEES past presidents
2. A minimum of three funded delegates from each member board as specified by the respective member board. The delegates must be members of the member board or associate members. Boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
3. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.

D. Board Presidents' Assembly

1. Members of the current NCEES board of directors
2. Each member board president or his or her designated board member representative
3. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff.

E. Approved MBA meetings

1. Members of the current NCEES board of directors as authorized by the president
2. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff.

Rationale

The Council has historically funded each board president or his or her designated representative and each MBA to the biennial Board Presidents' Assembly and has funded each MBA to approved MBA meetings. The committee is moving to add this language to FP 3 to reflect the current NCEES funding for these meetings.

Note: Before proposing the changes shown above, the Finance Committee reorganized FP 3, Travel Expenses, to eliminate wordiness and redundancy. Because these were not substantive changes, the committee did not

Board of directors' position
Endorses, consent agenda

Manual of Policy and Position Statements

FP 3 Travel Expenses

NCEES shall budget for and pay travel expenses for NCEES-funded meeting attendees as described below. NCEES shall also waive the registration fee for NCEES-funded attendees to the annual meeting and zone interim meetings but shall not pay the cost of optional functions that are not included in the registration fee. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy. Unbudgeted international travel shall require authorization by the board of directors.

A. Meetings representing NCEES

1. Members of the board of directors, committee members, and consultants as authorized by the president. The president and the president-elect have the discretion to purchase business class airfares for trips greater than or equal to 5 hours of total in-air flying time each way to mitigate the stress of frequent travel. If no business class is available, first class may be considered.
2. Council staff as approved by the CEO

B. NCEES annual business meetings

1. Members of the current NCEES board of directors, incoming vice presidents, nominees for the incoming NCEES president-elect and treasurer positions, and past presidents. Registration fees shall be waived for a guest of each.
2. A minimum of three funded delegates from each member board as specified by the member board. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
3. Member board members who are attending their first annual meeting and who have been appointed to their board within 24 months before the annual meeting
4. The designated member board administrator (MBA) of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
5. Chairs of NCEES standing committees and task forces
6. NCEES service award recipients. Registration fees shall be waived for a guest of each.

7. Zone assistant vice presidents and zone secretary-treasurers

C. Zone interim meetings

1. Members of the current NCEES board of directors and NCEES past presidents
2. Zone assistant vice presidents and zone secretary-treasurers to their respective zone meeting
23. A minimum of three funded delegates from each member board as specified by the respective member board. The delegates must be members of the member board or associate members. Boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
34. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
5. Zone service award recipients to their respective zone meeting

FP 4 Zone Contribution

~~Each zone shall be granted an equal sum of money each year from the funds of the Council for attendance of up to 75 members. This sum is to be used for zone expenses, zone meetings, and expenses of the zone vice president, assistant vice president, and secretary-treasurer to the zone interim meeting. The amount of the grant will be determined by the board of directors. Additional funding by the Council for attendance above 75 members shall be granted to the respective zone at \$200 per member.~~

~~Zone operations conducted under the Council's federal tax identification number shall be considered part of the Council activities and will be administered and monitored by the chief executive officer in conjunction with zone officers.~~

Rationale

The committee discussed that preparing and planning zone interim meeting budgets require a significant amount of work. If this motion passes, Council staff, working with the zone officers and host boards, would prepare the zone interim meeting budgets that would become part of the Council's operating budget that is

In addition, because funding zone officers and zone service award winners would no longer be addressed in the *Zone Meeting and Continuity Guidelines*, the committee is proposing to add language to FP 3 to include them in the funding.

Note: Before proposing the changes shown above, the Finance Committee reorganized FP 3, Travel Expenses, to eliminate wordiness and redundancy. Because these were not substantive changes, the committee did not present the reorganization in a motion. The original FP 3 is included in this report's appendix for reference and to describe why and how the policy was reorganized.

Financial impact

The estimated reduction in annual meeting registration fee revenue is \$7,800, and the estimated annual meeting costs are \$25,468. The total estimated negative operation impact is \$33,268.

Board of directors' position

Endorses, consent agenda

MBA Motion 1

Move that the UPLG Committee be charged with incorporating the following language into *Model Law* 140.20 D:

Model Law**140.20 Expirations, Renewals, and Reinstatement to Active Practice**

D. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement. In the event that an inactive licensee does not maintain a current license in any jurisdiction and cannot show proof of lawful engineering and/or surveying practice, respectively, for the ~~three~~ five previous years prior to requesting reinstatement, that individual will ~~may~~ be required to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement to show proof of current competency.

Rationale

The intent of this section is to ensure that qualified individuals are practicing professional engineering and surveying. Most member boards do not require licensees to take an exam again in order to reinstate their license after having a lapsed license for a certain length of time. There are legitimate reasons that an individual may not have maintained a current license, such as working within an industry that did not require him or her to maintain a current license. The revisions above would allow a member board to use its professional judgment as to whether the specific circumstances of each situation would call for retaking any examination to prove competency.

Board of directors' position

Endorses, consent agenda

UPLG Motion 1

Move that the *Model Rules* 240.30 C6 be amended as follows.

