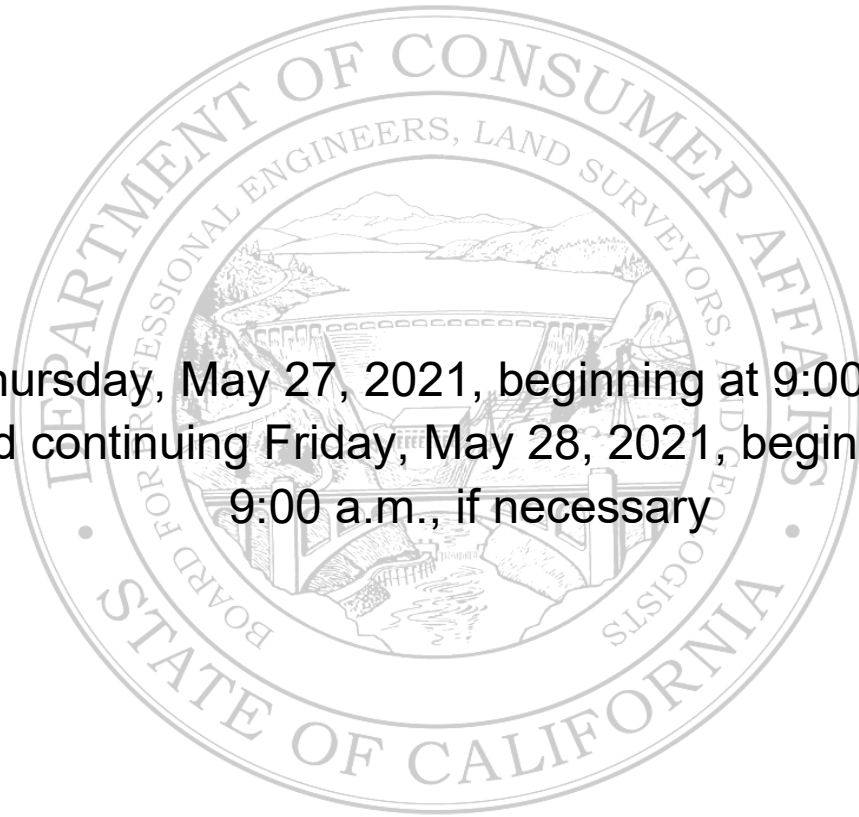




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, May 27, 2021, beginning at 9:00 a.m.,
and continuing Friday, May 28, 2021, beginning at
9:00 a.m., if necessary



Teleconference Public Board Meeting

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

BOARD MEETING

MAY 27-28, 2021

TELECONFERENCE

BOARD MEMBERS

President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D'Antonio; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez

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Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.	

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. Consideration of Rulemaking (Possible Action)

- A. Adoption of Regulatory Proposal to Repeal Title 16, California Code of Regulations 443 and 444 (Inspection of Examination and Examination Appeal) (Possible Action)

**Adoption of Rulemaking Proposal to Repeal
Title 16, California Code of Regulations
Sections 443 (Inspection of Examination) and 444 (Examination Appeal)**

Background

In 2013, the Board intended to repeal Sections 443 and 444 at the same time as it was repealing other sections that related to the appeal and inspection of state specific geology and geophysics examinations. However, these sections were inadvertently left out of that rulemaking proposal. The Board is now pursuing the repeal of these two sections. The rulemaking proposal was noticed for a 45-day public comment period beginning on February 26, 2021, and that comment period ended on April 13, 2021.

No comments were submitted by members of the public during the 45-day comment period.

Current Status and Next Steps

Staff recommends that the Board vote to adopt the proposed regulatory changes and direct staff to finalize the rulemaking file.

The final language with the proposed changes is included for the Board's review. Language proposed to be deleted is shown in ~~single-strikethrough-text~~.

RECOMMENDED MOTION:

With regard to the rulemaking proposal to repeal Title 16, California Code of Regulations sections 443 and 444:

- Adopt the final rulemaking proposal; and,
- Delegate to the Executive Officer to finalize the rulemaking file.

Title 16, California Code of Regulations sections 443 and 444

Language proposed to be deleted is shown in single-strikethrough-text.

~~§ 443. Inspection of Examination.~~

~~(a) The following definitions as used in these regulations have the meaning expressed in this section:~~

~~(1) "Essay type problem" means an engineering or land surveying problem in which the examinee provides a free response as solution and is graded for method, computations and answers. Scoring is determined by comparing examinee solutions with predetermined scoring plans.~~

~~(2) "Multiple-choice type problem" means an engineering or land surveying problem which requires the examinee to select an answer from a multiple response format. Computations are not considered in the grading process for multiple-choice items.~~

~~(b) Multiple-choice type problems shall not be reviewed.~~

~~(c) An applicant who meets the criteria specified in subparagraph (1) below shall be granted 8 hours to review or write an appeal for an essay type problem or problems attempted during the written examination.~~

~~(1) Who is no more than 15% below the passing score on a State specific Professional Engineering or Professional Land Surveying examination.~~

~~(d) Time and location of the examination review or appeal session shall be designated by the executive officer.~~

~~(e) At the time of the review or appeal session, no one other than the examinee and representatives of the board shall have access to such examination papers.~~

~~(f) Evidence that the applicant erased, deleted, removed or altered the examination papers, or the material contained thereon during such inspection, may result in the applicant being disqualified by the board from taking future examinations.~~

~~(g) The applicant shall have access to his or her examination, test booklets and solutions, when reviewing or preparing an appeal of an essay type problem during the time period specified in subsection (c).~~

~~Note: Authority cited: Sections 6716 and 8710, Business and Professions Code.~~

~~Reference: Sections 6754 and 8745, Business and Professions Code.~~

§ 444. Examination Appeal.

~~(a) Applicants who were unsuccessful in the Professional Engineers or Professional Land Surveyor Examination will be notified by mail with the notice of results of the date and time in which they may attend a review or appeal session. The appeal fee referred to in section 407(d) must be received by the board within twenty-one (21) days from the date of the notice of the results of his or her examination. Applicants who decide to submit an appeal will be required to submit their appeal at the end of the review or appeal session.~~

~~(b) An appeal of an essay type problem of the examination shall be made in writing; and it shall state the reason for appeal, citing the item or items against which the appeal is directed; and it shall be accompanied by the appropriate appeal fee. The applicant shall identify the specific item(s) being challenged; the specific reasons for the challenge; and cite reference materials, facts, and figures to substantiate the appeal. The appeal fee shall be payable for an appeal directed at an essay type problem of the examination. An appeal may be directed to any specific essay type problem or problems or sub-parts thereof, but an appeal shall cause the entire problem to be rescored. Rescoring of an essay type problem may result in one of the following three actions: points may be added; points may be deducted; or the score may remain the same. If the appeal results in the appellant being deemed to have passed the examination, the full appeal fee shall be refunded.~~

~~(c) The executive officer may deny any appeal requesting a review of an examination that is not accompanied by information supporting the reason for such request, is not accompanied by the correct appeal fee, or is not filed within the period of time provided in paragraph (a) of this rule.~~

~~(d) The Board's decision on an appeal of an essay type problem is final and shall not be reevaluated. A multiple-choice type problem is not appealable.~~

Note: Authority cited: Sections 6716, 6754, 8710, and 8745, Business and Professions Code.

Reference: Sections 6754 and 8745, Business and Professions Code.

V. Administration

A. Fiscal Year 2020/21 Budget Report

GUIDE TO READING THE FINANCIAL STATEMENT

Prepared 7/03/20

Object Description
Provides the name of the line item where our revenue and expenditures occur

FM1 Projections
Identifies the amount that BPELSG projected in July 2019 for FY 19-20

Percentage Change
Provides a percentage reference on the difference between FM1 Projections and Updated Projections

Difference
Provides a \$ difference between FM1 Projections and Updated Projections

	FY 19-20 4/12 Activity Log	FY 19-20 FM 1 Projections	FY 19-20 Updated Projections	% Change	\$ Difference
Revenue					
Applications/Licensing Fees	1,196,248	1,646,000	1,646,000	0%	0
Renewal fees	6,116,355	6,891,000	6,891,000	0%	0
Delinquent fees	48,633	88,000	88,000	0%	0
Other & Reimbursements	68,720	140,000	140,000	0%	0
Interest	74,492	163,000	163,000	0%	0
Total Revenue:	7,504,448	8,928,000	8,928,000	0%	0
Expense					
Personnel Services:					
Salary & Wages (Staff)	1,956,776	2,924,425	2,924,425	0%	0
Temp Help	88,479	123,785	123,700	0%	85
Statutory Exempt (EO)	89,056	135,526	135,000	0%	526
Board Member Per Diem	6,100	10,000	10,000	0%	0
Overtime/Flex Elect/Lump Sum	725	0	900	0%	-900
Staff Benefits	1,172,709	1,713,980	1,760,538	3%	-46,558
Total Personnel Services	3,313,845	4,907,716	4,954,563	1%	-46,847
Operating Expense and Equipment:					
General Expense	51,411	67,000	80,000	19%	-13,000
Printing	25,056	8,000	30,000	275%	-22,000
Communication	15,592	44,000	25,000	-43%	19,000
Postage	0	50,000	25,000	-50%	25,000
Insurance	103	16,000	17,000	6%	-1,000
Travel In State	35,346	60,000	50,000	-17%	10,000

Revenue and Expenditures
This column is provided for reference and reflects the amount BPELSG spent in each area for FY 19-20 as of April 12, 2020 from the QBIRT report

Updated Projections
Identifies amounts for revenue and expenditure projected at the time the Financial Statement was prepared

0770 - Professional Engineers, Land Surveyors and Geologists
Financial Statement

Prepared 4/21/21

	FY 20-21 FM 9 4/28 Activity Log	FY 20-21 FM 1 Projections	FY 20-21 Updated Projections	% Change	\$ Difference
Revenue					
1 Applications/Licensing Fees	903,821	1,508,000	1,226,542	-19%	281,458
2, 13 Renewal fees	6,229,912	7,849,383	7,556,652	-4%	292,731
3 Delinquent fees	90,357	108,000	112,573	4%	(4,573)
Other & Reimbursements	83,931	127,000	120,346	-5%	6,654
4 Interest	22,783	160,000	35,416	-78%	124,584
Total Revenue:	7,330,804	9,752,383	9,051,529	-7%	700,854
Expense					
Personnel Services:					
5 Salary & Wages (Staff)	2,061,645	2,698,000	2,873,456	7%	(175,456)
Temp Help	81,106	124,444	120,484	-3%	3,960
Statutory Exempt (EO)	93,927	122,463	125,580	3%	(3,117)
Board Member Per Diem	3,600	10,000	6,100	-39%	3,900
Overtime/Flex Elect/Lump Sum	0	700	200	-71%	500
Staff Benefits	1,239,291	1,618,800	1,624,073	0%	(5,273)
Total Personnel Services	3,479,569	4,574,407	4,749,893	4%	(175,486)
Operating Expense and Equipment:					
General Expense	44,396	80,000	80,000	0%	0
6 Printing	44,218	27,000	45,000	67%	(18,000)
Communication	15,177	25,000	20,000	-20%	0
Postage	25,058	50,000	27,000	-46%	23,000
Insurance	15,655	150	105	-30%	45
Travel In State	351	60,000	500	-99%	59,500
Travel, Out-of-State	0	800	0	-100%	800
Training	0	250	0	-100%	0
7 Facilities Operations	603,736	360,000	640,000	78%	(280,000)
8 C & P Services - Interdept.	560,111	670,000	645,000	-4%	0
9 C & P Services - External	2,136,545	1,930,000	2,330,000	21%	(400,000)
10 DCA Pro Rata	1,278,750	1,748,000	1,748,000	0%	-
DOI - Investigations	0	0	0	0%	0
11 Interagency Services	10,593	25,000	25,000	0%	0
Consolidated Data Center	12,814	22,000	22,000	0%	0
Information Technology	110,587	32,000	115,000	259%	(83,000)
Equipment	24,386	143,000	31,000	-78%	112,000
12 Other Items of Expense (ARF Deposit)	0	300,000	0	-100%	(300,000)
Total OE&E	4,882,377	5,473,200	5,728,605	5%	(255,405)
Total Expense:	8,361,946	10,047,607	10,478,498	4%	(430,891)
Total Revenue:	7,330,804	9,752,383	9,051,529		
Total Expense:	8,361,946	10,047,607	10,478,498		
Difference:	(1,031,142)	(295,224)	(1,426,969)		

Financial Statement Notes

- 1 Applications/Licensing Fees** - The total amount collected for Applications and Licensing Fees is \$903,821 according to the April 28, 2021 Activity Log.
- 2 Renewal fees** - 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.
- 3 Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 4 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.
- 5 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 SSA/AGPA, and 1.0 OT.
- 6 Printing** - \$25,000 in contract encumbrances in QBIRT reports (EDD mailers such as Pamphlets, Leaflets, and Brochures). Board staff is working with DCA Budgets to identify contracts.
- 7 Facilities Operations** - Includes Facilities maintenance, Facilities operations, Janitorial Services, Rent and Leases, Exam Rental Sites, Security, COVID-19 Sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 8 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.
- 9 C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 10 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 11 Interagency Services** - DCA Pro Rata shows up in this line throughout the year because of accountings inability to charge accruals for department distributed pro rata until the previous fiscal year closes.
- 12 Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and the majority of costs will be new modular furniture procurement that has been moved over to Facilities Operations.
- 13 Renewal Fees - FY 20-21 FM1 Projections** - Renewal Fees for FM1 were created using a full Fiscal Year of fee increases with the anticipation of them beginning July 2020. Fee increases started in January 2021, therefore projections have been updated to reflect the old fees collected from July-December 2020 and the new fees collected from January-July 2021.

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

Analysis of Fund Condition

Prepared 4/21/2021

(Dollars in Thousands)

Governor's Budget 2020-21	PY 2019-20	CY 2020-21	Governor's Budget	
			BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 6,907	\$ 4,509	\$ 2,483	\$ 14
Prior Year Adjustment	\$ 300	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 7,207	\$ 4,509	\$ 2,483	\$ 14
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 70	\$ 112	\$ 113	\$ 114
4127400 Renewal fees	\$ 6,833	\$ 7,556	\$ 7,632	\$ 7,708
4129200 Other regulatory fees	\$ 86	\$ 120	\$ 121	\$ 122
4129400 Other regulatory licenses and permits	\$ 1,434	\$ 1,226	\$ 1,238	\$ 1,251
4150500 Interest Income from interfund loans	\$ -	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 126	\$ 259	\$ 40	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 22	\$ 22	\$ 22	\$ 22
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,572	\$ 9,296	\$ 9,167	\$ 9,218
Transfers from Other Funds				
Revenue Transfer from Geology/General Fund	\$ -			
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 8,572	\$ 9,296	\$ 9,167	\$ 9,218
Totals, Resources	\$ 15,779	\$ 13,805	\$ 11,650	\$ 9,232
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ -	\$ -	\$ -	\$ -
1111 Department of Consumer Affairs (State Operations)	\$ 10,243	\$ 10,478	\$ 10,792	\$ 11,116
8880 Financial Information System for CA (State Operations)	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 819	\$ 635	\$ 635	\$ 635
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,270	\$ 11,322	\$ 11,636	\$ 11,960
FUND BALANCE				
Reserve for economic uncertainties	\$ 4,509	\$ 2,483	\$ 14	\$ -2,728
Months in Reserve	4.8	2.6	0.0	-2.3

VI. Legislation

A. 2021 Legislative Calendar

B. Discussion of Legislation for 2021 (Possible Action)

1. AB 2 Regulations: legislative review: regulatory reform.
2. AB 29 State bodies: meetings.
3. AB 54 COVID-19 emergency order violation: license revocation
4. AB 107 Licensure: veterans and military spouses.
5. AB 225 Department of Consumer Affairs: boards: veterans: military spouses: licenses.
6. AB 339 State and local government: open meetings.
7. AB 646 Department of Consumer Affairs: boards: expunged convictions.
8. AB 885 Bagley-Keene Open Meeting Act: teleconferencing.
9. AB 1026 Business licenses: veterans.
10. AB 1030 Professional Land Surveyors' Act and Professional Engineers Act.
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12. AB 1386 License fees: military partners and spouses.
13. SB 102 COVID-19 emergency order violation: license revocation.
14. SB 407 Professional Land Surveyors' Act.
15. SB 607 Professions and vocations.
16. SB 414 Land.
17. SB 772 Professions and vocations: citations: minor violations

DEADLINES

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

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

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	<u>25</u>	26	27
28	29	30	<u>31</u>			

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

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

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 11](#) Legislature **reconvenes** (J.R. 51(a)(1)).
- [Jan. 18](#) Martin Luther King, Jr. Day.
- [Jan. 22](#) Last day to submit **bill requests** to the Office of Legislative Counsel.

- [Feb. 15](#) Presidents' Day
- [Feb. 19](#) Last day for bills to be **introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

- [Mar. 25](#) **Spring Recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).
- [Mar. 31](#) Cesar Chavez Day.

- [Apr. 5](#) Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- [Apr. 30](#) Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

- [May 7](#) Last day for **policy committees** to hear and report to the Floor **non-fiscal** bills introduced in their house (J.R. 61(a)(3)).
- [May 14](#) Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).
- [May 21](#) 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 7 (J.R. 61 (a)(6)).
- [May 31](#) Memorial Day.

* Holiday schedule subject to final approval by Rules Committee

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

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

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

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

June 1-4 Floor Session Only. No committee, other than Conference or Rules, may meet for any purpose (J.R. 61(a)(7)).

June 4 Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

June 7 Committee meetings may resume (J.R. 61(a)(9)).

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

July 2 Independence Day observed.

July 14 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).

July 16 **Summer Recess** begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

Aug. 16 Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

Aug. 27 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

Aug. 30-Sept. 10 **Floor Session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

Sept. 3 Last day to **amend** bills on the Floor (J.R. 61(a)(13)).

Sept. 6 Labor Day.

Sept. 10 Last day for **each house to pass bills** (J.R. 61(a)(14)). **Interim Study Recess** begins at end of this day's session (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2021

Oct. 10

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

2022

Jan. 1

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

Jan. 3

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

AB 2 (Fong, R-Bakersfield)
Regulations: legislative review: regulatory reform.

Status/History: 4/29/2021 – Referred to Assembly Appropriations Committee; scheduled for hearing on 5/19/21

Location: 4/29/2021 – Assembly Appropriations Committee

Introduced: 12/7/2020

Board Position: None at this time

Board Staff Analysis: 5/18/2021

Bill Summary: This bill would require each state agency to, on or before January 1, 2023, review that agency’s regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2024.

Affected Laws: An act to amend Sections 11343.4 and 11349.3 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, the Government Code, relating to state government.

Staff Comment: This bill would require the Board to review all of its regulations; identify any that are duplicative, overlapping, inconsistent, or out of date; and to revise any identified regulations by January 1, 2023. The bill would also require that at least one public hearing be held on any proposed changes to the regulations.

Board staff reviews the Board’s regulations and proposes changes when necessary based on the need for the change and consideration of staff workload. This bill would require the Board review all of its regulations and revise any that are determined to be duplicative, overlapping, inconsistent, or out of date; the review and revisions would have to be completed within one year of the law becoming effective.

This bill is sponsored by the author. It is substantively similar to Assembly bills that were introduced in 2015, 2016, 2017 (two bills), and 2019; all of those bills were held in the Assembly Appropriations Committee due to the estimates of significant costs to the State to conduct this review.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on AB 2.

ASSEMBLY BILL

No. 2

Introduced by Assembly Member Fong

December 7, 2020

An act to amend Sections 11343.4 and 11349.3 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2, as introduced, Fong. Regulations: legislative review: regulatory reform.

The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of that regulation, in accordance with certain procedures. The act defines a major regulation as a regulation, as specified, that will have an economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000, as estimated by the agency. The act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. The act provides that a regulation or an order of repeal of a regulation becomes effective on a quarterly basis, as prescribed, except in specified instances.

This bill would require the office to submit to each house of the Legislature for review a copy of each major regulation that it submits to the Secretary of State. The bill would add another exception to those

currently provided that specifies that a regulation does not become effective if the Legislature enacts a statute to override the regulation.

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

This bill would require each state agency to, on or before January 1, 2023, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2024.

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 11343.4 of the Government Code is
2 amended to read:

3 11343.4. (a) Except as otherwise provided in subdivision (b),
4 a regulation or an order of repeal required to be filed with the
5 Secretary of State shall become effective on a quarterly basis as
6 follows:

7 (1) January 1 if the regulation or order of repeal is filed on
8 September 1 to November 30, inclusive.

9 (2) April 1 if the regulation or order of repeal is filed on
10 December 1 to February 29, inclusive.

11 (3) July 1 if the regulation or order of repeal is filed on March
12 1 to May 31, inclusive.

13 (4) October 1 if the regulation or order of repeal is filed on June
14 1 to August 31, inclusive.

15 (b) The effective dates in subdivision (a) shall not apply in all
16 of the following:

17 (1) The effective date is specifically provided by the statute
18 pursuant to which the regulation or order of repeal was adopted,
19 in which event it becomes effective on the day prescribed by the
20 statute.

21 (2) A later date is prescribed by the state agency in a written
22 instrument filed with, or as part of, the regulation or order of repeal.

1 (3) The agency makes a written request to the office
2 demonstrating good cause for an earlier effective date, in which
3 case the office may prescribe an earlier date.

4 (4) (A) A regulation adopted by the Fish and Game Commission
5 that is governed by Article 2 (commencing with Section 250) of
6 Chapter 2 of Division 1 of the Fish and Game Code.

7 (B) A regulation adopted by the Fish and Game Commission
8 that requires a different effective date in order to conform to a
9 federal regulation.

10 (5) *When the Legislature enacts a statute to override the*
11 *regulation.*

12 SEC. 2. Section 11349.3 of the Government Code is amended
13 to read:

14 11349.3. (a) (1) The office shall either approve a regulation
15 submitted to it for review and transmit it to the Secretary of State
16 for filing or disapprove a regulation within 30 working days after
17 the regulation has been submitted to the office for review. If the
18 office fails to act within 30 days, the regulation shall be deemed
19 to have been approved and the office shall transmit it to the
20 Secretary of State for filing.

21 (2) *The office shall submit a copy of each major regulation*
22 *submitted to the Secretary of State pursuant to paragraph (1) to*
23 *each house of the Legislature for review.*

24 (b) If the office disapproves a regulation, it shall return it to the
25 adopting agency within the 30-day period specified in subdivision
26 (a) accompanied by a notice specifying the reasons for disapproval.
27 Within seven calendar days of the issuance of the notice, the office
28 shall provide the adopting agency with a written decision detailing
29 the reasons for disapproval. A regulation shall not be disapproved
30 except for failure to comply with the standards set forth in Section
31 11349.1 or for failure to comply with this chapter.

32 (c) If an agency determines, on its own initiative, that a
33 regulation submitted pursuant to subdivision (a) should be returned
34 by the office prior to completion of the office's review, it may
35 request the return of the regulation. All requests for the return of
36 a regulation shall be memorialized in writing by the submitting
37 agency no later than one week following the request. Any
38 regulation returned pursuant to this subdivision shall be resubmitted
39 to the office for review within the one-year period specified in

1 subdivision (b) of Section 11346.4 or shall comply with Article 5
2 (commencing with Section 11346) prior to resubmission.

3 (d) The office shall not initiate the return of a regulation pursuant
4 to subdivision (c) as an alternative to disapproval pursuant to
5 subdivision (b).

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

8
9 CHAPTER 3.6. REGULATORY REFORM

10
11 Article 1. Findings and Declarations

12
13 11366. The Legislature finds and declares all of the following:

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

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

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

34
35 Article 2. Definitions

36
37 11366.1. For the purposes of this chapter, the following
38 definitions shall apply:

1 (a) “State agency” means a state agency, as defined in Section
2 11000, except those state agencies or activities described in Section
3 11340.9.

4 (b) “Regulation” has the same meaning as provided in Section
5 11342.600.

6

7

Article 3. State Agency Duties

8

9 11366.2. On or before January 1, 2023, each state agency shall
10 do all of the following:

11 (a) Review all provisions of the California Code of Regulations
12 adopted by that state agency.

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

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

22 (d) Hold at least one noticed public hearing, which shall be
23 noticed on the internet website of the state agency, for the purposes
24 of accepting public comment on proposed revisions to its
25 regulations.

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

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

37 (2) The report shall be submitted in compliance with Section
38 9795 of the Government Code.

39 11366.3. (a) On or before January 1, 2023, each agency listed
40 in Section 12800 shall notify a department, board, or other unit

1 within that agency of any existing regulations adopted by that
2 department, board, or other unit that the agency has determined
3 may be duplicative, overlapping, or inconsistent with a regulation
4 adopted by another department, board, or other unit within that
5 agency.

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

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

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

31

32

Article 4. Chapter Repeal

33

34 11366.5. This chapter shall remain in effect only until January
35 1, 2024, and as of that date is repealed.

O

AB 29 (Cooper, D-Sacramento; Coauthor: Blanca Rubio, D-Baldwin Park)
State bodies: meetings.

Status/History: 4/21/2021 – In Assembly Appropriations Committee; referred to suspense file; scheduled to be hearing on 5/20/21

Location: 4/21/2021 – Assembly Appropriations Committee

Introduced: 12/7/2020

Board Position: Oppose Unless Amended (as of 2/4/2021)

Board Staff Analysis: 5/18/2021

Bill Summary: Existing law, 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 any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Affected Laws: An act to amend Section 11125 of the Government Code, relating to public meetings.

Staff Comment: This bill is very similar to AB 2028 from the 2020 legislative session. During the course of that session, AB 2028 was amended several times to change the time frame for providing the documents and to provide for various exemptions either to the types of documents that had to be provided at all (such as excluding closed session materials and certain documents pertaining to the State Treasurer) or that did not need to meet the specified time frame prior to the meeting (such as legislative, regulatory, or budgetary documents that became available in a lesser period of time than the specified time frame). Depending on the amendments, the Board's position was either "Watch" or "Oppose Unless Amended"; based on the final amendments, the Board's final position was "Watch." AB 2028 was ordered to the inactive file from the Senate floor at the end of the session.

AB 29 requires the documents/materials for a meeting to be provided to the public at the same time they are provided to the members or 72 hours in advance of the meeting, whichever is earlier. Currently, we post the meeting materials on our website and send out a notice to our e-mail

subscriber list that they are available on the same day we provide them to the Board members. If there are any addenda to the meetings after the initial distribution, we follow the same procedure.

AB 29 does not include language clarifying that the requirements to provide the materials to the public do not apply to materials to be discussed in closed session. It also does not include any exemptions for documents relating to legislative, regulatory, or budgetary matters that might become available in less than 72 hours prior to the meeting. At its February 4, 2021, meeting, the Board took an “oppose unless amended” position on AB 29 and is requesting that the bill be amended to include clarifying language to address these issues.

This bill, which is sponsored by the author, has been referred to the Assembly Appropriations Committee suspense file and is set for hearing on May 20, 2021. Three other bills introduced this session (AB 339, AB 885, and AB 1291) also propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: No action needed at this time.

ASSEMBLY BILL

No. 29

**Introduced by Assembly Member Cooper
(Coauthor: Assembly Member Blanca Rubio)**

December 7, 2020

An act to amend Section 11125 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as introduced, Cooper. State bodies: meetings.

Existing law, 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 any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which

those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

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

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

1 SECTION 1. Section 11125 of the Government Code is
2 amended to read:

3 11125. (a) The state body shall provide notice of its meeting
4 to any person who requests that notice in writing. Notice shall be
5 given and also made available on the ~~Internet~~ *state body's internet*
6 *website* at least 10 days in advance of the ~~meeting~~, *meeting* and
7 shall include the name, address, and telephone number of any
8 person who can provide further information ~~prior to~~ *before* the
9 ~~meeting~~, *meeting* but need not include a list of witnesses expected
10 to appear at the meeting. The written notice shall additionally
11 include the address of the ~~Internet site~~ *internet website* where
12 notices required by this article are made available.

13 (b) The notice of a meeting of a body that is a state body shall
14 include a specific agenda for the meeting, containing a brief
15 description of the items of business to be transacted or discussed
16 in either open or closed session. A brief general description of an
17 item generally need not exceed 20 words. A description of an item
18 to be transacted or discussed in closed session shall include a
19 citation of the specific statutory authority under which a closed
20 session is being held. No item shall be added to the agenda
21 subsequent to the provision of this notice, unless otherwise
22 permitted by this article.

23 (c) (1) *A notice provided pursuant to subdivision (a) shall*
24 *include all writings or materials provided for the noticed meeting*
25 *to a member of the state body by the staff of a state agency, board,*
26 *or commission, or another member of the state body that are in*
27 *connection with a matter subject to discussion or consideration*
28 *at the meeting.*

29 (2) *The writings or materials described in paragraph (1) shall*
30 *be made available on the state body's internet website, and to any*
31 *person who requests the writings or materials in writing, on the*
32 *same day as the dissemination of the writings and materials to*

1 *members of the state body or at least 72 hours in advance of the*
2 *meeting, whichever is earlier.*

3 *(3) A state body may not distribute or discuss writings or*
4 *materials described in paragraph (1), or take action on an item*
5 *to which those writings or materials pertain, at a meeting of the*
6 *state body unless the state body has complied with this subdivision.*

7 ~~(e)~~

8 *(d) Notice of a meeting of a state body that complies with this*
9 *section shall also constitute notice of a meeting of an advisory*
10 *body of that state body, provided that the business to be discussed*
11 *by the advisory body is covered by the notice of the meeting of*
12 *the state body, provided that the specific time and place of the*
13 *advisory body's meeting is announced during the open and public*
14 *state body's meeting, and provided that the advisory body's*
15 *meeting is conducted within a reasonable time of, and nearby, the*
16 *meeting of the state body.*

17 ~~(d)~~

18 *(e) A person may request, and shall be provided, notice pursuant*
19 *to subdivision (a) for all meetings of a state body or for a specific*
20 *meeting or meetings. In addition, at the state body's discretion, a*
21 *person may request, and may be provided, notice of only those*
22 *meetings of a state body at which a particular subject or subjects*
23 *specified in the request will be discussed.*

24 ~~(e)~~

25 *(f) A request for notice of more than one meeting of a state body*
26 *shall be subject to the provisions of Section 14911.*

27 ~~(f)~~

28 *(g) The notice shall be made available in appropriate alternative*
29 *formats, as required by Section 202 of the Americans with*
30 *Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal*
31 *rules and regulations adopted in implementation thereof, upon*
32 *request by any person with a disability. The notice shall include*
33 *information regarding how, to whom, and by when a request for*
34 *any disability-related modification or accommodation, including*
35 *auxiliary aids or services may be made by a person with a disability*
36 *who requires these aids or services in order to participate in the*
37 *public meeting.*

O

**AB 54 (Kiley, R-Rocklin; Coauthor: Senator Jones, R-Santee)
COVID-19 emergency order violation: license revocation.**

Status/History: 4/13/2021 – Failed passage in Assembly Committee on Business & Professions

Location: 4/13/2021 – Assembly Committee on Business & Professions

Introduced: 12/7/2020

Amended: 4/5/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 3/19/2021

Bill Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs and provides for the denial, suspension, and revocation of licenses for specified conduct. Additionally, existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses and provides the grounds upon which the department may suspend or revoke licenses.

This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs, and the Department of Alcoholic Beverage Control from revoking a license for failure to comply with any COVID-19 emergency orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19.

This bill was amended on April 5, 2021, to exempt boards and licensees within Division 2 (commencing with Section 500) of the Business and Professions Code.

Affected Laws: An act to add Sections 464.5 and 24200.8 to the Business and Professions Code, relating to business, and declaring the urgency thereof, to take effect immediately.

Staff Comment: This bill would add Section 464.5 to the general provisions of the Business and Professions Code to specifically prohibit boards and bureaus [hereinafter referred to as “board”] within the Department of Consumer Affairs from revoking a license based on the failure of the license holder to comply with a COVID-19 emergency order unless the board could prove that the failure led to the transmission of the virus. As amended, this bill would not apply to the healing arts boards.

We have not received any complaints or other information indicating that our licensees have failed to comply with any of the COVID-19 emergency orders. However, other boards have dealt with these issues, mainly due to the nature of the businesses and professions they regulate (e.g., the Board of Barbering and Cosmetology and hair and nail salons). It is unlikely that the provisions of this bill would have much of an impact on the Board’s enforcement actions.

At its April 1, 2021, meeting, the Board took the position of “Watch” on AB 54. This bill, which is sponsored by the author, was heard in the Assembly Business and Professions Committee on April 11, 2021, and failed passage. Senate Bill 102 proposes to make similar changes as this bill; it failed passage in the Senate Business, Professions and Economic Development Committee, but was granted reconsideration.

Staff Recommendation: No action needed at this time.

AMENDED IN ASSEMBLY APRIL 5, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 54

Introduced by Assembly Member Kiley
(Coauthor: Senator Jones)

December 7, 2020

An act to add Sections 464.5 and 24200.8 to the Business and Professions Code, relating to business, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 54, as amended, Kiley. COVID-19 emergency order violation: license revocation.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs and provides for the denial, suspension, and revocation of licenses for specified conduct.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. The act provides the grounds upon which the department may suspend or revoke licenses.

This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs, *except within the healing arts*, and the Department of Alcoholic Beverage Control from revoking a license for failure to comply with any COVID-19 emergency orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19.

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

Vote: 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 464.5 is added to the Business and
2 Professions Code, to read:

3 464.5. (a) The department and any board shall not revoke a
4 license for failure to comply with any COVID-19 emergency
5 orders, unless the department or board can prove that lack of
6 compliance resulted in the transmission of COVID-19.

7 (b) *This section shall not apply to any board or licensee within*
8 *Division 2 (commencing with Section 500).*

9 SEC. 2. Section 24200.8 is added to the Business and
10 Professions Code, to read:

11 24200.8. The Department of Alcoholic Beverage Control shall
12 not revoke the license of any licensee for failure to comply with
13 any COVID-19 emergency orders unless the department can prove
14 that lack of compliance resulted in transmission of COVID-19.

15 SEC. 3. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the California Constitution and shall
18 go into immediate effect. The facts constituting the necessity are:

19 In order to protect businesses, including small businesses, which
20 continue to make significant contributions to economic security,
21 which helps ensure public safety, during these unprecedented times
22 caused by the COVID-19 pandemic, as soon as possible, it is
23 necessary for this act to take effect immediately

O

AB 107 (Salas, D-Bakersfield; Coauthor: Smith, R-Apple Valley)
Licensure: veterans and military spouses.

Status: 5/12/2021 – Referred to Assembly Appropriations Committee suspense file; hearing set for 5/20/21.

Location: 5/12/2021 – Assembly Appropriations Committee

Introduced: 12/16/2020

Last Amended: 4/20/2021

Board Position: Oppose Unless Amended (as of 4/1/2021)

Board Staff Analysis: 5/18/2021

Bill Summary: (1) Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to any license issued by any board within the department, except as provided. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would make conforming changes.

(2) Existing law requires the Department of Veterans Affairs to develop a transition assistance program for veterans who have been discharged from the Armed Forces of the United States designed to assist them in successfully transitioning from military to civilian life in California. Existing law requires the program to include, among other topics, higher education benefits, vocational training assistance, small business resources and information, and housing information. Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. Existing law establishes the Commission on Teacher Credentialing to establish professional standards, assessments, and examinations for entry and advancement in the education profession. Existing law makes it unlawful for a person to engage in the business of, act in the capacity of, advertise as, or assume to act as a real estate broker or real estate salesperson without first obtaining a real estate license from the Department of Real Estate. Under existing law, the State Department of Public Health is responsible for issuing licenses for the operation of health facilities, clinics, and other facilities, as specified.

This bill would require the Department of Consumer Affairs, the Commission on Teacher Credentialing, the Department of Real Estate, and the State Department of Public Health to each place a prominently displayed military licensure icon or hyperlink on the home page of its internet website that is linked to information about each occupational board or program for licensure or certification that it administers along with additional information relating to the professional licensure of veterans, service members, and their spouses, as specified. The bill requires the Department of Veterans Affairs to have a prominently displayed military licensure icon or hyperlink at an appropriate location on its internet website that links to those websites. The bill would require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, service members, and their spouses.

This bill was amended on April 20, 2021, to remove the requirements requiring the various departments to include links on their websites, as described in (2) above. The amendments would add a new section to the Business and Professions Code requiring the departments to submit annual statistical reports to the Legislature.

Affected Laws: An act to amend Sections 115.6 and 5132 of, and to add Section 115.8 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

Staff Comment: Current law requires the applicant to submit certain documentation in applying for a temporary license under Section 115.6. That documentation, as specified in subdivision (c), includes verification that the applicant is married to an active duty member of the military who is assigned to a duty station in California under official active duty military orders; an application with an affidavit from the applicant attesting that they meet the requirements for a temporary license in the same area and scope of practice as they are licensed in another state and written verification from their original jurisdiction of licensure indicating they are licensed in good standing; and, if requested, a full set of fingerprints for the purpose of conducting a criminal background check. This bill would require a temporary license to be issued within 30 days after receiving the documentation required in subdivision (c) of Section 115.6 if the results of a criminal background check do not show grounds for denial of the license.

Current law also requires applicants for licenses issued by this Board to pass the state-specific licensure examinations; this requirement is contained in a separate subdivision from subdivision (c). Based on the language proposed to be added to Section 115.6 requiring that a temporary license be issued within 30 days of receiving the documentation required by subdivision (c) if the criminal background check does not provide grounds for denial, it is unclear whether the temporary license would have to be issued before the applicant passes the required examinations. Board staff believes this should be clarified by adding language to make it clear that the applicant must pass the examinations prior to the issuance of the temporary license.

At its April 1, 2021, meeting, the Board took an “Oppose Unless Amended” position on AB 107, as introduced, and requested that clarifying language be added to make it clear that the applicant must pass the required state examinations prior to the issuance of the temporary license. The Board’s requested changes were not made when the bill was amended. Therefore, staff recommends that the Board take and “Oppose Unless Amended” position on AB 107, as amended April 20, 2021, and request the same amendments as previously requested.

This bill, which is sponsored by the author, is similar to two bills (AB 2549 and AB 3045) from the 2020 legislative session. Those bills did not move forward last year due to the need to prioritize bills because of the COVID-19 pandemic.

This bill has been referred to the Assembly Appropriations Committee suspense file and is scheduled to be heard on May 20, 2021.

Staff Recommendation: Staff recommends the Board take a position of “oppose unless amended” on AB 107, as amended April 20, 2021, and request that language be added to clarify that applicants for a license issued by this Board must pass the appropriate state-specific licensure examinations prior to the issuance of the temporary license.

