



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

Board for Professional Engineers,
Land Surveyors, and Geologists

Monday, March 7, 2022, beginning at 9:00 a.m.



Department of Consumer Affairs
North Market Hearing Room
1747 North Market Boulevard, #186
Sacramento, CA 95834

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

BOARD MEETING

MARCH 7, 2022

Department of Consumer Affairs
HQ 2 North Market Hearing Room
1747 North Market Boulevard, #186
Sacramento, CA 95834

BOARD MEMBERS

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

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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

IV. Administration

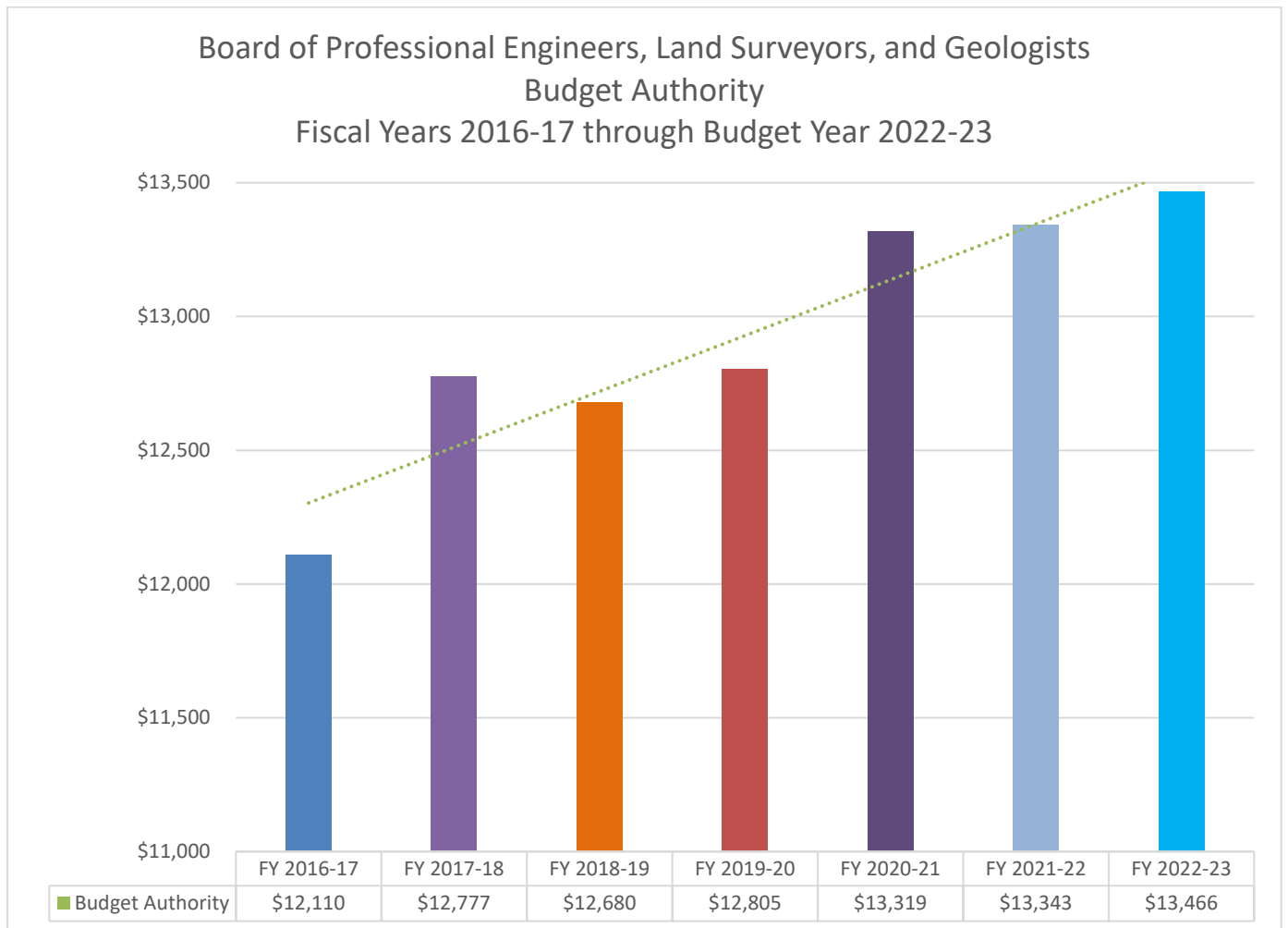
A. Fiscal Year 2021/22 Budget Report

BUDGET AUTHORITY

The Governor's Proposed Budget 2022-23 was published January 10, 2022 and includes \$13,466,000 in appropriations for the Board (1% increase over FY 2021-22). The Board anticipates reimbursement of \$171,711 in expenses related to contact tracing for COVID-19 to be reflected in FY 2020-21 as an adjustment.