Model Rules**240.30 Continuing Professional Competency****C. Qualifying Activities**

PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies [or in accrediting organizations](#)
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 semester hour 45 PDHs
2. 1 quarter hour 30 PDHs
3. 1 continuing education unit 10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences 1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2*
6. Publications
 - a. Each published peer-reviewed paper or book in the licensee's area of professional practice 10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee's area of professional practice 5 PDHs
7. Active participation in professional and technical society (each organization) 2 PDHs
8. Each patent 10 PDHs
9. 1 hour of outreach activities 1 PDH (not to exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

Rationale

Last year's Education Committee presented an annual meeting motion to charge UPLG with incorporating "or in accrediting organizations" to paragraph C.6 as shown above. The motion passed, and UPLG received this charge. The Education Committee's rationale for making this change was that the language of the *Model Rules* appears to exclude qualifying participation in accrediting organizations, and the committee believed that this was not the intent of this rule. The Education Committee further stated that it "discussed the training and time commitment that ABET program evaluators and team chairs provide when performing their evaluations and how that may or may not be fairly credited toward various jurisdictions' continuing education requirements. The committee determined that it is not in NCEES' purview to define specific hours of continuing education credit for this activity, but rather to recommend 'accrediting organizations' as a similar activity as professional or technical societies in its *Model Rules*."

In its review of last year's Education Committee language, the UPLG Committee had questions about "accrediting organizations." Did it mean organizations acceptable to just EAC/ABET, or would it allow others?

The Education Committee responded to UPLG's questions and said that the original charge to last year's Education Committee was to evaluate if and how ABET program evaluators can receive PDH credit for this effort and that no "bucket" exists in the NCEES model documents. The Education Committee noted that the term "accrediting organizations" does not seem as vague as the term "professional or technical societies," as listed in the same paragraph. Breaking out the new term into a separate category did not seem the way to go since it would require adding the number of units under section D (shown for reference), something the Education Committee was hesitant to do since defining the number of hours would be difficult.

After receiving the Education Committee's more detailed rationale, UPLG decided to present the language as the Education Committee originally presented it (and as shown above).

As a result of this review, UPLG has two recommendations. It recommends that the Education Committee be charged with reviewing C.7 to define what activity related to a patent is acceptable (should it be attaining a patent related to engineering or surveying?) and to make it an action like others in the list. It also recommends that the Education Committee be charged with considering whether to add a new C.9 for "Other qualifying activities approved by the board."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 1

Move that *Bylaws* 5.01 be amended as follows:

Bylaws

~~**Section 5.01 President.** The President shall, when present, preside at all meetings and shall present to the Council at the Annual Business Meeting a report of the activities during the term of office. The President shall appoint all members, chairs, vice chairs, and consultants of standing committees, special committees, and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint all members of a Tellers Committee for the election of the President-Elect and Treasurer. The President shall appoint all official representatives of the Council to other organizations as authorized by the Board of Directors. The President shall be chair of the Board of Directors, shall be an ex-officio member of all committees, and shall perform all other duties ordinarily pertaining to the office of President.~~

~~If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will be the acting President. The Vice President shall have all the powers of the President while presiding in this capacity.~~

Section 5.01 President. The President shall be the chair of the Board of Directors and shall preside over all meetings of the Board as well as the Annual Business Meeting of the Council. The President shall be an ex-officio member of all committees and task forces of the Council. The President shall perform all other duties ordinarily pertaining to the office of President. The President shall prepare and present to the Council at the Annual Business Meeting a report of the President's activities during the term of office.

The President shall appoint all members, chairs, vice chairs, and consultants of the standing committees as defined in Article 7 of the *Bylaws*. The President shall also appoint all members, chairs, vice chairs, and consultants of special committees and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint one member of the Board of Directors to serve as board liaison to each standing committee, special committee, and task force. The President shall appoint all official representatives of the Council to any other organizations. If needed during the annual meeting, the President shall appoint a Tellers Committee for the election of the President-Elect and/or Treasurer.

If the President is absent, the President-Elect will serve as the acting President in accordance with *Bylaws* 5.02. If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will serve as the acting President. The acting President shall have all powers of the President while presiding in this capacity.

Rationale

Motion 1 is proposed in response to the approved 2018 ACCA motion to propose an amendment to the description of the president's role. The ACCA rationale for the change was as follows: "ACCA feels that the proposed amendment will reduce ambiguities and better organize the responsibilities of the president. This proposed language places all of the presiding and reporting responsibilities in the first paragraph and all of the appointing responsibilities in the second paragraph. The responsibility to appoint board liaisons to committees and task forces has been clarified. The third paragraph is a proposed revision of the current second paragraph and addresses the matter of absence of the president as well as the absence of the president-elect in relationship to the need for a temporary acting president. The requirement of having authorization of the board of directors prior to appointing official representatives of the Council to any other organizations is being deleted. As has been the practice in the past, the president has the discretion to make such appointments."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 2

Move that *Bylaws* 7.01 be amended as follows:

Bylaws

7.01 Standing Committees. The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Education, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, Member Board Administrators (MBA), and Uniform Procedures and Legislative Guidelines (UPLG).

The structure and membership of all standing committees shall be commensurate with the charges unless otherwise provided for in the *Bylaws*. The composition of the committees should reflect the diversity of the Council membership.

A committee member may be appointed to serve on only one standing committee during any administrative year.