AMENDED IN ASSEMBLY APRIL 20, 2021
AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Salas
(Coauthor: Assembly Member Smith)

December 16, 2020

An act to amend Sections 115.6 and 5132 ~~of of~~, and to add Section 115.8 to, the Business and Professions Code, and to add Section 95 to the Military and Veterans Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses.

~~(1) Under~~

Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under

Revised 4-29-21—See last page.

official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one ~~year~~. *year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above.* The bill would make conforming changes. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

~~(2) Existing law requires the Department of Veterans Affairs to develop a transition assistance program for veterans who have been discharged from the Armed Forces of the United States designed to assist them in successfully transitioning from military to civilian life in California. Existing law requires the program to include, among other topics, higher education benefits, vocational training assistance, small~~

~~business resources and information, and housing information. Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. Existing law establishes the Commission on Teacher Credentialing to establish professional standards, assessments, and examinations for entry and advancement in the education profession. Existing law makes it unlawful for a person to engage in the business of, act in the capacity of, advertise as, or assume to act as a real estate broker or real estate salesperson without first obtaining a real estate license from the Department of Real Estate. Under existing law, the State Department of Public Health is responsible for issuing licenses for the operation of health facilities, clinics, and other facilities, as specified.~~

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would instead provide that these temporary licenses shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

~~This bill would require the Department of Consumer Affairs, the Commission on Teacher Credentialing, the Department of Real Estate, and the State Department of Public Health to each place a prominently displayed military licensure icon or hyperlink on the home page of its internet website that is linked to information about each occupational board or program for licensure or certification that it administers along with additional information relating to the professional licensure of veterans, service members, and their spouses, as specified. The bill requires the Department of Veterans Affairs to have a prominently displayed military licensure icon or hyperlink at an appropriate location on its internet website that links to those websites. The bill would also require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, service members, and their spouses.~~

~~(3) The~~

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. The Legislature finds and declares the following:~~
2 ~~(a) If active duty military personnel, veterans, service members~~
3 ~~separating from military service, and their spouses are able to~~
4 ~~maintain careers through frequent moves and key transitions, they~~
5 ~~are able to help support their families while providing critical~~
6 ~~services to their communities. Yet, if a military spouse is~~
7 ~~transferred to California, or a service member leaves the Armed~~
8 ~~Forces of the United States and returns to or remains in California,~~
9 ~~these professionals may face difficulty transporting their~~
10 ~~professional licenses obtained in another state.~~
11 ~~(b) The process for transferring licenses for professional careers~~
12 ~~can be long, burdensome, redundant, and expensive and can prevent~~
13 ~~some military spouses, veterans, and separating service members~~
14 ~~from obtaining employment in their field.~~
15 ~~(c) Removing barriers to license transfers for spouses of active~~
16 ~~duty service members, separating service members, and veterans~~
17 ~~would ease the burden of relocation and transition and provide~~
18 ~~vital stability to military families and the communities they serve.~~
19 ~~(d) Prioritizing military spouses as part of state economic~~
20 ~~recovery efforts must be viewed proactively in a way that~~
21 ~~recognizes their preexisting challenge of substantially higher~~
22 ~~unemployment and underemployment than their civilian~~
23 ~~counterparts and with broader goals, such as bridging gender gaps~~
24 ~~in wage earning, reducing military and veteran financial insecurity,~~
25 ~~ensuring successful transitions into veteran life, and fostering~~
26 ~~successful community participation and sense of belonging.~~
27 ~~SEC. 2.~~
28 ~~SECTION 1. Section 115.6 of the Business and Professions~~
29 ~~Code is amended to read:~~
30 ~~115.6. (a) (1) Except as provided in subdivision (i), a board~~
31 ~~within the department shall, after appropriate investigation, issue~~
32 ~~a temporary license to practice a profession or vocation to an~~
33 ~~applicant who meets the requirements set forth in subdivision (c).~~

1 (2) Revenues from fees for temporary licenses issued by the
2 California Board of Accountancy shall be credited to the
3 Accountancy Fund in accordance with Section 5132.

4 (b) The board may conduct an investigation of an applicant for
5 purposes of denying or revoking a temporary license issued
6 pursuant to this section. This investigation may include a criminal
7 background check.

8 (c) An applicant seeking a temporary license pursuant to this
9 section shall meet the following requirements:

10 (1) The applicant shall supply evidence satisfactory to the board
11 that the applicant is married to, or in a domestic partnership or
12 other legal union with, an active duty member of the Armed Forces
13 of the United States who is assigned to a duty station in this state
14 under official active duty military orders.

15 (2) The applicant shall hold a current, active, and unrestricted
16 license that confers upon the applicant the authority to practice,
17 in another state, district, or territory of the United States, the
18 profession or vocation for which the applicant seeks a temporary
19 license from the board.

20 (3) The applicant shall submit an application to the board that
21 shall include a signed affidavit attesting to the fact that the
22 applicant meets all of the requirements for the temporary license,
23 and that the information submitted in the application is accurate,
24 to the best of the applicant's knowledge. The application shall also
25 include written verification from the applicant's original licensing
26 jurisdiction stating that the applicant's license is in good standing
27 in that jurisdiction.

28 (4) The applicant shall not have committed an act in any
29 jurisdiction that would have constituted grounds for denial,
30 suspension, or revocation of the license under this code at the time
31 the act was committed. A violation of this paragraph may be
32 grounds for the denial or revocation of a temporary license issued
33 by the board.

34 (5) The applicant shall not have been disciplined by a licensing
35 entity in another jurisdiction and shall not be the subject of an
36 unresolved complaint, review procedure, or disciplinary proceeding
37 conducted by a licensing entity in another jurisdiction.

38 (6) The applicant shall, upon request by a board, furnish a full
39 set of fingerprints for purposes of conducting a criminal
40 background check.

1 (d) A board shall issue a temporary license pursuant to this
2 section within 30 days following receipt of the documentation
3 specified in subdivision (c) if the results of the criminal background
4 check do not show grounds for denial.

5 (e) A temporary license issued pursuant to this section may be
6 immediately terminated upon a finding that the temporary
7 licenseholder failed to meet any of the requirements described in
8 subdivision (c) or provided substantively inaccurate information
9 that would affect the person's eligibility for temporary licensure.
10 Upon termination of the temporary license, the board shall issue
11 a notice of termination that shall require the temporary
12 licenseholder to immediately cease the practice of the licensed
13 profession upon receipt.

14 (f) An applicant seeking a temporary license as a civil engineer,
15 geotechnical engineer, structural engineer, land surveyor,
16 professional geologist, professional geophysicist, certified
17 engineering geologist, or certified hydrogeologist pursuant to this
18 section shall successfully pass the appropriate California-specific
19 examination or examinations required for licensure in those
20 respective professions by the Board for Professional Engineers,
21 Land Surveyors, and Geologists.

22 (g) A temporary license issued pursuant to this section shall
23 expire 12 months after issuance, upon issuance of *a standard*
24 *license, upon issuance of a license by endorsement, or upon*
25 *issuance of an expedited license pursuant to Section 115.5, a license*
26 ~~by endorsement, or upon denial of the application for expedited~~
27 ~~licensure by the board,~~ whichever occurs first.

28 (h) A board shall submit to the department for approval, if
29 necessary to implement this section, draft regulations necessary
30 to administer this section by June 15, 2022. These regulations shall
31 be adopted pursuant to the Administrative Procedure Act (Chapter
32 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
33 Title 2 of the Government Code).

34 (i) (A) This section shall not apply to a board that has a process
35 in place by which an out-of-state licensed applicant in good
36 standing who is married to, or in a domestic partnership or other
37 legal union with, an active duty member of the Armed Forces of
38 the United States is able to receive expedited, temporary
39 authorization to practice while meeting state-specific requirements
40 for a period of at least one ~~year.~~ *year or is able to receive an*

1 *expedited license by endorsement with no additional requirements*
2 *superseding those described in subdivision (c).*

3 (B) This section shall apply only to the extent that it does not
4 amend an initiative or violate constitutional requirements.

5 *SEC. 2. Section 115.8 is added to the Business and Professions*
6 *Code, to read:*

7 *115.8. The Department of Consumer Affairs, the Commission*
8 *on Teacher Credentialing, the Department of Real Estate, and the*
9 *State Department of Public Health shall compile information on*
10 *military, veteran, and spouse licensure into an annual report for*
11 *the Legislature, which shall be submitted in conformance with*
12 *Section 9795 of the Government Code. The report shall include*
13 *all of the following:*

14 (a) *The number of applications for a temporary license*
15 *submitted by active duty service members, veterans, or military*
16 *spouses per calendar year, pursuant to Section 115.6.*

17 (b) *The number of applications for expedited licenses submitted*
18 *by veterans and active duty spouses pursuant to Sections 115.4*
19 *and 115.5.*

20 (c) *The number of licenses issued and denied per calendar year*
21 *pursuant to Sections 115.4, 115.5, and 115.6.*

22 (d) *The number of licenses issued pursuant to Section 115.6*
23 *that were suspended or revoked per calendar year.*

24 (e) *The number of applications for waived renewal fees received*
25 *and granted pursuant to Section 114.3 per calendar year.*

26 (f) *The average length of time between application and issuance*
27 *of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board*
28 *and occupation.*

29 *SEC. 3. Section 5132 of the Business and Professions Code is*
30 *amended to read:*

31 5132. (a) All moneys received by the board under this chapter
32 from any source and for any purpose and from a temporary license
33 issued under Section 115.6 shall be accounted for and reported
34 monthly by the board to the Controller and at the same time the
35 moneys shall be remitted to the State Treasury to the credit of the
36 Accountancy Fund.

37 (b) The secretary-treasurer of the board shall, from time to time,
38 but not less than once each fiscal year, prepare or have prepared
39 on their behalf, a financial report of the Accountancy Fund that

1 contains information that the board determines is necessary for
2 the purposes for which the board was established.

3 (c) The report of the Accountancy Fund, which shall be
4 published pursuant to Section 5008, shall include the revenues and
5 the related costs from examination, initial licensing, license
6 renewal, citation and fine authority, and cost recovery from
7 enforcement actions and case settlements.

8 ~~SEC. 4. Section 95 is added to the Military and Veterans Code,~~
9 ~~to read:~~

10 ~~95. (a) The Department of Veterans Affairs shall place a~~
11 ~~prominently displayed military licensure icon or hyperlink on its~~
12 ~~internet website, in an appropriate location pertaining to licensure~~
13 ~~and employment opportunities for veterans, service members, and~~
14 ~~spouses, that links to the internet websites identified in this section.~~

15 ~~(b) The Department of Consumer Affairs, the Commission on~~
16 ~~Teacher Credentialing, the Department of Real Estate, and the~~
17 ~~State Department of Public Health shall place a prominently~~
18 ~~displayed military licensure icon or hyperlink on the home page~~
19 ~~of their internet websites, linked to information for each~~
20 ~~occupational board or program for licensure or certification that~~
21 ~~it administers. In addition to general licensure or certificate~~
22 ~~information, the following information shall be displayed:~~

23 ~~(1) Each licensing agency's process for expediting applications~~
24 ~~for service members, veterans, and spouses, including the average~~
25 ~~processing times for expedited applications and the number of~~
26 ~~expedited applications requested in the calendar year.~~

27 ~~(2) The availability of temporary or provisional licensure,~~
28 ~~specific requirements needed to obtain a temporary or provisional~~
29 ~~license, and how long the provisional or temporary license is valid.~~

30 ~~(c) (1) The Department of Consumer Affairs shall establish a~~
31 ~~specific gateway aligned with the existing "Board and Bureau~~
32 ~~Military Contact Information," "Expedited Licensure," and~~
33 ~~"Renewal Fee Waivers" gateways on their Military Member~~
34 ~~Resources page, including a list of all boards that provide~~
35 ~~temporary or provisional licensure, with hyperlinks linking to each~~
36 ~~board's military licensure data.~~

37 ~~(2) The Department of Consumer Affairs shall establish a~~
38 ~~"Licensure by Endorsement" section on its internet website listing~~
39 ~~all boards that offer an option for licensure by endorsement,~~

1 accompanied by a hyperlink to each board's military licensure
2 data.

3 ~~(d) The Department of Consumer Affairs, the Commission on
4 Teacher Credentialing, the Department of Real Estate, and the
5 State Department of Public Health shall compile information on
6 military, veteran, and spouse licensure into an annual report for
7 the Legislature, which shall be submitted in conformance with
8 Section 9795 of the Government Code. The report shall include
9 all of the following:~~

10 ~~(1) The number of applications for a license submitted by active
11 duty service members, separating service members, veterans, or
12 military spouses per calendar year.~~

13 ~~(2) The number of licenses issued and denied, including reason
14 for denial, to active duty service members, separating service
15 members, veterans, and military spouses per calendar year.~~

16 ~~(3) The number of licenses of active duty service members,
17 separating service members, veterans, or military spouses that
18 were suspended or revoked per calendar year.~~

19 ~~(4) The number of applications for waived renewal fees received
20 from active duty service members and military spouses per calendar
21 year.~~

22 ~~(5) The number of fee waivers issued to active duty service
23 members and military spouses per calendar year.~~

24 ~~(6) The average length of time between application and issuance
25 of licenses for active duty service members, separating service
26 members, veterans, or military spouses per board and occupation.~~

27 ~~SEC. 5.~~

28 *SEC. 4.* No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

1
2 **REVISIONS:**
3 **Heading—Line 2.**
4

O

**AB 225 (Gray, D-Merced; Gallagher, R-Yuba City; and Patterson, R-Fresno)
Department of Consumer Affairs: boards: veterans: military spouses: licenses.**

Status: 5/12/2021 – Referred to the Assembly Appropriations Committee suspense file; set for hearing on 5/20/2021

Location: 5/12/2021 – Assembly Appropriations Committee

Introduced: 1/11/2021

Last Amended: 4/20/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 5/18/2021

Bill Summary: This bill would amend Section 115.6 and add Section 115.7 of the Business and Professions Code. Existing Section 115.6 requires that certain board within the Department of Consumer Affairs issue a temporary license for certain license types if the applicant meets the requirements specified in the section. Existing law provides that the temporary license expires 12 months after it is issued, or upon issuance of a permanent license, or upon denial of a license. This bill would change the 12-month time period to 30 months. This bill would also add Section 115.7, which would apply to boards not listed in Section 115.6.

This bill was amended on April 20, 2021, to remove the addition of Section 115.7 to the Business and Professions Code and to expand the eligibility for a temporary license under Section 115.6 to an applicant who is a veteran of the Armed Forces of the United States within six months of separation from active duty under other-than-dishonorable conditions and to an applicant who is an active duty member of the Armed Forces of the United State with official orders for separation within 90 days under other-than-dishonorable conditions. The amendments would also change the expiration time period to 18 months, rather than the originally-proposed 30 months.

Affected Laws: An act to amend Section 115.6 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

Staff Comment: Currently, Section 115.6 applies to only military spouses, as defined. AB 225, as amended April 20, 2021, would expand the law to include members of the military themselves if they are veterans within six months of their discharge from active duty or if they are on active duty with separation orders within 90 days. Although the Board currently receives few applications from military spouses, it is not possible to estimate the number that may be received from military members themselves.

This bill, which is sponsored by the author, has been referred to the Assembly Appropriations suspense file and is set for hearing on May 20, 2021. Two other bills introduced this session (AB 107 and AB 1386) also propose to make various changes to the laws pertaining to licensure for military spouses.

Staff Recommendation: Staff recommends that the Board take a position of “watch” on AB 225, as amended April 20, 2021.

AMENDED IN ASSEMBLY APRIL 20, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 225

Introduced by Assembly Members Gray, Gallagher, and Patterson

January 11, 2021

An act to amend Section 115.6 ~~of, and to add Section 115.7 to, of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as amended, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and ~~vocations, including healing arts licensees.~~ *vocations*. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the

board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require the temporary licenses described above to expire ~~30~~ 18 months after issuance. The bill would ~~require boards not responsible for the licensure and regulation of healing arts licensees and not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the~~ *expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is* ~~an honorably discharged~~ *a veteran of the Armed Forces of the United States within 6 months of separation from active duty under other-than-dishonorable conditions, and an applicant who supplies evidence satisfactory to the board that the applicant is *or is married to, or in a domestic partnership or other legal union with,* ~~an active duty member of the Armed Forces of the United States, as provided. States with official orders for separation within 90 days under other-than-dishonorable conditions.~~ The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. The bill would authorize the immediate termination of a license issued pursuant to these provisions upon a finding that the licenseholder failed to meet specified requirements or provided substantively inaccurate information that would affect the person's eligibility for licensure, ~~as provided.~~ By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue *temporary* licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.*

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

3 115.6. (a) A board within the department shall, after
4 appropriate investigation, issue the following eligible temporary
5 licenses to an applicant if the applicant meets the requirements set
6 forth in subdivision (c):

7 (1) Registered nurse license by the Board of Registered Nursing.

8 (2) Vocational nurse license issued by the Board of Vocational
9 Nursing and Psychiatric Technicians of the State of California.

10 (3) Psychiatric technician license issued by the Board of
11 Vocational Nursing and Psychiatric Technicians of the State of
12 California.

13 (4) Speech-language pathologist license issued by the
14 Speech-Language Pathology and Audiology and Hearing Aid
15 Dispensers Board.

16 (5) Audiologist license issued by the Speech-Language
17 Pathology and Audiology and Hearing Aid Dispensers Board.

18 (6) Veterinarian license issued by the Veterinary Medical Board.

19 (7) All licenses issued by the Board for Professional Engineers,
20 Land Surveyors, and Geologists.

21 (8) All licenses issued by the Medical Board of California.

22 (9) All licenses issued by the Podiatric Medical Board of
23 California.

24 (b) The board may conduct an investigation of an applicant for
25 purposes of denying or revoking a temporary license issued
26 pursuant to this section. This investigation may include a criminal
27 background check.

28 (c) An applicant seeking a temporary license pursuant to this
29 section shall meet the following requirements:

30 (1) The applicant shall supply evidence satisfactory to the board
31 that the applicant is ~~married~~ *one of the following:*

32 (A) *Married* to, or in a domestic partnership or other legal union
33 with, an active duty member of the Armed Forces of the United
34 States who is assigned to a duty station in this state under official
35 active duty military orders.

36 (B) *A veteran of the Armed Forces of the United States within*
37 *six months of separation from active duty under*
38 *other-than-dishonorable conditions.*

1 (C) *An active duty member of the Armed Forces of the United*
2 *States with official orders for separation within 90 days under*
3 *other-than-dishonorable conditions.*

4 (2) The applicant shall hold a current, active, and unrestricted
5 license that confers upon the applicant the authority to practice,
6 in another state, district, or territory of the United States, the
7 profession or vocation for which the applicant seeks a temporary
8 license from the board.

9 (3) The applicant shall submit an application to the board that
10 shall include a signed affidavit attesting to the fact that the
11 applicant meets all of the requirements for the temporary license
12 and that the information submitted in the application is accurate,
13 to the best of the applicant's knowledge. The application shall also
14 include written verification from the applicant's original licensing
15 jurisdiction stating that the applicant's license is in good standing
16 in that jurisdiction.

17 (4) The applicant shall not have committed an act in any
18 jurisdiction that would have constituted grounds for denial,
19 suspension, or revocation of the license under this code at the time
20 the act was committed. A violation of this paragraph may be
21 grounds for the denial or revocation of a temporary license issued
22 by the board.

23 (5) The applicant shall not have been disciplined by a licensing
24 entity in another jurisdiction and shall not be the subject of an
25 unresolved complaint, review procedure, or disciplinary proceeding
26 conducted by a licensing entity in another jurisdiction.

27 (6) The applicant shall, upon request by a board, furnish a full
28 set of fingerprints for purposes of conducting a criminal
29 background check.

30 (d) A board may adopt regulations necessary to administer this
31 section.

32 (e) A temporary license issued pursuant to this section may be
33 immediately terminated upon a finding that the temporary
34 licenseholder failed to meet any of the requirements described in
35 subdivision (c) or provided substantively inaccurate information
36 that would affect the person's eligibility for temporary licensure.
37 Upon termination of the temporary license, the board shall issue
38 a notice of termination that shall require the temporary
39 licenseholder to immediately cease the practice of the licensed
40 profession upon receipt.

1 (f) An applicant seeking a temporary license as a civil engineer,
2 geotechnical engineer, structural engineer, land surveyor,
3 professional geologist, professional geophysicist, certified
4 engineering geologist, or certified hydrogeologist pursuant to this
5 section shall successfully pass the appropriate California-specific
6 examination or examinations required for licensure in those
7 respective professions by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.

9 (g) A temporary license issued pursuant to this section shall
10 expire ~~30~~ 18 months after issuance, upon issuance of *a standard*
11 *license, a license by endorsement, or an expedited license* pursuant
12 to Section 115.5, ~~or upon denial of the application for expedited~~
13 ~~licensure by the board, whichever occurs first.~~

14 ~~SEC. 2. Section 115.7 is added to the Business and Professions~~
15 ~~Code, to read:~~

16 ~~115.7. (a) A board not specified in Division 2 (commencing~~
17 ~~with Section 500) or subdivision (a) of Section 115.6 shall, after~~
18 ~~appropriate investigation, issue a license to an applicant if the~~
19 ~~applicant meets all of the following requirements:~~

20 ~~(1) The applicant shall supply evidence satisfactory to the board~~
21 ~~that the applicant is an honorably discharged veteran of the Armed~~
22 ~~Forces of the United States or is married to, or in a domestic~~
23 ~~partnership or other legal union with, an active duty member of~~
24 ~~the Armed Forces of the United States who is assigned to a duty~~
25 ~~station in this state under official active duty military orders.~~

26 ~~(2) The applicant shall hold a current, active, and unrestricted~~
27 ~~license that confers upon the applicant the authority to practice,~~
28 ~~in another state, district, or territory of the United States, the~~
29 ~~profession or vocation for which the applicant seeks a license from~~
30 ~~the board.~~

31 ~~(3) The applicant shall submit an application to the board that~~
32 ~~shall include a signed affidavit attesting to the fact that the~~
33 ~~applicant meets all of the requirements for the license and that the~~
34 ~~information submitted in the application is accurate, to the best of~~
35 ~~the applicant's knowledge. The application shall also include~~
36 ~~written verification from the applicant's original licensing~~
37 ~~jurisdiction stating that the applicant's license is in good standing~~
38 ~~in that jurisdiction.~~

39 ~~(4) The applicant shall not have committed an act in any~~
40 ~~jurisdiction that would have constituted grounds for denial,~~

1 suspension, or revocation of the license under this code at the time
2 the act was committed. A violation of this paragraph may be
3 grounds for the denial or revocation of a license issued by the
4 board.

5 (5) ~~The applicant shall not have been disciplined by a licensing
6 entity in another jurisdiction and shall not be the subject of an
7 unresolved complaint, review procedure, or disciplinary proceeding
8 conducted by a licensing entity in another jurisdiction.~~

9 (6) ~~The applicant shall, upon request by a board, furnish a full
10 set of fingerprints for purposes of conducting a criminal
11 background check.~~

12 (b) ~~A board may adopt regulations necessary to administer this
13 section.~~

14 (e) ~~A license issued pursuant to this section may be immediately
15 terminated pursuant to the board's procedural due process
16 requirements, upon a finding that the licenseholder failed to meet
17 any of the requirements described in subdivision (a) or provided
18 substantively inaccurate information that would affect the person's
19 eligibility for licensure. Upon termination of the license, the board
20 shall issue a notice of termination that shall require the
21 licenseholder to immediately cease the practice of the licensed
22 profession or vocation upon receipt.~~

23 ~~SEC. 3.~~

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

AB 339 (Lee, D-Milpitas; and Cristina Garcia, D-Bell Gardens)
Local government: open and public meetings.

Status/History: 5/5/2021 – Re-referred to the Assembly Appropriations Committee; set for hearing on 5/20/2021

Location: 5/5/2021 – Assembly Appropriations Committee

Introduced: 1/28/2021

Last Amended: 5/4/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 5/18/2021

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The Act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

This bill would require all meetings, as defined, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require instructions on how to attend the meeting via call-in or internet-based service to be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings. The bill would require all meetings to provide the public with an opportunity to address the legislative body remotely via call-in or internet-based service, as provided, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified. This bill would also require agendas and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the state body's jurisdiction are speakers.

This bill would also make similar changes to the laws that govern meetings of a house of the Legislature, and its committees, and to the laws that govern legislative bodies of local agencies (the Ralph M. Brown Act).

This bill was amended on April 15 and May 4, 2021, to remove the provisions pertaining to the Bagley-Keene Open Meeting Act that apply to state government entities. The bill now applies to only the Ralph M. Brown Act and local government entities.

Affected Laws: An act to amend, repeal, and add Section 54953 of the Government Code, relating to public meetings.

Staff Comment: As amended on April 15 and May 4, 2021, this bill would make amendments to the Ralph M. Brown Act that pertains to meetings of local government entities. All sections relating to the Bagley-Keene Open Meeting Act, which pertains to state government entities, have been removed from the bill. As such, AB 339 no longer applies to the Board. Therefore, staff

recommends that the Board remove its position of “Watch” and take no position on this bill, as amended May 4, 2021.

This bill, which is sponsored by the author, has been referred to the Assembly Appropriations Committee and is set for hearing on May 20, 2021. Three other bills introduced this session (AB 29, AB 885, and AB 1291) still propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: Staff recommends that the Board remove its position of “watch” and take no position on AB 339, as amended May 4, 2021.

AMENDED IN ASSEMBLY MAY 4, 2021

AMENDED IN ASSEMBLY APRIL 15, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 339

**Introduced by Assembly Members Lee and Cristina Garcia
(Coauthors: Assembly Members Arambula, Cooley, and
Robert Rivas)**

January 28, 2021

An act to ~~amend Sections 54953, 54954.2, and 54954.3~~ *amend, repeal, and add Section 54953* of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Lee. Local government: open and public meetings.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime.

This bill ~~would~~ *would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option and or an internet-based service option.* The bill would require all *open*

and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic ~~and~~ *or* an internet-based service option, ~~as provided, and would specify requirements for public comment registration.~~ The bill would also require the legislative bodies of the local agency to provide interpretation services as requested, and have a system to process requests for interpretation services and publicize that system online. *provided.*

~~This bill would require legislative bodies of local agencies to make available instructions on joining the meeting to all non-English-speaking persons upon request, and publish the instructions in the 2 most spoken languages other than English within the local agency's jurisdiction.~~

By imposing new duties on local governments and expanding the application of a crime with respect to meetings, this bill would impose a state-mandated local program.

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

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

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. Section 54953 of the Government Code is
- 2 amended to read:
- 3 54953. (a) All meetings of the legislative body of a local
- 4 agency shall be open and public, and all persons shall be permitted
- 5 to attend any meeting of the legislative body of a local agency in
- 6 person, except as otherwise provided in this chapter.

1 (b) All *open and public* meetings of a city council or a county
2 board of supervisors that governs a jurisdiction containing at least
3 250,000 people shall include an opportunity for members of the
4 public to attend via a telephonic option ~~and or~~ an internet-based
5 service option. ~~For the purposes of this chapter, “internet-based~~
6 ~~service option” means a service or platform that allows two-way~~
7 ~~video and audio participation through the internet.~~ All members of
8 the public shall be entitled to participate in open and public
9 meetings, regardless of national origin or language ability.

10 (c) (1) Notwithstanding any other provision of law, the
11 legislative body of a local agency may use teleconferencing for
12 the benefit of the public and the legislative body of a local agency
13 in connection with any meeting or proceeding authorized by law.
14 The teleconferenced meeting or proceeding shall comply with all
15 requirements of this chapter and all otherwise applicable provisions
16 of law relating to a specific type of meeting or proceeding.

17 (2) Teleconferencing, as authorized by this section, may be used
18 ~~by members of the legislative body~~ for all purposes in connection
19 with any meeting within the subject matter jurisdiction of the
20 legislative body. All votes taken during a teleconferenced meeting
21 shall be by rollcall.

22 (3) If the legislative body of a local agency elects to use
23 teleconferencing, it shall post agendas at all teleconference
24 locations and conduct teleconference meetings in a manner that
25 protects the statutory and constitutional rights of the parties or the
26 public appearing before the legislative body of a local agency.
27 Each teleconference location shall be identified in the notice and
28 agenda of the meeting or proceeding, and each teleconference
29 location shall be accessible to the public. During the teleconference,
30 at least a quorum of the members of the legislative body shall
31 participate from locations within the boundaries of the territory
32 over which the local agency exercises jurisdiction, except as
33 provided in subdivision ~~(e)~~: (f). The agenda shall provide an
34 opportunity for members of the public to address the legislative
35 body directly pursuant to Section 54954.3 at each teleconference
36 location.

37 (4) For the purposes of this section, “teleconference” means a
38 meeting of a legislative body, the members of which are in different
39 locations, connected by electronic means, through either audio or

1 video, or both. Nothing in this section shall prohibit a local agency
2 from providing the public with additional teleconference locations.

3 *(d) All open and public meetings of a city council or a county*
4 *board of supervisors that governs a jurisdiction containing at least*
5 *250,000 people shall comply with the following requirements:*

6 ~~(5)(A)~~

7 (1) Unless there are any laws that prohibit in-person government
8 meetings in the case of a declared state of emergency, including
9 a public health emergency, all *open and public* meetings shall
10 include an in-person public comment opportunity, wherein
11 members of the public can report to a designated site to give public
12 comment in person. The location of the designated site and any
13 relevant instructions on in-person commenting shall be included
14 with the public posting of the agenda.

15 ~~(B)~~

16 (2) All *open and public* meetings shall provide the public with
17 an opportunity to comment on proposed legislation, both in person
18 and remotely via a telephonic ~~and~~ or an internet-based service
19 option, and ensure the opportunity for the members of the public
20 participating via a telephonic or an internet-based option to
21 comment on agenda items with the same time allotment as a person
22 attending a meeting in person.

23 ~~(C) Registration for public comment period is permitted, so~~
24 ~~long as instructions to register are posted, members of the public~~
25 ~~are able to register over the telephone and in person, and~~
26 ~~registration remains open until the comment period has finished~~
27 ~~for that agenda item. Information collected for registration purposes~~
28 ~~shall be limited to name, telephone number, and county of~~
29 ~~residence.~~

30 ~~(d)~~

31 (e) (1) No legislative body shall take action by secret ballot,
32 whether preliminary or final.

33 (2) The legislative body of a local agency shall publicly report
34 any action taken and the vote or abstention on that action of each
35 member present for the action.

36 (3) Prior to taking final action, the legislative body shall orally
37 report a summary of a recommendation for a final action on the
38 salaries, salary schedules, or compensation paid in the form of
39 fringe benefits of a local agency executive, as defined in
40 subdivision (d) of Section 3511.1, during the open meeting in

1 which the final action is to be taken. This paragraph shall not affect
2 the public's right under the California Public Records Act (Chapter
3 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
4 inspect or copy records created or received in the process of
5 developing the recommendation.

6 (e)

7 (f) (1) Notwithstanding the provisions relating to a quorum in
8 paragraph (3) of subdivision (c), if a health authority conducts a
9 teleconference meeting, members who are outside the jurisdiction
10 of the authority may be counted toward the establishment of a
11 quorum when participating in the teleconference if at least 50
12 percent of the number of members that would establish a quorum
13 are present within the boundaries of the territory over which the
14 authority exercises jurisdiction, and the health authority provides
15 a teleconference number, and associated access codes, if any, that
16 allows any person to call in to participate in the meeting and the
17 number and access codes are identified in the notice and agenda
18 of the meeting.

19 (2) Nothing in this subdivision shall be construed as
20 discouraging health authority members from regularly meeting at
21 a common physical site within the jurisdiction of the authority or
22 from using teleconference locations within or near the jurisdiction
23 of the authority. A teleconference meeting for which a quorum is
24 established pursuant to this subdivision shall be subject to all other
25 requirements of this section.

26 (3) For purposes of this subdivision, a health authority means
27 any entity created pursuant to Sections 14018.7, 14087.31,
28 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
29 and Institutions Code, any joint powers authority created pursuant
30 to Article 1 (commencing with Section 6500) of Chapter 5 of
31 Division 7 for the purpose of contracting pursuant to Section
32 14087.3 of the Welfare and Institutions Code, and any advisory
33 committee to a county-sponsored health plan licensed pursuant to
34 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
35 Health and Safety Code if the advisory committee has 12 or more
36 members.

37 (g) *This section shall remain in effect only until December 31,*
38 *2023, and as of that date is repealed.*

39 ~~SEC. 2. Section 54954.2 of the Government Code is amended~~
40 ~~to read:~~

1 54954.2. (a) (1) At least 72 hours before a regular meeting,
2 the legislative body of the local agency, or its designee, shall post
3 an agenda containing a brief general description of each item of
4 business to be transacted or discussed at the meeting, including
5 items to be discussed in closed session. A brief general description
6 of an item generally need not exceed 20 words. The agenda shall
7 specify the time and location of the regular meeting and shall be
8 posted in a location that is freely accessible to members of the
9 public and on the local agency's internet website, if the local
10 agency has one. If requested, the agenda shall be made available
11 in appropriate alternative formats to persons with a disability, as
12 required by Section 202 of the Americans with Disabilities Act of
13 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
14 adopted in implementation thereof. The agenda shall include
15 information regarding how, to whom, and when a request for
16 disability-related modification or accommodation, including
17 auxiliary aids or services, may be made by a person with a
18 disability who requires a modification or accommodation in order
19 to participate in the public meeting.

20 (2) Instructions on joining the meeting via telephonic or
21 internet-based service option, including registration for public
22 comment, if required, shall be made available to all
23 non-English-speaking persons upon request and should at minimum
24 be published in the two most spoken languages other than English
25 within the boundaries of the territory over which the local agency
26 exercises jurisdiction. The meeting agenda should be made
27 available upon request to all non-English-speaking persons within
28 those boundaries in their language, regardless of national origin
29 or language ability.

30 (3) For a meeting occurring on and after January 1, 2019, of a
31 legislative body of a city, county, city and county, special district,
32 school district, or political subdivision established by the state that
33 has an internet website, the following provisions shall apply:

34 (A) An online posting of an agenda shall be posted on the
35 primary internet website homepage of a city, county, city and
36 county, special district, school district, or political subdivision
37 established by the state that is accessible through a prominent,
38 direct link to the current agenda. The direct link to the agenda shall
39 not be in a contextual menu; however, a link in addition to the

1 direct link to the agenda may be accessible through a contextual
2 menu.

3 (B) An online posting of an agenda including, but not limited
4 to, an agenda posted in an integrated agenda management platform,
5 shall be posted in an open format that meets all of the following
6 requirements:

7 (i) Retrievable, downloadable, indexable, and electronically
8 searchable by commonly used internet search applications.

9 (ii) Platform independent and machine readable.

10 (iii) Available to the public free of charge and without any
11 restriction that would impede the reuse or redistribution of the
12 agenda.

13 (C) A legislative body of a city, county, city and county, special
14 district, school district, or political subdivision established by the
15 state that has an internet website and an integrated agenda
16 management platform shall not be required to comply with
17 subparagraph (A) if all of the following are met:

18 (i) A direct link to the integrated agenda management platform
19 shall be posted on the primary internet website homepage of a city,
20 county, city and county, special district, school district, or political
21 subdivision established by the state. The direct link to the integrated
22 agenda management platform shall not be in a contextual menu.
23 When a person clicks on the direct link to the integrated agenda
24 management platform, the direct link shall take the person directly
25 to an internet website with the agendas of the legislative body of
26 a city, county, city and county, special district, school district, or
27 political subdivision established by the state.

28 (ii) The integrated agenda management platform may contain
29 the prior agendas of a legislative body of a city, county, city and
30 county, special district, school district, or political subdivision
31 established by the state for all meetings occurring on or after
32 January 1, 2019.

33 (iii) The current agenda of the legislative body of a city, county,
34 city and county, special district, school district, or political
35 subdivision established by the state shall be the first agenda
36 available at the top of the integrated agenda management platform.

37 (iv) All agendas posted in the integrated agenda management
38 platform shall comply with the requirements in clauses (i), (ii),
39 and (iii) of subparagraph (B).

1 ~~(D) For the purposes of this paragraph, both of the following~~
2 ~~definitions shall apply:~~

3 ~~(i) “Integrated agenda management platform” means an internet~~
4 ~~website of a city, county, city and county, special district, school~~
5 ~~district, or political subdivision established by the state dedicated~~
6 ~~to providing the entirety of the agenda information for the~~
7 ~~legislative body of the city, county, city and county, special district,~~
8 ~~school district, or political subdivision established by the state to~~
9 ~~the public.~~

10 ~~(ii) “Legislative body” has the same meaning as that term is~~
11 ~~used in subdivision (a) of Section 54952.~~

12 ~~(E) The provisions of this paragraph shall not apply to a political~~
13 ~~subdivision of a local agency that was established by the legislative~~
14 ~~body of the city, county, city and county, special district, school~~
15 ~~district, or political subdivision established by the state.~~

16 ~~(4) No action or discussion shall be undertaken on any item not~~
17 ~~appearing on the posted agenda, except that members of a~~
18 ~~legislative body or its staff may briefly respond to statements made~~
19 ~~or questions posed by persons exercising their public testimony~~
20 ~~rights under Section 54954.3. In addition, on their own initiative~~
21 ~~or in response to questions posed by the public, a member of a~~
22 ~~legislative body or its staff may ask a question for clarification,~~
23 ~~make a brief announcement, or make a brief report on the member’s~~
24 ~~own activities. Furthermore, a member of a legislative body, or~~
25 ~~the body itself, subject to rules or procedures of the legislative~~
26 ~~body, may provide a reference to staff or other resources for factual~~
27 ~~information, request staff to report back to the body at a subsequent~~
28 ~~meeting concerning any matter, or take action to direct staff to~~
29 ~~place a matter of business on a future agenda.~~

30 ~~(b) Notwithstanding subdivision (a), the legislative body may~~
31 ~~take action on items of business not appearing on the posted agenda~~
32 ~~under any of the conditions stated below. Prior to discussing any~~
33 ~~item pursuant to this subdivision, the legislative body shall publicly~~
34 ~~identify the item.~~

35 ~~(1) Upon a determination by a majority vote of the legislative~~
36 ~~body that an emergency situation exists, as defined in Section~~
37 ~~54956.5.~~

38 ~~(2) Upon a determination by a two-thirds vote of the members~~
39 ~~of the legislative body present at the meeting, or, if less than~~
40 ~~two-thirds of the members are present, a unanimous vote of those~~

1 members present, that there is a need to take immediate action and
2 that the need for action came to the attention of the local agency
3 subsequent to the agenda being posted as specified in subdivision
4 (a).