The Board's Budget Authority for FY 2021-22 is \$13,343,000 and includes the General Salary Increase of 4.55%. Board actual expenditures six-year average is 86% of Budget Authority.

The Board's Budget Authority for fiscal year FY 2020-21 was \$13,319,000 which included an adjustment for the 9.23% reduction in staff compensation.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category
Provides the name of the line item where our revenues occur.

Prior Year
Revenue collected up to FM 4 in October of 2020.

Arrows
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 4
Fiscal Year: 2021 - 2022
Run Date: 12/09/2021

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

CY 21-22 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

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

PY 20-21 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FISCAL YEAR 2021-22

FISCAL MONTH 6 FINANCIAL STATEMENT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$3,543,954 (40%) over prior period.

REVENUE CATEGORY	PRIOR YEAR FY 2020-21 FM 6		CURRENT YEAR FY 2021-22 FM 6	CURRENT YEAR PROJECTIONS
Delinquent Fees	\$60,408	↑	\$78,041	\$150,076
Other Regulatory Fees	\$56,230	↑	\$59,558	\$102,138
Other Regulatory Licenses & Permits	\$490,730	↑	\$1,036,361	\$1,743,588
Other Revenue	\$24,465	↓	\$15,172	\$51,328
Renewal Fees	\$4,686,031	↑	\$7,672,688	\$10,269,519
Total	\$5,317,865	↑	\$8,861,819	\$12,316,649

There are no changes in the revenue projections from FM 1.

Total Revenue for FY 2020-21 was \$8,559,000 (62% of total revenue booked by FM 6). Current year FM 6 revenue is 72% of current year projections.

Reimbursements total \$71,795 including \$32,683 for background checks and \$38,212 in cost recovery. Background check expenses are included in General Expense category.

FY 2021-22 Current Year projections include renewal revenue for delinquent licenses and licenses issued during the fiscal year and subject to renewal. FY 2019-20 FM 6 includes \$1,553,268 Revenue in advance. FY 2021-22 FM 6 includes \$2,650,380 Revenue in advance.

**Department of Consumer Affairs
Expenditure Projection Report**

Fiscal Month:6

Fiscal Year: 2021 - 2022

Run Date: 1 /31/2022

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 6 YTD + Encumbrance	CY 21-22 FM 6 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$1,434,815	\$1,628,215	\$3,425,000	48%	\$3,459,634
	5100 TEMPORARY POSITIONS	\$55,068	\$66,965	\$232,000	29%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$1,600	\$42,176	\$36,000	117%	\$48,476
	5150 STAFF BENEFITS	\$838,035	\$925,106	\$1,703,000	54%	\$1,833,606
	PERSONAL SERVICES	\$2,329,519	\$2,662,462	\$5,396,000	49%	\$5,471,716

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$28,099	\$38,171	\$32,000	119%	\$71,871
3	5302 PRINTING	\$24,766	\$88,633	\$26,000	341%	\$33,966
	5304 COMMUNICATIONS	\$9,651	\$6,279	\$15,000	42%	\$20,777
	5306 POSTAGE	\$0	\$1,462	\$36,000	4%	\$26,562
	5308 INSURANCE	\$0	\$0	\$0	0%	\$200
	53202-204 IN STATE TRAVEL	\$351	\$255	\$22,000	1%	\$30,255
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$1,000
4	5324 FACILITIES*	\$222,058	\$440,255	\$377,000	117%	\$461,286
5	53402-53403 C/P SERVICES (INTERNAL)	\$359,240	\$320,709	\$696,000	46%	\$737,355
6	53404-53405 C/P SERVICES (EXTERNAL)	\$1,933,314	\$1,144,628	\$3,504,000	33%	\$1,873,435
7	5342 DEPARTMENT PRORATA	\$1,278,750	\$1,420,500	\$1,890,000	75%	\$1,890,000
8	5342 DEPARTMENTAL SERVICES	\$295	\$5,632	\$27,000	21%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$118	\$52	\$22,000	0%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$103,029	\$279,755	\$166,000	169%	\$91,172
	5362-5368 EQUIPMENT	\$21,356	\$16,809	\$0	0%	\$57,740
9	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$0	\$0	0%	\$0
	OPERATING EXPENSES & EQUIPMENT	\$3,981,026	\$3,765,140	\$6,831,000	55%	\$5,344,563
	OVERALL TOTALS	\$6,310,545	\$6,427,602	\$12,227,000	53%	\$10,816,279