Appointments shall limit the tenure on any one committee to a maximum of four consecutive years, including any time as chair, except that (1) an individual may serve for three years as an EPS Committee member, two additional years as the EPS Committee vice chair, and two additional years as the EPS Committee chair; and (2) an individual may serve for three years as an EPE Committee member, two additional years as the EPE Committee vice chair, and two additional years as the EPE Committee chair. The chairs of the EPE and EPS Committee shall have had experience in developing NCEES examinations before assuming the position of chair. This experience is defined as involvement in at least two of the following activities: item writing or review, participation on a cut score panel, involvement in a Professional Activities and Knowledge Study (PAKS) committee or on examination specification committees, or participation on an examination development committee. The ascension track to the chair shall also include psychometric training approved by NCEES. A committee chair appointment shall be limited in tenure to a maximum of two consecutive years on any one committee.

Members, associate members, [past presidents](#), and emeritus members shall be eligible to serve on any committee or task force. Committee members may continue to serve until the conclusion of the term of office to which they were appointed even if their terms with Member Boards have ended.

Rationale

Motion 2 is proposed in response to the approved 2018 ACCA motion to propose an amendment that clarifies who is allowed to serve on standing committees and task forces. The ACCA rationale for the change was as follows: "*Bylaws* 3.07, Past Presidents, states that past presidents are eligible to serve on committees of the Council. However, *Bylaws* 7.01, Standing Committees, does not specifically mention past presidents. This motion is simply to clarify the current process."

Board of directors' position

Endorses, consent agenda

Bylaws

Section 7.02 Advisory Committee on Council Activities. The Advisory Committee on Council Activities (ACCA) shall consist of a chair and members from each zone. At least one member shall be a [professional engineer, one member a professional surveyor, and one member a member board administrator](#). The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non-recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the *Manual of Policy and Position Statements*, in consideration of past and current action of the Council, and present any proposed revisions ~~to the Board of Directors for review and forwarding to the Council for ratification at the Annual Business Meeting as needed.~~

Rationale

Motion 3 is proposed in response to the approved 2018 ACCA motion to propose an amendment to the description of ACCA. The ACCA rationale for the change was as follows: "ACCA is proposing changes in the first paragraph because the current language does not require that any professional engineers or member board administrators be on ACCA. The proposed language will correct this missing language by requiring at least one professional engineer, one professional surveyor, and one member board administrator to be on the committee. It is proposing changes to the second paragraph to match current practice, which is that motions are presented as needed and then voted upon, but not ratified."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 4

Bylaws

Section 7.03 Committee on Awards. The Committee on Awards shall have one member from each zone plus the chair. When available, these members should be past members of the Board of Directors who have received the Distinguished Service Award of NCEES. It shall, by October 1 of each year, canvass the Member Boards for nominations for the awards to be given at the Annual Business Meeting, including the Distinguished Service Award. It shall be guided by the established policies and procedures for the awards. Nominations shall be submitted by entities as defined in Council policy by January 31 of the next year.

The committee shall complete its recommendations and submit its report to the Board of Directors by April 1. [The Board of Directors shall review the report and approve individuals to receive awards.](#)

Rationale

Motion 4 is proposed in response to the approved 2018 Awards Committee motion to propose an amendment that clarifies the process of designating award recipients. The Awards Committee rationale for the change was as follows: "The committee is proposing these changes to make the *Bylaws* consistent with current practice."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 5

Bylaws

Section 7.07 Committee on Examinations for Professional Surveyors. The Committee on Examinations for Professional Surveyors (EPS) shall consist of a chair and three members from each zone. ~~It~~ All members shall be professional surveyors. EPS shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of surveying.

The committee, in the interest of uniformity and efficiency, ~~may~~ shall prepare examination development procedures and shall review examination scores and make recommendations of minimum passing grades for examinations.

At least 50 percent of the committee members should be carryover members to provide continuity of the program.

This committee shall have the authority to recommend, in connection with its work, the appointment of consultants.

Rationale

Motion 5 is proposed in response to the approved 2018 EPS Committee motion to propose an amendment to the description of the EPS Committee. The EPS Committee rationale for the change was as follows: "EPS is proposing the amendment in the first paragraph to eliminate the possibility of having EPS Committee members who lack the specialized knowledge required for development of the surveying exams. It is also changing 'may' to 'shall' as a housekeeping change for consistency."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 6

Bylaws

Section 7.08 Committee on Examination Policy and Procedures. The Committee on Examination Policy and Procedures (EPP) shall consist of a chair, ~~and~~ two members selected from each zone, and the chairs of the Committee on Examinations for Professional Engineers and Examinations for Professional Surveyors (or their representatives) as consultants. In addition, the President may appoint ~~as consultants the chairs of the Committees on Examinations for Professional Engineers and Examinations for Professional Surveyors and their subcommittees~~ other consultants as deemed necessary, including a member board administrator.

This committee shall be responsible for reviewing the effectiveness of the examinations and recommending policies, specifications, and procedures consistent with the trends in the engineering and surveying professions.

Rationale

Motion 6 is proposed in response to the approved 2018 EPP Committee motion to propose an amendment to the description of the EPP Committee. The EPP Committee rationale for the change was as follows: “The president consistently invites the chairs of the EPE and EPS committees as consultants. Adding ‘their representatives’ gives the option for the chair to have a respective committee member represent the committee if the chair is unable to attend. The EPP Committee also feels that having an MBA member as a consultant is beneficial, especially when policy changes are proposed. MBAs provide an administrative perspective on how policy changes may affect their boards.”