5 ~~(3) The item was posted pursuant to subdivision (a) for a prior
6 meeting of the legislative body occurring not more than five
7 calendar days prior to the date action is taken on the item, and at
8 the prior meeting the item was continued to the meeting at which
9 action is being taken.~~

10 ~~(e) This section is necessary to implement and reasonably within
11 the scope of paragraph (1) of subdivision (b) of Section 3 of Article
12 I of the California Constitution.~~

13 ~~(d) For purposes of subdivision (a), the requirement that the
14 agenda be posted on the local agency's internet website, if the
15 local agency has one, shall only apply to a legislative body that
16 meets either of the following standards:~~

17 ~~(1) A legislative body as that term is defined by subdivision (a)
18 of Section 54952.~~

19 ~~(2) A legislative body as that term is defined by subdivision (b)
20 of Section 54952, if the members of the legislative body are
21 compensated for their appearance, and if one or more of the
22 members of the legislative body are also members of a legislative
23 body as that term is defined by subdivision (a) of Section 54952.~~

24 ~~SEC. 3. Section 54954.3 of the Government Code is amended
25 to read:~~

26 ~~54954.3. (a) Every agenda for regular meetings shall provide
27 an opportunity for members of the public to directly address the
28 legislative body on any item of interest to the public, during the
29 legislative body's consideration of the item, that is within the
30 subject matter jurisdiction of the legislative body, provided that
31 no action shall be taken on any item not appearing on the agenda
32 unless the action is otherwise authorized by subdivision (b) of
33 Section 54954.2. The agenda need not provide an opportunity for
34 members of the public to address the legislative body on any item
35 that has already been considered by a committee, composed
36 exclusively of members of the legislative body, at a public meeting
37 wherein all interested members of the public were afforded the
38 opportunity to address the committee on the item, before or during
39 the committee's consideration of the item, unless the item has been
40 substantially changed since the committee heard the item, as~~

1 determined by the legislative body. Every notice for a special
2 meeting shall provide an opportunity for members of the public
3 to directly address the legislative body concerning any item that
4 has been described in the notice for the meeting before or during
5 consideration of that item.

6 ~~(b) (1) The legislative body of a local agency may adopt~~
7 ~~reasonable regulations to ensure that the intent of subdivision (a)~~
8 ~~is carried out, including, but not limited to, regulations limiting~~
9 ~~the total amount of time allocated for public testimony on particular~~
10 ~~issues and for each individual speaker.~~

11 ~~(2) Notwithstanding paragraph (1), when the legislative body~~
12 ~~of a local agency limits time for public comment, the legislative~~
13 ~~body of a local agency shall provide at least twice the allotted time~~
14 ~~to a member of the public who utilizes a translator to ensure that~~
15 ~~non-English speakers receive the same opportunity to directly~~
16 ~~address the legislative body of a local agency.~~

17 ~~(3) Paragraph (2) shall not apply if the legislative body of a~~
18 ~~local agency utilizes simultaneous translation equipment in a~~
19 ~~manner that allows the legislative body of a local agency to hear~~
20 ~~the translated public testimony simultaneously.~~

21 ~~(e) The legislative body of a local agency shall not prohibit~~
22 ~~public criticism of the policies, procedures, programs, or services~~
23 ~~of the agency, or of the acts or omissions of the legislative body.~~
24 ~~Nothing in this subdivision shall confer any privilege or protection~~
25 ~~for expression beyond that otherwise provided by law.~~

26 ~~(d) All members of the public shall be entitled to participate in~~
27 ~~public meetings, regardless of national origin or language ability.~~
28 ~~If interpretation services are requested for the public meeting and~~
29 ~~public comment period, those services should be provided.~~

30 ~~(e) Local agencies shall have in place a system for requesting~~
31 ~~and receiving interpretation services for public meetings, including~~
32 ~~the public comment period. Local agencies shall publicize this~~
33 ~~system and the instructions on how to request certified~~
34 ~~interpretation services for public meetings online.~~

35 *SEC. 2. Section 54953 is added to the Government Code, to*
36 *read:*

37 *54953. (a) All meetings of the legislative body of a local*
38 *agency shall be open and public, and all persons shall be permitted*
39 *to attend any meeting of the legislative body of a local agency,*
40 *except as otherwise provided in this chapter.*

1 (b) (1) Notwithstanding any other provision of law, the
2 legislative body of a local agency may use teleconferencing for
3 the benefit of the public and the legislative body of a local agency
4 in connection with any meeting or proceeding authorized by law.
5 The teleconferenced meeting or proceeding shall comply with all
6 requirements of this chapter and all otherwise applicable
7 provisions of law relating to a specific type of meeting or
8 proceeding.

9 (2) Teleconferencing, as authorized by this section, may be used
10 for all purposes in connection with any meeting within the subject
11 matter jurisdiction of the legislative body. All votes taken during
12 a teleconferenced meeting shall be by rollcall.

13 (3) If the legislative body of a local agency elects to use
14 teleconferencing, it shall post agendas at all teleconference
15 locations and conduct teleconference meetings in a manner that
16 protects the statutory and constitutional rights of the parties or
17 the public appearing before the legislative body of a local agency.
18 Each teleconference location shall be identified in the notice and
19 agenda of the meeting or proceeding, and each teleconference
20 location shall be accessible to the public. During the
21 teleconference, at least a quorum of the members of the legislative
22 body shall participate from locations within the boundaries of the
23 territory over which the local agency exercises jurisdiction, except
24 as provided in subdivision (d). The agenda shall provide an
25 opportunity for members of the public to address the legislative
26 body directly pursuant to Section 54954.3 at each teleconference
27 location.

28 (4) For the purposes of this section, “teleconference” means a
29 meeting of a legislative body, the members of which are in different
30 locations, connected by electronic means, through either audio or
31 video, or both. Nothing in this section shall prohibit a local agency
32 from providing the public with additional teleconference locations.

33 (c) (1) No legislative body shall take action by secret ballot,
34 whether preliminary or final.

35 (2) The legislative body of a local agency shall publicly report
36 any action taken and the vote or abstention on that action of each
37 member present for the action.

38 (3) Prior to taking final action, the legislative body shall orally
39 report a summary of a recommendation for a final action on the
40 salaries, salary schedules, or compensation paid in the form of

1 *fringe benefits of a local agency executive, as defined in subdivision*
2 *(d) of Section 3511.1, during the open meeting in which the final*
3 *action is to be taken. This paragraph shall not affect the public's*
4 *right under the California Public Records Act (Chapter 3.5*
5 *(commencing with Section 6250) of Division 7 of Title 1) to inspect*
6 *or copy records created or received in the process of developing*
7 *the recommendation.*

8 *(d) (1) Notwithstanding the provisions relating to a quorum in*
9 *paragraph (3) of subdivision (b), if a health authority conducts a*
10 *teleconference meeting, members who are outside the jurisdiction*
11 *of the authority may be counted toward the establishment of a*
12 *quorum when participating in the teleconference if at least 50*
13 *percent of the number of members that would establish a quorum*
14 *are present within the boundaries of the territory over which the*
15 *authority exercises jurisdiction, and the health authority provides*
16 *a teleconference number, and associated access codes, if any, that*
17 *allows any person to call in to participate in the meeting and the*
18 *number and access codes are identified in the notice and agenda*
19 *of the meeting.*

20 *(2) Nothing in this subdivision shall be construed as*
21 *discouraging health authority members from regularly meeting at*
22 *a common physical site within the jurisdiction of the authority or*
23 *from using teleconference locations within or near the jurisdiction*
24 *of the authority. A teleconference meeting for which a quorum is*
25 *established pursuant to this subdivision shall be subject to all other*
26 *requirements of this section.*

27 *(3) For purposes of this subdivision, a health authority means*
28 *any entity created pursuant to Sections 14018.7, 14087.31,*
29 *14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare*
30 *and Institutions Code, any joint powers authority created pursuant*
31 *to Article 1 (commencing with Section 6500) of Chapter 5 of*
32 *Division 7 for the purpose of contracting pursuant to Section*
33 *14087.3 of the Welfare and Institutions Code, and any advisory*
34 *committee to a county-sponsored health plan licensed pursuant to*
35 *Chapter 2.2 (commencing with Section 1340) of Division 2 of the*
36 *Health and Safety Code if the advisory committee has 12 or more*
37 *members.*

38 *(e) This section shall become operative on December 31, 2023.*

1 ~~SEC. 4.~~

2 ~~SEC. 3.~~ No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district under this act would result either from a legislative mandate
6 that is within the scope of paragraph (7) of subdivision (b) of
7 Section 3 of Article I of the California Constitution, or because
8 this act creates a new crime or infraction, eliminates a crime or
9 infraction, or changes the penalty for a crime or infraction, within
10 the meaning of Section 17556 of the Government Code, or changes
11 the definition of a crime within the meaning of Section 6 of Article
12 XIII B of the California Constitution.

13 ~~SEC. 5.~~

14 ~~SEC. 4.~~ The Legislature finds and declares that ~~Sections 1, 2,~~
15 ~~and 3~~ *Section 1* of this act, which ~~amend Sections 54953, 54954.2,~~
16 ~~and 54954.3~~ *amends Section 54953* of the Government Code,
17 ~~further,~~ *further,* within the meaning of paragraph (7) of
18 subdivision (b) of Section 3 of Article I of the California
19 Constitution, the purposes of that constitutional section as it relates
20 to the right of public access to the meetings of local public bodies
21 or the writings of local public officials and local agencies. Pursuant
22 to paragraph (7) of subdivision (b) of Section 3 of Article I of the
23 California Constitution, the Legislature makes the following
24 findings:

25 The provisions of the act allow for greater public access through
26 requiring specified entities to provide a telephonic ~~and~~ *or*
27 internet-based service option and instructions on how to access
28 these options to the public for specified ~~meetings~~ ~~and allow for~~
29 ~~greater accommodations for non-English speakers attending the~~
30 meetings.

O

AB 646 (Low, D-Campbell; Coauthor: Senator Roth, D-Riverside)
Department of Consumer Affairs: boards: expunged convictions.

Status/History: 4/21/2021 –Referred to Assembly Appropriations Committee suspense file; set for hearing on 5/20/2021.

Location: 4/21/2021 – Assembly Appropriations Committee

Introduced: 2/12/2021

Last Amended: 4/14/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 5/18/2021

Bill Summary: Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

This bill was amended on April 14, 2021, to allow boards to charge a fee to the person in an amount not to exceed the reasonable costs to administer the bill's provisions.

Affected Laws: An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill would require the Board to make changes to the information posted on its website regarding disciplinary actions taken. Specifically, if the Board had revoked a license based on a criminal conviction and if the Board received notification that an expungement order was granted pursuant to Penal Code section 1203.4, then the Board must do one of two things within 90 days of receiving the expungement order. The Board must either 1) post notification of the expungement order on its website if the person reapplies for licensure or is relicensed; or, 2) remove the initial posting of the revocation and any other postings relating to the conviction from its website if the person is not currently licensed and does not reapply for licensure.

The bill, as amended April 14, 2021, would allow the Board to charge a fee to the person in an amount that does not exceed the reasonable cost necessary to make the changes.

This bill, which is sponsored by the author, has been referred to the Assembly Appropriations Committee suspense file and is set for hearing on May 20, 2021.

Staff Recommendation: Staff recommends that the Board take a “watch” position on AB 646, as amended April 14, 2021.

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 646

Introduced by Assembly Members Low, Cunningham, and Gipson
(Coauthor: Senator Roth)

February 12, 2021

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the

person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee to the ~~person in an amount up to \$50;~~ *person*, not to exceed the cost of administering the bill's provisions. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

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

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

1 SECTION 1. Section 493.5 is added to the Business and
2 Professions Code, to read:

3 493.5. (a) A board within the department that has posted on
4 its internet website that a person's license was revoked because
5 the person was convicted of a crime, upon receiving from the
6 person a certified copy of an expungement order granted pursuant
7 to Section 1203.4 of the Penal Code for the underlying offense,
8 shall, within 90 days of receiving the expungement order, unless
9 it is otherwise prohibited by law, or by other terms or conditions,
10 do either of the following:

11 (1) If the person reapplies for licensure or has been relicensed,
12 post notification of the expungement order and the date thereof on
13 its internet website.

14 (2) If the person is not currently licensed and does not reapply
15 for licensure, remove the initial posting on its internet website that
16 the person's license was revoked and information previously posted
17 regarding arrests, charges, and convictions.

18 (b) A board within the department may charge a fee to a person
19 described in subdivision ~~(a) in an amount up to fifty dollars (\$50);~~
20 *(a)*, not to exceed the reasonable cost of administering this section.

1 The fee shall be deposited by the board into the appropriate fund
2 and shall be available only upon appropriation by the Legislature.
3 (c) For purposes of this section, “board” means an entity listed
4 in Section 101.
5 (d) If any provision in this section conflicts with Section 2027,
6 Section 2027 shall prevail.

O

AB 885 (Quirk, D-Hayward)
Bagley-Keene Open Meeting Act: teleconferencing.

Status/History: 3/25/2021 – Re-referred to Assembly Committee on Governmental Organization.

Location: 3/25/2021 – Assembly Committee on Governmental Organization

Introduced: 2/17/2021

Amended: 3/24/2021

Board Position: Support (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: The Bagley-Keene Open Meeting Act requires that meetings of a state body be open and public and that all persons be permitted to attend, with certain exceptions. Existing law provides that if the state body conducts meetings via teleconference, the portion of the meeting open to the public must be audible to the public at the location(s) specified in the notice. The law requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public.

This bill would require that the meeting be both audibly and visibly observable by the public at the location(s) specified in the notice. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would additionally make technical, non-substantive changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

Affected Laws: An act to amend Sections 11123 and 11123.5 of the Government Code, relating to state government.

Staff Comment: Current law allows the Board to conduct meetings via teleconference if certain conditions are met. One of those requirements is that the meetings be audible to members of the public at all noticed locations. This bill would change the law to require that the meetings be both audible and visually observable by members of the public at all noticed locations.

The law currently requires that, for teleconference meetings, all locations from which Board Members will attend (participate in) the meeting be listed on the notice and open to the public so that the public may participate in the meeting at any of the locations. This bill would remove the requirement that all locations be listed on the notice and allow for only one physical location to be noticed and that location must be open to the public to attend and participate in the meeting. Because this change in the law limits the right of access to the meetings of public bodies, the law

must be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. The bill contains the following statement of legislative findings:

The Legislature finds and declares that Section 1 of this act, which amends Section 11123 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

At its April 1, 2021, meeting, the Board took a position of "Support" on AB 885.

This bill has not yet been scheduled for hearing. Three other bills introduced this session (AB 29, AB 339, and AB 1291) also propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: No action needed at this time.

AMENDED IN ASSEMBLY MARCH 24, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 885

Introduced by Assembly Member Quirk

February 17, 2021

An act to amend Sections 11123 and 11123.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, as amended, Quirk. Bagley-Keene Open Meeting Act: teleconferencing.

The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. *The Bagley-Keene Act requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public.* That law authorizes any meeting of a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to hold an open meeting by teleconference if the meeting complies with the requirements of the act, except as provided. Existing law requires that when a member of a multimember state advisory body

participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.

This bill would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. *The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate.* The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting. The bill would also make nonsubstantive changes to those provisions.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 11123 of the Government Code is
2 amended to read:

1 11123. (a) All meetings of a state body shall be open and
2 public and all persons shall be permitted to attend any meeting of
3 a state body except as otherwise provided in this article.

4 (b) (1) This article does not prohibit a state body from holding
5 an open or closed meeting by teleconference for the benefit of the
6 public and state body. The meeting or proceeding held by
7 teleconference shall otherwise comply with all applicable
8 requirements or laws relating to a specific type of meeting or
9 proceeding, including the following:

10 (A) The teleconferencing meeting shall comply with all
11 requirements of this article applicable to other meetings.

12 (B) The portion of the teleconferenced meeting that is required
13 to be open to the public shall be both audibly and visually
14 observable to the public at the location specified in the notice of
15 the meeting.

16 (C) If the state body elects to conduct a meeting or proceeding
17 by teleconference, it shall ~~post agendas~~ *an agenda* at ~~all~~
18 ~~teleconference locations~~ *the designated primary physical meeting*
19 *location in the notice of the meeting where members of the public*
20 *may physically attend the meeting and participate*, and conduct
21 teleconference meetings in a manner that protects the rights of any
22 party or member of the public appearing before the state body.
23 ~~Each teleconference location shall be identified in the notice and~~
24 ~~agenda of the meeting or proceeding, and each teleconference~~
25 ~~location shall be accessible to the public.~~ The agenda shall provide
26 an opportunity for members of the public to address the state body
27 *via teleconference* directly pursuant to Section 11125.7 at each
28 teleconference location.

29 (D) All votes taken during a teleconferenced meeting shall be
30 by rollcall.

31 (E) The portion of the teleconferenced meeting that is closed
32 to the public may not include the consideration of any agenda item
33 being heard pursuant to Section 11125.5.

34 (F) At least one member of the state body shall be physically
35 present at the location specified in the notice of the meeting.

36 (2) For the purposes of this subdivision, "teleconference" means
37 a meeting of a state body, the members of which are at different
38 locations, connected by electronic means, through both audio and
39 video. This section does not prohibit a state body from providing
40 members of the public with additional locations in which the public

1 may observe or address the state body by electronic means, through
2 either audio or both audio and video.

3 (c) The state body shall publicly report any action taken and the
4 vote or abstention on that action of each member present for the
5 action.

6 SEC. 2. Section 11123.5 of the Government Code is amended
7 to read:

8 11123.5. (a) In addition to the authorization to hold a meeting
9 by teleconference pursuant to subdivision (b) of Section 11123,
10 any state body that is a board, commission, committee,
11 subcommittee, or similar multimember body may hold an open
12 meeting by teleconference as described in this section, provided
13 the meeting complies with all of the section's requirements and,
14 except as set forth in this section, it also complies with all other
15 applicable requirements of this article.

16 (b) A member of a state body as described in subdivision (a)
17 who participates in a teleconference meeting from a remote location
18 subject to this section's requirements shall be listed in the minutes
19 of the meeting.

20 (c) The state body shall provide notice to the public at least 24
21 hours before the meeting that identifies any member who will
22 participate remotely by posting the notice on its internet website
23 and by emailing notice to any person who has requested notice of
24 meetings of the state body under this article. The location of a
25 member of a state body who will participate remotely is not
26 required to be disclosed in the public notice or email and need not
27 be accessible to the public. The notice of the meeting shall also
28 identify the primary physical meeting location designated pursuant
29 to subdivision (e).

30 (d) This section does not affect the requirement prescribed by
31 this article that the state body post an agenda of a meeting at least
32 10 days in advance of the meeting. The agenda shall include
33 information regarding the physical meeting location designated
34 pursuant to subdivision (e), but is not required to disclose
35 information regarding any remote location.

36 (e) A state body described in subdivision (a) shall designate the
37 primary physical meeting location in the notice of the meeting
38 where members of the public may physically attend the meeting
39 and participate. A quorum of the members of the state body shall
40 be in attendance *via teleconference or in person physically* at the

1 primary physical meeting location, and members of the state body
2 participating remotely shall ~~not~~ count towards establishing a
3 quorum. All decisions taken during a meeting by teleconference
4 shall be by rollcall vote. The state body shall post the agenda at
5 the primary physical meeting location, but need not post the agenda
6 at a remote location.

7 (f) When a member of a state body described in subdivision (a)
8 participates remotely in a meeting subject to this section's
9 requirements, the state body shall provide a means by which the
10 public may remotely observe the meeting's proceedings, both
11 audibly and visually, including the members of the state body
12 participating remotely. The applicable teleconference phone
13 number or internet website, or other information indicating how
14 the public can access the meeting remotely, shall be in the 24-hour
15 notice described in subdivision (a) that is available to the public.

16 (g) Upon discovering that a means of remote access required
17 by subdivision (f) has failed during a meeting, the state body
18 described in subdivision (a) shall end or adjourn the meeting in
19 accordance with Section 11128.5. In addition to any other
20 requirements that may apply, the state body shall provide notice
21 of the meeting's end or adjournment on its internet website and
22 by email to any person who has requested notice of meetings of
23 the state body under this article. If the meeting will be adjourned
24 and reconvened on the same day, further notice shall be provided
25 by an automated message on a telephone line posted on the state
26 body's agenda, or by a similar means, that will communicate when
27 the state body intends to reconvene the meeting and how a member
28 of the public may observe the meeting, both audibly and visually.

29 (h) For purposes of this section:

30 (1) "Participate remotely" means participation in a meeting at
31 a location other than the physical location designated in the agenda
32 of the meeting.

33 (2) "Remote location" means a location other than the primary
34 physical location designated in the agenda of a meeting.

35 (3) "Teleconference" has the same meaning as in Section 11123.

36 (i) This section does not limit or affect the ability of a state body
37 to hold a teleconference meeting under another provision of this
38 article.

39 *SEC. 3. The Legislature finds and declares that Section 1 of*
40 *this act, which amends Section 11123 of the Government Code,*

1 *imposes a limitation on the public's right of access to the meetings*
2 *of public bodies or the writings of public officials and agencies*
3 *within the meaning of Section 3 of Article I of the California*
4 *Constitution. Pursuant to that constitutional provision, the*
5 *Legislature makes the following findings to demonstrate the interest*
6 *protected by this limitation and the need for protecting that*
7 *interest:*

8 *By removing the requirement for agendas to be placed at the*
9 *location of each public official participating in a public meeting*
10 *remotely, including from the member's private home or hotel room,*
11 *this act protects the personal, private information of public officials*
12 *and their families while preserving the public's right to access*
13 *information concerning the conduct of the people's business.*

O

AB 1026 (Smith, R-Apple Valley)
Business licenses: veterans.

Status/History: 5/5/2021 – Referred to Assembly Appropriations Committee suspense file; set for hearing on 5/20/21.

Location: 5/5/2021 – Assembly Appropriations Committee

Introduced: 2/18/2021

Board Position: None at this time

Board Staff Analysis: 5/18/2021

Bill Summary: Existing law requires an applicant seeking a license from a board to meet specified requirements and to pay certain licensing fees. Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would require the department and any board within the department to grant a 50% fee reduction for an initial license to an applicant who provides satisfactory evidence, as defined, the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged. This bill would authorize a board to adopt regulations necessary to administer these provisions.

Affected Laws: An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

Staff Comment: The Board charges applicants an application fee that covers the costs of processing the application and issuing the license once the applicant meets all of the qualifying requirements for licensure. The applicants also pay separate examination fees, either to the Board or to the examination vendor, that cover the costs of developing, maintaining, and administering the examination. The Board does not charge an initial license fee.

AB 1026 uses the phrase “...shall grant a 50-percent fee reduction for an initial license to an applicant...” However, it is unclear what fee(s) would be included. If it is intended to apply only to the initial license fee, which most other boards charge, then this bill would have little, if any, impact on the Board. On the other hand, if the intent is to apply to any fees charged, then there could be issues for the Board because of some of the pass-through fees the Board collects, such as the ASBOG national geology examination fees and the Department of Justice criminal background check fees.

Staff recommends that the Board take a position of “watch” on AB 1026 and also authorize a change in its position to “oppose unless amended” if the bill is amended to require the Board to waive “any and all fees associated with obtaining a license” because the Board is concerned with who would be responsible for paying pass-through fees, such as those owed to the Department of Justice to conduct criminal background checks or ASBOG for the national geology examinations.

This bill, which is sponsored by the author, was referred to the Assembly Appropriations Committee suspense file and is set for hearing on May 20, 2021. It is one of several bills this year that relates to licensure of military members and their spouses.

Staff Recommendation: Staff recommends that the Board take a position of “watch” on AB 1386 and also authorize a change in its position to “oppose unless amended” if the bill is amended to require the Board to waive “any and all fees associated with obtaining a license” because the Board is concerned with who would be responsible for paying pass-through fees, such as those owed to the Department of Justice to conduct criminal background checks or ASBOG for the national geology examinations.

ASSEMBLY BILL

No. 1026

Introduced by Assembly Member Smith

February 18, 2021

An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1026, as introduced, Smith. Business licenses: veterans.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires an applicant seeking a license from a board to meet specified requirements and to pay certain licensing fees. Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would require the department and any board within the department to grant a 50% fee reduction for an initial license to an applicant who provides satisfactory evidence, as defined, the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged. This bill would authorize a board to adopt regulations necessary to administer these provisions.

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

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

1 SECTION 1. Section 115.4 of the Business and Professions
2 Code is amended to read:
3 115.4. (a) Notwithstanding any other law, on and after July 1,
4 2016, a board within the department shall expedite, and may assist,
5 the initial licensure process for an applicant who supplies
6 satisfactory evidence to the board that the applicant has served as
7 an active duty member of the Armed Forces of the United States
8 and was honorably discharged.
9 (b) *The department and any board within the department shall*
10 *grant a 50-percent fee reduction for an initial license to an*
11 *applicant who provides satisfactory evidence the applicant has*
12 *served as an active duty member of the United States Armed Forces*
13 *or the California National Guard and was honorably discharged.*
14 (c) *Satisfactory evidence, as referenced in this section, shall be*
15 *a copy of a current and valid driver's license or identification card*
16 *with the word "Veteran" printed on its face.*
17 ~~(b)~~
18 (d) A board may adopt regulations necessary to administer this
19 section.

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AB 1030 (Chen, R-Yorba Linda)
Professional Land Surveyors' Act and Professional Engineers Act

Status/History: 3/4/2021 – Referred to the Assembly Committee on Business & Professions.

Location: 3/4/2021 – Assembly Committee on Business & Professions

Introduced: 2/18/2021

Board Position: Oppose Unless Amended (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: This bill would amend Sections 6731.1 and 8726 of the Business and Professions Code, which are the sections that define civil engineering surveying and land surveying. The bill would also remove the subdivisions from Sections 6738 and 8729 that address non-engineering businesses and non-land surveying businesses contracting with someone legally authorized to perform professional engineering or land surveying, respectively. Furthermore, the bill would make conforming changes to other sections of the law based on the amendments to Sections 6738 and 8729.

Affected Laws: An act to amend Sections 6731.1, 6738, 6787, 8726, 8729, and 8792 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill is sponsored by the California and Nevada Civil Engineers and Land Surveyors Association (CELSA). It is similar to AB 3334 from the 2020 legislative session. AB 3334 did not move forward last year due to the need to prioritize bills because of the COVID-19 pandemic. The majority of the language proposed in AB 1030 is language that was developed during discussions between CELSA, Board staff, and the Board during consideration of AB 3334. The only language in AB 1030 that the Board has not agreed to is the inclusion of the term “remote sensing,” and a definition of that term. This term, and accompanying definition, were included in subdivision (b) in AB 3334, and the Board was opposed to it. In discussions, it was suggested that the term did not belong in subdivision (b) and might be more appropriate in subdivision (f). However, the definition of the term was not discussed.

Board staff still has concerns on whether the inclusion of the term “remote sensing” is necessary and with how that term is defined. Remote sensing is a broad term used to describe many types of analyses in the scientific communities and can be used as a tool or technology to perform land surveying work. For example, according to the U.S. Geological Survey website, remote sensing can be used, through cameras on satellites, to make images of temperature changes of the ocean and to track clouds to help predict the weather; neither of these activities would, or should, be considered the practice of land surveying that can be performed only by someone licensed as a land surveyor. It is also recognized that the acquisition of topographic data by photogrammetric methods can be considered as a form of remote sensing and is already included under section 8726. In the past, the Board has expressed that it is not appropriate to include tools or technology in the definition of the practice of land surveying, especially when the tools or technology can and are used by other professions in ways that are unrelated to land surveying. As such, Board staff believes that the term “remote sensing,” and its associated definition as proposed, should not be included in Section 8726.

At its April 1, 2021, meeting, the Board took a position of “oppose unless amended” on AB 1030 and requested that the term “remote sensing” and the definition of “remote sensing” be removed from subdivision (f) of Section 8726.

Staff Recommendation: No action needed at this time.

ASSEMBLY BILL

No. 1030

Introduced by Assembly Member Chen

February 18, 2021

An act to amend Sections 6731.1, 6738, 6787, 8726, 8729, and 8792 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1030, as introduced, Chen. Professional Land Surveyors' Act and Professional Engineers Act.

(1) 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. Under those acts, a land surveyor includes a person who engages in specified practices, and civil engineering is defined to include 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, 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 include within the practices that subject a person to those acts, with regard to the practice of identifying the location, alignment, or elevation for any of the fixed works embraced within the practice of civil engineering, laying out the reference points or lines through the use of mathematical or physical measurements. The bill would expand the practice of land surveying and civil engineering to

include determining the benthic surface below water bodies and the measuring for volumetric calculations of earthwork. The bill, with respect to the practice of making determinations regarding the position of objects, would expand that practice to include such a determination made by applying the principles of mathematics or the use of photogrammetric methods. The bill would further revise that practice so that the determination regarding the position of objects is made regarding either manmade or natural fixed objects, instead of fixed objects. The bill would modify the definition of geodetic surveying for purposes of the Professional Land Surveyors' Act to mean performing surveys by using techniques or methods of 3-dimensional geospatial data acquisitions, and make conforming changes to that effect. The bill would also, for purposes of that act, provide that a land surveyor includes a person who does or offers to do remote sensing, as defined.

(2) The Professional Land Surveyors' Act provides that it does not prevent an individual or business engaged in any line of endeavor, other than the practice of land surveying, from employing or contracting with a licensed land surveyor or a licensed civil engineer to perform the respective land surveying services incidental to the conduct of business. The Professional Engineers Act provides that it does not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a licensed civil, electrical, or mechanical engineer to perform the respective engineering services incidental to the conduct of business.

This bill would delete those provisions and make conforming changes.

(3) Existing law makes any violation of the Professional Engineers Act or the Professional Land Surveyors' Act a misdemeanor.

By expanding the scope of practices subject to the Professional Engineers Act and the Professional Land Surveyors' Act, 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: yes.

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

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

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

5 (a) Locates, relocates, establishes, reestablishes, ~~or retraces the~~
6 ~~alignment or elevation for~~ *retraces, or lays out, through the use*
7 *of mathematical or physical measurements, the reference points*
8 *or lines for the location, alignment, or elevation of* any of the fixed
9 works embraced within the practice of civil engineering, as
10 described in Section 6731.

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

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

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

23 SEC. 2. Section 6738 of the Business and Professions Code,
24 as amended by Section 1 of Chapter 150 of the Statutes of 2018,
25 is amended to read:

26 6738. (a) This chapter does not prohibit one or more civil,
27 electrical, or mechanical engineers from practicing or offering to
28 practice, within the scope of their license, civil (including
29 geotechnical and structural), electrical, or mechanical engineering
30 as a sole proprietorship, partnership, limited liability partnership,
31 firm, or corporation (hereinafter called business), if all of the
32 following requirements are met:

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

36 (2) All civil, electrical, or mechanical engineering services are
37 performed by, or under the responsible charge of, a professional

1 engineer licensed in the appropriate branch of professional
2 engineering.

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

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

26 (c) The business name of a California engineering business may
27 be a fictitious name. However, if the fictitious name includes the
28 name of any person, the requirements of paragraph (3) of
29 subdivision (a) shall be met.

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

37 ~~(e) This chapter does not prevent an individual or business~~
38 ~~engaged in any line of endeavor other than the practice of civil,~~
39 ~~electrical, or mechanical engineering from employing or~~
40 ~~contracting with a licensed civil, electrical, or mechanical engineer~~

1 to perform the respective engineering services incidental to the
2 conduct of business.

3 (f)

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

10 (g)

11 (f) A business engaged in rendering civil, electrical, or
12 mechanical engineering services may use in its name the name of
13 a deceased or retired person provided all of the following
14 conditions are satisfied:

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

18 (2) The person shall have been an owner, partner, or officer of
19 the business, or an owner, partner, or officer of the predecessor in
20 interest of the business.

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

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

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

35 (h)

36 (g) This section does not affect the provisions of Sections 6731.2
37 and 8726.1.

38 (i)

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

4 (j)

5 (i) This section shall remain in effect only until January 1, 2026,
6 and as of that date is repealed.

7 SEC. 3. Section 6738 of the Business and Professions Code,
8 as amended by Section 2 of Chapter 150 of the Statutes of 2018,
9 is amended to read:

10 6738. (a) This chapter does not prohibit one or more civil,
11 electrical, or mechanical engineers from practicing or offering to
12 practice within the scope of their license civil (including
13 geotechnical and structural), electrical, or mechanical engineering
14 as a sole proprietorship, partnership, firm, or corporation
15 (hereinafter called business), if all of the following requirements
16 are met:

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

20 (2) All civil, electrical, or mechanical engineering services are
21 performed by, or under the responsible charge of, a professional
22 engineer licensed in the appropriate branch of professional
23 engineering.

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

34 (b) An out-of-state business with a branch office in this state
35 shall meet the requirements of subdivision (a) and shall have an
36 owner, partner, or officer who is in charge of the engineering work
37 in the branch in this state, who is licensed in this state, and who is
38 physically present at the branch office in this state on a regular
39 basis. However, the name of the business may contain the name
40 of any person not licensed in this state if that person is

1 appropriately registered or licensed in another state. Any offer,
2 promotion, or advertisement that contains the name of any
3 individual in the business, other than by use of the names of the
4 individuals in the business name, shall clearly and specifically
5 designate the license or registration discipline of each individual
6 named.

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

11 (d) A person not licensed under this chapter may also be a
12 partner or an officer of a civil, electrical, or mechanical engineering
13 business if the requirements of subdivision (a) are met. Nothing
14 in this section shall be construed to permit a person who is not
15 licensed under this chapter to be the sole owner of a civil, electrical,
16 or mechanical engineering business, unless otherwise exempt under
17 this chapter.

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

24 ~~(f)~~

25 (e) This section shall not prevent the use of the name of any
26 business engaged in rendering civil, electrical, or mechanical
27 engineering services, including the use by any lawful successor
28 or survivor, that lawfully was in existence on December 31, 1987.
29 However, the business is subject to paragraphs (1) and (2) of
30 subdivision (a).

31 ~~(g)~~

32 (f) A business engaged in rendering civil, electrical, or
33 mechanical engineering services may use in its name the name of
34 a deceased or retired person provided all of the following
35 conditions are satisfied:

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

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

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

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

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

18 ~~(h)~~

19 (g) This section does not affect the provisions of Sections 6731.2
20 and 8726.1.

21 ~~(i)~~

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

25 ~~(j)~~

26 (i) This section shall become operative on January 1, 2026.

27 SEC. 4. Section 6787 of the Business and Professions Code is
28 amended to read:

29 6787. A person who does any of the following is guilty of a
30 misdemeanor:

31 (a) Unless the person is exempt from licensure under this
32 chapter, ~~practice practices or offer offers~~ to practice civil, electrical,
33 or mechanical engineering in this state according to the provisions
34 of this chapter without legal authorization.

35 (b) ~~Present Presents or attempt attempts~~ to file as the person's
36 own the certificate of licensure of a licensed professional engineer
37 unless they are the person named on the certificate of licensure.

38 (c) ~~Give Gives~~ false evidence of any kind to the board, or to
39 any board member, in obtaining a certificate of licensure.

1 (d) ~~Impersonate~~*Impersonates* or ~~use~~ *uses* the seal, signature,
2 or license number of a licensed professional engineer or ~~use~~ *uses*
3 a false license number.

4 (e) ~~Use~~*Uses* an expired, suspended, surrendered, or revoked
5 license.

6 (f) ~~Represent~~*Represents* themselves as, or uses the title of, a
7 licensed or registered civil, electrical, or mechanical engineer, or
8 any other title whereby that person could be considered as
9 practicing or offering to practice civil, electrical, or mechanical
10 engineering in any of its branches, unless they are correspondingly
11 qualified by licensure as a civil, electrical, or mechanical engineer
12 under this chapter.

13 (g) Unless appropriately licensed, ~~manage,~~ *manages,* or ~~conduct~~
14 *conducts* as manager, proprietor, or agent, any place of business
15 from which civil, electrical, or mechanical engineering work is
16 solicited, performed, or practiced, except as authorized pursuant
17 to ~~subdivision (e) of Section 6738 and Section 8726.1.~~

18 (h) ~~Use~~*Uses* the title, or any combination of that title, of
19 “professional engineer,” “licensed engineer,” “registered engineer,”
20 or the branch titles specified in Section 6732, or the authority titles
21 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
22 or *makes use of* any abbreviation of that title that might lead to the
23 belief that the person is a licensed engineer, is authorized to use
24 the titles specified in Section 6736 or 6736.1, or holds a certificate
25 as an engineer-in-training, without being licensed, authorized, or
26 certified as required by this chapter.

27 (i) ~~Use~~*Uses* the title “consulting engineer” without being
28 licensed as required by this chapter or without being authorized
29 to use that title pursuant to legislation enacted at the 1963, 1965,
30 or 1968 Regular Session.

31 (j) ~~Violate~~*Violates* any provision of this chapter.

32 SEC. 5. Section 8726 of the Business and Professions Code is
33 amended to read:

34 8726. A person, including any person employed by the state
35 or by a city, county, or city and county within the state, practices
36 land surveying within the meaning of this chapter who, either in
37 a public or private capacity, does or offers to do any one or more
38 of the following:

39 (a) Locates, relocates, establishes, reestablishes, ~~or retraces the~~
40 ~~alignment or elevation for~~ *retraces, or lays out, through the use*

1 *of mathematical or physical measurements, the reference points*
2 *or lines for the location, alignment, or elevation of any of the fixed*
3 *works embraced within the practice of civil engineering, as*
4 *described in Section 6731.*

5 (b) Determines the configuration or contour of the earth's
6 *surface, the benthic surface below water bodies, the measuring*
7 *for volumetric calculations of earthwork, or the position of*
8 *manmade or natural fixed objects above, on, or below the surface*
9 *of the earth by applying the principles of mathematics or*
10 *photogrammetry: by using photogrammetric methods.*

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

14 (d) Makes any survey for the subdivision or resubdivision of
15 any tract of land. For the purposes of this subdivision, the term
16 "subdivision" or "resubdivision" shall be defined to include, but
17 not be limited to, the definition in the Subdivision Map Act
18 (Division 2 (commencing with Section 66410) of Title 7 of the
19 Government Code) or the Subdivided Lands Law (Chapter 1
20 (commencing with Section 11000) of Part 2 of Division 4 of this
21 code): 4).