*Does not include additional Architecture Revolving Fund Expenses TBD

Expenditure Report Notes

- 1 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: 2.0 SSA/AGPA, and 1.0 OT.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 6 are \$32,683.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months. New DCA wide printing contract bills timely and there will be expenses recorded in FY 21-22 for both contracts.
- 4 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.
- 5 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.
- 6 C&P Services External** - Includes all external contracts (examination development, 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).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and majority of the costs will be new modular furniture procurement that has been moved over to Facilities Operations.

REVENUE, EXPENDITURES AND FUND RESERVES

Actual Revenue

Biennial renewal cycle requires comparing 'like' years (high/low years). FY 2020-21 was a low year cycle and compares to FY 2018-19 and FY 2016-17. There was a slight increase in revenue over FY 2018-19 (\$30,000) and decrease from FY 2016-17 (\$440,000).

FY 2019-20 revenue shows decrease in comparison to both previous 'like' periods. Actual revenues showed a consistent but small downward trend from 2015-16 which prompted Board to enact fee increase. Renewal transaction volume has been increasing (compared to 'like' years) and is the largest revenue fee category. Renewal fees are not reported equally through the year as a high percentage of licenses renew on a quarterly cycle, the largest quarterly cycle is for licenses expiring June 30. Renewal fees collected during FM 11 and FM 12 may be treated as Revenue in Advance (RIA) and accrued to and reported in the next Fiscal Year. RIA for 2019-20 of \$1,553,268 was recorded in October 2020. RIA for 2020-21 of \$2,650,380 is expected to be booked by December 2021.

Renewal Transaction Volume and Fees FY 2016-17 to FY 2020-21			
Period	# Licenses Renewed	Renewal Fee Revenue	% of Total Revenue
FY 2016-17	35,130	\$6,189	69%
FY 2017-18	34,543	\$6,851	78%
FY 2018-19	40,808	\$6,260	74%
FY 2019-20	56,185	\$6,833	79%
FY 2020-21	53,575	\$6,704	78%

Projected Revenue

The Board enacted a fee increase effective January 1, 2021 which is expected to increase revenue against prior periods. Renewal Fees for FY 2022-23 are based on transaction volume of 50,450.

Current and Delinquent Licenses by License Expiration Date		
Expiration Date	License Expiration Date	Expected Renewal Revenue
6/30/2022	15,710	\$2,828
9/30/2022	13,678	\$2,462
12/31/2022	11,551	\$2,079
3/31/2023	9,498	\$1,710
Total FY 2022-23	50,437	\$9,079

Data source QBIRT report CAS Licenses All Status with Expiration Date (includes active and delinquent licenses, does not include new licenses issued after December 2021 which will be subject to renewal). Does not include renewal revenue for prior periods. Does not include revenue in advance from prior period.

Actual Expenditures

Historically, the Board has reported expenditures less than Budget Authority. Personnel Salaries, Wages and Benefits represent the largest expenses (average 45-50% total). Salaries, Wages and Benefits were down from FY 2019-20 to FY 2020-21.

Department Pro-Rata expenses were down in FY 2020-21 (\$1,547,520).

Category	Projected FY 2021-22	Actual FY 2020-21	Actual FY 2019-20	Actual FY 2018-19
Personnel	\$5,471,716	\$4,673,379	\$5,022,539	\$4,733,522
O&E	\$5,344,563	\$5,570,344	\$5,026,232	\$5,739,267
Total	\$10,816,279	\$10,243,723	\$10,048,771	\$10,472,788

Beginning in FY 2019-20 the Board has funded a Business Modernization effort entirely from Fund Reserves. The new BPELSG Connect platform has been implemented in phases and the development expenses span FY 2019-20 through FY 2021-22.