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 7

Bylaws

Section 7.10 Committee on Law Enforcement. The Committee on Law Enforcement shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall receive comments and suggestions from Member Boards regarding state board regulatory functions and submit recommendations for action to the Board of Directors. The committee will consider and recommend methods for Member Boards to achieve more effective and uniform enforcement of licensing acts and for greater interstate coordination of enforcement actions, including better utilization of available technologies. The committee is responsible for periodically updating the *Investigation and Enforcement Guidelines* to assist Member Boards in investigative techniques, ~~formal~~ hearing procedures, and ~~informal~~ settlements.

Rationale

Motion 7 is proposed in response to the approved 2018 Law Enforcement Committee motion to propose an amendment to the description of the Law Enforcement Committee. The Law Enforcement Committee rationale for the change was as follows: “The committee is proposing these changes to eliminate unnecessary words that could potentially cause misunderstanding.”

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 8

Bylaws

Section 7.11 Committee on Member Board Administrators. The Committee on Member Board Administrators shall consist of a chair, who shall be a member board administrator; and at least two members member board administrators from each zone. ~~Two members shall be; and two~~ current members or emeritus members of Member Boards. The committee shall arrange for the conference of administrators at the Annual Meeting and Interim Meetings of the NCEES zones. Throughout the year, the committee shall strive to provide close cooperation between administrators and to facilitate and assist any efforts by the Member Boards in addressing licensure processes and practices.

Rationale

Motion 8 is proposed in response to the approved 2018 MBA Enforcement Committee motion to propose an amendment to the description of the MBA Committee. The MBA Committee rationale for the change was as follows: "The MBA Committee is proposing this change to clarify the purpose of MBAs within the committee, maintain zone diversity, and recognize the desire/need to consider the perspective of the MBA role as viewed by board members."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 9

Bylaws

Section 10.01 Fees. ~~Annual fees of Member Boards are due on January 1 for the ensuing calendar year.~~ Member Board annual membership fees are due 30 days within receipt of an invoice from NCEES. The fee schedule for Member Boards shall be based on the number of licensees of record as of December ~~31~~ of the preceding calendar year.

Rationale

Motion 9 is proposed as a result of the Bylaws Committee general review. The dates of January 1 and December 31 do not match current practice. Invoices for dues are usually sent in January. After consulting with the NCEES CFO, the committee proposes changing the language to require payment 30 days after the invoice is received. As far as the number of licensees on record, current practice is for the numbers to be due at the beginning of December, so the committee is proposing to say “December” only rather than give an exact date.

Board of directors’ position

Endorses, consent agenda

Public Outreach Task Force Motion 1

Move that Position Statement 19 be amended as follows:

Manual of Policy and Position Statements**PS 19 Education**

The primary role of NCEES is to facilitate professional licensure of engineers and surveyors and uphold standards necessary to safeguard the health, safety, and welfare of the public. The Council strongly advocates quality education ~~for to prepare individuals to become~~ engineers and surveyors, including K–12 and university education, as well as continued professional competency for licensees. The Council ~~and~~ supports efforts to develop educational standards required for licensure and to expeditiously disseminate those standards to its member boards.

The educational objectives of NCEES are to

- A. Advocate quality education that adequately prepares candidates for licensed professional practice. ~~Licensed professional practice includes, but is not limited to, all aspects of engineering and surveying regulated by state and territorial licensing boards or regulated by government agencies., which may include the following:~~
 1. K–12 education, as it informs students about the fields of engineering and surveying and prepares them for university study
 2. Higher education, which prepares individuals for licensure and professional practice
- B. Recognize institutional indicators of quality education, which may include the following:
 1. Program educational objectives and outcomes that include a focus on preparing students for licensed professional practice as described in paragraph A above
 2. Program educational objectives and outcomes that are assessed in part by nationally validated content examinations
 3. Curriculum requirements that equate to the standards for licensure eligibility
- C. Establish program indicators of quality education for licensure eligibility, which include the following:
 1. Nationally validated assessment methods
 2. Program educational objectives that specifically direct the educational standards toward licensed professional practice
 3. Compliance with prescribed pass rates on nationally validated content examinations
- D. Assist member boards in evaluating the indicators and metrics as established for licensure eligibility.

Rationale

This position statement recognizes that engineers and surveyors play a vital role in safeguarding the health, safety, and welfare of everyone. As such, promoting licensure to create awareness related to its value and overall effects to the public should include K–12 education and higher education—and not be limited to any particular audience.

Board of directors' position

Endorses, consent agenda

Surveying Exam Module Task Force Motion 1

Move that the PS examination be restructured into the following separately scored divisions and that the EPS Committee be charged with implementation:

- Core PS
- Boundary
- PLSS
- Mapping science
- Incidental drainage design

Rationale

The task force believes that to better serve the member boards and to safeguard the health, safety, and welfare of the public, a major change in the current process for examining professional surveyors is needed. By moving to a divisional approach, the member boards can be better served by knowing that examinees have proven competence in several areas. The task force also believes that a divisional exam approach will allow for less duplication between jurisdictional exams and the national exams, hopefully allowing member boards to modify current jurisdictional exams to test things that are truly limited to a specific jurisdiction. And, finally, the task force believes that this approach will allow those member boards that license mapping scientist/photogrammetry and/or having mapping science in their definition of surveying to adequately test for competence in that area (the same goes for incidental drainage design).