22 (e) By the use of the principles of land surveying determines
23 the position for any monument or reference point which marks a
24 property line, boundary, or corner, or sets, resets, or replaces any
25 monument or reference point.

26 (f) ~~Geodetic or surveying, cadastral surveying:~~ *surveying, or*
27 *remote sensing.* ~~As~~

28 (1) *As used in this chapter, geodetic surveying means performing*
29 *surveys, by using techniques or methods of three-dimensional*
30 *geospatial data acquisition in which account is taken of the figure*
31 *and size of the earth to determine or predetermine the horizontal*
32 *or vertical positions of fixed objects thereon or related thereto,*
33 *geodetic control points, monuments, or stations for use in the*
34 *practice of land surveying or for stating the position of geospatial*
35 *establishment of three-dimensional positions of fixed objects,*
36 *geodetic control points, monuments, or stations by California*
37 *Coordinate System-coordinates: coordinates in accordance with*
38 *Chapter 1 (commencing with Section 8801) of Division 8 of the*
39 *Public Resources Code.*

1 (2) For purposes of this subdivision, “remote sensing” means
2 the detecting, collection, processing, and analysis of data that will
3 determine the dimensions of physical objects, or otherwise using
4 various acquisition methods intended to or resulting in the
5 determination of the configuration or contour of the earth’s
6 surface, or the position of fixed objects above, on, or below the
7 surface of the earth.

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

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

16 (i) Procures or offers to procure land surveying work for ~~himself,~~
17 ~~herself,~~ *themselves* or others.

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

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

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

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

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

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

39 The review, approval, or examination by a governmental entity
40 of documents prepared or performed pursuant to this section shall

1 be done by, or under the direct supervision of, a person authorized
2 to practice land surveying.

3 SEC. 6. Section 8729 of the Business and Professions Code,
4 as amended by Section 3 of Chapter 150 of the Statutes of 2018,
5 is amended to read:

6 8729. (a) This chapter does not prohibit one or more licensed
7 land surveyors or civil engineers licensed in this state prior to 1982
8 (hereinafter called civil engineers) from practicing or offering to
9 practice, within the scope of their licensure, land surveying as a
10 sole proprietorship, partnership, limited liability partnership, firm,
11 or corporation (hereinafter called business), if the following
12 conditions are satisfied:

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

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

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

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

38 (c) The business name of a California land surveying business
39 may be a fictitious name. However, if the fictitious name includes

1 the names of any person, the requirements of paragraph (3) of
2 subdivision (a) shall be met.

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

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

16 ~~(f)~~

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

22 ~~(g)~~

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

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

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

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

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

1 identical in every respect to that person's name as used in the
2 former business.

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

5 ~~(h)~~

6 (g) This section does not affect Sections 6731.2 and 8726.1.

7 ~~(i)~~

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

11 ~~(j)~~

12 (i) This section shall remain in effect only until January 1, 2026,
13 and as of that date is repealed.

14 SEC. 7. Section 8729 of the Business and Professions Code,
15 as amended by Section 4 of Chapter 150 of the Statutes of 2018,
16 is amended to read:

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

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

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

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

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

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

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

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

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

25 ~~(f)~~

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

31 ~~(g)~~

32 (f) A business engaged in rendering land surveying services
33 may use in its name the name of a deceased or retired person if
34 the following conditions are satisfied:

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

38 (2) The person shall have been an owner, partner, or officer of
39 the business, or an owner, partner, or officer of the predecessor in
40 interest of the business.

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

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

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

14 ~~(h)~~

15 (g) This section does not affect Sections 6731.2 and 8726.1.

16 ~~(i)~~

17 (h) A current organization record form shall be filed with the
18 board for all businesses engaged in rendering professional land
19 surveying services.

20 ~~(j)~~

21 (i) This section shall become operative on January 1, 2026.

22 SEC. 8. Section 8792 of the Business and Professions Code is
23 amended to read:

24 8792. A person who does any of the following is guilty of a
25 misdemeanor:

26 (a) Unless the person is exempt from licensure under this
27 chapter, practices, or offers to practice, land surveying in this state
28 without legal authorization.

29 (b) Presents as their own the license of a professional land
30 surveyor unless they are the person named on the license.

31 (c) Attempts to file as their own any record of survey under the
32 license of a professional land surveyor.

33 (d) Gives false evidence of any kind to the board, or to any
34 board member, in obtaining a license.

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

37 (f) Uses an expired, suspended, surrendered, or revoked license.

38 (g) Represents themselves as, or uses the title of, professional
39 land surveyor, or any other title whereby that person could be
40 considered as practicing or offering to practice land surveying,

1 unless the person is correspondingly qualified by licensure as a
2 land surveyor under this chapter.

3 (h) Uses the title, or any combination of that title, of
4 “professional land surveyor,” “licensed land surveyor,” “land
5 surveyor,” or the titles specified in Sections 8751 and 8775, or
6 “land surveyor-in-training,” or who makes use of any abbreviation
7 of that title that might lead to the belief that the person is a licensed
8 land surveyor or holds a certificate as a land surveyor-in-training,
9 without being licensed or certified as required by this chapter.

10 (i) Unless appropriately licensed, manages, or conducts as
11 manager, proprietor, or agent, any place of business from which
12 land surveying work is solicited, performed, or practiced, except
13 as authorized pursuant to Section ~~6731.2~~ and subdivision (e) of
14 Section ~~8729~~: 6731.2.

15 (j) Violates any provision of this chapter.

16 SEC. 9. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

O

AB 1291 (Frazier, D-Fairfield)
State bodies: open meetings.

Status/History: 5/12/2021 – Referred to the Senate Committee on Governmental Organization

Location: 5/12/2021 – Senate Committee on Governmental Organization

Introduced: 2/19/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: The Bagley-Keene Open Meeting Act requires that meetings of a state body be open and public and that all persons be permitted to attend, with certain exceptions. Existing law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Existing law authorizes the state body to limit the amount of time allotted for each member of the public to speak, but specifies that members of the public who use translators shall be given twice that allotted amount of time.

This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, non-substantive changes.

Affected Laws: An act to amend Section 11125.7 of the Government Code, relating to public meetings.

Staff Comment: Current law requires the Board to allow non-English speakers twice the amount of time to speak during public comment if they are using a translator and if time limits are imposed. This bill would amend the law to add the use of translating services, in addition to translators, to this requirement. The bill would also make non-substantive grammatical and formatting changes.

At its April 1, 2021, meeting, the Board took a position of “Watch” on AB 1291.

This bill, which is sponsored by the author, has passed its house of origin (the Assembly) and has been referred to the Senate Committee on Governmental Organization; a hearing in that committee has not yet been scheduled for hearing. Several other bills introduced this session (AB 29, AB 339, and AB 885) also propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: No action needed at this time.

ASSEMBLY BILL

No. 1291

Introduced by Assembly Member Frazier

February 19, 2021

An act to amend Section 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1291, as introduced, Frazier. State bodies: open meetings.

The Bagley-Keene Open Meeting Act requires that meetings of a state body be open and public and that all persons be permitted to attend, with certain exceptions. Existing law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Existing law authorizes the state body to limit the amount of time allotted for each member of the public to speak, but specifies that members of the public who use translators shall be given twice that allotted amount of time.

This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, nonsubstantive changes.

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

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

- 1 SECTION 1. Section 11125.7 of the Government Code is
- 2 amended to read:

1 11125.7. (a) Except as otherwise provided in this section, the
2 state body shall provide an opportunity for members of the public
3 to directly address the state body on each agenda item before or
4 during the state body's discussion or consideration of the item.
5 This section is not applicable if the agenda item has already been
6 considered by a committee composed exclusively of members of
7 the state body at a public meeting where interested members of
8 the public were afforded the opportunity to address the committee
9 on the item, before or during the committee's consideration of the
10 item, unless the item has been substantially changed since the
11 committee heard the item, as determined by the state body. Every
12 notice for a special meeting at which action is proposed to be taken
13 on an item shall provide an opportunity for members of the public
14 to directly address the state body concerning that item prior to
15 action on the item. In addition, the notice requirement of Section
16 11125 shall not preclude the acceptance of testimony at meetings,
17 other than emergency meetings, from members of the public if no
18 action is taken by the state body at the same meeting on matters
19 brought before the body by members of the public.

20 (b) The state body may adopt reasonable regulations to ensure
21 that the intent of subdivision (a) is carried out, including, but not
22 limited to, regulations limiting the total amount of time allocated
23 for public comment on particular issues and for each individual
24 speaker.

25 (c) (1) Notwithstanding subdivision (b), when a state body
26 limits time for public comment the state body shall provide at least
27 twice the allotted time to a member of the public who utilizes a
28 translator *or other translating technology* to ensure that
29 non-English speakers receive the same opportunity to directly
30 address the state body.

31 (2) Paragraph (1) shall not apply if the state body utilizes
32 simultaneous translation equipment in a manner that allows the
33 state body to hear the translated public testimony simultaneously.

34 (d) The state body shall not prohibit public criticism of the
35 policies, programs, or services of the state body, or of the acts or
36 omissions of the state body. Nothing in this subdivision shall confer
37 any privilege or protection for expression beyond that otherwise
38 provided by law.

39 (e) This section is not applicable to ~~closed sessions held pursuant~~
40 ~~to Section 11126.~~ *any of the following:*

- 1 (1) *Closed sessions held pursuant to Section 11126.*
2 ~~(f) This section is not applicable to decisions~~
3 (2) *Decisions* regarding proceedings held pursuant to Chapter
4 5 (commencing with Section 11500), relating to administrative
5 adjudication, or to the conduct of those proceedings.
6 ~~(g) This section is not applicable to hearings~~
7 (3) *Hearings* conducted by the California Victim Compensation
8 Board pursuant to Sections 13963 and 13963.1.
9 ~~(h) This section is not applicable to agenda~~
10 (4) *Agenda* items that involve decisions of the Public Utilities
11 Commission regarding adjudicatory hearings held pursuant to
12 Chapter 9 (commencing with Section 1701) of Part 1 of Division
13 1 of the Public Utilities Code. For all other agenda items, the
14 commission shall provide members of the public, other than those
15 who have already participated in the proceedings underlying the
16 agenda item, an opportunity to directly address the commission
17 before or during the commission's consideration of the item.

O

AB 1386 (Cunningham, R-San Luis Obispo)
License fees: military partners and spouses.

Status: 5/5/2021 – Referred to Assembly Appropriations suspense file; set for hearing on 5/20/21.

Location: 5/5/2021 – Assembly Appropriations Committee

Introduced: 2/19/2021

Last Amended: 4/28/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: Existing Section 115.5 of the Business and Professions Code requires that a board within the Department of Consumer Affairs expedite the licensure process for an applicant who is married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and who holds a current license in another state, district, or territory in the profession in which the applicant seeks a license. As amended April 28, 2021, this bill would amend Section 115.5 to specify that a board shall not charge such an applicant an initial application fee or an initial license issuance fee and would prohibit a board from charging an initial examination fee if the examination is administered by the board.

Affected Laws: An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: The Board charges applicants an application fee that covers the costs of processing the application and issuing the license once the applicant meets all of the qualifying requirements for licensure. The applicants also pay separate examination fees, either to the Board or to the examination vendor, that cover the costs of developing, maintaining, and administering the examination. The Board does not charge an initial license issuance fee.

In previous legislative sessions, there have been bills introduced that would have required boards to waive initial application fees and initial license fees for active duty military and military spouses. However, due to concerns with the wording in the bills versus the different application/licensure processes and terminology regarding fees employed by the different boards, the bills did not pass.

The amendments made to AB 1386 on April 28, 2021, clarify the fees that the Board would be required to waive for applicants who are military spouses. The Board would not be able to charge an initial application fee or an initial examination fee for examinations administered by the Board. Although the Board receives few applications from military spouses, and so this bill is not likely to have a significant fiscal impact on the Board, staff is concerned with the wording “...examination fee if the examination is administered by the board.” [Emphasis added.] Currently, the Board administers the national geology examinations that are developed and maintained by ASBOG. The Board collects the examination fees associated with these examinations and pays them to ASBOG, rather than the candidates paying these fees directly to ASBOG. These types of fees are often referred to as “pass-through fees” since they are collected on behalf of another entity. Staff is concerned that the Board would have to waive these ASBOG fees, based on the proposed wording, because the Board still administers the ASBOG examinations. The specific language of the amendments was recommended by the Assembly Business and Professions Committee. In its analysis, the Committee noted that many boards use national examinations, which are administered by third-party vendors that also collect the associated fees, and so boards would be unlikely to be able to waive these fees; it then recommended that the waiver of the examination fees be limited to

At its April 1, 2021, meeting, the Board took a position of “Watch” on AB 1386 and authorized a change of position to “Oppose Unless Amended” if the bill were amended to require the Board to waive “any and all fees associated with obtaining a license.” Although the Board has already authorized a change in its position, staff believes the Board needs to determine if it wishes to oppose the waiver of any fees or to oppose the bill unless it is amended to clarify that the examination fees to be waived are only those associated with state-specific examinations administered by the board.

This bill, which is sponsored by the author, has been referred to the Assembly Appropriations Committee suspense file and is set for hearing on May 20, 2021. Several other bills introduced this session also propose to make various changes to the laws pertaining to licensure for military members and spouses.

Staff Recommendation: Staff recommends that the Board take a position of “oppose unless amended” on AB 1386, as amended April 28, 2021, and request that the language relating to examination fees be amended to clarify that it applies only to state-specific examinations administered by the board.

AMENDED IN ASSEMBLY APRIL 28, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Cunningham

February 19, 2021

An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as amended, Cunningham. License fees: military partners and spouses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires a board to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and provides evidence that they are married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

This bill would prohibit a board from charging an initial ~~or original~~ *license application fee or an initial license issuance fee* to an applicant who meets these expedited licensing requirements. *The bill would also prohibit a board from charging an initial examination fee to an applicant who meets the expedited licensing requirements if the examination is administered by the board.*

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

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

1 SECTION 1. Section 115.5 of the Business and Professions
2 Code is amended to read:

3 115.5. (a) A board within the department shall expedite the
4 licensure process for an applicant who meets both of the following
5 requirements:

6 (1) Supplies evidence satisfactory to the board that the applicant
7 is married to, or in a domestic partnership or other legal union
8 with, an active duty member of the Armed Forces of the United
9 States who is assigned to a duty station in this state under official
10 active duty military orders.

11 (2) Holds a current license in another state, district, or territory
12 of the United States in the profession or vocation for which the
13 applicant seeks a license from the board.

14 (b) (1) A board shall not charge an applicant who meets the
15 requirements in subdivision (a) an initial ~~or original~~ license fee.
16 *application fee or an initial license issuance fee.*

17 (2) *The board shall not charge an applicant who meets the*
18 *requirements in subdivision (a) an initial examination fee if the*
19 *examination is administered by the board.*

20 (c) A board may adopt regulations necessary to administer this
21 section.

O

SB 102 (Melendez, R-Murrieta)
(Coauthors: Senators Bates, R-Laguna Niguel; Grove, R-Bakersfield; and Jones, R-Santee)
(Coauthors: Assembly Members Choi, R-Irvine; Gallagher, R-Yuba City; Mathis, R-Visalia; and Seyarto, R-Murrieta)
COVID-19 emergency order violation: license revocation.

Status/History: 5/19/2021 – Failed passage in the Senate Committee on Business, Professions & Economic Development; reconsideration granted.

Location: 5/19/2021 – Senate Committee on Business, Professions & Economic Development

Introduced: 12/30/2020

Last Amended: 3/17/2021

Board Position: Watch (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs and provides for the denial, suspension, and revocation of licenses for specified conduct. Additionally, existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses and provides the grounds upon which the department may suspend or revoke licenses.

This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs that does not regulate healing arts licensees, and the Department of Alcoholic Beverage Control from revoking a license or from imposing a fine or penalty for failure to comply with any COVID-19 state of emergency orders or COVID-19 stay-at-home orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19. The bill would specify that the provisions do not preclude issuance of fines, penalties, or revoking a license for any action that is not related to the issuance of any COVID-19 state of emergency orders or COVID-19 stay-at-home order. The provisions of the bill would remain in effect until either the COVID-19 state of emergency is terminated or all COVID-19 stay-at-home orders are no longer in effect, whichever occurs later, but in no case would the provisions remain in effect after January 1, 2024.

Affected Laws: An act to add and repeal Sections 464.5 and 24200.8 to the Business and Professions Code, relating to business, and declaring the urgency thereof, to take effect immediately.

Staff Comment: This bill would add Section 464.5 to the general provisions of the Business and Professions Code to specifically prohibit boards and bureaus that do not regulate healing arts licensees [hereinafter referred to as “board”] within the Department of Consumer Affairs from revoking a license or from imposing a fine or penalty based on the failure of the license holder to comply with a COVID-19 state of emergency or stay-at-home order unless the board could prove that the failure led to the transmission of the virus. The bill would also define the terms “COVID-19 state of emergency” and “COVID-19 stay-at-home order”; would clarify that boards could still impose fines or penalties, including revocation, against licensees for violations unrelated

to the COVID-19 orders; and would contain a sunset provision that the law would remain in effect until such time as the state of emergency is terminated or the orders lifted or until January 1, 2024, whichever occurs first.

This bill would also add Section 24200.8 to the Business and Professions Code specific to the Department of Alcoholic Beverage Control.

We have not received any complaints or other information indicating that our licensees have failed to comply with any of the COVID-19 emergency orders. However, other boards have dealt with these issues, mainly due to the nature of the businesses and professions they regulate (e.g., the Board of Barbering and Cosmetology and hair and nail salons). It is unlikely that the provisions of this bill would have much of an impact on the Board's enforcement actions.

At its April 1, 2021, meeting, the Board took a position of "watch" on SB 102. This bill, which is sponsored by the author, was heard in the Senate Committee on Business, Professions and Economic Development on May 5, 2021. It failed passage; however, reconsideration was granted. Assembly Bill 54 proposes to make similar changes as this bill; it failed passage in the Assembly Business and Professions Committee.

Staff Recommendation: No action needed at this time.

AMENDED IN SENATE MARCH 17, 2021

AMENDED IN SENATE FEBRUARY 10, 2021

SENATE BILL

No. 102

Introduced by Senator Melendez

~~(Coauthor: Senator~~ **Coauthors: Senators Bates, Grove, and Jones)**

(Coauthors: Assembly Members Choi, Gallagher, Mathis, and Seyarto)

December 30, 2020

An act to add *and repeal* Sections 464.5 and 24200.8 to the Business and Professions Code, relating to business, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 102, as amended, Melendez. COVID-19 emergency order violation: license revocation.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs and provides for the denial, suspension, and revocation of licenses for specified conduct. Existing law provides for the regulation of healing arts by various boards. Existing law authorizes boards to impose fines or penalties, as provided.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. The act provides the grounds upon which the department may suspend or revoke licenses and impose fines and penalties, as provided.

This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs that does not regulate healing arts licensees, and the Department of Alcoholic Beverage Control from revoking a license or imposing a fine or penalty for failure

to comply with any COVID-19 *state of emergency orders or COVID-19 stay-at-home orders*, unless the board or department can prove that lack of compliance resulted in transmission of COVID-19. *The bill would specify that the provisions do not preclude issuance of fines, penalties, or revoking a license for any action that is not related to the issuance of any COVID-19 state of emergency orders or COVID-19 stay-at-home order. The provisions of the bill would remain in effect until either the COVID-19 state of emergency is terminated or all COVID-19 stay-at-home orders are no longer in effect, whichever occurs later, but in no case would the provisions remain in effect after January 1, 2024.*

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

3 464.5. (a) The department and any board shall not revoke a
4 license, fine, or impose a penalty for failure to comply with any
5 COVID-19 *state of emergency—orders; orders or COVID-19*
6 *stay-at-home orders*, unless the department or board can prove
7 that lack of compliance resulted in the transmission of COVID-19.

8 (b) For the purposes of this section, board does not include a
9 healing arts board as described in Division 2 (commencing with
10 Section 500).

11 (c) *For the purposes of this section:*

12 (1) *“COVID-19 state of emergency” means the state of*
13 *emergency proclaimed by the Governor on March 4, 2020.*

14 (2) *“COVID-19 stay-at-home order” means either of the*
15 *following:*

16 (A) *Executive Order No. N-33-20, or any similar order issued*
17 *by the Governor pursuant to the California Emergency Services*
18 *Act (Chapter 7 (commencing with Section 8550) of Division 1 of*
19 *Title 2 of the Government Code) or the State Department of Public*
20 *Health that requires the closure of businesses in response to the*
21 *COVID-19 state of emergency.*

1 (B) Any order by a local government that requires the closure
2 of businesses in response to the COVID-19 state of emergency,
3 including, but not limited to, an order issued pursuant to the police
4 power of a city or county or any order issued by a local health
5 officer pursuant to Section 101040 or 120175 of the Health and
6 Safety Code.

7 (d) Nothing in this section shall preclude the department or any
8 board from issuing fines, penalties, or revoking a license for any
9 action that is not related to the issuance of any COVID-19 state
10 of emergency orders or COVID-19 stay-at-home orders.

11 (e) This section shall remain in effect only until either the
12 COVID-19 state of emergency terminates pursuant to Section 8629
13 of the Government Code or all COVID-19 stay-at-home orders
14 are no longer in effect, whichever occurs later, and as of that date
15 is repealed. However, if those contingencies are not met, then in
16 no case shall this section remain in effect after January 1, 2024,
17 and as of that date is repealed.

18 SEC. 2. Section 24200.8 is added to the Business and
19 Professions Code, to read:

20 24200.8. (a) The Department of Alcoholic Beverage Control
21 shall not revoke the license, fine, or impose a penalty of any
22 licensee for failure to comply with any COVID-19 state of
23 emergency—~~orders~~ orders, or COVID-19 stay-at-home orders,
24 unless the department can prove that lack of compliance resulted
25 in transmission of COVID-19.

26 (b) For the purposes of this section:

27 (1) “COVID-19 state of emergency” means the state of
28 emergency proclaimed by the Governor on March 4, 2020.

29 (2) “COVID-19 stay-at-home order” means either of the
30 following:

31 (A) Executive Order No. N-33-20, or any similar order issued
32 by the Governor pursuant to the California Emergency Services
33 Act (Chapter 7 (commencing with Section 8550) of Division 1 of
34 Title 2 of the Government Code) or the State Department of Public
35 Health that requires the closure of businesses in response to the
36 COVID-19 state of emergency.

37 (B) Any order by a local government that requires the closure
38 of businesses in response to the COVID-19 state of emergency,
39 including, but not limited to, an order issued pursuant to the police
40 power of a city or county or any order issued by a local health

1 officer pursuant to Section 101040 or 120175 of the Health and
2 Safety Code.

3 (c) Nothing in this section shall preclude the department or any
4 board from issuing fines, penalties, or revoking a license for any
5 action that is not related to the issuance of any COVID-19 state
6 of emergency orders or COVID-19 stay-at-home orders.

7 (d) This section shall remain in effect only until either the
8 COVID-19 state of emergency terminates pursuant to Section 8629
9 of the Government Code or all COVID-19 stay-at-home orders
10 are no longer in effect, whichever occurs later, and as of that date
11 is repealed. However, if those contingencies are not met, then in
12 no case shall this section remain in effect after January 1, 2024,
13 and as of that date is repealed.

14 SEC. 3. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety within
16 the meaning of Article IV of the California Constitution and shall
17 go into immediate effect. The facts constituting the necessity are:

18 In order to protect businesses, including small businesses, which
19 continue to make significant contributions to economic security,
20 which helps ensure public safety, during these unprecedented times
21 caused by the COVID-19 pandemic, as soon as possible, it is
22 necessary for this act to take effect ~~immediately~~ *immediately*.

O

**SB 407 (Archuleta, D-Pico Rivera)
Professional Land Surveyors' Act**

Status/History: 4/19/2021 – Ordered to Senate inactive file at the request of Senator Achuleta.

Location: 4/19/2021 – Senate Floor

Introduced: 2/12/2021

Board Position: Oppose (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and makes it unlawful to practice land surveying without a license, except as specified. Existing law defines “land surveying” for purposes of the act to include, among other things, determining 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. Existing law makes it a misdemeanor to practice land surveying without legal authorization.

This bill would expand the definition of land surveying to include applying the principles of radar, sonar, or electromagnetic waves to make the above-described determinations. By expanding the scope of practices subject to the Professional Land Surveyors' Act, a violation of which is a crime, the bill would impose a state-mandated local program.

Affected Laws: An act to amend Section 8726 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: SB 407 would add the terms “radar,” “sonar,” and “electromagnetic waves” to subdivision (b) of Section 8726, which is the section that defines the activities that constitute the practice of land surveying. This bill is sponsored by the California-Nevada Conference of Operating Engineers.

Board staff is concerned with adding these terms to the definition of land surveying. These terms are very broad and not defined as to how they relate to the practice of land surveying. They also relate more to tools and technology that may be used to perform land surveying. However, they can also be used by other professions for tasks unrelated to land surveying. For example, radar can be used to detect weather formations, and sonar is used by the commercial fishing industry to detect schools of fish; neither of these activities would, or should, be considered the practice of land surveying that can be performed only by someone licensed as a land surveyor.

Additionally, professional geologists and geophysicists use radar and electromagnetic waves in performing geologic and geophysics tasks, such as underground location. Including these terms in the definition of land surveying would call into question whether professional geologists and geophysicists could continue to use the tools and technologies represented by these terms to perform their professional services without also being licensed as a land surveyor.

In the past, the Board has expressed that it is not appropriate to include tools or technology in the definition of the practice of land surveying, especially when the tools or technology can and are used by other professions in ways that are unrelated to land surveying.

Furthermore, it is unclear to Board staff what problem is attempting to be solved by the inclusion of these terms. The Board's Enforcement Unit has dealt with only a handful of cases involving the use of Ground Penetrating Radar and the practice of land surveying; there have not been any cases involving the use of sonar.

For these reasons, Board staff believes that the terms "radar," "sonar," and "electromagnetic waves" should not be included in Section 8726.

At its meeting on April 1, 2021, the Board voted to take a position of "Oppose" on SB 407. Prior to its third reading on the Senate floor, this bill was ordered to the inactive file at the request of the author, Senator Archutleta.

Staff Recommendation: No action needed at this time.

Introduced by Senator ArchuletaFebruary 12, 2021

An act to amend Section 8726 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 407, as introduced, Archuleta. Professional Land Surveyors' Act.

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs. Existing law, the Professional Land Surveyors' Act, vests the board with the power to administer its provisions relating to the licensure and regulation of land surveyors. Existing law defines "land surveying" for purposes of the act to include, among other things, determining 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. Existing law makes it a misdemeanor to practice land surveying without legal authorization.

This bill would expand the definition of land surveying to include applying the principles of radar, sonar, or electromagnetic waves to make the above-described determinations. By expanding the scope of practices subject to the Professional Land Surveyors' Act, a violation of which is a crime, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 8726 of the Business and Professions
2 Code is amended to read:
3 8726. A person, including any person employed by the state
4 or by a city, county, or city and county within the state, practices
5 land surveying within the meaning of this chapter who, either in
6 a public or private capacity, does or offers to do any one or more
7 of the following:
8 (a) Locates, relocates, establishes, reestablishes, or retraces the
9 alignment or elevation for any of the fixed works embraced within
10 the practice of civil engineering, as described in Section 6731.
11 (b) Determines the configuration or contour of the earth’s
12 surface, or the position of fixed objects above, on, or below the
13 surface of the earth by applying the principles of ~~mathematics or~~
14 ~~photogrammetry~~; *mathematics, photogrammetry, radar, sonar, or*
15 *electromagnetic waves.*
16 (c) Locates, relocates, establishes, reestablishes, or retraces any
17 property line or boundary of any parcel of land, right-of-way,
18 easement, or alignment of those lines or boundaries.
19 (d) Makes any survey for the subdivision or resubdivision of
20 any tract of land. For the purposes of this subdivision, the term
21 “subdivision” or “resubdivision” shall be defined to include, but
22 not be limited to, the definition in the Subdivision Map Act
23 (Division 2 (commencing with Section 66410) of Title 7 of the
24 Government Code) or the Subdivided Lands Law (Chapter 1
25 (commencing with Section 11000) of Part 2 of Division 4 of this
26 code).
27 (e) By the use of the principles of land surveying determines
28 the position for any monument or reference point which marks a
29 property line, boundary, or corner, or sets, resets, or replaces any
30 monument or reference point.
31 (f) Geodetic or cadastral surveying. As used in this chapter,
32 geodetic surveying means performing surveys, in which account
33 is taken of the figure and size of the earth to determine or
34 predetermine the horizontal or vertical positions of fixed objects
35 thereon or related thereto, geodetic control points, monuments, or

1 stations for use in the practice of land surveying or for stating the
2 position of fixed objects, geodetic control points, monuments, or
3 stations by California Coordinate System coordinates.

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

8 (h) Indicates, in any capacity or in any manner, by the use of
9 the title "land surveyor" or by any other title or by any other
10 representation that ~~he or she practices or offers~~ *they practice or*
11 *offer* to practice land surveying in any of its branches.

12 (i) Procures or offers to procure land surveying work for ~~himself,~~
13 ~~herself,~~ *themselves* or others.

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

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

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

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

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

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

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

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O

**SB 414 (Jones, R-Santee)
Land.**

Status/History: 5/13/2021 – Referred to the Assembly Committees on Business and Professions and Local Government.

Location: 5/13/2021 – Assembly Committees on Business and Professions and Local Government

Introduced: 2/12/2021

Last Amended: 4/27/2021

Board Position: Oppose Unless Amended (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: Existing law, the Professional Land Surveyors’ Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and makes it unlawful to practice land surveying without a license, except as specified. Existing law includes within the practice of land surveying cadastral surveying. Existing law also requires a record of survey filed with the county surveyor by a licensed surveyor or licensed civil engineer to include, among other information, any data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor.

This bill would define cadastral surveying for purposes of the act. It would also provide that the data required to be shown on a record of survey may be in graphic or narrative form. Additionally, the bill would make non-substantive changes relating to licensed land surveyors and civil engineers.

This bill would also amend provisions of the Government Code relating to the Subdivision Map Act, specifically Section 66452.5.

Affected Laws: An act to amend Sections 8726, 8764, and 8780 of the Business and Professions Code, and to amend Section 66452.5 of the Government Code, relating to land.

Staff Comment: Section 8726 defines land surveying. It currently contains a subdivision that indicates that a person practices land surveying if they do or offer to do “geodetic or cadastral surveying”; that subdivision also provides a definition of “geodetic surveying,” as that phrase is used in the Professional Land Surveyors’ Act. There is no specific definition of “cadastral surveying” provided. This bill would add a definition of “cadastral surveying,” as that phrase is used in the Professional Land Surveyors’ Act. This bill would also reletter and renumber the subdivisions and subparagraphs in Section 8726 and make conforming changes.

This bill proposes to add the following as the definition of “cadastral surveying:”

“Cadastral surveying means a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivision of the public land of the United States, or any other field

survey of a cadaster that is a public record, survey, or map of the extent and ownership of land.”

The Bureau of Land Management (BLM) provides the following information on its website regarding cadastral surveys:

The BLM’s Cadastral Survey Program provides one of the oldest and most fundamental functions of the U.S. Government. Originating with the Land Ordinance of 1785, cadastral surveys create, define, mark, and re-establish the boundaries and subdivisions of the public lands of the United States. (The word “cadastral” is derived from cadastre, meaning a public record, survey, or map of the value, extent, and ownership of land as a basis of taxation.) These surveys provide public land managers and the public with essential information needed to correctly determine ownership rights and privileges and facilitate good land management decisions.

The proposed definition seems to be a combination of the BLM’s definitions of “cadastral surveying” and “cadastre” (or “cadaster”). Additionally, there are grammatical and phrasing issues with the wording that cause confusion as to what is actually meant by the definition. This confusion would make it hard to regulate and enforce the law and to ensure that this portion of the practice of land surveying is appropriately addressed on the examination for licensure.

Section 8764 specifies what information must be shown on a Record of Survey. It currently includes a subdivision that indicates “any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey.” This bill would add the phrase “in graphic or narrative form” after “any other data” so that the provision would read “any other data, in graphic or narrative form,” This bill would also reletter and renumber the subdivisions and subparagraphs in Section 8764.

Since current law does not specify in what form the “any other data” referenced in Section 8764 must be shown, staff believes the law already allows for the data to be shown in graphic or narrative form. However, while likely unnecessary, this change could be viewed as providing clarification. It would be unlikely to have an effect on the Board’s regulation and enforcement of the law.

Section 8780 authorizes the Board to investigate complaints against licensees and to take disciplinary action against licensees on certain grounds, as specified. One of the subdivisions states “Any negligence or incompetence in his or her practice of land surveying.” This bill would separate this provision into two separate provisions: one would include negligence, and the other would include incompetence. This bill would also reletter and renumber the subdivisions and subparagraphs in Section 8780 and make grammatical changes.

Staff has heard that there are concerns with the law including both negligence and incompetence in the same subdivision, even with the word “or,” because it gives some people the impression that the subject of an investigation, citation, or formal disciplinary action has committed both negligence and incompetence. Changing Section 8780 so that negligence and incompetence are

in separate subdivisions would not change the Board’s ability to investigate complaints or take action against licensees for either or both.

Government Code section 66452.5 is part of the Subdivision Map Act. The changes proposed to these sections do not impact the Board’s regulation of the practice of land surveying.

This bill is nearly identical to SB 1057 from the 2020 legislative session. At its May 7, 2020, meeting, the Board voted to take an “Oppose Unless Amended” position on SB 1057 and request that the definition of “cadastral surveying,” as proposed in the bill, be amended to use language that more closely matches the definition provided by the Bureau of Land Management (BLM). The language recommended by the Board is as follows:

Section 8726 of the Business and Professions Code is amended to read:

...

(6) Geodetic surveying or cadastral surveying. As used in this chapter:

...

(B) Cadastral surveying means performing a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivisions of the public land of the United States, ~~or any other field survey of a cadaster that is a public record, survey, or map of the extent and ownership of land.~~

This language was provided to the sponsors. However, before further discussions could occur, staff was advised that the bill would not be moving forward during the 2020 legislative session due to the need to prioritize bills because of the COVID-19 pandemic.

At its April 1, 2021, meeting, the Board took a position of “oppose unless amended” on SB 414 and request that the bill be amended to use the recommended language shown above as the definition of “cadastral surveying.” The Board’s position was conveyed to the author and sponsor, who agreed to make the requested changes. SB 414 was amended on April 27, 2021, to include the language recommended by the Board.

Staff Recommendation: Staff recommends that the Board take a position of “support” on SB 414 since the amendments requested by the Board were made.

AMENDED IN SENATE APRIL 27, 2021

SENATE BILL

No. 414

Introduced by Senator Jones

February 12, 2021

An act to amend Sections 8726, 8764, and 8780 of the Business and Professions Code, and to amend Section 66452.5 of the Government Code, relating to land.

LEGISLATIVE COUNSEL'S DIGEST

SB 414, as amended, Jones. Land.

(1) Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and makes it unlawful to practice land surveying without a license, except as specified. Existing law includes within the practice of land surveying cadastral surveying.

This bill would define cadastral surveying for purposes of the act.

Existing law requires a record of survey filed with the county surveyor by a licensed surveyor or licensed civil engineer to include, among other information, any data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor.

This bill would provide that this data may be in graphic or narrative form. The bill would make nonsubstantive changes relating to licensed land surveyors and civil engineers.

(2) The Subdivision Map Act authorizes a subdivider, or any tenant of the subject property in specified circumstances, to appeal from an action of the advisory agency relating to a tentative map to the appeal board or legislative body, as specified, and provides for the appeal from

the decision of the appeal board to the legislative body. The act further authorizes any interested person adversely affected by a decision of the advisory agency or appeal board to appeal the decision with the legislative body. Existing law requires a hearing to be held after an appeal is filed pursuant to those provisions within 30 days after the request is filed by the appellant.

This bill would instead require a hearing to be held within 45 days after the request is filed and would make conforming changes.

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

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

1 SECTION 1. Section 8726 of the Business and Professions
2 Code is amended to read:

3 8726. (a) A person, including any person employed by the
4 state or by a city, county, or city and county within the state,
5 practices land surveying within the meaning of this chapter who,
6 either in a public or private capacity, does or offers to do any one
7 or more of the following:

8 (1) Locates, relocates, establishes, reestablishes, or retraces the
9 alignment or elevation for any of the fixed works embraced within
10 the practice of civil engineering, as described in Section 6731.

11 (2) Determines the configuration or contour of the earth's
12 surface, or the position of fixed objects above, on, or below the
13 surface of the earth by applying the principles of mathematics or
14 photogrammetry.

15 (3) Locates, relocates, establishes, reestablishes, or retraces any
16 property line or boundary of any parcel of land, right-of-way,
17 easement, or alignment of those lines or boundaries.

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

26 (5) By the use of the principles of land surveying determines
27 the position for any monument or reference point that marks a

1 property line, boundary, or corner, or sets, resets, or replaces any
2 monument or reference point.

3 (6) Geodetic *surveying* or cadastral surveying. As used in this
4 chapter:

5 (A) Geodetic surveying means performing surveys, in which
6 account is taken of the figure and size of the earth to determine or
7 predetermine the horizontal or vertical positions of fixed objects
8 thereon or related thereto, geodetic control points, monuments, or
9 stations for use in the practice of land surveying or for stating the
10 position of fixed objects, geodetic control points, monuments, or
11 stations by California Coordinate System coordinates.

12 (B) Cadastral surveying means *performing* a survey that creates,
13 marks, defines, retraces, or reestablishes the boundaries and
14 subdivisions of the public land *survey system* of the United States;
15 ~~or any other field survey of a cadaster that is a public record,~~
16 ~~survey, or map of the extent and ownership of land.~~ *States.*

17 (7) Determines the information shown or to be shown on any
18 map or document prepared or furnished in connection with any
19 one or more of the functions described in paragraphs (1) to (6),
20 inclusive.

21 (8) Indicates, in any capacity or in any manner, by the use of
22 the title “land surveyor” or by any other title or by any other
23 representation that they practice or offer to practice land surveying
24 in any of its branches.

25 (9) Procures or offers to procure land surveying work for
26 themselves or others.

27 (10) Manages, or conducts as manager, proprietor, or agent, any
28 place of business from which land surveying work is solicited,
29 performed, or practiced.

30 (11) Coordinates the work of professional, technical, or special
31 consultants in connection with the activities authorized by this
32 chapter.

33 (12) Determines the information shown or to be shown within
34 the description of any deed, trust deed, or other title document
35 prepared for the purpose of describing the limit of real property
36 in connection with any one or more of the functions described in
37 paragraphs (1) to (6), inclusive.