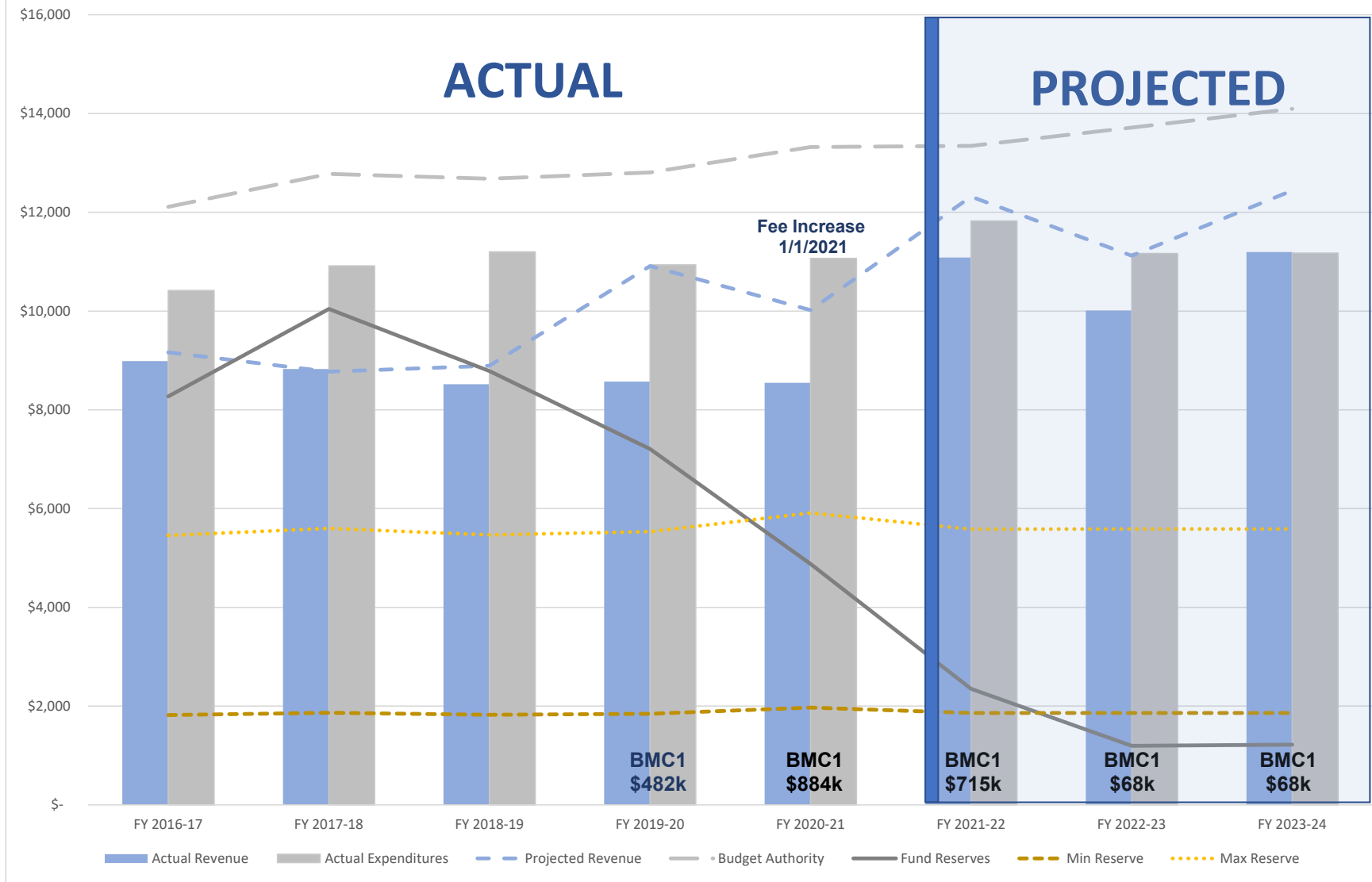
Period	BizMod Contract Encumbrance	BizMod Actual Expenses	Credit Card Actual Expenses
FY 2019-20	\$481,541	\$269,737	\$63,532
FY 2020-21	\$884,310	\$805,618	\$87,730
FY 2021-22 FM 6	\$682,167	\$214,554	\$52,448
FY 2022-23 Proj	\$68,062		

Credit card transaction fees are expected to increase to \$175,000 in FY 2021-22, \$211,000 in FY 2022-23 and \$215,000 on-going. The Department is actively pursuing strategies to reduce and/or mitigate these expenses for Boards and Bureaus participating in business modernization efforts.