Financial impact

The full financial impact is yet to be determined. If the modifications to the examination can coincide with next scheduled professional activities and knowledge survey (PAKS), there will be some additional cost to NCEES to bring in subject-matter experts in areas not covered by the current PS examination. Ongoing expenses for exam development will include bringing in subject-matter experts in the areas not covered by the current PS exam; however, doing so will not happen for a number of years. If this motion passes, the task force recommends for the Committee on Finances to work with the EPS Committee to develop the examinee cost for each division of the exam.

The task force estimates that for fiscal year 2019–20, \$50,000 needs to be budgeted for further psychometric work to determine how the divisions would be scored and administered plus estimating the reliability of having shorter exam lengths (fewer questions) in a given division versus the current PS exam length of 100 questions.

Board of directors' position

Endorses, consent agenda

Board of Directors Motion 1

Move that the Special Committee on Bylaws be charged with incorporating the following language into *Bylaws* 3.09.

Bylaws

Section 3.09 Zone Organization. Each zone shall adopt the *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in conformity to the NCEES *Bylaws*.

Each zone shall submit copies of its minutes ~~and an annual financial statement~~ to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all duties of the Vice President in the event that the Vice President is unable to perform for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

Each zone shall elect a Secretary-Treasurer. Members and associate members shall be eligible to hold the office of Secretary-Treasurer. The Secretary-Treasurer shall keep and have published zone minutes; and maintain records of zone activities, ~~and handle zone financial affairs under the direction of the Vice President.~~

Administration of the financial affairs of the zone shall be consistent with those of the Council as governed by the Council's Articles of Incorporation and the *Bylaws*, ~~with submittal of financial statements as required.~~

Rationale

If the Committee on Finances Motion 5 passes (which essentially will allow Council staff, working with the zone officers and host boards, to prepare the zone interim meeting budgets), these changes to *Bylaws* 3.09 are needed to agree with the Finance Committee modifications to Financial Policies 3 and 4.

Board of directors' position

Endorses, consent agenda

BOARD OUTREACH REPORT

2nd Quarter: April - June 2019

SOCIAL MEDIA & WEBPAGE VIEWS

TOP 5 TWITTER 'TWEETS'	DATE	VIEWS
Board Notice & Agenda (May)	May 1	1,280
Board Notice & Agenda (June)	May 31	1,225
Meeting Materials (June) Published	May 8	1,180
Meeting Materials (May) Published	April 10	1,068
Board Notice & Agenda (April)	March 14	918

TOP 5 FACEBOOK POSTS	DATE	VIEWS
Meeting Materials (May) Published	May 9	613
Board Notice & Agenda (June)	May 31	457
Records of Survey Workshops announced	April 2	354
Meeting Materials (June) Published	May 8	284
Board Notice & Agenda (May)	May 1	280

TOP 5 WEBPAGE HITS	VIEWS
License Lookup	231,339
Home Page	144,491
Professional Engineer Application	102,298
Application Information	72,226
Licensee Information	70,710

OUTREACH EVENTS

UNIVERSITY OUTREACH

April

April 3 & April 4: Cal Poly, San Luis Obispo and Mid Pacific Conference
Several classroom and ASCE presentations on the path to professional licensure. Mike Donelson, P.E. and Brooke Phayer.

April 11 & April 12: San Diego State University
Several classroom presentations on the path to professional licensure. Mike Donelson, P.E. and Brooke Phayer.

April 12: CSU Sacramento
Laurie Racca, PG, teamed with a representative of the California Geological Survey (CGS) for a presentation to geology students and faculty regarding professional licensing requirements. The presentation encouraged students to begin taking control of their careers by understanding licensing requirements, explained how having a professional license affects their career options, and encouraged attendees to keep up to date both with the standards of the profession and with activities at the Board.

April 17-19: San Jose State University
Brooke Phayer attended the annual Mid-Pacific Conference of civil engineering programs: Cal Berkeley, Cal State Chico, San Francisco State, San Jose State, Santa Clara University, UC Davis, Sacramento State, University of the Pacific, and CSU Fresno were all represented.

April 18: CSU San Bernardino
Student/faculty presentation to provide information regarding professional licensing requirements. Laurie Racca, P.G.

April 23: University of California, Riverside
Presentations on the path to professional licensure: two student presentations; one faculty presentation. Mike Donelson, P.E., and Natalie King, P.E.

April 23: University of California, Los Angeles
ASCE Student Chapter presentation on the path to professional licensure. Mike Donelson, P.E., and Natalie King, P.E.

April 25: Cal Poly, Pomona
ASCE Student Chapter presentation on the path to professional licensure. Natalie King, P.E.

April 25: CSU Fullerton
ASCE Student Chapter presentation on the path to professional licensure. Natalie King, P.E.

April 30: UC Davis
ASCE Student Chapter presentation on the path to professional licensure. Natalie King, P.E.

May

May 1: CSU Northridge
Presentation on the path to professional licensure. Mike Donelson, P.E.

May 6: CSU Sacramento
Presentation on the path to professional licensure. Natalie King, P.E and Mike Donelson, P.E.

May 7: CSU Sacramento
Additional presentation at CSU Sacramento. Natalie King, PE.