38 (13) Creates, prepares, or modifies electronic or computerized
39 data in the performance of the activities described in paragraphs
40 (1), (2), (3), (4), (5), (6), (11), and (12).

1 (14) Renders a statement regarding the accuracy of maps or
2 measured survey data.

3 (b) Any department or agency of the state or any city, county,
4 or city and county that has an unregistered person in responsible
5 charge of land surveying work on January 1, 1986, shall be exempt
6 from the requirement that the person be licensed as a land surveyor
7 until the person currently in responsible charge is replaced.

8 (c) The review, approval, or examination by a governmental
9 entity of documents prepared or performed pursuant to this section
10 shall be done by, or under the direct supervision of, a person
11 authorized to practice land surveying.

12 SEC. 2. Section 8764 of the Business and Professions Code is
13 amended to read:

14 8764. (a) The record of survey shall show the applicable
15 provisions of the following consistent with the purpose of the
16 survey:

17 (1) All monuments found, set, reset, replaced, or removed,
18 describing their kind, size, and location, and giving other data
19 relating thereto.

20 (2) Bearing or witness monuments, basis of bearings, bearing
21 and length of lines, scale of map, and north arrow.

22 (3) Name and legal designation of the property in which the
23 survey is located, and the date or time period of the survey.

24 (4) The relationship to those portions of adjacent tracts, streets,
25 or senior conveyances that have common lines with the survey.

26 (5) Memorandum of oaths.

27 (6) Statements required by Section 8764.5.

28 (7) Any other data, in graphic or narrative form, necessary for
29 the intelligent interpretation of the various items and locations of
30 the points, lines, and areas shown, or convenient for the
31 identification of the survey or surveyor, as may be determined by
32 the civil engineer or land surveyor preparing the record of survey.

33 (b) The record of survey shall also show, either graphically or
34 by note, the reason or reasons, if any, why the mandatory filing
35 provisions of paragraphs (1) to (5), inclusive, of subdivision (b)
36 of Section 8762 apply.

37 (c) The record of survey need not consist of a survey of an entire
38 property.

39 SEC. 3. Section 8780 of the Business and Professions Code is
40 amended to read:

1 8780. (a) The board may, upon its own initiative or upon the
2 receipt of a complaint, investigate the actions of any land surveyor
3 licensed under this chapter or any civil engineer licensed under
4 the provisions of Chapter 7 (commencing with Section 6700) who
5 is legally authorized to practice land surveying and make findings
6 thereon.

7 (b) By a majority vote, the board may publicly reprove, suspend
8 for a period not to exceed two years, or revoke the license or
9 certificate of any land surveyor licensed under this chapter or civil
10 engineer licensed under the provisions of Chapter 7 (commencing
11 with Section 6700) who is legally authorized to practice land
12 surveying on any of the following grounds:

13 (1) Any fraud, deceit, or misrepresentation in their practice of
14 land surveying.

15 (2) Any negligence in their practice of land surveying.

16 (3) Any incompetence in their practice of land surveying.

17 (4) Any fraud or deceit in obtaining their license.

18 (5) Any violation of any provision of this chapter or of any other
19 law relating to or involving the practice of land surveying.

20 (6) Any conviction of a crime substantially related to the
21 qualifications, functions, and duties of a land surveyor. The record
22 of the conviction shall be conclusive evidence thereof.

23 (7) Aiding or abetting any person in the violation of any
24 provision of this chapter or any regulation adopted by the board
25 pursuant to this chapter.

26 (8) A breach or violation of a contract to provide land surveying
27 services.

28 (9) A violation in the course of the practice of land surveying
29 of a rule or regulation of unprofessional conduct adopted by the
30 board.

31 SEC. 4. Section 66452.5 of the Government Code is amended
32 to read:

33 66452.5. (a) (1) The subdivider, or any tenant of the subject
34 property, in the case of a proposed conversion of residential real
35 property to a condominium project, community apartment project,
36 or stock cooperative project, may appeal from any action of the
37 advisory agency with respect to a tentative map to the appeal board
38 established by local ordinance or, if none, to the legislative body.

39 (2) The appeal shall be filed with the clerk of the appeal board,
40 or if there is none, with the clerk of the legislative body within 10

1 days after the action of the advisory agency from which the appeal
2 is being taken.

3 (3) Upon the filing of an appeal, the appeal board or legislative
4 body shall set the matter for hearing. The hearing shall be held
5 within 45 days after the date of a request filed by the subdivider
6 or the appellant. If there is no regular meeting of the legislative
7 body within the next 45 days for which notice can be given
8 pursuant to Section 66451.3, the appeal may be heard at the next
9 regular meeting for which notice can be given, or within 60 days
10 from the date of the receipt of the request, whichever period is
11 shorter. Within 10 days following the conclusion of the hearing,
12 the appeal board or legislative body shall render its decision on
13 the appeal.

14 (b) (1) The subdivider, any tenant of the subject property, in
15 the case of a conversion of residential real property to a
16 condominium project, community apartment project, or stock
17 cooperative project, or the advisory agency may appeal from the
18 action of the appeal board to the legislative body. The appeal shall
19 be filed in writing with the clerk of the legislative body within 10
20 days after the action of the appeal board from which the appeal is
21 being taken.

22 (2) After the filing of an appeal, the legislative body shall set
23 the matter for hearing. The hearing shall be held within 45 days
24 after the date of the request filed by the subdivider or the appellant.
25 If there is no regular meeting of the legislative body within the
26 next 45 days for which notice can be given pursuant to Section
27 66451.3, the appeal may be heard at the next regular meeting for
28 which notice can be given, or within 60 days from the date of the
29 receipt of the request, whichever period is shorter. Within 10 days
30 following the conclusion of the hearing, the legislative body shall
31 render its decision on the appeal.

32 (c) (1) If there is an appeal board and it fails to act upon an
33 appeal within the time limit specified in this chapter, the decision
34 from which the appeal was taken shall be deemed affirmed and an
35 appeal therefrom may thereupon be taken to the legislative body
36 as provided in subdivision (b) of this section. If no further appeal
37 is taken, the tentative map, insofar as it complies with applicable
38 requirements of this division and any local ordinance, shall be
39 deemed approved or conditionally approved as last approved or
40 conditionally approved by the advisory agency, and it shall be the

1 duty of the clerk of the legislative body to certify or state that
2 approval, or if the advisory agency is one that is not authorized by
3 local ordinance to approve, conditionally approve, or disapprove
4 the tentative map, the advisory agency shall submit its report to
5 the legislative body as if no appeal had been taken.

6 (2) If the legislative body fails to act upon an appeal within the
7 time limit specified in this chapter, the tentative map, insofar as it
8 complies with applicable requirements of this division and any
9 local ordinance, shall be deemed to be approved or conditionally
10 approved as last approved or conditionally approved, and it shall
11 be the duty of the clerk of the legislative body to certify or state
12 that approval.

13 (d) (1) Any interested person adversely affected by a decision
14 of the advisory agency or appeal board may file an appeal with
15 the legislative body concerning any decision of the advisory agency
16 or appeal board. The appeal shall be filed with the clerk of the
17 legislative body within 10 days after the action of the advisory
18 agency or appeal board that is the subject of the appeal. Upon the
19 filing of the appeal, the legislative body shall set the matter for
20 hearing. The hearing shall be held within 45 days after the date of
21 a request filed by the subdivider or the appellant. If there is no
22 regular meeting of the legislative body within the next 45 days for
23 which notice can be given pursuant to Section 66451.3, the appeal
24 may be heard at the next regular meeting for which notice can be
25 given, or within 60 days from the date of the receipt of the request,
26 whichever period is shorter. The hearing may be a public hearing
27 for which notice shall be given in the time and manner provided.

28 (2) Upon conclusion of the hearing, the legislative body shall,
29 within 10 days, declare its findings based upon the testimony and
30 documents produced before it or before the advisory board or the
31 appeal board. The legislative body may sustain, modify, reject, or
32 overrule any recommendations or rulings of the advisory board or
33 the appeal board and may make any findings that are not
34 inconsistent with the provisions of this chapter or any local
35 ordinance adopted pursuant to this chapter.

36 (e) Each decision made pursuant to this section shall be
37 supported by findings that are consistent with the provisions of
38 this division and any local ordinance adopted pursuant to this
39 division.

1 (f) Notice of each hearing provided for in this section shall be
2 sent by United States mail to each tenant of the subject property,
3 in the case of a conversion of residential real property to a
4 condominium project, community apartment project, or stock
5 cooperative project, at least three days prior to the hearing. The
6 notice requirement of this subdivision shall be deemed satisfied if
7 the notice complies with the legal requirements for service by mail.
8 Pursuant to Section 66451.2, fees may be collected from the
9 subdivider or from persons appealing or filing an appeal for
10 expenses incurred under this section.

O

SB 607 (Roth, D-Riverside)
Professions and vocations.

Status/History: 5/18/2021 – Referred to Senate Committee on Appropriations suspense file; set for hearing on 5/20/2021.

Location: 5/18/2021 – Senate Committee on Appropriations

Introduced: 2/19/2021

Last Amended: 5/12/2021

Board Position: No position

Board Staff Analysis: 5/19/2021

Bill Summary: SB 607 is a Senate Business, Professions, and Economic Development Committee omnibus bill that makes technical and substantive changes to the operations of a number of boards and bureaus within the jurisdiction of the Department of Consumer Affairs (DCA). The comments below focus on only those sections that affect the Board.

Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. The Bagley-Keene Act requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.

This bill would additionally authorize a state body that is organized within the Department of Consumer Affairs to hold an open or closed meeting by teleconference if specified requirements are met. The bill would specify that the meeting notice and agenda is not required to disclose a member's remote location, would not require the state body to post the agenda at a remote location,

and would not require the state body to designate a physical meeting location where members of the public may physically attend the meeting and participate. The bill would require the state body to provide a means by which the public may remotely hear audio of the meeting and remotely observe the meeting, and would prescribe notice requirements if a meeting is adjourned and reconvened.

Affected Laws: An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Sections 101.8, 1636.5, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

Staff Comment: SB 607 would add a Section 101.8 to the Business and Professions Code to allow state bodies, as defined, within the Department of Consumer to hold an open or closed meeting by teleconference if specified requirements are met. The bill would specify that the meeting notice and agenda is not required to disclose a member's remote location, would not require the state body to post the agenda at a remote location, and would not require the state body to designate a physical meeting location where members of the public may physically attend the meeting and participate. The bill would require the state body to provide a means by which the public may remotely hear audio of the meeting and remotely observe the meeting, and would prescribe notice requirements if a meeting is adjourned and reconvened. This would allow Board Members to attend meetings (via phone or internet) from remote locations without those locations having to be accessible and open to the public and would also allow members of the public to attend meetings from remote locations.

These types of teleconference meetings are currently allowed under the Governor's Executive Orders in response to the COVID-19 pandemic, which waives requirements in the current Bagley-Keene Open Meeting Act that requires all locations from which Board Members will participate to be listed on the notice and accessible and open to the public and requires the public to attend meetings at one of the noticed locations. This new section of law would allow for the continuance of the style of teleconference meetings that the Board has held during the pandemic. The Board would also be allowed to hold in-person meetings or meetings that combine in-person and teleconference locations. Allowing Board Members to attend the meetings from remote locations that do not have to be noticed and open to the public has allowed more flexibility in scheduling. Additionally, allowing members of the public to attend remotely has increased the number of public who attend the Board's meetings since they are not required to travel to a specific physical location.

SB 607 would also amend Business and Professions Code section 115.5, which requires the Board to expedite the application process for military spouses, as defined, who meet certain specified criteria. The amendments would require the Board to "...waive all fees charged by the board associated with the application and initial license."

The Board charges applicants an application fee that covers the costs of processing the application and issuing the license once the applicant meets all of the qualifying requirements for licensure. The applicants also pay separate examination fees that cover the costs of developing and

maintaining the state-specific examinations. Additionally, some applicants also pay fees to the Board that are then forwarded to Department of Justice for criminal background checks or to ASBOG for the national geology examinations (so-called “pass-through” fees). It is unclear from the language used in the bill what fee(s) would be included. If it is intended to apply only to fees charged and retained by the Board (the application fees and the examination fees for state-specific examinations), then this bill would likely have a minimal fiscal impact on the Board. On the other hand, if the intent is to apply to any fees charged, then there could be issues for the Board because of the pass-through fees the Board collects.

Staff believes the Board should support the addition of Section 101.8 as proposed by this bill since it will allow more flexibility in the scheduling of meetings and allow for more public participation. However, staff also believes the Board should request that the language in Section 115.5 be clarified regarding what fees are to be waived.

This bill, which is sponsored by the author as the Chair of the Senate Committee on Business, Professions & Economic Development, has been referred to the Senate Committee on Appropriations suspense file and is set for hearing on May 20, 2021.

Staff Recommendation: Staff recommends that the Board support SB 607 only if it is amended to clarify what fees are to be waived under Section 115.5.

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 607

Introduced by Senator Roth

February 18, 2021

An act to amend Sections 115.5, 1724, 1753, 1753.55, ~~1753.6~~ 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add ~~Section~~ Sections 101.8, 1636.5, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the ~~Heath~~ Health and Safety Code, relating to professions and ~~vocations~~.
vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Roth. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. ~~Existing~~ Existing law 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.

Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies

satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of ~~California~~. *California within the Department of Consumer Affairs*. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee. The act prohibits the board from accepting new

applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was approved prior to January 1, 2020, through a date between January 1, 2024, and December 31, 2026, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process.

(3) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects ~~Board~~ Board within the Department of Consumer Affairs.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified

conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met. *Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.*

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law

prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

(6) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. This bill would prohibit an applicant who fails the assessment from completing another assessment within 90 days after the results are provided to the bureau.

(7) The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. The Bagley-Keene Act requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the

meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.

This bill would additionally authorize a state body that is organized within the Department of Consumer Affairs, to hold an open or closed meeting by teleconference if specified requirements are met. The bill would specify that the meeting notice and agenda is not required to disclose a member's remote location, would not require the state body to post the agenda at a remote location, and would not require the state body to designate a physical meeting location where members of the public may physically attend the meeting and participate. The bill would require the state body to provide a means by which the public may remotely hear audio of the meeting and remotely observe the meeting, and would prescribe notice requirements if a meeting is adjourned and reconvened.

~~(6)~~

(8) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 101.8 is added to the Business and
2 Professions Code, to read:
3 101.8. (a) In addition to the authorization to hold a meeting
4 by teleconference pursuant to Sections 11123 and 11123.5 of the
5 Government Code, a state body that is organized within the
6 Department of Consumer Affairs, including those identified in

1 *Section 101, may hold an open or closed meeting by teleconference*
2 *pursuant to the requirements in this section and that complies with*
3 *all other applicable requirements of Article 9 (commencing with*
4 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
5 *the Government Code, except as set forth in this section.*

6 *(b) Any of the members of a state body may participate in a*
7 *teleconference meeting from one or more remote locations. If*
8 *minutes of the meeting are taken, the minutes shall include which*
9 *member or members of the state body participated from a remote*
10 *location.*

11 *(c) The meeting notice and agenda shall not be required to*
12 *disclose any information regarding a member's remote location,*
13 *and remote locations are not required to be accessible to the*
14 *public. The state body shall not be required to post the agenda at*
15 *a remote location.*

16 *(d) The state body shall not be required to designate a physical*
17 *meeting location where members of the public may physically*
18 *attend the meeting and participate, but if the state body designates*
19 *a physical meeting location, the notice of the meeting shall include*
20 *the physical meeting location. A member of the state body shall*
21 *not be required to participate at the designated physical meeting*
22 *location. The state body shall post the agenda at the physical*
23 *meeting location.*

24 *(e) This section shall not affect the time within which the state*
25 *body must provide notice of a meeting in accordance with Section*
26 *11125, 11125.4, or 11125.5 of the Government Code.*

27 *(f) All actions taken during a meeting by teleconference shall*
28 *be by rollcall vote.*

29 *(g) The state body shall provide a means by which the public*
30 *may remotely hear audio of the meeting and remotely observe the*
31 *meeting, if applicable, and remotely participate in the meeting.*
32 *The applicable teleconference phone number or internet website,*
33 *or other information indicating how the public can access the*
34 *meeting remotely, shall be included in the meeting notice.*

35 *(h) Upon discovering that a means of remote access required*
36 *by subdivision (g) has failed during a meeting, the state body shall*
37 *end or adjourn the meeting in accordance with Section 11128.5*
38 *of the Government Code. In addition to any other requirements*
39 *that may apply, the state body shall provide notice of the meeting's*
40 *end or adjournment on its internet website and by email to any*

1 person who has requested notice of meetings of the state body. If
2 the meeting will be adjourned and reconvened on the same day,
3 further notice shall be provided by an automated message on a
4 telephone line included on the state body's agenda, or by a similar
5 means, that will communicate when the state body intends to
6 reconvene the meeting and how a member of the public may hear
7 audio of the meeting or observe the meeting, as applicable.

8 (i) For purposes of this section, the following definitions shall
9 apply:

10 (1) "State body" has the same meaning as in Sections 11121
11 and 11121.1 of the Government Code.

12 (2) "Meeting" has the same meaning as in Section 11122.5 of
13 the Government Code.

14 (3) "Remote location" means a location where a member of a
15 state body participates in a teleconference meeting subject to this
16 section, other than a physical meeting location described in
17 subdivision (d).

18 (4) "Teleconference" has the meaning prescribed in paragraph
19 (2) of subdivision (b) of Section 11123 of the Government Code,
20 and includes meetings conducted via online and internet platforms.

21 (j) This section does not limit or affect the ability of a state body
22 to hold a teleconference meeting under another provision of Article
23 9 (commencing with Section 11120) of Chapter 1 of Part 1 of
24 Division 3 of Title 2 of the Government Code.

25 (k) State bodies that meet at least two times each calendar year
26 pursuant to this section shall be deemed to have met the
27 requirements of subdivision (a) of Section 101.7.

28 ~~SECTION 4.~~

29 SEC. 2. Section 115.5 of the Business and Professions Code
30 is amended to read:

31 115.5. (a) A board within the department shall expedite the
32 licensure process and waive all fees charged by the board
33 associated with the application and initial license for an applicant
34 who meets both of the following requirements:

35 (1) Supplies evidence satisfactory to the board that the applicant
36 is married to, or in a domestic partnership or other legal union
37 with, an active duty member of the Armed Forces of the United
38 States who is assigned to a duty station in this state under official
39 active duty military orders.

1 (2) Holds a current license in another state, district, or territory
2 of the United States in the profession or vocation for which the
3 applicant seeks a license from the board.

4 (b) A board may adopt regulations necessary to administer this
5 section.

6 *SEC. 3. Section 1636.5 is added to the Business and Professions*
7 *Code, to read:*

8 *1636.5. Notwithstanding Section 1636.4, any foreign dental*
9 *school whose program was approved prior to January 1, 2020,*
10 *through any date between January 1, 2024, and December 31,*
11 *2026, shall maintain approval through that date. Upon expiration*
12 *of the approval, the foreign dental school shall be required to*
13 *comply with the provisions of Section 1636.4.*

14 ~~SEC. 2.~~

15 *SEC. 4. Section 1724 of the Business and Professions Code,*
16 *as added by Section 13 of Chapter 929 of the Statutes of 2018, is*
17 *amended to read:*

18 1724. The amount of charges and fees for dentists licensed
19 pursuant to this chapter shall be established by the board as is
20 necessary for the purpose of carrying out the responsibilities
21 required by this chapter as it relates to dentists, subject to the
22 following limitations:

23 (a) The fee for an application for licensure qualifying pursuant
24 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
25 one thousand five hundred dollars (\$1,500). The fee for an
26 application for licensure qualifying pursuant to paragraph (2) of
27 subdivision (c) of Section 1632 shall not exceed one thousand
28 dollars (\$1,000).

29 (b) The fee for an application for licensure qualifying pursuant
30 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

31 (c) The fee for an application for licensure qualifying pursuant
32 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

33 (d) The fee for an initial license and for the renewal of a license
34 is five hundred twenty-five dollars (\$525). On and after January
35 1, 2016, the fee for an initial license shall not exceed six hundred
36 fifty dollars (\$650), and the fee for the renewal of a license shall
37 not exceed six hundred fifty dollars (\$650). On and after January
38 1, 2018, the fee for an initial license shall not exceed eight hundred
39 dollars (\$800), and the fee for the renewal of a license shall not
40 exceed eight hundred dollars (\$800).

- 1 (e) The fee for an application for a special permit shall not
2 exceed one thousand dollars (\$1,000), and the renewal fee for a
3 special permit shall not exceed six hundred dollars (\$600).
- 4 (f) The delinquency fee shall be 50 percent of the renewal fee
5 for such a license or permit in effect on the date of the renewal of
6 the license or permit.
- 7 (g) The penalty for late registration of change of place of
8 practice shall not exceed seventy-five dollars (\$75).
- 9 (h) The fee for an application for an additional office permit
10 shall not exceed seven hundred fifty dollars (\$750), and the fee
11 for the renewal of an additional office permit shall not exceed three
12 hundred seventy-five dollars (\$375).
- 13 (i) The fee for issuance of a replacement pocket license,
14 replacement wall certificate, or replacement engraved certificate
15 shall not exceed one hundred twenty-five dollars (\$125).
- 16 (j) The fee for a provider of continuing education shall not
17 exceed five hundred dollars (\$500) per year.
- 18 (k) The fee for application for a referral service permit and for
19 renewal of that permit shall not exceed twenty-five dollars (\$25).
- 20 (l) The fee for application for an extramural facility permit and
21 for the renewal of a permit shall not exceed twenty-five dollars
22 (\$25).
- 23 (m) The fee for an application for an elective facial cosmetic
24 surgery permit shall not exceed four thousand dollars (\$4,000),
25 and the fee for the renewal of an elective facial cosmetic surgery
26 permit shall not exceed eight hundred dollars (\$800).
- 27 (n) The fee for an application for an oral and maxillofacial
28 surgery permit shall not exceed one thousand dollars (\$1,000), and
29 the fee for the renewal of an oral and maxillofacial surgery permit
30 shall not exceed one thousand two hundred dollars (\$1,200).
- 31 (o) The fee for an application for a general anesthesia permit
32 shall not exceed one thousand dollars (\$1,000), and the fee for the
33 renewal of a general anesthesia permit shall not exceed six hundred
34 dollars (\$600).
- 35 (p) The fee for an onsite inspection and evaluation related to a
36 general anesthesia or moderate sedation permit shall not exceed
37 four thousand five hundred dollars (\$4,500).
- 38 (q) The fee for an application for a moderate sedation permit
39 shall not exceed one thousand dollars (\$1,000), and the fee for the

1 renewal of a conscious sedation permit shall not exceed six hundred
2 dollars (\$600).

3 (r) The fee for an application for an oral conscious sedation
4 permit shall not exceed one thousand dollars (\$1,000), and the fee
5 for the renewal of an oral conscious sedation permit shall not
6 exceed six hundred dollars (\$600).

7 (s) The fee for an application for a pediatric minimal sedation
8 permit shall not exceed one thousand dollars (\$1,000), and the fee
9 for the renewal of a pediatric minimal sedation permit shall not
10 exceed six hundred dollars (\$600).

11 (t) The fee for a certification of licensure shall not exceed one
12 hundred twenty-five dollars (\$125).

13 (u) The fee for an application for the law and ethics examination
14 shall not exceed two hundred fifty dollars (\$250).

15 (v) This section shall become operative on January 1, 2022.

16 ~~SEC. 3.~~

17 *SEC. 5.* Section 1753 of the Business and Professions Code is
18 amended to read:

19 1753. (a) On and after January 1, 2010, the board may license
20 as a registered dental assistant in extended functions a person who
21 submits written evidence, satisfactory to the board, of all of the
22 following eligibility requirements:

23 (1) Current licensure as a registered dental assistant or
24 completion of the requirements for licensure as a registered dental
25 assistant.

26 (2) Successful completion of a board-approved course in the
27 application of pit and fissure sealants.

28 (3) Successful completion of either of the following:

29 (A) An extended functions postsecondary program approved
30 by the board in all of the procedures specified in Section 1753.5.

31 (B) An extended functions postsecondary program approved
32 by the board to teach the duties that registered dental assistants in
33 extended functions were allowed to perform pursuant to board
34 regulations prior to January 1, 2010, and a course approved by the
35 board in the procedures specified in paragraphs (1), (2), (5), and
36 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

37 (4) Passage of a written examination administered by the board.
38 The board shall designate whether the written examination shall
39 be administered by the board or by the board-approved extended
40 functions program.

1 (b) A registered dental assistant in extended functions may apply
2 for an orthodontic assistant permit or a dental sedation assistant
3 permit, or both, by providing written evidence of the following:

4 (1) Successful completion of a board-approved orthodontic
5 assistant or dental sedation assistant course, as applicable.

6 (2) Passage of a written examination administered by the board
7 that shall encompass the knowledge, skills, and abilities necessary
8 to competently perform the duties of the particular permit.

9 (c) A registered dental assistant in extended functions with
10 permits in either orthodontic assisting or dental sedation assisting
11 shall be referred to as an “RDAEF with orthodontic assistant
12 permit,” or “RDAEF with dental sedation assistant permit,” as
13 applicable. These terms shall be used for reference purposes only
14 and do not create additional categories of licensure.

15 (d) Completion of the continuing education requirements
16 established by the board pursuant to Section 1645 by a registered
17 dental assistant in extended functions who also holds a permit as
18 an orthodontic assistant or dental sedation assistant shall fulfill the
19 continuing education requirement for such permit or permits.

20 ~~SEC. 4.~~

21 *SEC. 6.* Section 1753.4 of the Business and Professions Code
22 is repealed.

23 ~~SEC. 5.~~

24 *SEC. 7.* Section 1753.55 of the Business and Professions Code
25 is amended to read:

26 1753.55. (a) A registered dental assistant in extended functions
27 is authorized to perform the additional duties as set forth in
28 subdivision (b) pursuant to the order, control, and full professional
29 responsibility of a supervising dentist, if the licensee meets one of
30 the following requirements:

31 (1) Is licensed on or after January 1, 2010.

32 (2) Is licensed prior to January 1, 2010, and has successfully
33 completed a board-approved course in the additional procedures
34 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
35 subdivision (b) of Section 1753.5.

36 (b) (1) Determine which radiographs to perform on a patient
37 who has not received an initial examination by the supervising
38 dentist for the specific purpose of the dentist making a diagnosis
39 and treatment plan for the patient. In these circumstances, the
40 dental assistant in extended functions shall follow protocols

1 established by the supervising dentist. This paragraph only applies
2 in the following settings:

- 3 (A) In a dental office setting.
- 4 (B) In public health settings, using telehealth, as defined by
5 Section 2290.5, for the purpose of communication with the
6 supervising dentist, including, but not limited to, schools, head
7 start and preschool programs, and community clinics, under the
8 general supervision of a dentist.

9 (2) Place protective restorations, which for this purpose are
10 identified as interim therapeutic restorations, and defined as a
11 direct provisional restoration placed to stabilize the tooth until a
12 licensed dentist diagnoses the need for further definitive treatment.
13 An interim therapeutic restoration consists of the removal of soft
14 material from the tooth using only hand instrumentation, without
15 the use of rotary instrumentation, and subsequent placement of an
16 adhesive restorative material. Local anesthesia shall not be
17 necessary for interim therapeutic restoration placement. Interim
18 therapeutic restorations shall be placed only in accordance with
19 both of the following:

- 20 (A) In either of the following settings:
 - 21 (i) In a dental office setting, under the direct or general
22 supervision of a dentist as determined by the dentist.
 - 23 (ii) In public health settings, using telehealth, as defined by
24 Section 2290.5, for the purpose of communication with the
25 supervising dentist, including, but not limited to, schools, head
26 start and preschool programs, and community clinics, under the
27 general supervision of a dentist.
- 28 (B) After the diagnosis, treatment plan, and instruction to
29 perform the procedure provided by a dentist.
- 30 (c) The functions described in subdivision (b) may be performed
31 by a registered dental assistant in extended functions only after
32 completion of a program that includes training in performing those
33 functions, or after providing evidence, satisfactory to the board,
34 of having completed a board-approved course in those functions.
- 35 (d) No later than January 1, 2018, the board shall adopt
36 regulations to establish requirements for courses of instruction for
37 the procedures authorized to be performed by a registered dental
38 assistant in extended functions pursuant to this section using the
39 competency-based training protocols established by the Health
40 Workforce Pilot Project (HWPP) No. 172 through the Office of

1 Health Planning and Development. The board shall submit to the
2 committee proposed regulatory language for the curriculum for
3 the Interim Therapeutic Restoration to the committee for the
4 purpose of promulgating regulations for registered dental hygienists
5 and registered dental hygienists in alternative practice as described
6 in Section 1910.5. The language submitted by the board shall
7 mirror the instructional curriculum for the registered dental
8 assistant in extended functions. Any subsequent amendments to
9 the regulations that are promulgated by the board for the Interim
10 Therapeutic Restoration curriculum shall be submitted to the
11 committee.

12 (e) The board may issue a permit to a registered dental assistant
13 in extended functions who files a completed application, including
14 the fee, to provide the duties specified in this section after the board
15 has determined the registered dental assistant in extended functions
16 has completed the coursework required in subdivision (c).

17 (f) This section shall become operative on January 1, 2018.

18 ~~SEC. 6.~~

19 *SEC. 8.* Section 1753.6 of the Business and Professions Code
20 is amended to read:

21 1753.6. (a) Each person who holds a license as a registered
22 dental assistant in extended functions on the operative date of this
23 section may only perform those procedures that a registered dental
24 assistant is allowed to perform as specified in and limited by
25 Section 1752.4, and the procedures specified in paragraphs (1) to
26 (6), inclusive, until the person provides evidence of having
27 completed a board-approved course in the additional procedures
28 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
29 subdivision (b) of Section 1753.5:

- 30 (1) Cord retraction of gingiva for impression procedures.
- 31 (2) Take final impressions for permanent indirect restorations.
- 32 (3) Formulate indirect patterns for endodontic post and core
33 castings.
- 34 (4) Fit trial endodontic filling points.
- 35 (5) Apply pit and fissure sealants.
- 36 (6) Remove excess cement from subgingival tooth surfaces with
37 a hand instrument.

38 (b) This section shall become operative on January 1, 2010.

1 ~~SEC. 7.~~

2 SEC. 9. Section 5650.5 is added to the Business and Professions
3 Code, to read:

4 5650.5. (a) Pursuant to Section 144, the board has the authority
5 to obtain and review criminal offender record information. The
6 information obtained as a result of the fingerprinting shall be used
7 in accordance with Section 11105 of the Penal Code to determine
8 whether the applicant is subject to denial, suspension, or revocation
9 of a license pursuant to Division 1.5 (commencing with Section
10 475) or Section 5660, 5675, or 5676.

11 (b) As a condition of application for a license, each applicant
12 shall furnish to the Department of Justice a full set of fingerprints
13 for the purpose of conducting a criminal history record check and
14 to undergo a state- and federal- level criminal offender record
15 information search conducted through the Department of Justice,
16 as follows:

17 (1) The board shall electronically submit to the Department of
18 Justice fingerprint images and related information required by the
19 Department of Justice of all landscape architect license applicants
20 for the purpose of obtaining information as to the existence and
21 content of a record of state or federal arrests and state or federal
22 convictions and also information as to the existence and content
23 of a record of state or federal arrests for which the Department of
24 Justice establishes that the person is free on bail or on their
25 recognizance pending trial or appeal.

26 (2) When received, the Department of Justice shall transmit
27 fingerprint images and related information received pursuant to
28 this section, to the Federal Bureau of Investigation for the purpose
29 of obtaining a federal criminal history records check. The
30 Department of Justice shall review the information returned from
31 the Federal Bureau of Investigation and compile and disseminate
32 a response to the board.

33 (3) The Department of Justice shall provide a state or federal
34 response to the board pursuant to subdivision (p) of Section 11105
35 of the Penal Code.

36 (4) The board shall request from the Department of Justice
37 subsequent notification service, as provided pursuant to Section
38 11105.2 of the Penal Code, for persons described in paragraph (1).

1 (5) The Department of Justice shall charge the applicant a fee
2 sufficient to cover the cost of processing the request described in
3 this subdivision.

4 (c) The applicant shall certify, under penalty of perjury, when
5 applying for a license whether the applicant's fingerprints have
6 been furnished to the Department of Justice in compliance with
7 this section.

8 (d) Failure to comply with the requirements of this section
9 renders the application for a license incomplete, and the application
10 shall not be considered until the applicant demonstrates compliance
11 with all requirements of this section.

12 (e) Notwithstanding any other law, the results of any criminal
13 offender record information request by either state or federal law
14 enforcement authorities shall not be released by the board except
15 in accordance with state and federal requirements.

16 (f) As used in this section, the term "applicant" shall be limited
17 to an initial applicant who has never been registered or licensed
18 by the board or to an applicant for a new licensure or registration
19 category.

20 (g) As a condition of petitioning the board for reinstatement of
21 a revoked or surrendered license, an applicant shall comply with
22 subdivision (a).

23 ~~SEC. 8.~~

24 *SEC. 10.* Section 7071.6 of the Business and Professions Code
25 is amended to read:

26 7071.6. (a) The board shall require as a condition precedent
27 to the issuance, reinstatement, reactivation, renewal, or continued
28 maintenance of a license, that the applicant or licensee file or have
29 on file a contractor's bond in the sum of fifteen thousand dollars
30 (\$15,000).

31 (b) Excluding the claims brought by the beneficiaries specified
32 in subdivision (a) of Section 7071.5, the aggregate liability of a
33 surety on claims brought against a bond required by this section
34 shall not exceed the sum of seven thousand five hundred dollars
35 (\$7,500). The bond proceeds in excess of seven thousand five
36 hundred dollars (\$7,500) shall be reserved exclusively for the
37 claims of the beneficiaries specified in subdivision (a) of Section
38 7071.5. However, nothing in this section shall be construed so as
39 to prevent any beneficiary specified in subdivision (a) of Section

1 7071.5 from claiming or recovering the full measure of the bond
2 required by this section.

3 (c) A bond shall not be required of a holder of a license that has
4 been inactivated on the official records of the board during the
5 period the license is inactive.

6 (d) Notwithstanding any other law, as a condition precedent to
7 licensure, the board may require an applicant to post a contractor's
8 bond in twice the amount required pursuant to subdivision (a) until
9 the time that the license is renewed, under the following conditions:

10 (1) The applicant has either been convicted of a violation of
11 Section 7028 or has been cited pursuant to Section 7028.7.

12 (2) If the applicant has been cited pursuant to Section 7028.7,
13 the citation has been reduced to a final order of the registrar.

14 (3) The violation of Section 7028, or the basis for the citation
15 issued pursuant to Section 7028.7, constituted a substantial injury
16 to the public.

17 (e) (1) The board shall conduct a study to obtain information
18 to evaluate whether the current fifteen-thousand-dollar (\$15,000)
19 amount of the contractor bond is sufficient, or whether an increase
20 may be necessary.

21 (2) The board shall report its findings and recommendations to
22 the appropriate policy committees of the Legislature, in accordance
23 with Section 9795 of the Government Code, by January 1, 2021.

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

26 ~~SEC. 9.~~

27 *SEC. 11.* Section 7071.6 is added to the Business and
28 Professions Code, to read:

29 7071.6. (a) The board shall require as a condition precedent
30 to the issuance, reinstatement, reactivation, renewal, or continued
31 maintenance of a license, that the applicant or licensee file or have
32 on file a contractor's bond in the sum of twenty-five thousand
33 dollars (\$25,000).

34 (b) Excluding the claims brought by the beneficiaries specified
35 in subdivision (a) of Section 7071.5, the aggregate liability of a
36 surety on claims brought against a bond required by this section
37 shall not exceed the sum of seven thousand five hundred dollars
38 (\$7,500). The bond proceeds in excess of seven thousand five
39 hundred dollars (\$7,500) shall be reserved exclusively for the
40 claims of the beneficiaries specified in subdivision (a) of Section

1 7071.5. However, nothing in this section shall be construed so as
2 to prevent any beneficiary specified in subdivision (a) of Section
3 7071.5 from claiming or recovering the full measure of the bond
4 required by this section.

5 (c) A bond shall not be required of a holder of a license that has
6 been inactivated on the official records of the board during the
7 period the license is inactive.

8 (d) Notwithstanding any other law, as a condition precedent to
9 licensure, the board may require an applicant to post a contractor's
10 bond in twice the amount required pursuant to subdivision (a) until
11 the time that the license is renewed, under the following conditions:

12 (1) The applicant has either been convicted of a violation of
13 Section 7028 or has been cited pursuant to Section 7028.7.

14 (2) If the applicant has been cited pursuant to Section 7028.7,
15 the citation has been reduced to a final order of the registrar.

16 (3) The violation of Section 7028, or the basis for the citation
17 issued pursuant to Section 7028.7, constituted a substantial injury
18 to the public.

19 (e) This section shall become operative on January 1, 2023.

20 ~~SEC. 10:~~

21 *SEC. 12.* Section 7071.8 of the Business and Professions Code
22 is amended to read:

23 7071.8. (a) This section applies to an application for a license,
24 for renewal or restoration of a license, an application to change
25 officers or members of a corporation or a limited liability company,
26 or for continued valid use of a license which has been disciplined,
27 whether or not the disciplinary action has been stayed, made by
28 any of the following persons or firms:

29 (1) A person whose license has been suspended or revoked as
30 a result of disciplinary action, or a person who was a qualifying
31 individual for a licensee at any time during which cause for
32 disciplinary action occurred resulting in suspension or revocation
33 of the licensee's license, whether or not the qualifying individual
34 had knowledge or participated in the prohibited act or omission.

35 (2) A person who was an officer, director, manager, partner, or
36 member of the personnel of record of a licensee at any time during
37 which cause for disciplinary action occurred resulting in suspension
38 or revocation of the licensee's license and who had knowledge of
39 or participated in the act or omission which was the cause for the
40 disciplinary action.

1 (3) A partnership, corporation, limited liability company, firm,
2 or association of which an existing or new officer, director,
3 manager, partner, qualifying person, or member of the personnel
4 of record has had a license suspended or revoked as a result of
5 disciplinary action.

6 (4) A partnership, corporation, limited liability company, firm,
7 or association of which a member of the personnel of record,
8 including, but not limited to, an officer, director, manager, partner,
9 or qualifying person was, likewise, a manager, officer, director,
10 or partner of a licensee at any time during which cause for
11 disciplinary action occurred resulting in suspension or revocation
12 of the license, and who had knowledge of or participated in the
13 act or omission which was the cause for the disciplinary action.