Fund Condition

Loan Repayments from the General Fund (0001), per Item Budget Act of 2011 in FY 2016-17 (\$3.2m) and FY 2018-19 (\$800,000) had a positive impact. The Board has been using fund reserves to augment revenues since FY 2016-17. Fee increase effective January 1, 2021 was intended to stabilize the fund reserves. Business modernization expenses are expected to be reduced after FY 2021-22 and the on-going maintenance contracts are projected at less than \$100,000 per year. Contact tracing expenses of \$171,000 will be reimbursed to the fund as a prior year adjustment. The reimbursement and lower than expected business modernization expenses are having a positive impact on the fund condition. Current guidance is the optimal reserve is equal to three months of expenses. Months in reserve for FY 2017-18 was 8.5 and has declined to 2.4 for FY 2020-21. ***If revenues are within 90% of projections and expenditures hold to Board projections (less than Budget Authority) it is expected that in FY 2023-24 revenues will exceed expenditures and begin to increase fund reserves.*** The calculated minimum and maximum reserve amount will fluctuate based on projected expenses. In FY 2022-23 and 2023-24 the fund reserves are projected to be approximately \$650,000 under the calculated minimum reserves (two months of expenses projected for the next fiscal period).

Board of Professional Engineers, Land Surveyors, and Geologists
 Revenue, Expenditures and Fund Reserves
 Fiscal Years 2016-17 through Budget Year 2023-24



V. Legislation

A. 2022 Legislative Calendar

B. Discussion of Legislation for 2022 (**Possible Action**)

1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
2. AB 1604 (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.
3. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
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8. SB 1365 (Jones) Licensing boards: procedures.
9. SB 1443 (Roth) The Department of Consumer Affairs.
10. SB 1487 (Rubio) Professional Engineers Act: titles.
11. Senate Committee on Business, Professions and Economic Development 2022 Omnibus Bill

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
						<u>1</u>
2	<u>3</u>	4	5	6	7	8
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30	<u>31</u>					

FEBRUARY						
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27	28					

MARCH						
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APRIL						
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24	25	26	27	28	<u>29</u>	30

MAY						
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22	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	28
29	<u>30</u>	<u>31</u>				

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3 Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14 Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17 Martin Luther King, Jr. Day.
- Jan. 21 Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21 Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31 Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

- Feb. 18 Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21 Presidents' Day.

- Apr. 1 Cesar Chavez Day observed
- Apr. 7 **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18 Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29 Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6 Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13 Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27 **Floor Session only.** No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27 Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30 Memorial Day.
- May 31 Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

JUNE						
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26	27	28	29	<u>30</u>		

JULY						
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31						

AUGUST						
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14	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	20
21	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	27
28	<u>29</u>	<u>30</u>	<u>31</u>			

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

June 30 Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

Aug. 15 - 31 Floor Session only. No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

Aug. 25 Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

Final Recess begins at end of this day's session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 8

General Election.

Nov. 30

Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 5

12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

2023

Jan. 1

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

**AB 646 (Low, D-Campbell; Coauthors: Assembly Members Cunningham, R-San Luis Obispo, and Gipson, D-Gardena; Senator Roth, D-Riverside)
Department of Consumer Affairs: boards: expunged convictions.**

Status/History: 2/1/2022 –In Senate. Read first time. To Committee on Rules for assignment.

Location: 2/1/2022 – Senate Rules Committee

Introduced: 2/12/2021

Last Amended: 1/24/2022

Board Position: Watch (as of 5/27/2021)

Board Staff Analysis: 2/25/2022

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.

As amended on January 24, 2022, this bill would require a board to post the information on its online license search system, rather than on its internet website. It would also require the board to charge a fee of \$25 to cover the reasonable regulatory cost associated with administering this section and would provide that the board shall not charge a fee if there is no cost associated.

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 in its online license search system 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 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 if the person is not currently licensed and does not reapply for licensure.

The bill, as amended January 24, 2022, would require the Board to charge a fee of \$25 to the person to cover the reasonable regulatory cost to administer these provisions; it would prohibit the Board from charging the fee if there was no such associated cost.