UNIVERSITY OUTREACH

May 17: UC Riverside

Laurie Racca, PG, encouraged students to obtain their Geologist-In-Training (GIT) certificate by taking the national Fundamentals of Geology examination as soon as they are qualified.

June

June 6: UC Davis

Senior Project Day attended by Mike Donelson, P.E., and Brooke Phayer with video interviews recorded and produced by DCA Media Department.

PROFESSIONAL SOCIETY OUTREACH

April

April 17: San Diego

Record of Survey Workshop. Dallas Sweeny, P.L.S., and Ric Moore, P.L.S.

April 26: Turlock

Record of Survey Workshop. Dallas Sweeney, P.L.S., and Ric Moore, P.L.S.

April 26: Redding

ASCE Shasta Branch presentation on the process of obtaining a professional license by Dr. M. Qureshi, PE., who visited with the Shasta Branch of ASCE as it attempts to re-launch its branch. There were 17 audience members who were mostly recent graduates interested in licensure as civil or electrical engineers.

May

May 15: WEBINAR

American Geosciences Institute (AGI) Geoscience Online Learning Initiative (GOLI) The Board's Geology and Geophysics Program and the National Association of State Boards of Geology (ASBOG®) were invited by the American Geosciences Institute (AGI) to provide a nationwide webinar on Professional Geologist Licensure Requirements and the ASBOG® National Geology License Examinations. The webinar covered the following topics:

- An overview of geology licensure qualification requirements in the United States,
- A discussion of the national licensing examinations for geologists prepared by the National Association of State Boards of Geology (ASBOG®),
- Explained how data from the ASBOG® Fundamentals of Geology (FG) examination can be used as a curriculum assessment and curriculum modification tool by colleges and universities.

The BPELSG/ASBOG® webinar attracted over 1,000 registrations and broke the AGI record for webinar attendance. The webinar was recorded and is available for free viewing on the AGI GOLI webpage: <https://www.americangeosciences.org/webinars/professional-geologist-licensure-requirements-and-asbog-national-geology-license>

Laurie Racca, P.G., spearheaded the organization and presentation of this webinar.

June

June 18 & 19: Bakersfield and Long Beach

The California Department of Conservation (DOC), Division of Oil, Gas and Geothermal Resources (DOGGR) requested that the Board provide presentations on licensure requirements to staff in each of their offices. Enforcement Manager Tiffany Criswell, Senior Registrar Mike Donelson, P.E., and Senior Registrar Laurie Racca PG, provided information to staff in these DOGGR regional offices. Additional presentations are planned for other DOGGR offices throughout the summer.

June 20: Camp Pendleton Military Base

Information on the path to professional licensure for current and retired military personnel by Mike Donelson PE at annual military educational event.

June 26: Ventura

Monument Preservation Seminar. Dallas Sweeney, P.L.S.

June 26: Santa Barbara

Monument Preservation Seminar. Dallas Sweeney, P.L.S.

June 26: Altec Engineering

Presentation on the path to professional licensure. Mike Donelson, P.E.

PRINTED MATERIAL

Summer 2019 *Bulletin*:

<https://www.bpelsg.ca.gov/pubs/bulletin59.pdf>

X. Technical Advisory Committees (TACs)

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

APPOINTMENTS TO THE GEOLOGIST AND GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE

RECOMMENDED MOTION:

Appoint the following individuals to the Geologist and Geophysicist Technical Advisory Committee (GGTAC) for two-year terms expiring August 1, 2021.

- Mr. William Owen, PG, CEG, PGP
- Mr. Mark Riches, PGP
- Mr. Christopher Watt, PG, CEG, CHG

BACKGROUND:

The terms of all five members of the Geology and Geophysics Technical Advisory Committee (GGTAC) have expired. Three individuals have indicated a willingness to serve on the GGTAC. If the Board appoints these three persons, two vacancies would remain on the GGTAC. These appointments have been submitted by Board Member Betsy Mathieson, PG, CEG.

Mr. William Owen is a licensed geologist, certified engineering geologist, and a licensed geophysicist. He is the Chief of the Geology and Geophysics Branch at the California Department of Transportation. Mr. Owen has over 25 years of experience, has participated as a subject matter expert for the Board and has published extensively. Mr. Owens works in Sacramento and has previously served on the GGTAC from July 2011 until June 2019.

Mr. Mark Riches is a licensed geophysicist with more than 25 years of professional experience. He is the Senior Geophysicist and Vice President of **GeoVision** Geophysical Services. He has extensive practical and technical experience conducting hi-resolution geophysical surveys in support of a variety of environmental and engineering investigations. Mr. Riches works in Southern California and has previously served on the GGTAC from July 2011 until June 2019.

Mr. Christopher Watt is a licensed geologist, certified engineering geologist and certified hydrogeologist. He has participated in the Board's examination workshops for the California Specific examination for the Professional Geologist license, the Certified Engineering Geologist examination, and the Certified Hydrogeologist examination. Mr. Watt has 20 years of experience with a wide variety of engineering geology, hydrogeology and environmental geology projects. He is the Vice-President and Principal Engineering Geologist for LACO Associates. Mr. Watt works in Ukiah (Northern California).

The appointment of Mr. Owens and Mr. Riches will provide a continuity of expertise and experience on the GGTAC. The appointment of Mr. Watt will provide additional technical and geographic diversity to the GGTAC.