14 (b) The board shall require as a condition precedent to the
15 issuance, reissuance, renewal, or restoration of a license to the
16 applicant, or to the approval of an application to change officers
17 of a corporation or a limited liability company, or removal of
18 suspension, or to the continued valid use of a license which has
19 been suspended or revoked, but which suspension or revocation
20 has been stayed, that the applicant or licensee file or have on file
21 a contractor's bond in a sum to be fixed by the registrar based upon
22 the seriousness of the violation, but which sum shall not be less
23 than fifteen thousand dollars (\$15,000) nor more than 10 times
24 that amount required by Section 7071.6.

25 (c) The bond is in addition to, may not be combined with, and
26 does not replace any other type of bond required by this chapter.
27 The bond shall remain on file with the registrar for a period of at
28 least two years and for any additional time that the registrar
29 determines. The bond period shall run only while the license is
30 current, active, and in good standing, and shall be extended until
31 the license has been current, active, and in good standing for the
32 required period. Each applicant or licensee shall be required to file
33 only one disciplinary contractor's bond of the type described in
34 this section for each application or license subject to this bond
35 requirement.

36 (d) This section shall remain in effect only until January 1, 2023,
37 and as of that date is repealed.

38 ~~SEC. 11.~~

39 *SEC. 13.* Section 7071.8 is added to the Business and
40 Professions Code, to read:

1 7071.8. (a) This section applies to an application for a license,
2 for renewal or restoration of a license, an application to change
3 officers or members of a corporation or a limited liability company,
4 or for continued valid use of a license which has been disciplined,
5 whether or not the disciplinary action has been stayed, made by
6 any of the following persons or firms:

7 (1) A person whose license has been suspended or revoked as
8 a result of disciplinary action, or a person who was a qualifying
9 individual for a licensee at any time during which cause for
10 disciplinary action occurred resulting in suspension or revocation
11 of the licensee's license, whether or not the qualifying individual
12 had knowledge or participated in the prohibited act or omission.

13 (2) A person who was an officer, director, manager, partner, or
14 member of the personnel of record of a licensee at any time during
15 which cause for disciplinary action occurred resulting in suspension
16 or revocation of the licensee's license and who had knowledge of
17 or participated in the act or omission which was the cause for the
18 disciplinary action.

19 (3) A partnership, corporation, limited liability company, firm,
20 or association of which an existing or new officer, director,
21 manager, partner, qualifying person, or member of the personnel
22 of record has had a license suspended or revoked as a result of
23 disciplinary action.

24 (4) A partnership, corporation, limited liability company, firm,
25 or association of which a member of the personnel of record,
26 including, but not limited to, an officer, director, manager, partner,
27 or qualifying person was, likewise, a manager, officer, director,
28 or partner of a licensee at any time during which cause for
29 disciplinary action occurred resulting in suspension or revocation
30 of the license, and who had knowledge of or participated in the
31 act or omission which was the cause for the disciplinary action.

32 (b) The board shall require as a condition precedent to the
33 issuance, reissuance, renewal, or restoration of a license to the
34 applicant, or to the approval of an application to change officers
35 of a corporation or a limited liability company, or removal of
36 suspension, or to the continued valid use of a license which has
37 been suspended or revoked, but which suspension or revocation
38 has been stayed, that the applicant or licensee file or have on file
39 a contractor's bond in a sum to be fixed by the registrar based upon
40 the seriousness of the violation, but which sum shall not be less

1 than twenty-five thousand dollars (\$25,000) nor more than 10
2 times that amount required by Section 7071.6.

3 (c) The bond is in addition to, may not be combined with, and
4 does not replace any other type of bond required by this chapter.
5 The bond shall remain on file with the registrar for a period of at
6 least two years and for any additional time that the registrar
7 determines. The bond period shall run only while the license is
8 current, active, and in good standing, and shall be extended until
9 the license has been current, active, and in good standing for the
10 required period. Each applicant or licensee shall be required to file
11 only one disciplinary contractor's bond of the type described in
12 this section for each application or license subject to this bond
13 requirement.

14 (d) This section shall become operative on January 1, 2023.

15 ~~SEC. 12.~~

16 *SEC. 14.* Section 7071.9 of the Business and Professions Code
17 is amended to read:

18 7071.9. (a) If the qualifying individual, as referred to in
19 Sections 7068 and 7068.1, is neither the proprietor, a general
20 partner, nor a joint licensee, the qualifying individual shall file or
21 have on file a qualifying individual's bond as provided in Section
22 7071.10 in the sum of twelve thousand five hundred dollars
23 (\$12,500). This bond is in addition to, and shall not be combined
24 with, any contractor's bond required by Sections 7071.5 to 7071.8,
25 inclusive, and is required for the issuance, reinstatement,
26 reactivation, or continued valid use of a license.

27 (b) Excluding the claims brought by the beneficiaries specified
28 in paragraph (1) of subdivision (a) of Section 7071.10, the
29 aggregate liability of a surety on claims brought against the bond
30 required by this section shall not exceed the sum of seven thousand
31 five hundred dollars (\$7,500). The bond proceeds in excess of
32 seven thousand five hundred dollars (\$7,500) shall be reserved
33 exclusively for the claims of the beneficiaries specified in
34 paragraph (1) of subdivision (a) of Section 7071.10. However,
35 nothing in this section shall be construed to prevent any beneficiary
36 specified in paragraph (1) of subdivision (a) of Section 7071.10
37 from claiming or recovering the full measure of the bond required
38 by this section. This bond is in addition to, and shall not be
39 combined with, any contractor's bond required by Sections 7071.5

1 to 7071.8, inclusive, and is required for the issuance, reinstatement,
2 reactivation, or continued valid use of a license.

3 (c) The responsible managing officer of a corporation shall not
4 be required to file or have on file a qualifying individual's bond,
5 if the responsible managing officer owns 10 percent or more of
6 the voting stock of the corporation and certifies to that fact on a
7 form prescribed by the registrar.

8 (d) The qualifying individual for a limited liability company
9 shall not be required to file or have on file a qualifying individual's
10 bond if the qualifying individual owns at least a 10-percent
11 membership interest in the limited liability company and certifies
12 to that fact on a form prescribed by the registrar.

13 (e) This section shall remain in effect only until January 1, 2023,
14 and as of that date is repealed.

15 ~~SEC. 13.~~

16 *SEC. 15.* Section 7071.9 is added to the Business and
17 Professions Code, to read:

18 7071.9. (a) If the qualifying individual, as referred to in
19 Sections 7068 and 7068.1, is neither the proprietor, a general
20 partner, nor a joint licensee, the qualifying individual shall file or
21 have on file a qualifying individual's bond as provided in Section
22 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This
23 bond is in addition to, and shall not be combined with, any
24 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,
25 and is required for the issuance, reinstatement, reactivation, or
26 continued valid use of a license.

27 (b) Excluding the claims brought by the beneficiaries specified
28 in paragraph (1) of subdivision (a) of Section 7071.10, the
29 aggregate liability of a surety on claims brought against the bond
30 required by this section shall not exceed the sum of seven thousand
31 five hundred dollars (\$7,500). The bond proceeds in excess of
32 seven thousand five hundred dollars (\$7,500) shall be reserved
33 exclusively for the claims of the beneficiaries specified in
34 paragraph (1) of subdivision (a) of Section 7071.10. However,
35 nothing in this section shall be construed to prevent any beneficiary
36 specified in paragraph (1) of subdivision (a) of Section 7071.10
37 from claiming or recovering the full measure of the bond required
38 by this section. This bond is in addition to, and shall not be
39 combined with, any contractor's bond required by Sections 7071.5

1 to 7071.8, inclusive, and is required for the issuance, reinstatement,
2 reactivation, or continued valid use of a license.

3 (c) The responsible managing officer of a corporation shall not
4 be required to file or have on file a qualifying individual's bond,
5 if the responsible managing officer owns 10 percent or more of
6 the voting stock of the corporation and certifies to that fact on a
7 form prescribed by the registrar.

8 (d) The qualifying individual for a limited liability company
9 shall not be required to file or have on file a qualifying individual's
10 bond if the qualifying individual owns at least a 10-percent
11 membership interest in the limited liability company and certifies
12 to that fact on a form prescribed by the registrar.

13 (e) This section shall become operative on January 1, 2023.

14 *SEC. 16. Section 7137 of the Business and Professions Code*
15 *is amended to read:*

16 7137. (a) The board may set fees by regulation. These fees
17 shall be set according to the following schedule:

18 ~~(a) (1) The~~

19 *(1) Application fees shall be set as follows:*

20 *(A) The application fee for an original license in a single*
21 *classification shall be ~~three hundred thirty dollars (\$330)~~ four*
22 *hundred fifty dollars (\$450) and may be increased to not more than*
23 *~~three hundred seventy-five dollars (\$375)~~ five hundred sixty-three*
24 *dollars (\$563).*

25 ~~(2)~~

26 *(B) The application fee for each additional classification applied*
27 *for in connection with an original license shall ~~not be more than~~*
28 *~~eighty-five dollars (\$85)~~ be one hundred fifty dollars (\$150) and*
29 *may be increased to not more than one hundred eighty-eight dollars*
30 *(\$188).*

31 ~~(3)~~

32 *(C) The application fee for each additional classification*
33 *pursuant to Section 7059 shall be ~~one hundred fifty dollars (\$150)~~*
34 *two hundred thirty dollars (\$230) and may be increased to not*
35 *more than ~~one hundred seventy-five dollars (\$175)~~ two hundred*
36 *eighty-eight dollars (\$288).*

37 ~~(4)~~

38 *(D) The application fee to replace a responsible managing*
39 *officer, responsible managing manager, responsible managing*
40 *member, or responsible managing employee pursuant to Section*

1 7068.2 shall be ~~one hundred fifty dollars (\$150)~~ *two hundred thirty*
2 *dollars (\$230)* and may be increased to not more than ~~one hundred~~
3 ~~seventy-five dollars (\$175)~~: *two hundred eighty-eight dollars*
4 *(\$288)*.

5 ~~(5)~~

6 (E) The application fee to add personnel, other than a qualifying
7 individual, to an existing license shall be ~~one hundred dollars~~
8 ~~(\$100)~~ *one hundred twenty-five dollars (\$125)* and may be
9 increased to not more than ~~one hundred fifteen dollars (\$115)~~: *one*
10 *hundred fifty-seven dollars (\$157)*.

11 (F) *The application fee for an asbestos certification examination*
12 *shall be one hundred twenty-five dollars (\$125) and may be*
13 *increased to not more than one hundred fifty-seven dollars (\$157)*.

14 (G) *The application fee for a hazardous substance removal or*
15 *remedial action certification examination shall be one hundred*
16 *twenty-five dollars (\$125) and may be increased to not more than*
17 *one hundred fifty-seven dollars (\$157)*.

18 (2) *Examination scheduling fees shall be set as follows:*

19 ~~(b)~~

20 (A) The fee for rescheduling an examination for an applicant
21 who has applied for an original license, additional classification,
22 a change of responsible managing officer, responsible managing
23 manager, responsible managing member, or responsible managing
24 employee, or for an asbestos certification or hazardous substance
25 removal certification, shall ~~not be more than seventy dollars (\$70)~~:
26 *be one hundred dollars (\$100) and may be increased to not more*
27 *than one hundred twenty-five dollars (\$125)*.

28 ~~(e)~~

29 (B) The fee for scheduling or rescheduling an examination for
30 a licensee who is required to take the examination as a condition
31 of probation shall ~~not be more than seventy dollars (\$70)~~: *be one*
32 *hundred dollars (\$100) and may be increased to not more than*
33 *one hundred twenty-five dollars (\$125)*.

34 (3) *Initial license and registration fees shall be set as follows:*

35 ~~(d)~~

36 (A) The initial license fee for an active or inactive license *for*
37 *an individual owner* shall be two hundred dollars (\$200) and may
38 be increased to not more than ~~two hundred twenty-five dollars~~
39 ~~(\$225)~~: *two hundred fifty dollars (\$250)*.

1 (B) *The initial license fee for an active or inactive license for a*
2 *partnership, corporation, limited liability company, or joint venture*
3 *shall be three hundred fifty dollars (\$350) and may be increased*
4 *to not more than four hundred thirty-eight dollars (\$438).*
5 (C) *The registration fee for a home improvement salesperson*
6 *shall be two hundred dollars (\$200) and may be increased to not*
7 *more than two hundred fifty dollars (\$250).*
8 (4) *License and registration renewal fees shall be set as follows:*
9 (e) ~~(1)~~
10 (A) *The renewal fee for an active license for an individual owner*
11 *shall be ~~four hundred dollars (\$400)~~ four hundred fifty dollars*
12 *(\$450) and may be increased to not more than ~~four hundred fifty~~*
13 *dollars (\$450); five hundred sixty-three dollars (\$563).*
14 (2)
15 (B) *The renewal fee for an inactive license for an individual*
16 *owner shall be ~~two hundred dollars (\$200)~~ three hundred dollars*
17 *(\$300) and may be increased to not more than ~~two hundred~~*
18 *~~twenty-five dollars (\$225); three hundred seventy-five dollars~~*
19 *(\$375).*
20 (C) *The renewal fee for an active license for a partnership,*
21 *corporation, limited liability company, or joint venture shall be*
22 *seven hundred dollars (\$700) and may be increased to not more*
23 *than eight hundred seventy-five dollars (\$875).*
24 (D) *The renewal fee for an inactive license for a partnership,*
25 *corporation, limited liability company, or joint venture shall be*
26 *five hundred dollars (\$500) and may be increased to not more*
27 *than six hundred twenty-five dollars (\$625).*
28 (E) *The renewal fee for a home improvement salesperson*
29 *registration shall be two hundred dollars (\$200) and may be*
30 *increased to not more than two hundred fifty dollars (\$250).*
31 (f)
32 (5) *The delinquency fee is an amount equal to 50 percent of the*
33 *renewal fee, if the license is renewed after its expiration.*
34 (g) ~~The registration fee for a home improvement salesperson~~
35 ~~shall be eighty-three dollars (\$83) and may be increased to not~~
36 ~~more than ninety-five dollars (\$95).~~
37 (h) ~~The renewal fee for a home improvement salesperson~~
38 ~~registration shall be eighty-three dollars (\$83) and may be increased~~
39 ~~to not more than ninety-five dollars (\$95).~~

1 (i) ~~The application fee for an asbestos certification examination~~
2 ~~shall be eighty-three dollars (\$83) and may be increased to not~~
3 ~~more than ninety-five dollars (\$95).~~

4 (j) ~~The application fee for a hazardous substance removal or~~
5 ~~remedial action certification examination shall be eighty-three~~
6 ~~dollars (\$83) and may be increased to not more than ninety-five~~
7 ~~dollars (\$95).~~

8 ~~(k) In~~

9 (6) *Miscellaneous fees shall be set as follows:*

10 (A) *In addition to any other fees charged to C-10 contractors,*
11 *the board shall charge a fee of twenty dollars (\$20), to be assessed*
12 *with the renewal fee for an active license, which shall be used by*
13 *the board to enforce provisions of the Labor Code related to*
14 *electrician certification.*

15 ~~(†)~~

16 (B) *The service fee to deposit with the registrar lawful money*
17 *or cashier's check pursuant to paragraph (1) of subdivision (a) of*
18 *Section 995.710 of the Code of Civil Procedure for purposes of*
19 *compliance with any provision of Article 5 (commencing with*
20 *Section 7065) shall be one hundred dollars (\$100), which shall be*
21 *used by the board only to process each deposit filed with the*
22 *registrar, to cover the reasonable costs to the registrar for holding*
23 *money or cashier's checks in trust in interest bearing deposit or*
24 *share accounts, and to offset the costs of processing payment of*
25 *lawful claims against a deposit in a civil action.*

26 (C) *The fee for the processing and issuance of a duplicate copy*
27 *of any certificate of licensure or other form evidencing licensure*
28 *or renewal of licensure pursuant to Section 122 shall be twenty-five*
29 *dollars (\$25).*

30 (D) *The fee to change the business name of a license as it is*
31 *recorded under this chapter shall be one hundred dollars (\$100)*
32 *and may be increased to not more than one hundred twenty-five*
33 *dollars (\$125).*

34 (E) *The service charge for a dishonored check authorized by*
35 *Section 6157 of the Government Code shall be twenty-five dollars*
36 *(\$25) for each check.*

37 ~~(m)~~

38 (b) *The board shall, by regulation, establish criteria for the*
39 *approval of expedited processing of applications. Approved*
40 *expedited processing of applications for licensure or registration,*

1 as required by other provisions of law, shall not be subject to this
2 subdivision.

3 *SEC. 17. Section 7583.22 of the Business and Professions Code*
4 *is amended to read:*

5 7583.22. (a) A licensee, qualified manager of a licensee, or
6 security guard who, in the course of ~~his or her~~ *their* employment,
7 may be required to carry a firearm shall, prior to carrying a firearm,
8 do both of the following:

9 (1) Complete a course of training in the carrying and use of
10 firearms.

11 (2) Receive a firearms qualification card or be otherwise
12 qualified to carry a firearm as provided in Section 7583.12.

13 (b) *A security guard who, in the course of their employment,*
14 *may be required to carry a firearm, shall, prior to carrying a*
15 *firearm, be found capable of exercising appropriate judgment,*
16 *restraint, and self-control for the purposes of carrying and using*
17 *a firearm during the course of their duties, pursuant to Section*
18 *7583.47.*

19 ~~(b)~~

20 (c) A licensee shall not permit an employee to carry or use a
21 loaded or unloaded firearm, whether or not it is serviceable or
22 operative, unless the employee possesses a valid and current
23 firearms qualification card issued by the bureau or is so otherwise
24 qualified to carry a firearm as provided in Section 7583.12.

25 ~~(c)~~

26 (d) A pocket card issued by the bureau pursuant to Section
27 7582.13 may also serve as a firearms qualification card if so
28 indicated on the face of the card.

29 ~~(d)~~

30 (e) Paragraph (1) of subdivision (a) shall not apply to a peace
31 officer as defined in Chapter 4.5 (commencing with Section 830)
32 of Title 3 of Part 2 of the Penal Code, who has successfully
33 completed a course of study in the use of firearms or to a federal
34 qualified law enforcement officer, as defined in Section 926B of
35 Title 18 of the United States Code, who has successfully completed
36 a course of study in the use of firearms.

37 *SEC. 18. Section 7583.23 of the Business and Professions Code*
38 *is amended to read:*

39 7583.23. The bureau shall issue a firearms permit when all of
40 the following conditions are satisfied:

1 (a) The applicant is a licensee, a qualified manager of a licensee,
2 or a registered security guard subject to the following:
3 (1) The firearms permit may only be associated with the
4 following:
5 (A) A sole owner of a sole ownership licensee, pursuant to
6 Section 7582.7 or 7525.1.
7 (B) A partner of a partnership licensee, pursuant to Section
8 7582.7 or 7525.1.
9 (C) A qualified manager of a licensee, pursuant to Section 7536
10 or 7582.22.
11 (D) A security guard registrant.
12 (2) If the firearms permit is associated with a security guard
13 registration, they are subject to the provisions of Section 7583.47,
14 regardless of any other license possessed or associated with the
15 firearms permit.
16 (b) A certified firearms training instructor has certified that the
17 applicant has successfully completed a written examination
18 prepared by the bureau and training course in the carrying and use
19 of firearms approved by the bureau.
20 (c) The applicant has filed with the bureau a classifiable
21 fingerprint card, a completed application for a firearms permit on
22 a form prescribed by the director, dated and signed by the applicant,
23 certifying under penalty of perjury that the information in the
24 application is true and correct. In lieu of a classifiable fingerprint
25 card, the applicant may submit fingerprints into an electronic
26 fingerprinting system administered by the Department of Justice.
27 An applicant who submits their fingerprints by electronic means
28 shall have their fingerprints entered into the system through a
29 terminal operated by a law enforcement agency or other facility
30 authorized by the Department of Justice to conduct electronic
31 fingerprinting. The terminal operator may charge a fee sufficient
32 to reimburse it for the costs incurred in providing this service.
33 (d) The applicant is at least 21 years of age and the bureau has
34 determined, after investigation, that the carrying and use of a
35 firearm by the applicant, in the course of their duties, presents no
36 apparent threat to the public safety, or that the carrying and use of
37 a firearm by the applicant is not in violation of the Penal Code.
38 (e) The applicant has produced evidence to the firearm training
39 facility that the applicant is a citizen of the United States or has
40 permanent legal alien status in the United States. Evidence of

1 citizenship or permanent legal alien status shall be deemed
2 sufficient by the bureau to ensure compliance with federal laws
3 prohibiting possession of firearms by persons unlawfully in the
4 United States and may include, but not be limited to, United States
5 Department of Justice, Immigration and Naturalization Service
6 Form I-151 or I-551, Alien Registration Receipt Card,
7 naturalization documents, or birth certificates evidencing lawful
8 residence or status in the United States.

9 (f) The application is accompanied by the application fees
10 prescribed in this chapter.

11 ~~(g) Beginning January 1, 2018, or on a date to be determined~~
12 ~~by the bureau, but no later than July 1, 2018, the~~ *The* applicant is
13 a registered security guard and they have been found capable of
14 exercising appropriate judgment, restraint, and self-control, for
15 the purposes of carrying and using a firearm during the course of
16 their duties, pursuant to Section 7583.47.

17 *SEC. 19. Section 7583.24 of the Business and Professions Code*
18 *is amended to read:*

19 7583.24. (a) The bureau shall not issue a firearm permit if the
20 applicant is prohibited from possessing, receiving, owning, or
21 purchasing a firearm pursuant to state or federal law.

22 (b) Before issuing an initial firearm permit the bureau shall
23 provide the Department of Justice with the name, address, social
24 security number, and fingerprints of the applicant.

25 (c) The Department of Justice shall inform the bureau, within
26 60 days from receipt of the information specified in subdivision
27 (b), of the applicant's eligibility to possess, receive, purchase, or
28 own a firearm pursuant to state and federal law.

29 (d) An applicant who has been denied a firearm permit based
30 upon subdivision (a) may reapply for the permit after the
31 prohibition expires. The bureau shall treat this application as an
32 initial application and shall follow the required screening process
33 as specified in this section.

34 ~~(e) The bureau shall not issue a firearm permit pursuant to this~~
35 ~~chapter to a registered security guard if the applicant has been~~
36 ~~found incapable, at the time of application, of exercising~~
37 ~~appropriate judgment, restraint, and self-control for the purposes~~
38 ~~of carrying and using a firearm during the course of his or her~~
39 ~~duties, pursuant to Section 7583.47. An applicant who has been~~
40 ~~denied a firearm permit pursuant to this subdivision may reapply~~

1 for the permit after 12 months from the date of denial. The bureau
2 shall treat the application as an initial application and the applicant
3 must satisfy all the requirements specified in Section 7583.23.

4 (f) ~~The bureau shall not issue a firearm permit pursuant to this
5 chapter to a licensee or a qualified manager of a licensee who,
6 within the past 12 months, has been found incapable of exercising
7 appropriate judgment, restraint, and self-control, for the purposes
8 of carrying and using a firearm during the course of his or her
9 duties, pursuant to the assessment required under Section 7583.47
10 for a permit associated with a security guard registration.~~

11 *SEC. 20. Section 7583.29 of the Business and Professions Code*
12 *is amended to read:*

13 7583.29. (a) If a firearms permit is denied, the denial of the
14 permit shall be in writing and shall describe the basis for the denial.
15 The denial shall inform the applicant that if ~~he or she~~ *the applicant*
16 desires a review by a disciplinary review committee to contest the
17 denial, the review shall be requested of the director within 30 days
18 following notice of the issuance of the denial. A review or hearing
19 shall be held pursuant to Section 7581.3. However, no review or
20 hearing shall be granted to an individual who is otherwise
21 prohibited by law from carrying a firearm.

22 ~~(b) (1) If a firearms permit is denied on the basis of the results
23 of an assessment required pursuant to Section 7583.47 for a permit
24 associated with a security guard registration, the denial shall be in
25 writing and shall describe the basis for the denial. The denial shall
26 inform the applicant that if he or she desires to contest the denial,
27 the applicant shall request a hearing within 30 days of the issuance
28 of the denial.~~

29 ~~(2)~~

30 ~~(b)~~ Appeals of denials pursuant to this ~~subdivision~~ *section* shall
31 be in accordance with Chapter 5 (commencing with Section 11500)
32 of Part 1 of Division 3 of Title 2 of the Government Code.

33 *SEC. 21. Section 7583.47 of the Business and Professions Code*
34 *is amended to read:*

35 7583.47. (a) As used in this section, “assessment” means the
36 application of a testing instrument identified by the bureau that
37 evaluates whether an applicant for a firearms permit who is a
38 registered security guard, at the time of the assessment, possesses
39 appropriate judgment, restraint, and self-control for the purposes

1 of carrying and using a firearm during the course of ~~his or her~~ *their*
2 security guard duties.

3 (b) ~~Beginning January 1, 2018, or on a date to be determined~~
4 ~~by the bureau, but no later than July 1, 2018, the~~ *The* applicant
5 shall complete the assessment, as specified in this section.

6 (c) (1) The bureau shall implement a process to administer the
7 assessment specified in this section. The establishment of the
8 assessment and the process for administering the assessment shall
9 not be subject to the requirements of Chapter 3.5 (commencing
10 with Section 11340) of Part 1 of Division 3 of Title 2 of the
11 Government Code.

12 (2) The bureau shall consult with a California licensed
13 psychologist, psychologists, or other persons with subject matter
14 expertise, whose minimum duties shall include, but are not limited
15 to, assisting the bureau with all of the following:

16 (A) Establishing criteria for a contract with a vendor to
17 administer the assessment.

18 (B) Identifying minimum standards for the assessment.

19 (C) Evaluating currently available assessments.

20 (D) Providing consultative services on the bids received by the
21 bureau from third-party vendors seeking to administer and interpret
22 the assessment, to ensure both of the following:

23 (i) Compliance with the applicable standards of care for the
24 administration and interpretation of such assessments.

25 (ii) The assessment will be administered in accordance with the
26 assessment manufacturer's requirements.

27 (3) The bureau shall contract with a third-party vendor to
28 administer the assessment. All third-party vendors seeking to
29 administer the assessment must meet the minimum standards
30 established by the bureau, its consultants, and the assessment
31 manufacturer's requirements for administering the assessment.
32 Considerations for the third-party vendor contract shall include,
33 but are not limited to, all of the following:

34 (A) Cost to the applicant to complete the assessment.

35 (B) Geographic accessibility statewide of the assessment to
36 applicants.

37 (C) Assessment compliance with the established minimum
38 standards for the assessment and assessment process.

39 (D) Ensuring an assessment carried out on an applicant complies
40 with the applicable professional standards of care for such

1 assessments, as well as the assessment manufacturer's requirements
2 for administering the assessment.

3 (d) Upon the bureau's verification that the applicant has satisfied
4 subdivisions (a) to (f), inclusive, of Section 7583.23 and upon the
5 applicant's clearance of a background check by the Department
6 of Justice and the Federal Bureau of Investigation to possess a
7 firearm, the bureau shall notify the applicant that ~~he or she~~ *the*
8 *applicant* is to contact the bureau's vendor to complete the
9 assessment. The applicant, or ~~his or her~~ *the applicant's* designee
10 or employer if the employer voluntarily chooses, shall bear the
11 cost of the assessment.

12 (e) Within 30 days of administering an applicant's assessment,
13 the vendor shall directly provide the bureau, on a form and in a
14 manner prescribed by the bureau, the applicant's assessment results.
15 If the results of the applicant's assessment indicate that ~~he or she~~
16 *the applicant* is incapable of exercising appropriate judgment,
17 restraint, and self-control for the purposes of carrying and using
18 a firearm during the course of ~~his or her~~ *the applicant's* duties, at
19 the point in time of the evaluation, the bureau shall not issue a
20 firearms permit. *If the applicant fails the assessment, the applicant*
21 *may complete another assessment no earlier than 90 days after*
22 *the results of the previous assessment are provided to the bureau.*

23 (f) The application shall be deemed incomplete until the bureau
24 receives the applicant's results of ~~his or her~~ *the applicant's*
25 assessment.

26 (g) The bureau may prescribe, adopt, and enforce emergency
27 regulations, and promulgate regulations to implement this section.
28 Any emergency regulation prescribed, adopted, or enforced
29 pursuant to this section shall be adopted in accordance with Chapter
30 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
31 Title 2 of the Government Code, and for purposes of that chapter,
32 including Section 11349.6 of the Government Code, the adoption
33 of the regulation is an emergency and shall be considered by the
34 Office of Administrative Law as necessary for the immediate
35 preservation of the public peace, health and safety, and general
36 welfare.

37 (h) The assessment required pursuant to this section shall be
38 subject to review by the appropriate policy committees of the
39 Legislature. The review shall be performed as if this section was
40 scheduled to be repealed as of January 1, ~~2020~~: 2025.

1 ~~SEC. 14.~~

2 *SEC. 22.* Section 17973 of the Health and Safety Code is
3 amended to read:

4 17973. (a) Exterior elevated elements that include load-bearing
5 components in all buildings containing three or more multifamily
6 dwelling units shall be inspected. The inspection shall be performed
7 by a licensed architect; licensed civil or structural engineer; a
8 building contractor holding any or all of the “A,” “B,” or “C-5”
9 license classifications issued by the Contractors’ State License
10 Board, with a minimum of five years’ experience, as a holder of
11 the aforementioned classifications or licenses, in constructing
12 multistory wood frame buildings; or an individual certified as a
13 building inspector or building official from a recognized state,
14 national, or international association, as determined by the local
15 jurisdiction. These individuals shall not be employed by the local
16 jurisdiction while performing these inspections. The purpose of
17 the inspection is to determine that exterior elevated elements and
18 their associated waterproofing elements are in a generally safe
19 condition, adequate working order, and free from any hazardous
20 condition caused by fungus, deterioration, decay, or improper
21 alteration to the extent that the life, limb, health, property, safety,
22 or welfare of the public or the occupants is not endangered. The
23 person or business performing the inspection shall be hired by the
24 owner of the building.

25 (b) For purposes of this section, the following terms have the
26 following definitions:

27 (1) “Associated waterproofing elements” include flashings,
28 membranes, coatings, and sealants that protect the load-bearing
29 components of exterior elevated elements from exposure to water
30 and the elements.

31 (2) “Exterior elevated element” means the following types of
32 structures, including their supports and railings: balconies, decks,
33 porches, stairways, walkways, and entry structures that extend
34 beyond exterior walls of the building and which have a walking
35 surface that is elevated more than six feet above ground level, are
36 designed for human occupancy or use, and rely in whole or in
37 substantial part on wood or wood-based products for structural
38 support or stability of the exterior elevated element.

1 (3) “Load-bearing components” are those components that
2 extend beyond the exterior walls of the building to deliver structural
3 loads from the exterior elevated element to the building.

4 (c) The inspection required by this section shall at a minimum
5 include:

6 (1) Identification of each type of exterior elevated element that,
7 if found to be defective, decayed, or deteriorated to the extent that
8 it does not meet its load requirements, would, in the opinion of the
9 inspector, constitute a threat to the health or safety of the occupants.

10 (2) Assessment of the load-bearing components and associated
11 waterproofing elements of the exterior elevated elements identified
12 in paragraph (1) using methods allowing for evaluation of their
13 performance by direct visual examination or comparable means
14 of evaluating their performance. For purposes of this section, a
15 sample of at least 15 percent of each type of exterior elevated
16 element shall be inspected.

17 (3) The evaluation and assessment shall address each of the
18 following as of the date of the evaluation:

19 (A) The current condition of the exterior elevated elements.

20 (B) Expectations of future performance and projected service
21 life.

22 (C) Recommendations of any further inspection necessary.

23 (4) A written report of the evaluation stamped or signed by the
24 inspector presented to the owner of the building or the owner’s
25 designated agent within 45 days of completion of the inspection.
26 The report shall include photographs, any test results, and narrative
27 sufficient to establish a baseline of the condition of the components
28 inspected that can be compared to the results of subsequent
29 inspections. In addition to the evaluation required by this section,
30 the report shall advise which, if any, exterior elevated element
31 poses an immediate threat to the safety of the occupants, and
32 whether preventing occupant access or conducting emergency
33 repairs, including shoring, are necessary.

34 (d) The inspection shall be completed by January 1, 2025, and
35 by January 1 every six years thereafter. The inspector conducting
36 the inspection shall produce an initial report pursuant to paragraph
37 (4) of subdivision (c) and, if requested by the owner, a final report
38 indicating that any required repairs have been completed. A copy
39 of any report that recommends immediate repairs, advises that any
40 building assembly poses an immediate threat to the safety of the

1 occupants, or that preventing occupant access or emergency repairs,
2 including shoring, are necessary, shall be provided by the inspector
3 to the owner of the building and to the local enforcement agency
4 within 15 days of completion of the report. Subsequent inspection
5 reports shall incorporate copies of prior inspection reports,
6 including the locations of the exterior elevated elements inspected.
7 Local enforcement agencies may determine whether any additional
8 information is to be provided in the report and may require a copy
9 of the initial or final reports, or both, be submitted to the local
10 jurisdiction. Copies of all inspection reports shall be maintained
11 in the building owner's permanent records for not less than two
12 inspection cycles, and shall be disclosed and delivered to the buyer
13 at the time of any subsequent sale of the building.

14 (e) The inspection of buildings for which a building permit
15 application has been submitted on or after January 1, 2019, shall
16 occur no later than six years following issuance of a certificate of
17 occupancy from the local jurisdiction and shall otherwise comply
18 with the provisions of this section.

19 (f) If the property was inspected within three years prior to
20 January 1, 2019, by an inspector as described in subdivision (a)
21 and a report of that inspector was issued stating that the exterior
22 elevated elements and associated waterproofing elements are in
23 proper working condition and do not pose a threat to the health
24 and safety of the public, no new inspection pursuant to this section
25 shall be required until January 1, 2025.

26 (g) An exterior elevated element found by the inspector that is
27 in need of repair or replacement shall be corrected by the owner
28 of the building. All necessary permits for repair or replacement
29 shall be obtained from the local jurisdiction. All repair and
30 replacement work shall be performed by a qualified and licensed
31 contractor in compliance with all of the following:

32 (1) The recommendations of a licensed professional described
33 in subdivision (a).

34 (2) Any applicable manufacturer's specifications.

35 (3) The California Building Standards Code, consistent with
36 subdivision (d) of Section 17922 of the Health and Safety Code.

37 (4) All local jurisdictional requirements.

38 (h) (1) An exterior elevated element that the inspector advises
39 poses an immediate threat to the safety of the occupants, or finds
40 preventing occupant access or emergency repairs, including

1 shoring, or both, are necessary, shall be considered an emergency
2 condition and the owner of the building shall perform required
3 preventive measures immediately. Immediately preventing
4 occupant access to the exterior elevated element until emergency
5 repairs can be completed constitutes compliance with this
6 paragraph. Repairs of emergency conditions shall comply with the
7 requirements of subdivision (g), be inspected by the inspector, and
8 reported to the local enforcement agency.

9 (2) The owner of the building requiring corrective work to an
10 exterior elevated element that, in the opinion of the inspector, does
11 not pose an immediate threat to the safety of the occupants, shall
12 apply for a permit within 120 days of receipt of the inspection
13 report. Once the permit is approved, the owner of the building
14 shall have 120 days to make the repairs unless an extension of time
15 is granted by the local enforcement agency.

16 (i) (1) The owner of the building shall be responsible for
17 complying with the requirements of this section.

18 (2) If the owner of the building does not comply with the repair
19 requirements within 180 days, the inspector shall notify the local
20 enforcement agency and the owner of the building. If within 30
21 days of the date of the notice the repairs are not completed, the
22 owner of the building shall be assessed a civil penalty based on
23 the fee schedule set by the local authority of not less than one
24 hundred dollars (\$100) nor more than five hundred dollars (\$500)
25 per day until the repairs are completed, unless an extension of time
26 is granted by the local enforcement agency.

27 (3) In the event that a civil penalty is assessed pursuant to this
28 section, a building safety lien may be recorded in the county
29 recorder's office by the local jurisdiction in the county in which
30 the parcel of land is located and from the date of recording shall
31 have the force, effect, and priority of a judgment lien.

32 (j) (1) A building safety lien authorized by this section shall
33 specify the amount of the lien, the name of the agency on whose
34 behalf the lien is imposed, the street address, the legal description
35 and assessor's parcel number of the parcel on which the lien is
36 imposed, and the name and address of the recorded owner of the
37 building.

38 (2) In the event that the lien is discharged, released, or satisfied,
39 either through payment or foreclosure, notice of the discharge
40 containing the information specified in paragraph (1) shall be

1 recorded by the governmental agency. A safety lien and the release
2 of the lien shall be indexed in the grantor-grantee index.

3 (3) A building safety lien may be foreclosed by an action
4 brought by the appropriate local jurisdiction for a money judgment.

5 (4) Notwithstanding any other law, the county recorder may
6 impose a fee on the city to reimburse the costs of processing and
7 recording the lien and providing notice to the owner of the building.

8 A city may recover from the owner of the building any costs
9 incurred regarding the processing and recording of the lien and
10 providing notice to the owner of the building as part of its
11 foreclosure action to enforce the lien.

12 (k) The continued and ongoing maintenance of exterior elevated
13 elements in a safe and functional condition in compliance with
14 these provisions shall be the responsibility of the owner of the
15 building.

16 (l) Local enforcement agencies shall have the ability to recover
17 enforcement costs associated with the requirements of this section.

18 (m) For any building subject to the provisions of this section
19 that is proposed for conversion to condominiums to be sold to the
20 public after January 1, 2019, the inspection required by this section
21 shall be conducted prior to the first close of escrow of a separate
22 interest in the project and shall include the inspector's
23 recommendations for repair or replacement of any exterior elevated
24 element found to be defective, decayed, or deteriorated to the extent
25 that it does not meet its load requirements, and would, in the
26 opinion of the inspector, constitute a threat to the health or safety
27 of the occupants. The inspection report and written confirmation
28 by the inspector that any repairs or replacements recommended
29 by the inspector have been completed shall be submitted to the
30 Department of Real Estate by the proponent of the conversion and
31 shall be a condition to the issuance of the final public report. A
32 complete copy of the inspection report and written confirmation
33 by the inspector that any repairs or replacements recommended
34 by the inspector have been completed shall be included with the
35 written statement of defects required by Section 1134 of the Civil
36 Code, and provided to the local jurisdiction in which the project
37 is located. The inspection, report, and confirmation of completed
38 repairs shall be a condition of the issuance of a final inspection or
39 certificate of occupancy by the local jurisdiction.

1 (n) This section shall not apply to a common interest
2 development, as defined in Section 4100 of the Civil Code.

3 (o) The governing body of any city, county, or city and county,
4 may enact ordinances or laws imposing requirements greater than
5 those imposed by this section.

6 ~~SEC. 15.~~

7 *SEC. 23.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs that may be incurred by a local agency or school district
10 because, in that regard, this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty for a crime
12 or infraction, within the meaning of Section 17556 of the
13 Government Code, or changes the definition of a crime within the
14 meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

O

SB 772 (Ochoa Bogh, R-Yucaipa; Coauthor: Borgeas, R-Fresno)
Professions and vocations: citations: minor violations.

Status/History: 4/19/2021 – Set for hearing in Senate Committee on Business, Professions & Economic Development on April 19, 2021; hearing cancelled at the request of the author.

Location: 4/19/2021 – Senate Committee on Business, Professions & Economic Development

Introduced: 2/19/2021

Board Position: Oppose (as of 4/1/2021)

Board Staff Analysis: 5/19/2021

Bill Summary: Existing law authorizes any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

Affected Laws: An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: Section 125.9 authorizes the Board to establish by regulation a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine where the licensee is in violation of the applicable licensing act or associated regulations. Section 125.9 specifies certain provisions that such a system must contain. It specifically indicates that the maximum amount of the fine shall not exceed \$5,000 per violation and requires that, in assessing the amount of the fine, due consideration is to be given to such factors as the gravity of the violation, the good faith effort of the licensee, and the history of previous violations.

This bill would add language that would prohibit the assessment of an administrative fine if the violation is a “minor violation,” as defined. The language, with the conditions that would require a violation to be considered “minor,” is as follows:

(f) A licensee shall not be assessed an administrative fine for a violation of the applicable licensing act or any regulation adopted pursuant to the act if the violation is a minor violation. A violation shall be considered minor if all of the following conditions are satisfied:

- (1) The violation did not pose a serious health or safety threat.
- (2) There is no evidence that the violation was willful.
- (3) The licensee was not on probation at the time of the violation.
- (4) The licensee does not have a history of committing the violation.
- (5) The licensee corrects the violation within 30 days from the date notice of the violation is sent to the licensee.

The Board has adopted regulations to establish a system for the issuance of citations to licensees. Those regulations provide that the citation may contain an order to pay an administrative fine, and if it does, then the amount of the fine shall be between \$50 and \$5,000 per violation. Furthermore, the Board's regulations specify issues that must be considered in determining the amount of the fine.

Citations are usually issued for less serious (minor) violations, while cases involving more serious violations are referred for formal disciplinary action. Citations do not carry the same penalty weight as formal disciplinary actions, which can result in the suspension or revocation of the license. The licensure laws were created to protect the "health, safety, and welfare of the public," and violations of the laws are threats to the health, safety, and welfare of the public. One way to address violations, especially the less serious ones, and still protect the health, safety, and welfare of the public, is to issue citations containing orders to pay administrative fines to licensees who violate the laws. Issuing a citation puts the licensee on notice of the violation so that they will understand the requirements of the law and ensure they comply in the future; including as a penalty the requirement to pay a fine also helps to reinforce this. Section 125.9 already requires the consideration of the "gravity of the violation," the "good faith" of the subject, and the "history of previous violations" in determining the appropriate amount of the fine if one is to be assessed. These provisions allow the Board discretion in determining whether to issue a citation containing an order to pay a fine and the amount of the fine to be assessed by basing the determination on the specific facts of the case. This bill would prevent the Board from exercising its own judgment as to the appropriate penalty and, therefore, would interfere with the Board's ability to protect the health, safety, and welfare of the public.

At its April 1, 2021, meeting, the Board took a position of "Oppose" on SB 772. After receiving our letter of opposition, the author's staff spoke with Board staff and asked if there would be any specific violations that could be listed in the bill to remove the Board's opposition. Board staff advised that this would be an issue the Board would need to discuss since its position was "oppose," rather than "oppose unless amended." For the reasons stated previously in this analysis, Board staff does not believe it would be appropriate to list specific violations that would be considered "minor." Therefore, staff does not recommend that the Board change its previously-adopted position of "oppose" on this bill.

This bill, which is sponsored by the author, was originally scheduled for hearing in the Senate Committee on Business, Professions & Economic Development on March 22, 2021; however, that hearing was cancelled by the author. The bill was then scheduled to be heard on April 19, 2021, but that hearing was cancelled by the author.

Staff Recommendation: No action needed at this time.

**Introduced by Senator Ochoa Bogh
(Coauthor: Senator Borgeas)**

February 19, 2021

An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 772, as introduced, Ochoa Bogh. Professions and vocations: citations: minor violations.

Existing law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

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

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

- 1 SECTION 1. Section 125.9 of the Business and Professions
- 2 Code is amended to read:
- 3 125.9. (a) Except with respect to persons regulated under
- 4 Chapter 11 (commencing with Section 7500), any board, bureau,
- 5 or commission within the department, the State Board of

1 Chiropractic Examiners, and the Osteopathic Medical Board of
2 California, may establish, by regulation, a system for the issuance
3 to a licensee of a citation which may contain an order of abatement
4 or an order to pay an administrative fine assessed by the board,
5 bureau, or commission where the licensee is in violation of the
6 applicable licensing act or any regulation adopted pursuant thereto.

7 (b) The system shall contain the following provisions:

8 (1) Citations shall be in writing and shall describe with
9 particularity the nature of the violation, including specific reference
10 to the provision of law determined to have been violated.

11 (2) Whenever appropriate, the citation shall contain an order of
12 abatement fixing a reasonable time for abatement of the violation.

13 (3) In no event shall the administrative fine assessed by the
14 board, bureau, or commission exceed five thousand dollars (\$5,000)
15 for each inspection or each investigation made with respect to the
16 violation, or five thousand dollars (\$5,000) for each violation or
17 count if the violation involves fraudulent billing submitted to an
18 insurance company, the Medi-Cal program, or Medicare. In
19 assessing a fine, the board, bureau, or commission shall give due
20 consideration to the appropriateness of the amount of the fine with
21 respect to factors such as the gravity of the violation, the good
22 faith of the licensee, and the history of previous violations.

23 (4) A citation or fine assessment issued pursuant to a citation
24 shall inform the licensee that if the licensee desires a hearing to
25 contest the finding of a violation, that hearing shall be requested
26 by written notice to the board, bureau, or commission within 30
27 days of the date of issuance of the citation or assessment. If a
28 hearing is not requested pursuant to this section, payment of any
29 fine shall not constitute an admission of the violation charged.
30 Hearings shall be held pursuant to Chapter 5 (commencing with
31 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
32 Code.

33 (5) Failure of a licensee to pay a fine or comply with an order
34 of abatement, or both, within 30 days of the date of assessment or
35 order, unless the citation is being appealed, may result in
36 disciplinary action being taken by the board, bureau, or
37 commission. Where a citation is not contested and a fine is not
38 paid, the full amount of the assessed fine shall be added to the fee
39 for renewal of the license. A license shall not be renewed without
40 payment of the renewal fee and fine.

- 1 (c) The system may contain the following provisions:
2 (1) A citation may be issued without the assessment of an
3 administrative fine.
4 (2) Assessment of administrative fines may be limited to only
5 particular violations of the applicable licensing act.
6 (d) Notwithstanding any other provision of law, if a fine is paid
7 to satisfy an assessment based on the finding of a violation,
8 payment of the fine and compliance with the order of abatement,
9 if applicable, shall be represented as satisfactory resolution of the
10 matter for purposes of public disclosure.
11 (e) Administrative fines collected pursuant to this section shall
12 be deposited in the special fund of the particular board, bureau, or
13 commission.
14 (f) *A licensee shall not be assessed an administrative fine for a*
15 *violation of the applicable licensing act or any regulation adopted*
16 *pursuant to the act if the violation is a minor violation. A violation*
17 *shall be considered minor if all of the following conditions are*
18 *satisfied:*
19 (1) *The violation did not pose a serious health or safety threat.*
20 (2) *There is no evidence that the violation was willful.*
21 (3) *The licensee was not on probation at the time of the*
22 *violation.*
23 (4) *The licensee does not have a history of committing the*
24 *violation.*
25 (5) *The licensee corrects the violation within 30 days from the*
26 *date notice of the violation is sent to the licensee.*

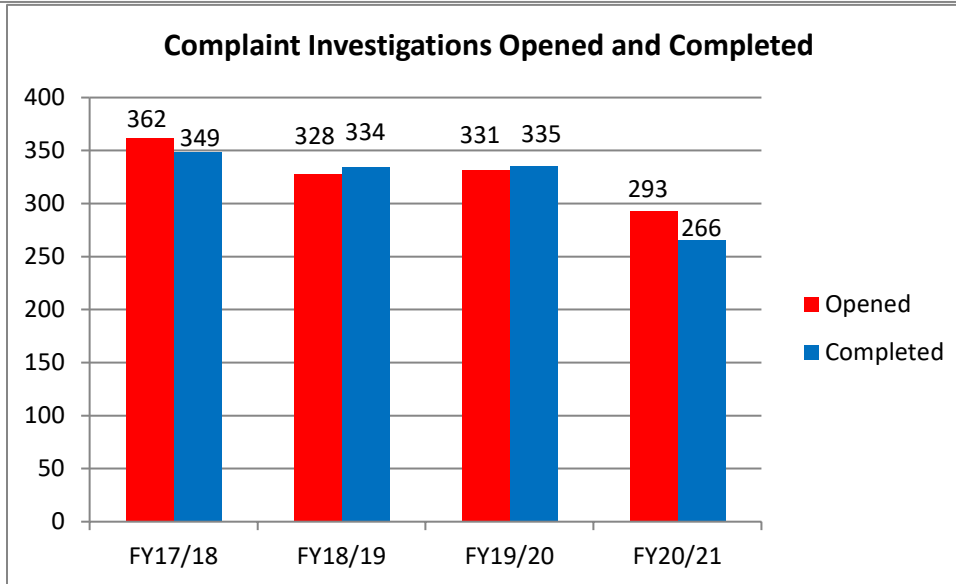
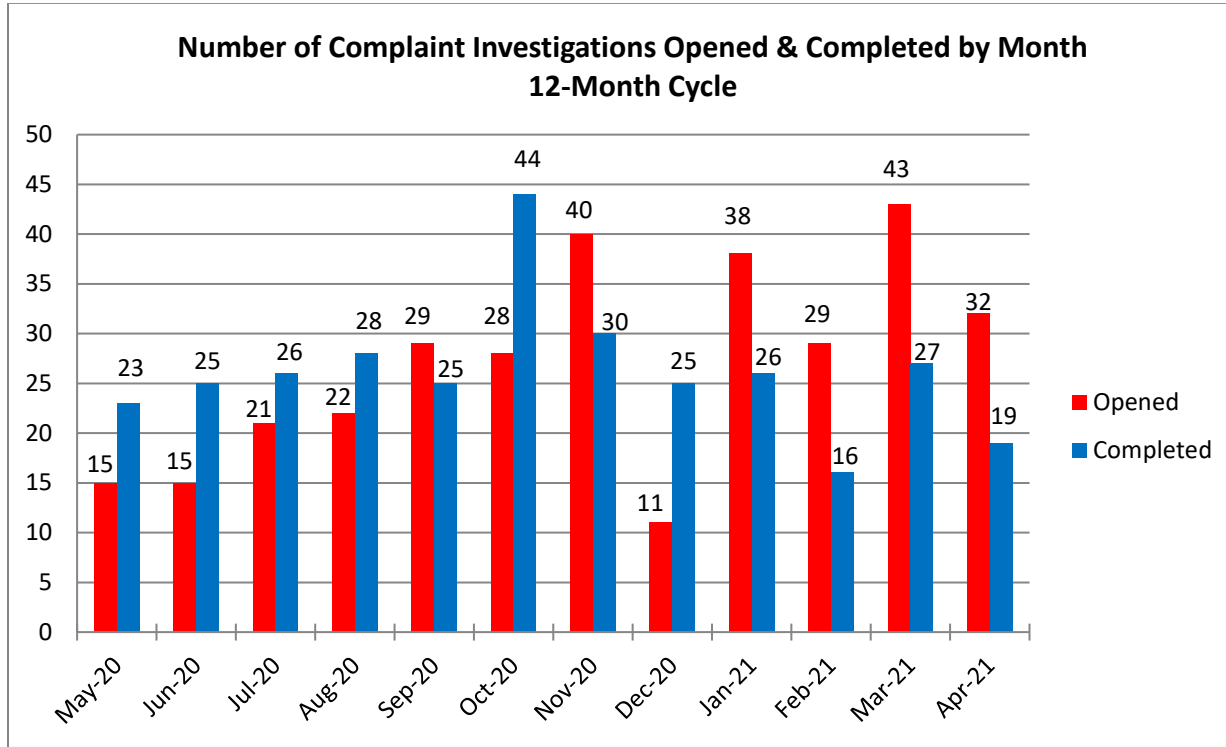
O

VII. Enforcement

A. Enforcement Statistical Reports

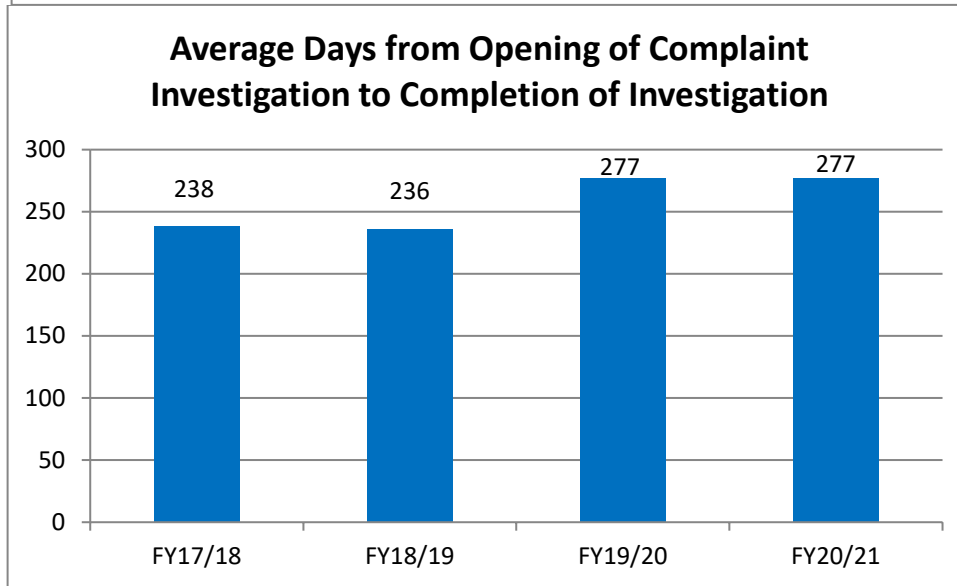
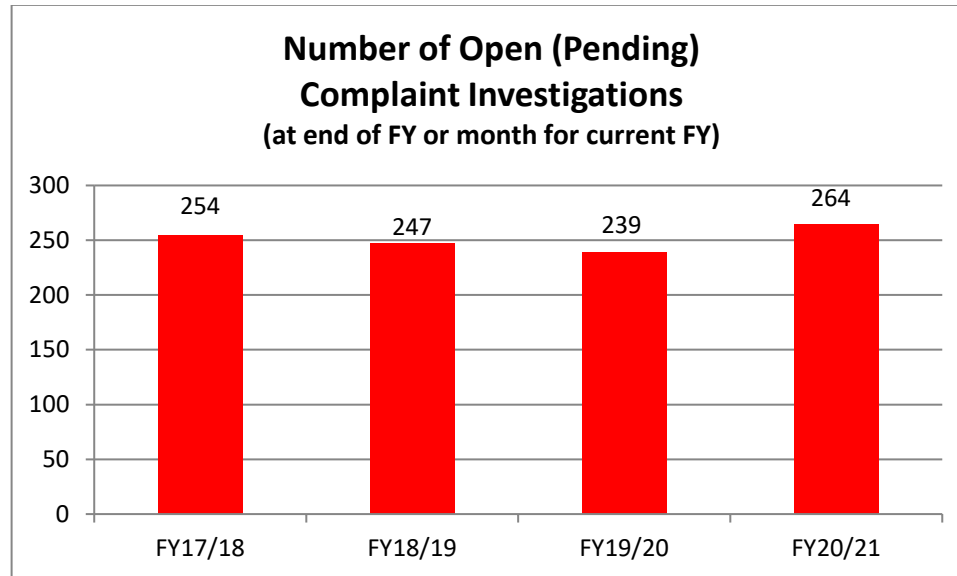
1. Fiscal Year 2020/21 Update

Complaint Investigation Phase



NOTE: FY20/21 statistics are through April 30, 2021

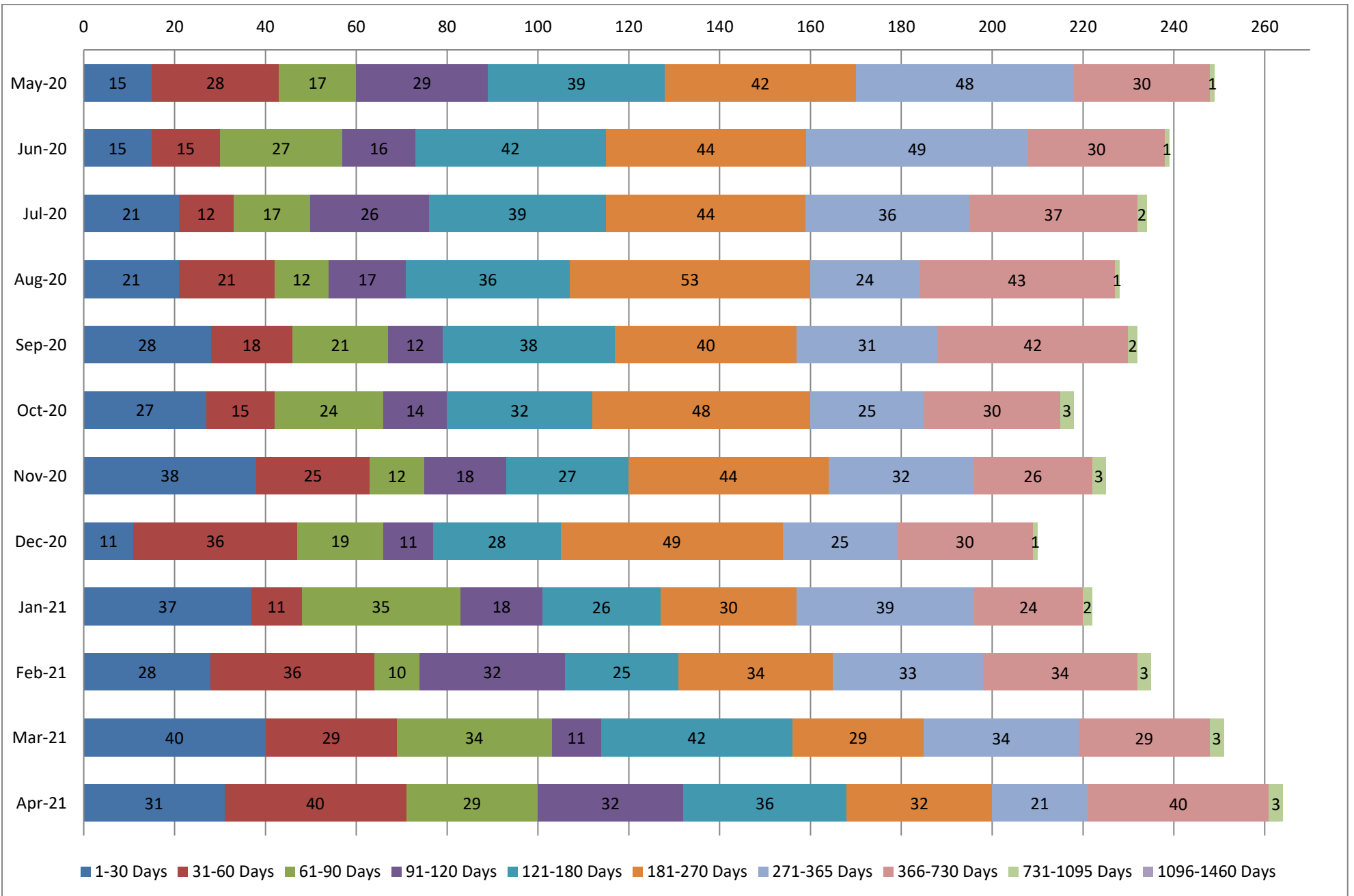
Complaint Investigation Phase



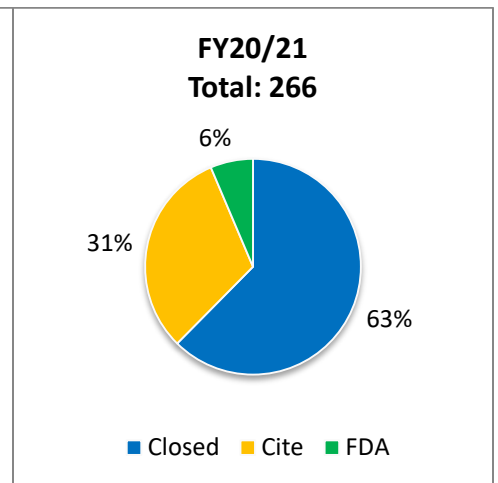
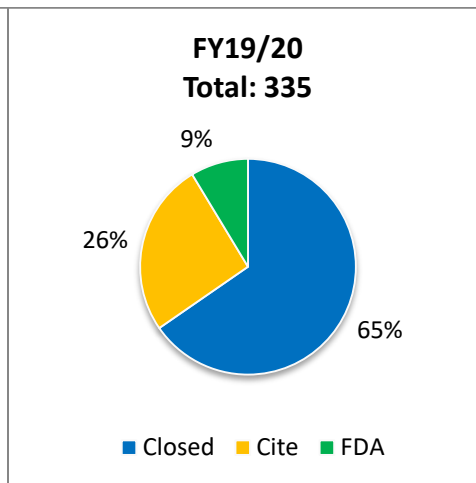
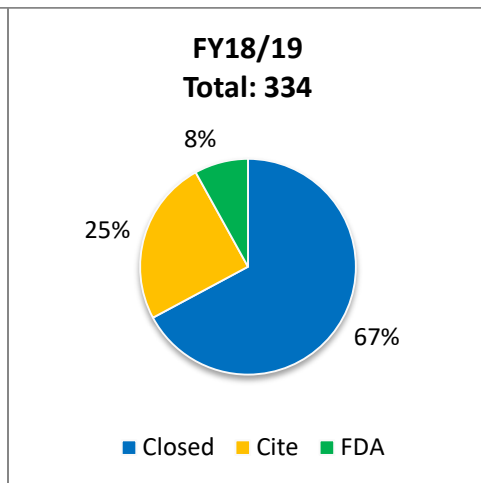
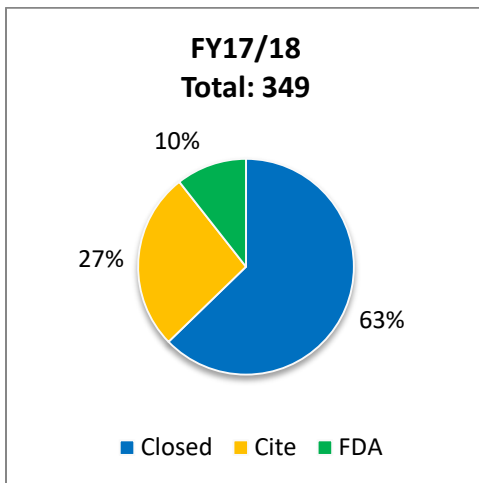
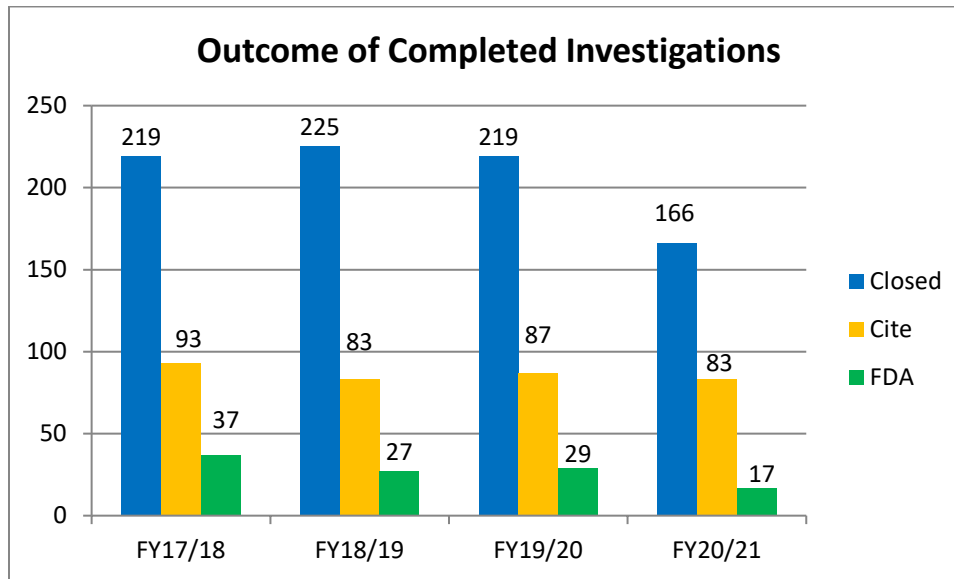
NOTE: FY20/21 statistics are through April 30, 2021

Complaint Investigation Phase

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



Complaint Investigation Phase Outcome of Completed Investigations



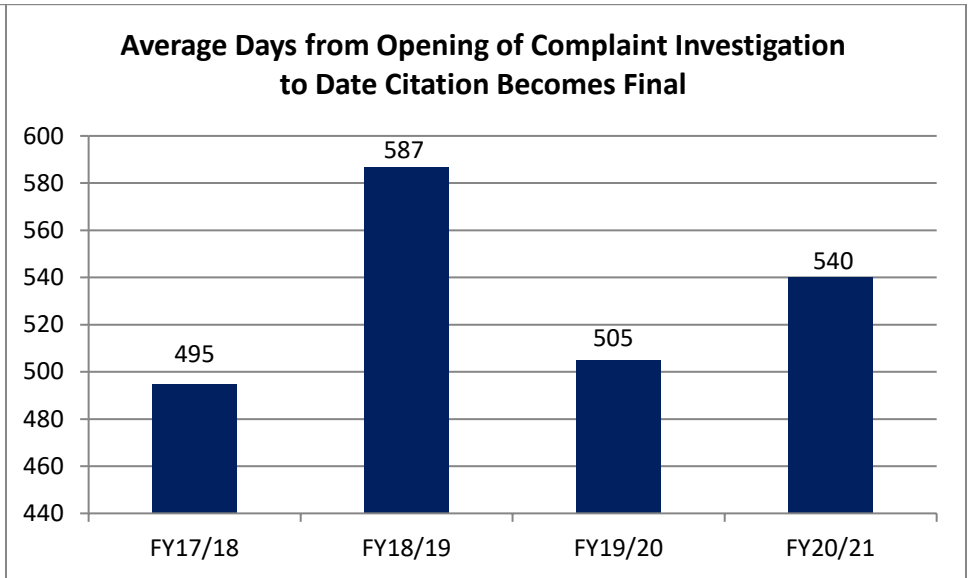
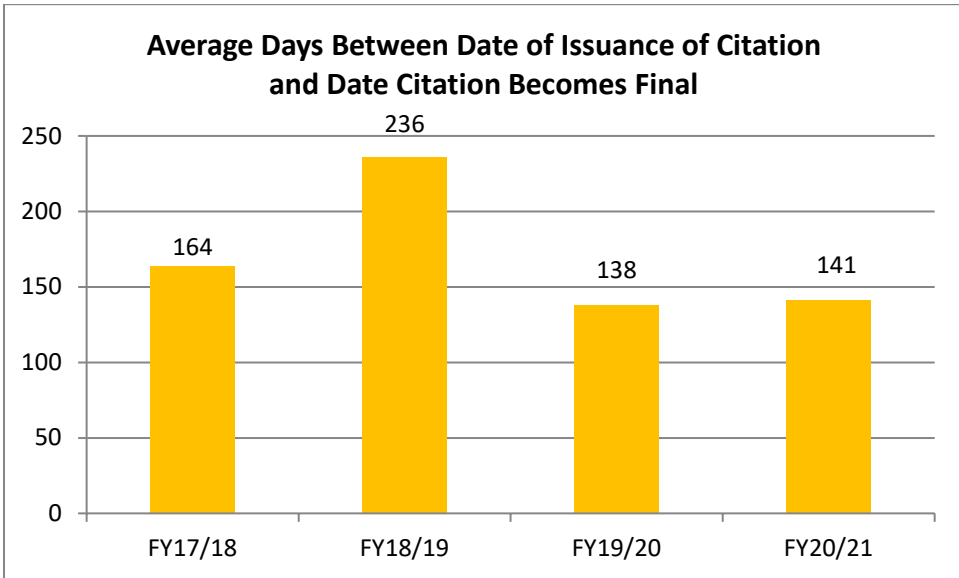
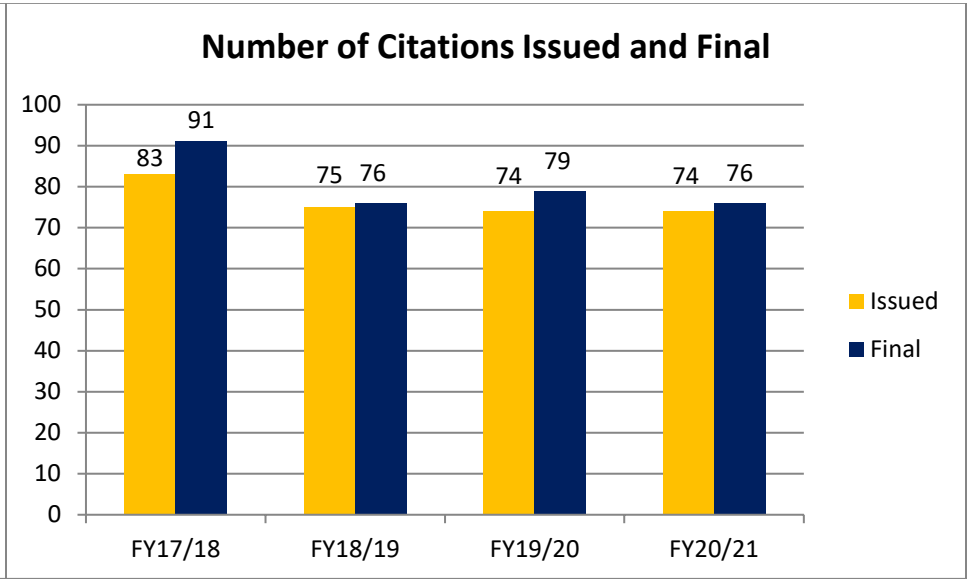
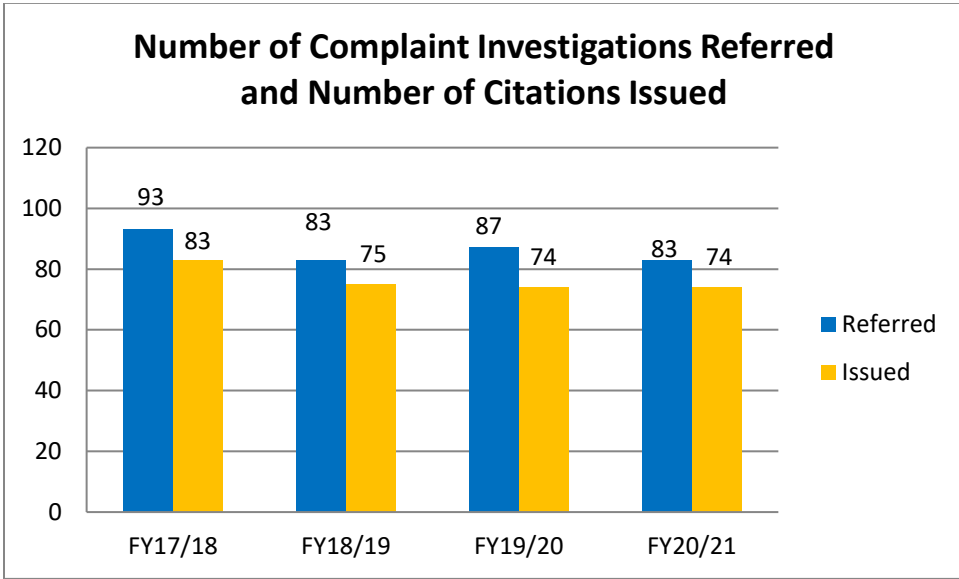
NOTE: FY20/21 statistics are through April 30, 2021

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

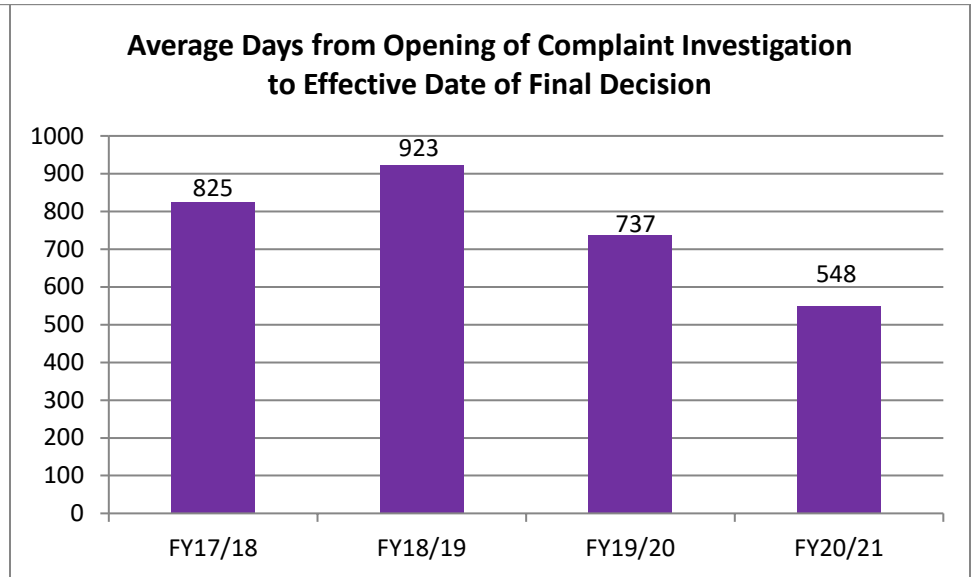
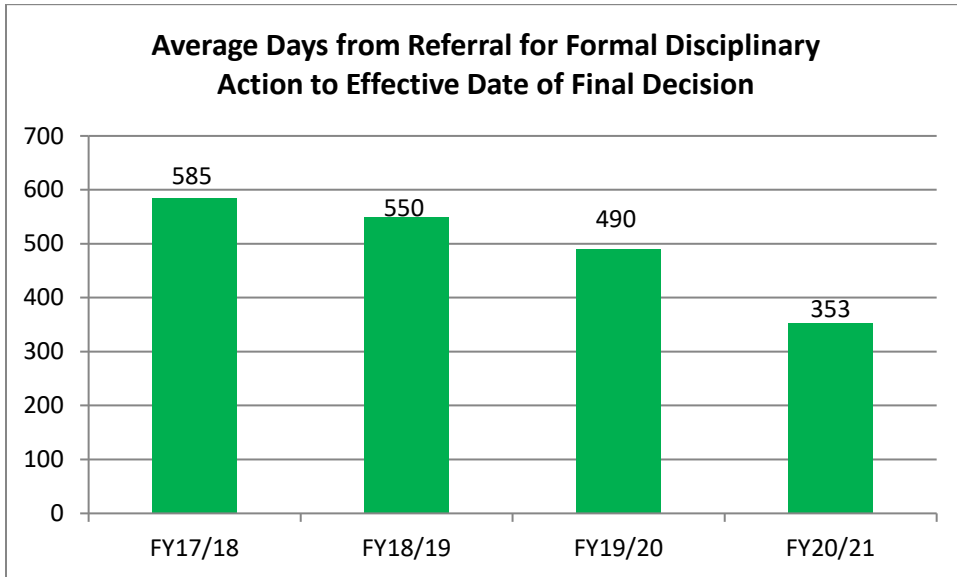
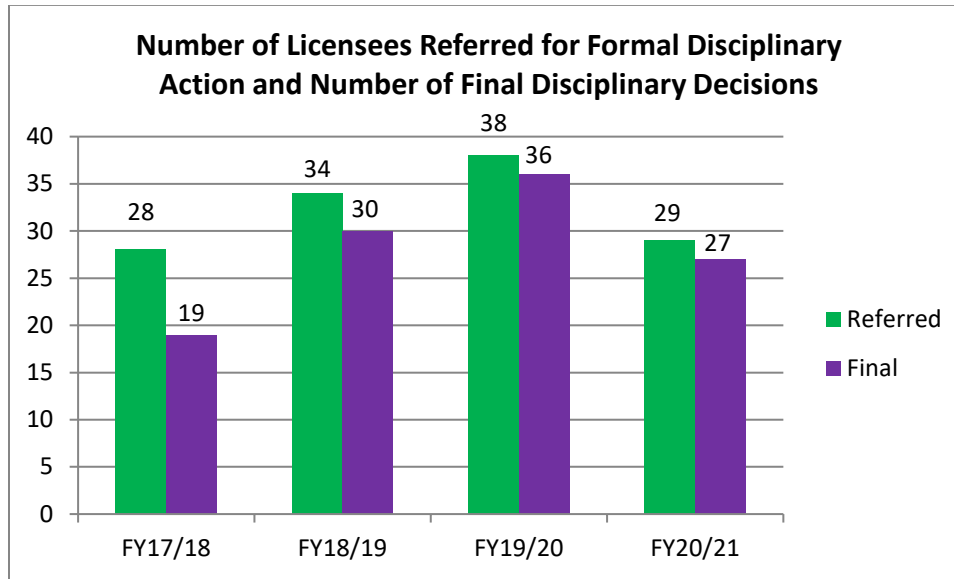
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through April 30, 2021

Formal Disciplinary Actions Against Licensees



NOTE: FY20/21 statistics are through April 30, 2021

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
May 2020	15	23
June 2020	15	25
July 2020	21	26
August 2020	22	28
September 2020	29	25
October 2020	28	41
November 2020	40	30
December 2020	11	25
January 2021	38	26
February 2021	29	16
March 2021	43	27
April 2021	32	19

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

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2017/18	362	349
2018/19	328	334
2019/20	331	335
2020/21	293	266

Current Fiscal Year through April 30, 2021

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2017/18	254
2018/19	247
2019/20	239
2020/21	264

Current Fiscal Year through April 30, 2021

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
2017/18	238
2018/19	236
2019/20	277
2020/21	277

Current Fiscal Year through April 30, 2021

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2017/18	219	63%	93	27%	37	10%
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	166	63%	83	31%	17	6%

Current Fiscal Year through April 30, 2021

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

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	3-4 Years
May 2020	15	28	17	29	39	42	48	30	1	0
June 2020	15	15	27	16	42	44	49	30	1	0
July 2020	21	12	17	26	39	44	36	37	2	0
August 2020	21	21	12	17	36	53	24	43	1	0
September 2020	28	18	21	12	38	40	31	42	2	0
October 2020	27	15	24	14	32	48	25	30	3	0
November 2020	38	25	12	18	27	44	32	26	3	0
December 2020	11	36	19	11	28	49	25	30	1	0
January 2021	37	11	35	18	26	30	39	24	2	0
February 2021	28	36	10	32	25	34	33	34	3	0
March 2021	40	29	34	11	42	29	34	29	3	0
April 2021	31	40	29	32	36	32	21	40	3	0

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2017/18	93	83
2018/19	83	75
2019/20	87	74
2020/21	83	74

Current Fiscal Year through April 30, 2021

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2017/18	83	91
2018/19	75	76
2019/20	74	79
2020/21	74	76

Current Fiscal Year through April 30, 2021

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

Fiscal Year	Number of Days
2017/18	164
2018/19	236
2019/20	138
2020/21	141

Current Fiscal Year through April 30, 2021

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

Fiscal Year	Number of Days
2017/18	495
2018/19	587
2019/20	505
2020/21	540

Current Fiscal Year through April 30, 2021

**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
2017/18	28	19
2018/19	34	30
2019/20	38	35
2020/21	29	27

Current Fiscal Year through April 30, 2021

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

Fiscal Year	Number of Days
2017/18	585
2018/19	550
2019/20	490
2020/21	353

Current Fiscal Year through April 30, 2021

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

Fiscal Year	Number of Days
2017/18	825
2018/19	923
2019/20	737
2020/21	548

Current Fiscal Year through April 30, 2021

VIII. Exams/Licensing

A. 2021 Examinations Update

IX. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2021 Western Zone Interim Meeting Report – May 13, 2021
 - 2. Resolution of Cooperation (Possible Action)
 - 3. 2021 Annual Meeting – August 2021 - Additional Voting Delegate (Possible Action)
- G. Update on Outreach Efforts

Rulemaking Overview

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

- To Board for adoption of final rulemaking proposal on May 27, 2021.
 - Noticed for 45-day Public Comment period on February 26, 2021.
 - Approved by Agency on February 10, 2021.
 - Budgets approved on November 24, 2020 and forwarded to DCA Legal.
 - Submitted to DCA Budgets October 13, 2020.
 - Submitted for initial (pre-notice) review by DCA Legal on September 5, 2019.
 - Board directed staff to pursue rulemaking proposal on March 1, 2013.