XI. President's Report/Board Member Activities

XII. Approval of Meeting Minutes

A. Approval of the Minutes of the June 13, 2019, Board Meeting

DRAFT

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

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

Thursday, June 13, 2019, beginning at 9:00 a.m.

June 13, 2019

Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Betsy Mathieson; Frank Ruffino; Jerry Silva; Robert Stockton; and Steve Wilson
Board Members Absent:	Duane Friel; Asha Lang
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Reza Pejuhesh (Legal Counsel); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Qureshi called the meeting to order at 9:02 a.m., and a quorum was established.

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

No Public Comment

VII. Administration

A. Fiscal Year 2017/18 Budget Status

Mr. Moore reported that DCA is working with Fi\$Cal and expects Fiscal Year 2017/18 year-end reports by August and Fiscal Year 2018/19 year-end reports in September.

B. Fiscal Year 2018/19 Budget Report

Mr. Moore reported that during the week of May 6, the budget sub-committees for both houses of the Legislature conducted hearings on Budget Change Proposals through Spring Finance Letters. There are four DCA programs, including our Board, that are collectively taking part in the Business Modernization effort with a

combined Spring Finance Letter. The Spring Finance Letter was approved by Agency, the Department of Finance, and both budget committees and was incorporated into the Governor’s revised budget.

Mr. Moore noted that Plan for Financial Adjustment item for Fiscal Year 2018/19 represents Fi\$Cal items that have not been categorized.

X. Exams/Licensing

Mr. Moore expects that an examination results report will be available at the August Board meeting. He provided an update on the licenses issued and initial applications and noted a steady increase in applications this year compared to last.

XII. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

MOTION:	Mr. Stockton and Mr. Wilson moved to appoint Mr. Brandow, Mr. Hohbach, Mr. Huxley, and Mr. Josephson to the Structural Engineering TAC.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

C. Reports from the TACs

No report given.

XI. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported the Geology Education regulation rulemaking package has been submitted to the Office of Administrative Law for final review. The estimated deadline for that review is July 21, 2019.

The Fees and Certificates regulation is in the pre-notice review phase at DCA. They are very aware of the need to expedite it so the official rulemaking process with public notice can begin.

Staff is currently working on other regulations, as listed; however, the regulations relating to AB 2138 are of highest priority as they must go into effect by July 1, 2020.

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

Mr. Moore reported that the Board is currently in Stage III and is collaborating with three other DCA programs. He anticipates a request for proposal to be issued in July or August. The Board is working closely with DCA and the California Department of Technology (CDT).

C. Personnel

The Board’s receptionist, Janice Fowlkes, has been promoted to the position of Fingerprint Coordinator in the Licensing Unit.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

1. Nomination for 2020 ASBOG Secretary – New York Nomination

The New York Board expressed that they have been impressed by the manner in which Laurie Racca, our staff geologist, has been representing the interests of boards at ASBOG meetings and contacted Mr. Moore to see if she would be interested in being nominated as ASBOG Secretary. Ms. Racca agreed, and the New York Board submitted her name for nomination to ASBOG.

MOTION:	Ms. Mathieson and Mr. Ruffino moved to support Laurie Racca’s nomination for ASBOG Secretary and to send a letter of support.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				

Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

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

1. Report from Southern Zone/Western Zone Interim Meeting

Mr. Moore reported on the Southern Zone/Western Zone meeting that took place in May in Boise, Idaho.

The Advisory Committee on Council Activities (ACCA) proposed a motion that one board cannot vote for another board that is not physically present at the time of the vote.

The Education Committee's motion is in reference to engineering technology degrees. There was discussion on how that should be considered in terms of criteria for licensure. Similar to California, there are some boards that accept it with certain number of years of experience. Mr. Moore expects more discussion on this topic at the Annual Meeting with different points of view. The NCEES Board of Directors did not approve it for consent and were not able to agree on whether or not to support the motion.

The Surveying Task Force motion was very well received and the NCEES Board of Directors approved it for consent. It may be pulled for discussion at the Annual Meeting.

Mr. Moore will provide a more detailed analysis and send out the motions ahead of the August Board meeting. He reminded the Board that Mr. Stockton, Dr. Amistad, and Mr. Wilson are funded delegates for the Annual Meeting. Additional first-time delegates are Mr. Ruffino, Dr. Asgari and Mr. Hamilton. Mr. Friel expressed interest in attending, but he will wait until next year.

Out-of-state approval has not been received, but Mr. Moore suggested that the funded delegates begin the registration process.

Mr. Wilson reported that Mr. Moore was reelected as Western Zone Secretary/Treasurer.

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

This hearing was held on Thursday, June 13, 2019.

V. 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

VI. Open Session to Announce the Results of Closed Session

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

IX. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell reviewed the Enforcement statistics.

XI. Executive Officer's Report (Cont.)

Mr. Moore attended the quarterly DCA Director's meeting that took place June 3, 2019. They discussed several items that included the upcoming Executive Officer salary study, the Department's new Regulations Unit and their continuing effort to improve the Rulemaking process which may include additional positions, and website ADA accessibility compliance.

VIII. Legislation

A. 2019 Legislative Calendar

No report given.

B. Discussion of Legislation for 2019

SB 556

Professional land surveyors and engineers.

Ms. Eissler advised that the bill was amended on May 21, 2019, to remove everything except the provision that adds a new section to the Business and Professions Code that would require businesses offering land surveying services to obtain a certificate from the Board. There would be certain conditions they would have to meet to obtain a certificate. Ms. Eissler addressed staff's concerns with the policy concept of requiring the businesses to obtain a certificate. The laws currently outline the requirements that must be met for licensees to

offer land surveying services through a business entity and require an Organization of Record form to be filed with the Board without the licensees having to pay additional fees. She does not believe there has been a sufficient study done to show that requiring licensees to pay an additional fee and be given a certificate for the business would provide any better consumer protection than current law. It is a policy concern separate from concerns with the actual language in the bill that the Board needs to decide how it wants to approach it.

John Rector, representing Operating Engineers Local 3, and Ralph Guida, a land surveyor who owns his own business, presented information in support of SB 556. They requested that the Board support the bill, even if the position was “support if amended.”

Mr. McMillan, representing CLSA, indicated that CLSA’s Board of Directors has not met to take a position on the bill since it was amended.

Mr. DeWitt, representing ACEC-CA, indicated that they are continuing to review the bill but do not have a formal position at this time.

During the discussion, the Board questioned how this new requirement would provide for better public protection than current law. The Board was not persuaded by the comments from the public to support the policy concept.

Ms. Eissler added that AB 2138 has been referred to the Assembly Business and Professions Committee but has not been scheduled for a hearing.

After the motion was made, but prior to the vote, Mr. Ruffino asked if the motion should be “oppose unless amended” to address concerns with the actual language of the bill. Mr. King indicated that was not the motion he was making.

MOTION:	Mr. King and Ms. Mathieson moved to oppose AB 2138, as amended May 21, 2019.
VOTE:	12-1-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	

Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino		X			
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

As part of the discussion, the Board directed staff to begin researching implementing a certificate or registration requirement for engineering, land surveying, geology, and geophysics businesses. Ms. Eissler recommended that an item be placed on a future meeting agenda, so the Board would be able to fully discuss, with public participation, what information it would like staff to research.

- AB 544** Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
No vote needed.
- AB 613** Professions and vocations: regulatory fees.
No vote needed.
- AB 1522** Board for Professional Engineers, Land Surveyors, and Geologists.
No vote needed.
- SB 53** Open meetings.
No vote needed.
- SB 339** Land surveyors.
Ms. Eissler provided the Board with an updated version of the bill and the Assembly Business and Professions Committee analysis. During the May 2019 Board meeting, the Board voted to support the bill as amended for the April 29 version and directed Board staff to ask the author and sponsor to consider putting the same language in the Board's other two licensing acts. The author and sponsor agreed to do this; however, the language that was included in the June 4, 2019, version of the bill contains drafting errors. It was heard by the Assembly Committee on Business and Professions on June 11, 2019, and the Committee recommended amendments to correct the drafting errors, and the author accepted those amendments, and the bill passed out of Committee. The amendments that will be made are shown in the Committee analysis and are responsive to the Board's request.

MOTION:	Mr. King and Mr. Ruffino moved to support SB 339, as amended in the Assembly Committee on Business and Professions on June 11, 2019.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

XIII. President’s Report/Board Member Activities

President Qureshi provided a presentation on behalf of the Board at the ASCE chapter meeting in Shasta.

Mr. Moore presented President Qureshi with a gavel plaque in recognition of his time as Board President.

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

The Nomination Committee comprised of Mr. King and Mr. Johnson recommended Dr. Amistad as Board President and Mr. Wilson as Board Vice President.

MOTION:	Mr. Silva and Mr. Stockton moved to elect Felino Amistad as Board President and Steve Wilson as Board Vice President.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				

Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

xv. Approval of Meeting Minutes

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

MOTION:	Mr. King and Ms. Mathieson moved to approve the April 11, 2019, Board meeting minutes, as amended.
VOTE:	9-0-4, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton			X		
Kathy Jones Irish			X		
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino			X		
William Silva			X		
Robert Stockton	X				
Steve Wilson	X				

MOTION:	Dr. Amistad and Mr. Stockton moved to approve the May 13, 2019, Board meeting minutes.
VOTE:	10-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi			X		

Alireza Asgari			X		
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino	X				
William Silva			X		
Robert Stockton	X				
Steve Wilson	X				

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

Mr. Moore recalled a request made by Mr. Johnson about continuing education and what other boards within DCA are doing. He is continuing to research this issue and is hopeful to have information available at the next meeting.

President Qureshi requested some research on how other states are handling the issue of certifying businesses and handling unlicensed activity. Mr. Moore suggested discussing what the Board wants to pursue and prepare a summary of how the Board handles unlicensed activity in addition to research what other state boards do about both unlicensed activity and business certificates.

xvii. Adjourn

The meeting adjourned at 4:08 p.m.

PUBLIC PRESENT

- Patrick Haedtler
- Tim Cremins
- Chris Ehe
- John Rector
- Rob McMillan, CLSA
- Bob DeWitt, ACEC
- Ralph Guida IV, Guida Surveying Inc.

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

- A. September 26-27, 2019, Board Meeting will be held in San Diego at CalTrans District 11.

XIV. 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)]
- 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

XV. Open Session to Announce the Results of Closed Session

XVI. Adjourn