2. Substantial Relationship Criteria and Criteria for Rehabilitation (416, 418, 3060, and 3061).

- Approved by Office of Administrative Law (OAL) and filed with the Secretary of State on May 17, 2021. Effective immediately upon filing.
 - Rulemaking file was transmitted to OAL for final review on December 2, 2020.
 - Agency approved on November 19, 2020.
 - Approved by DCA and sent to Agency on November 9, 2020.
 - Sent to DOF on October 1, 2020.
 - Rulemaking file submitted to DCA for final review on September 4, 2020.
 - Board adopted final language and responses to comments on June 25, 2020.
 - 15-Day public comment period ended on May 13, 2020.
 - 45-Day public comment period ended on April 27, 2020.
 - Board approved modified language for 15-day public comment period on March 12, 2020.
 - DCA/Agency approved for filing with OAL for publication on March 2, 2020.
 - Submitted for initial (pre-notice) review by DCA Legal on June 11, 2019.
 - Board directed staff to pursue rulemaking proposal on February 21, 2019.

3. Definition of Traffic Engineering (404)

- Board staff working with DCA Legal to prepare documents for initial notice.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.

4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)

- Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at:

http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 5/18/2021	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
<p>Product Increment 3 (PI3) of BPELSG Connect Scope for BPELSG is devoted to include the addition of professional-level application processes for PE licenses and refinements to the Board's online complaint submittal and investigation processes. User Acceptance Testing (UAT) began May 13, 2021 and is scheduled to end around May 27-28, 2021.</p>						

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Product Increment 2 (PI2) – Commenced immediately following release of MVP1.	Complete	Sept 2020	No
Go Live - PI2	Complete	1/20/2021	No
Product Increment 3 (PI3) – Commenced immediately following PI2 release	Commenced	Jan 2021	No
PI3 – UAT began May 13, 2021	On-going	5/27-28/2021	No
Go Live – PI3	Estimated	June 5, 2021	No

Executive Officer's Report – NCEES Resolution of Cooperation

At the November 21, 2019 Board meeting, the Board discussed the initial draft of the proposed Resolution of Cooperation prepared by the Member Board Administrators (MBA) Committee and took the following position, which was communicated to NCEES:

"...moved that the Board communicate with NCEES or the MBA Committee that California strongly objects to the current draft of the resolution and California will not sign on to anything that does not explicitly recognize each state's individual sovereignty over these issues. While California is in favor of increased comity and further cooperation across boards and licensure, this resolution needs significant changes before the Board would consider signing it."

Shortly after the conclusion of the recent 2021 NCEES State of the Council virtual sessions, a revised draft was received (by email) from the NCEES 2020-21 MBA Committee requesting the following:

*As part of NCEES' 100-year anniversary celebration, the Committee on Member Board Administrators developed a resolution of cooperation for member boards to sign as a way to reaffirm their commitment to facilitating mobility and promoting uniformity of the licensure process. This **nonbinding** agreement is designed to serve as guidance for member boards to find ways to reduce barriers to licensure and expedite comity licensure. With a goal of 100% participation, we invite each of you to download, sign, and return the completed resolution form to NCEES*

Staff Comment: In addition to some minor wording/grammar issues, staff does not believe that the revisions reflected in the new draft significantly address the Board's communicated concerns.

Required Action: The Board needs to decide if they wish to sign this version of the resolution (immediately following two pages). There was no request to provide further suggestions for revision. Deadline to return signed resolutions is December 31, 2021. All member boards which complete the signing process before August 1, 2021 will be recognized at the 2021 Annual Meeting and receive a wall plaque to recognize their commitment to licensure mobility.

DRAFT

RESOLUTION OF COOPERATION
to Facilitate Interstate Licensure for
Professional Engineers and Professional Surveyors

WHEREAS, The National Council of Examiners for Engineering and Surveying (NCEES) is a national organization created by state licensing boards in 1920 to facilitate professional licensing mobility and promote uniformity of the U.S. licensure processes through services for its member licensing boards and licensees; and

WHEREAS, ~~The~~ NCEES' members are the engineering and surveying licensure boards from all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands; and

WHEREAS, The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public; and

WHEREAS, The NCEES Model Law, Model Rules, and Manual of Policy and Position Statements are publications adopted by the membership of NCEES; and

WHEREAS, The adopted model licensure concepts within these publications set a common standard for licensure mobility and portability among its member boards to facilitate an efficient, streamlined, expedited administrative procedure and approval process; and

WHEREAS, Alignment of licensure processes and requirements is imperative to facilitate portability of licenses between member boards of NCEES; and

WHEREAS, Increased licensure portability aligns with government initiatives to diversify economies and support economic growth; and

WHEREAS, In the absence of licensure portability efforts, unnecessary barriers to licensure can remain in variable state laws, rules, administrative procedures and approval processes; and

WHEREAS, Unnecessary ~~B~~barriers to licensure, whether perceived or real, could threaten the health, safety and welfare of the public ~~by the potential for legislative action that erodes professional licensing regulation~~ and may also perpetuate or introduce unnecessary ~~bureaucratic~~ processes that an applicant must undertake, which potentially could become barriers to employment; and

WHEREAS, It is recognized that some member boards may have challenges, such as staffing or obtaining authority to revise statutes and rules which may impede streamlined processes; and

WHEREAS, ~~The~~ NCEES will commemorate 100 years of advancing licensure through the licensing of professional engineers and land surveyors in 2020; therefore, be it

RESOLVED, That the following signatories agree to license a NCEES Model Law comity applicant that meets nationally recognized standards in the most expeditious manner available within ~~the scope of current state~~ jurisdiction licensing laws, ~~and rules and mission~~; and furthermore be it

RESOLVED, That signatory boards are committed to identifying and working to remove unnecessary barriers to licensure portability and mobility which are not in the best interest of the public and not required to fulfill the mission of safeguarding the health, safety, and welfare of the public; and furthermore be it

RESOLVED, That signatory boards are committed to work towards revising current licensing laws, rules, and policies to allow for more streamlined approval processes for NCEES Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer applicants and other qualifying applicants ~~in my state or jurisdiction~~; and furthermore be it

RESOLVED, That signatory boards are committed to minimizing or eliminating unnecessary ~~state or jurisdiction~~-specific licensure requirements.

The undersigned hereby certifies that he/she is the duly qualified member board representative to serve as signatory of this non-binding Resolution of Cooperation ~~and resolves to complete these efforts by 2020 to coincide with the 100th anniversary of NCEES at its annual meeting~~ in recognition of the NCEES 100th anniversary celebration.

QUARTERLY OUTREACH REPORT (Q1)

SOCIAL MEDIA: January - March 2021

TOP 3 TWEETS	DATE	VIEWS
Covid 19 Notice	January 6	1004
Covid 19 Notice	January 8	994
Notice of Title 16 CCR Changes	February 6	621

TOP 5 WEB PAGE VIEWS	VIEWS
License Lookup	288,458
Board Home Page	173,018
Applicant Information	126,052
PE Application	99,058
License Renewal Information	99,365

OUTREACH EVENTS (Virtual) January – March 2021

ALL VIRTUAL EVENTS HELD BY BOARD REGISTRARS

- **Feb 10** – Cal Poly SLO Senior Civil & Environmental Engineering Professional Practices - two presentations Natalie King, PE, Mike Donelson, PE
- **Feb 10** – CSU Chico Senior Civil & Environmental Engineering Professional Practices - two presentations Natalie King, PE, Mike Donelson, PE
- **Feb 18** – ASCE YMF San Francisco Area Presentation to Civil Students and Licensees Natalie King, PE, Mike Donelson, PE
- **Feb 23** – Cal Poly SLO Senior Civil & Environmental Engineering Professional Practices to Student Group Natalie King, PE, Mike Donelson, PE
- **Mar 1** – UCLA ASCE YMF Presentation to Civil Students and Licensees Natalie King, PE, Mike Donelson, PE
- **Mar 4** - Cal Poly SLO Senior Civil & Environmental Engineering Professional Practices class students Natalie King, PE, Mike Donelson, PE
- **Mar 9** – UC Irvine Senior Civil & Environmental Engineering Professional Practices class students Natalie King, PE, Mike Donelson, PE
- **Mar 18** – CSU Sacramento ASCE YMF Presentation to Civil Students and Licensees Natalie King, PE, Mike Donelson, PE

MONTHLY GEOLOGY WEBINARS

Third Wednesdays of each month, January 2021 through June 2021 ***Please note that you only need to attend one of the webinars (the same webinar repeats every third Wednesday).***

January 20, 2021

February 17, 2021

March 17, 2021

- ***After the Exams:*** Next steps in the process for GIT, PG, PGp, CHG or CEG applications. Starts 1130 am, approximately 25 minutes This webinar will explain the steps in the process that occur after you have taken the exams.
- ***Introduction to the Laws and Regulations for Geology and Geophysics License Applicants and New Licensees:*** Starts 12 noon, approximately 1 hour This webinar provides an introduction to the laws and regulations that govern the practices of geology and geophysics in California.

X. Strategic Plan Workshop – Discussion of Board’s Mission Statement, Vision Statement, and Values (Possible Action)

Mission Statement Worksheet

A mission statement communicates what your organization does.

The following formula aids in the development of a mission statement:

Action Word + What We Do + How We Do It + For Whom

Below is an example of the formula in action:

In the draft row (first row) in the table below, brainstorming takes place for each of the formula components. Then, in the refine row (second row) the ideas are refined into a simple and concise statement. The formula helps organize your ideas, feel free to follow the formula order or rearrange for a more effective mission statement.

Action Word	+	What We Do	+	How We Do It	+	For Whom
Make-A-Wish Foundation						
-Create -Grant -Provide	+	-Wishes -Life changing wishes	+	-Working with other organizations -Together	+	-Kids -Kids in need -Children with critical illnesses
"Together, we create life-changing wishes for children with critical illnesses."						

Draft →

Refine →

Use the formula to help brainstorm ideas for your organization's mission statement:

Previous Mission Statement: "We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions."

Action Word	+	What We Do	+	How We Do It	+	For Whom
	+		+		+	

Draft →

Refine →

Vision Statement Worksheet

A vision statement communicates what your organization strives to accomplish.

The following formula aids in the development of a vision statement:

End Result + Who We Impact + Benefit

Below is an example of the formula in action:

In the draft row (first row) in the table below, brainstorming takes place for each of the formula components. Then, in the refine row (second row) the ideas are refined into a simple and concise statement. The formula helps organize your ideas, feel free to follow the formula order or rearrange for a more effective vision statement.

End Result	+	Who We Impact	+	Benefits
Make-A-Wish Foundation				
-Share	+	-Children -Children and parents -People -People everywhere	+	-Hope -Happiness -Power of a wish
<i>That people everywhere will share a power of a wish.</i>				

Draft →

Refine →

Use the formula to help brainstorm ideas for your organization’s vision statement:

Previous Vision Statement: “A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.”

End Result	+	Who We Impact	+	Benefits
	+		+	

Draft →

Refine →

Values Worksheet

Values communicate the organization’s guiding principles when making decision and interacting with its stakeholders.

Previous Values: *Integrity, Consumer Protection, Fairness, Quality, Customer Service*

The following values can aid your organization in identifying its values. Highlight the top five values you believe are or should be your organization’s guiding principles:

Accountability	Achievement	Collaboration
Commitment	Communication	Competence
Consistency	Consumer Protection	Cooperation
Customer Service	Dependability	Dignity
Diversity	Education	Effectiveness
Efficiency	Empathy	Employees
Environmentalism	Equity	Excellence
Fairness	Flexibility	Growth
Honesty	Inclusiveness	Initiative
Innovation	Integrity	Involvement
Leadership	Learning	Passion
Perseverance	Professionalism	Quality
Reputation	Respect	Responsibility
Responsive	Service	Stewardship
Success	Teamwork	Transparency
Trust	Unity	Other (please specify)

XI. Discussion for an Increase in the Exempt Salary Level of the Executive Officer (Possible Action)



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 999-3600 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



June 1, 2021

Nicole Le, Chief
Department of Consumer Affairs
Office of Human Resources
1625 N. Market Street, Suite N-321
Sacramento, CA 95834

Re: Revise Exempt Level of Executive Officer Position and Increase Current Salary

Dear Ms. Le,

The Board for Professional Engineers, Land Surveyors and Geologists (Board) requests the support of the Department of Consumer Affairs to revise the Exempt Level of the Executive Officer (EO) from level "I" to "G" and a simultaneous 5% salary based on excellent performance for the current EO effective July 1, 2021 or upon approval.

The Board's EO position is responsible for administering the statutory and regulatory policies and procedures governing the engineering, land surveying and geology professions. The EO's responsibilities encompass human resources, budget development and fiduciary oversight, enforcement, legislation, regulations, licensing examinations and issuing licenses, media contact, industry relations, and public education and outreach among others. The EO position is tasked with performing functions that have direct departmental policy influence with continuous and direct interface with department directors, legislators, agency and executive branch staff, and the Attorney General's office, among others, on policies. The EO also has oversight responsibilities in connection with the development of procedures, legislation, regulations, and higher-level policies such as Executive Orders. For our Board, the EO is a key liaison with the National Council of Examiners for Engineering and Surveying (NCEES) and the National Association of State Boards of Geology (ASBOG) to ensure the voice of California is heard when national policies are discussed.

The Board's EO exempt level was last modified in FY 2010-11 from level "H" to "I" and became effective July 1, 2011. During the past decade, the Board has completed the merger of the former Professional Engineer and Land Surveyors board with the former Geologists and Geophysicists board and more significantly merged the Funds for those former boards. In addition, the Board has undergone the following growth:

- The Board's licensed/certified population increased by 14.0% (to almost 110,000 licenses) and the annual license renewal rate increased by 7.2%.
- The number of days to process license applications decreased from an average of 211 days to 70 days, representing a 67% decrease in application to licensure timeframe.
- The average number of days to process certification applications decreased from an average of 166 days to 65 days, representing a 61% decrease in application to certification timeframe.

- State licensure exams were converted to Computer-Based-Testing (CBT), ultimately resulting in the ability for the Board to administer examinations on a continuous basis (rather than only once or twice annually) allowing the issuance of licenses on a bimonthly basis rather than only semi-annually.
- The average number of days to complete an enforcement investigation, from receipt of complaint to closure of investigation, decreased from 321 days to 143 days, which represents a 55.5% decrease in overall investigation time.

Currently, only the California State Board of Pharmacy is at level G within DCA. Our board compares favorably in the number of licensees served (140,000 to 110,000). However, the staffing of the Pharmacy Board is significantly larger (114.5 vs 42.7). as is its budget (\$25 million vs \$11 million). This is a testament to the leadership provided by the EO to operate our board as efficiently as possible.

In addition, the EO has led a remarkably successful effort to modernize its computer systems outside the BreEZe process. As of this writing, the development and implementation of this new system has gone so smoothly that it is being used as a template for other boards. The vision and focus of the Board's EO has been one of the primary reasons for this IT success.

Based on this evidence, the Board's Members requests revision of the exempt level of the EO position to a level that appropriately reflects the Board's organizational structure and will support the Board's efforts in meeting its strategic mission goals.

The Board has desired to give our current EO a salary increase for the last two performance reviews conducted for the EO. However, the Board has been unable to appropriately reward the EO for his excellent performance with a salary increase because the maximum compensation for Level I has been reached. Consequently, the Board has deliberated how best to remedy this situation for the past 3 years. After consulting with DCA executives, the Board unanimously adopted a resolution at its December 10, 2020 meeting to request a concurrent revision to the exempt level form "I" to "G" and a 5% increase to the current EO's salary.

The Board appreciates DCA's support and assistance in submitting our request to the appropriate authorities for consideration. Should you need any additional information, or if you have further questions or concerns, please contact me directly.

Thank you for your consideration.

Respectfully,



Alireza Asgari, Ph.D., P.E.
President of the Board

XII. President's Report/Board Member Activities

XIII. Nomination and Election of President and Vice President for Fiscal Year 2021/22 (Possible Action)

XIV. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the April 1, 2021, Board Meeting

DRAFT

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

Teleconference

Thursday, April 1, 2021, beginning at 9:00 a.m.

Board Members Present:	President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D’Antonio; Duane Friel; Michael Hartley; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; and Frank Ruffino
Board Members Absent:	Eric Johnson; Asha Lang; and Wilfredo Sanchez
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Larry Kereszt (Examinations Manager); Natalie King (Senior Civil Engineer Registrar); Celina Calderone (Board Liaison); and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

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

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

During public comment, David Woolley, PLS, referenced correspondence he had previously addressed to the Board regarding legislative agenda item, SB 407. According to Mr. Woolley, this bill is sponsored by the Operating Engineers and they are offering a modification to a professional practice act and they only represent less than 2% of licensees. He finds that they do not recognize the Professional Land Surveyors’ Act, and they will dispatch land surveyors to contractors. They are facilitating unlicensed practice. He believes that professional associations and the Board fully understand the importance of a practice act. Operating Engineers has two unions, Local 3 and Local 12. Local 3 has taken a stance against unlicensed practice. They contract with the employers that recognize licensees, and they are making an effort to help out as a professional community. Mr. Woolley’s allotted time was reached, and his public comment was closed.

IV. Administration

A. Fiscal Year 2020/21 Budget Report

Mr. Moore reviewed the current budget report which included numbers as of Fiscal Month 7. He referenced that there was an increase in salary and wages due to salary adjustments occurring in the next few months. There is also an increase in printing that is due to the Employment Development Department (EDD) production costs from January through June. Currently, EDD is the State department that processes DCA's renewal notices, including those which are printed and mailed out to all the Board's licensees. They will cease printing services at the end of this fiscal year, and DCA will assume those responsibilities as of July, resulting in an increase in cost. There is also a decrease in travel reflected in the numbers, and he does not foresee any travel-related expenses occurring for the rest of this fiscal year. There is an increase in facilities operations, which includes \$300,000 from the Architectural Revolving Fund (ARF) deposit, as well as a COVID-19 sanitation which took place in the office and the DoubleTree site rental for the ASBOG exams. He noted that generally, revenue is lower than originally anticipated. This is Fiscal Month 7, so very little of the new license fees are reflected at this time. The reporting received through Fi\$Cal and DCA's internal reporting system lags in terms of revenue and expenditures. April through June of 2020 were the lowest in revenues for the previous fiscal year due to the cancellations of the State exams, and this is reflected in the revenues and a possible lag in reporting those figures carrying over into this fiscal year.

Mr. King was alarmed by the report and questioned why the renewal fees are down. He wondered if people are renewing at a lower rate than expected during the pandemic. Mr. Moore speculated that there may be some effect on licensees that resulted in an increase above normal delinquencies. He expects that as more information comes to light later in the year, we will have a clearer picture on the impact that the pandemic has had on our licensees. Also, the new fees went into effect January 1, 2021, with approximately 200 Geologists and Geophysicist renewals whose renewal fees actually decreased with the new fee schedule. There is a larger population of renewals that occurs in March, and it is too soon for those figures to be represented. He anticipates that these numbers will trend back towards the positive.

The current fund condition is expected to change again once we move further ahead in the fiscal year.

V. Legislation

A. 2021 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar. The committee hearings will commence next week.

B. Discussion of Legislation for 2020

1. **AB 29** State bodies: meetings.
Set for hearing April 8, 2021. Letters will be sent to the Committee to address concerns.

2. **AB 54** COVID-19 emergency order violation: license revocation

MOTION:	Mr. King and Ms. Mathieson moved to take a position of “watch” on AB 54.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

3. **AB 107** Licensure: veterans and military spouses.

MOTION:	Ms. Mathieson and Mr. King moved to take a position of “oppose unless amended” on AB 107 and request that language be added to clarify that applicants for a license issued by this Board must pass the appropriate state-specific licensure examinations prior to the issuance of the temporary license.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				

Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

4. **AB 225** Department of Consumer Affairs: boards: veterans: military spouses: licenses.

MOTION:	Vice-President Alavi and Mr. Ruffino moved to take a position of “watch” on AB 225.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

5. **AB 339** State and local government: open meetings.

MOTION:	Mr. Amistad and Mr. Novak moved to take a position of “watch” on AB 339.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				

Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

7. **AB 885** Bagley-Keene Open Meeting Act: teleconferencing.

MOTION:	Mr. King and Ms. Mathieson moved to take a position of “support” on AB 885.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

6. **AB 646** Department of Consumer Affairs: boards: expunged convictions.

MOTION:	Ms. Alavi and Ms. Irish moved to take a position of “watch” on AB 646.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				

Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

8. **AB 1030** Professional Land Surveyors' Act and Professional Engineers Act.

During Public Comment, Mr. Woolley wanted to bring attention to Exhibit D of his letter to the Board which includes a letter from a political group which represents United Contractors. They are in opposition to AB1030. His concern is that the activities normally carried out by construction contractors using mathematics and geometric measurements determining the configuration or contour of the earth, etc. This language is almost directly out of the Professional Land Surveyors' Act or the Professional Engineers Act where they discuss ground penetrating radar. He suggested the Board should look at the opposition to this and how it relates to the PE or PLS Act. His interpretation is that it is unlicensed practice is the reason they are opposed to it.

MOTION:	Mr. Novak and Mr. King moved to take a position of "oppose unless amended" on AB 1030 and request that the term "remote sensing" and the definition of "remote sensing" be removed from subdivision (f) of Section 8726.
VOTE:	11-0-1, Motion Carried; Mr. Friel abstained.

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel			X		
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				

Wilfredo Sanchez				X	
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9. **AB 1129** Home Inspectors License Law.
No action taken.

10. **AB 1291** State bodies: open meetings.

During Public Comment, Alan Escarda representing Professional Engineers of California Government stated that he encourages the Board to support any bill that makes it easier for the public to participate in meetings. He understands there may be technological challenges. He stated that the Board recently increased fees to cover the operating expenses and any minimal fee increases to enhance public meetings remotely, he does not believe it is something that should prevent the Board from supporting making it easier to attend public meetings remotely. He believes from the public's perspective, any reduction in travel, energy savings, public convenience, and safety from reduced travel is aligned with the Board's Mission Statement pertaining to public safety. He thanked the Board for their time.

MOTION:	Mr. Novak and Vice-President Alavi moved to take a position of "watch" on AB 1291.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

11. **AB 1386** License fees: military partners and spouses.

MOTION:	Vice-President Alavi and Mr. King moved to take a position of “watch” on AB 1386 and also authorize a change in its position to “oppose unless amended” if the bill is amended to require the Board to waive “any and all fees associated with obtaining a license” because the Board is concerned with who would be responsible for paying pass-through fees, such as those owed to the Department of Justice to conduct criminal background checks or ASBOG for the national geology examinations.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

12. SB 102 COVID-19 emergency order violation: license revocation.

MOTION:	Mr. King and Ms. Alavi moved to take a position of “watch” on SB 102.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	

Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

10:48 a.m. Ms. D’Antonio left the meeting.

13. SB 407 Professional Land Surveyors’ Act.

During Public Comment David Woolley congratulated Board staff for recognizing this bill and finds it concerning that none of the professional associations were notified. He believes there is an opportunity in the future to work with Operating Engineers to stop unlicensed practice. He also added that land surveyors are currently under threat of becoming deregulated. All 50 states require licensed land surveyors but there was a bill as recent as January 2021 in Montana to deregulate land surveying. He thanked the Board for their time.

Alan Escarda, representing PECG, indicated that they share concerns raised by staff. Their position is that anytime there is proposed changes in wording to the PLS Act you must have a very good reason. At this point, their organization is willing to support this language.

Bob DeWitt representing ACEC added that they are monitoring this bill as well.

MOTION:	Mr. Hartley and Ms. Alavi moved to take a position of “oppose” on SB 407.
VOTE:	10-0-1, Motion Carried; Mr. Friel abstained.

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio				X	
Duane Friel			X		
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				

Wilfredo Sanchez				X	
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14. **SB 414** Land.

MOTION:	Mr. Hartley and Mr. Amistad moved to take a position of “oppose unless amended” on SB 414 and request that the bill be amended to use the recommended language shown in the staff analysis as the definition of “cadastral surveying.”
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio				X	
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

15. **SB 772** Professions and vocations: citations: minor violations

MOTION:	Vice-President Alavi and Mr. Amistad moved to take a position of “oppose” on SB 772.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio				X	
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				

Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the Enforcement statistics.

VII. Exams/Licensing

A. 2021 Examinations Update

Mr. Kereszt provided updates from the first quarter of 2021. The March 19, 2021, paper and pencil ASBOG examinations included the Fundamentals of Geology and the Practice of Geology. The examinations were administered to 161 Fundamental of Geology candidates and 95 Practice of Geology candidates. The exams were held at the DoubleTree in Sacramento that encompassed three ballrooms in order to provide the social distancing and safety protocols. The exam results should be available mid-May. The state specific professional geology computer-based exam was administered March 9, 2021, and those results are also expected in May.

There have been challenges with the NCEES examinations as well during the first quarter. Due to various COVID-19 vaccine locations, two of the typically utilized NCEES testing locations, Pomona Fairplex and Sacramento’s CalExpo Fairgrounds, were not available for April’s examination. NCEES turned to the Board for assistance in identifying potential locations for the April exam administration. The Board reached out to some of the professional societies for sites that could accommodate the number of examinees for the civil and structural national examinations. As a result, NCEES was ultimately able to secure testing locations for April’s exams. They secured sufficient space in San Diego to accommodate all displaced Pomona candidates. As for Sacramento, NCEES was able to accommodate the candidates at the DoubleTree, which is only approximately a half mile from Cal Expo. Mr. Kereszt thanked the professional societies that offered exam location ideas.

The first quarter of 2021 has been challenging. There were several technical issues with the state-specific civil engineering examinations that ranged from pages not loading to graphics not appearing, which resulted in candidates not being able to complete their exams. Because of the instability and the stress on the examinees and to give time to Prometric to resolve the issues, the Board chose to not administer the state civil examinations from March 2 to March 31, 2021. The affected candidates were individually contacted by staff to explain the situation and to provide assistance. The candidates were given the opportunity to re-take the exam in Quarter 2. Staff has been working diligently with Prometric on a daily basis to resolve the issues and have been notified by

Prometric that the issue has been resolved and they are able to continue to administer the exams starting April 1, 2021.

During Public Comment, Alan Escarda asked Mr. Kereszt to clarify which examinations were affected during the March 2 to March 31 period. Mr. Kereszt indicated that they were the Civil-Seismic Principles and the Civil-Engineering Surveying exams.

B. Presentation from Prometric, Inc. Regarding 2021 Civil Engineer Examinations Technical Issues

Mr. Kereszt introduced Patrick Cheicante, Prometric's Account Director for the Board. Mr. Cheicante reviewed the issues that impacted those candidates taking the Civil exams. Issues began surfacing January 8, 2021, and within Prometric they began working with the technology and software development team to isolate and identify what the issues were. A solution was identified toward the end of January. In early February they were able to resume testing, but the issue resurfaced around February 22. Working directly with Mr. Kereszt and Board staff, the decision was made to suspend testing so that Prometric could look closely into each of the items to determine what was causing the problems. At Prometric, there is a Production Readiness Team that investigates each of the exam items and the technical aspects to try to determine the root cause. They were able to identify what the problem was in early March which allowed Prometric to quickly add software development releases. They underwent code review and they determined that the problem was solved. It was determined that it would be a good course of action to open the exams for delivery April 1. Unfortunately, the cause of the problem was an authoring item which is utilized by Prometric in building the exams which was preventing the PDFs from loading. Prometric is feeling very optimistic and have a command center set up for the testing which began April 1, and they are monitoring the exam performance and so far, they have not experienced any issues for candidates taking the exams. Going forward, they have implemented a service that will monitor the performance of the PDFs that are utilized in each of the exams. If any issues arise, it will alert the Production Readiness Team, and they will quickly be able to pull those items from being presented to candidates for testing. They feel very badly at how this has impacted the program; however, they are confident that the problem has been resolved and will continue to keep in communication with Board staff to provide a status throughout the upcoming weekend as testing resumed today.

Ms. King reported that staff members Christina Trujillo and Susan Baker have done a great job communicating with the examination candidates that have been affected. Ms. King was on a call with Prometric during the break earlier in the day, and they notified her that there are five candidates scheduled to take the exams today, three of which have already taken their exams, and there were no issues that were reported; so it looks as if the fix that Prometric put in place is working.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the Repeal of the Professional Engineer and Land Surveyor Appeals rulemaking proposal was noticed for a 45-day public comment period on February 26, 2021.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the Board is currently in Product Increment 3. The focus on this is the addition of professional-level applications and process refinements to the Board's online complaint submittal and the development of the investigation processes and procedures within the new Connect system. This phase of the project was initiated January 13, 2021, and is expected to go through later this month, when User Acceptance Testing (UAT) will begin. Sprints 9 and 10 were completed and are in the midst of Sprint 11 and planning on Sprint 12. There have been a few issues in the method in which data was previously stored in the prior system in CAS for renewals but nothing that staff has not been able to resolve for the licensees. Mr. King commended staff and noted that it is rare that the state manages to do IT projects such as this so well.

During Public Comment, Alan Escarda reported that he was able to register with no issues and appreciates all the communication during the process.

C. Discuss Dates for Strategic Plan Update

Mr. Moore recalled that there were plans to revisit the Strategic Plan last year, but it was postponed due to the pandemic. He recommends that the Board make plans to proceed. Mr. Moore has been working with Sarah Irani from DCA's SOLID, as they have assisted us in the past. We need to consider if there are any changes to the current Strategic Plan, develop an online stakeholders' survey, distribute the survey link, conduct individual phone interviews with each of the Board members, compile draft results of the survey, and discuss at a future Board meeting. The Strategic Planning session will take place concurrent with one of the scheduled Board meetings, and then the Board will adopt the plan and develop an action plan. The Board needs to decide on a date for the Strategic Planning session to coincide with either the September 16-17 or November 4-5 Board meeting. As a first step, the Board will discuss and decide whether to make any revisions to the Board's Mission and Vision Statements during the May 27-28, 2021, Board meeting. He added that DCA has informed the Board that at a minimum, the May and June meetings will continue to be held virtually until the Executive Order is lifted. DCA is monitoring very closely to keep all boards and bureaus updated. There is a possibility that we may be able to meet in person for the September meeting, but this has not been determined at this point. After some discussion, it was determined that the Strategic Planning session would take place during the November 4-5, 2021, Board meeting.

D. Personnel

Mr. Moore reported that interviews for the Administrative Manager position took place and a conditional offer was made to a candidate. He will provide an update at the next meeting. Susan Baker, who worked in the Examination Unit, has retired after 15 years of service with the Board. Mr. Moore expressed his gratitude for her efforts with the Examination Unit. The Licensing Unit continues to look to fill their vacant positions.

E. ABET

No report given.

F. Association of State Boards of Geology (ASBOG)

1. Spring 2021 Council of Examiners (COE) Workshop – April 9-10, 2021

Mr. Moore was notified by ASBOG that after careful consideration, they decided to move forward with their Council of Examiners workshop to be held in person. This workshop consists of exam development and grading the exams that were recently administered. Mr. Moore advised ASBOG that due to current pandemic related restrictions on travel, and the very short notice to obtain out of state travel approval, the Board would not be represented, nor would there be anyone in attendance that could officially speak for California.

Mr. Moore responded recently to an online survey provided by ASBOG related to their planning for the Computer Based Testing (CBT) transition. It appears that ASBOG is targeting to transition the FG and PG exams to CBT beginning Spring of 2022 or Fall of 2022.

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

1. 2021 Western Zone Interim Meeting – May 13, 2021 – Voting Delegate

In an effort to make the upcoming Zone meeting efficient, NCEES sent out invites to the State of the Council virtual events. Every Board member should have received invitations, including associate and emeritus members. The dates are April 7, 2021, and May 5, 2021.

As for the Western Zone Interim meeting, there are several activities over the course of two separate weeks to limit the time individuals are on a virtual meeting. The new member orientation will be held on May 6, 2021. For any Board or Associate members who have never been to an NCEES event, the new member orientation is a great way to understand how NCEES functions.

On May 7, 2021, there is a breakout discussion regarding structural exam and licensing. Both President Asgari and Mr. Moore attended a phone call with several other boards, including Washington, Guam, Hawaii, and Oregon, where the structural exams and licensing and the upcoming

transition to CBT were discussed. The discussion needed to be continued, and the Zone leadership was able to arrange for something to be held at the Zone meeting so that all the members of the Western Zone could participate.

On May 12, 2021, the night before the Wester Zone interim meeting, there will be a Fun Night. This was arranged by Dr. Qureshi, and he reviewed the various activities that will take place.

Mr. Moore reported that there will be an election held for the Western Zone Secretary-Treasurer, and the Board would need to select a representative to vote. Under normal circumstances, there would be three to four members in attendance and collectively they would select how to vote. Since this is a virtual session, the decision of who will be allowed to vote must be made so Mr. Moore can inform NCEES so they can provide an invitation. Since Dr. Qureshi is the current Assistant Vice President of the NCEES Western Zone and Mr. Moore is the Secretary-Treasurer, he would highly suggest someone other than them to be in that role. Mr. King volunteered.

MOTION:	Mr. King and Mr. Amistad moved to select Mr. King as voting delegate.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio				X	
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

2. 2021 Annual Meeting Update – August 18-21, 2021

Mr. Moore reported that after deliberation by the NCEES Board of Directors, they will cautiously proceed with a conditional in-person event. Currently, there are no plans to conduct the meeting virtually. Working with the local

authorities in New Orleans, they are limiting participation to only two in-person representatives from each member board. The Board needs to decide who those representatives will be, if we receive authorization to travel out of state. Mr. Moore has reservations on whether we will receive approval, but we need to be prepared just in case. DCA provided notification regarding needing to submit the blanket request for any out of state travel for Fiscal Year 2021-22 which is due within the week.

Mr. King and Mr. Hartley volunteered to participate.

MOTION:	President Asgari and Ms. Mathieson moved to select Mr. King and Mr. Hartley as representatives.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio				X	
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

VIII. Executive Officer's Report (Cont.)

B. Update on Board's Business Modernization Project

Mr. Moore provided an update on numbers as of last Friday for the Connect system. As of September 16, 2020, there have been almost 1,500 EIT applications submitted, approved, and certified, and 49 LSIT applications for the same period through the new Connect system. Renewals opened in January 2021, and as of Friday, there have been over 5,200 license renewals processed in the Connect system.

H. Update on Outreach Efforts

Mr. Moore reviewed the outreach report.

IX. Technical Advisory Committees (TACs)

- A. Assignment of Items to TACs
No report given.
- B. Appointment of TAC Members
No report given.
- C. Reports from the TACs
No report given.

X. President’s Report/Board Member Activities

President Asgari announced that Dr. Qureshi and Mr. Amistad will be on the presidential nominating committee and instructed those interested in becoming the next President or Vice President to contact Dr. Qureshi or Dr. Amistad. The elections will be held at the May meeting.

XI. Approval of Meeting Minutes

- A. Approval of the Minutes of the February 4, 2021, Board Meeting

MOTION:	Mr. King and Dr. Amistad moved to approve the minutes, as amended.
VOTE:	10-1-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio				X	
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish			X		
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Ms. Irish suggested opening the May meeting with a moment of silence to honor Bob Stockton.

XIII. Closed Session – The Board met 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)]

XIV. Adjournment

Due to technological limitations, adjournment was not be broadcast. Adjournment immediately followed Closed Session, and there was no other items of business discussed.

PUBLIC PRESENT

David Woolley
Alan Escarda

XV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XVI. 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)]
 - 2. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

XVII. Adjournment

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.