This bill, which is sponsored by the author, passed out of its house of origin before the deadline in January 2022. It is now in the Senate awaiting assignment to a policy committee.

Staff Recommendation: Staff recommends the Board take a position of Watch on AB 646, as amended January 24, 2022.

AMENDED IN ASSEMBLY JANUARY 24, 2022

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~~ *online license search system* 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~~; *its online license search system*. 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~~ *online license search system* that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would ~~authorize~~ *require* the board to charge a fee of \$25 to the person, ~~not to exceed the cost person to cover the reasonable regulatory cost~~ of administering the bill's ~~provisions~~; *provisions, unless there is no associated cost*. 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~~ *online license search system* that a person's
5 license was revoked because the person was convicted of a crime,
6 upon receiving from the person a certified copy of an expungement
7 order granted pursuant to Section 1203.4 of the Penal Code for the
8 underlying offense, shall, within 90 days of receiving the
9 expungement order, unless it is otherwise prohibited by law, or by
10 other terms or conditions, 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~~; *online license search system*.
14 (2) If the person is not currently licensed and does not reapply
15 for licensure, remove the initial posting on its ~~internet website~~
16 *online license search system* that the person's license was revoked

1 and information previously posted regarding arrests, charges, and
2 convictions.

3 (b) ~~A~~(1) *Except as provided in paragraph (2), a board within*
4 *the department may shall charge a fee of twenty-five dollars (\$25)*
5 *to a person described in subdivision (a), not to exceed (a) to cover*
6 *the reasonable regulatory cost of associated with administering*
7 *this section. The*

8 (2) *A board shall not charge the fee if there is no cost associated*
9 *with administering this section.*

10 (3) *A board may adopt regulations to implement this subdivision.*
11 *The adoption, amendment, or repeal of a regulation authorized*
12 *by this subdivision is hereby exempted from the rulemaking*
13 *provisions of the Administrative Procedure Act (Chapter 3.5*
14 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
15 *2 of the Government Code).*

16 (4) *The fee shall be deposited by the board into the appropriate*
17 *fund and shall be available only upon appropriation by the*
18 *Legislature.*

19 (c) For purposes of this section, “board” means an entity listed
20 in Section 101.

21 (d) If any provision in this section conflicts with Section 2027,
22 Section 2027 shall prevail.

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AB 1604 (Holden, D-Pasadena)

The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Status/History: 2/24/2022 – Assembly Committee on Public Employment and Retirement.

Location: 2/24/2022 – Committee on Public Employment and Retirement

Introduced: 1/4/2022

Last Amended: 2/23/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill would require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

This bill would also make changes to laws relating to civil service employment.

Affected Laws: An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

Staff Comment: This bill is provided for information only as it could affect who could be appointed to serve on the Board.

Staff Recommendation: No action needed.

AMENDED IN ASSEMBLY FEBRUARY 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1604

Introduced by Assembly Member Holden

January 4, 2022

An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

LEGISLATIVE COUNSEL’S DIGEST

AB 1604, as amended, Holden. The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill would require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications,

adopt rules authorized by statute, and review disciplinary actions. The Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board's administrative and ministerial functions.

This bill, among other things, would instead authorize the department, at the direction of and in conjunction with the State Personnel Board, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance with rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board's constitutional authority, and require the department, pursuant to a process established by the State Personnel Board, to investigate complaints filed by employees in a state department's equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations.

Existing law, with regard to the requirements governing examinations for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each examination, as specified. The bill would also require the announcement for an examination to include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require the appointing authority to submit a report explaining the failure to achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2023, require the department to develop model upward mobility goals that include race, gender, LGBTQ, veteran status, or physical or mental disability as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings.

Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Department of Human Resources with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.

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. This act shall be known, and may be cited, as the
2 Upward Mobility Act of 2022.

3 SEC. 2. Section 11140 of the Government Code is amended
4 to read:

5 11140. (a) It is the policy of the State of California that the
6 composition of state boards and commissions shall be broadly
7 reflective of the general ~~public~~ *public, including ethnic minorities*
8 *and women.*

9 (b) On or after January 1, 2023, all state boards and commissions
10 consisting of one or more volunteer members or commissioners
11 shall have at least one volunteer board member or commissioner
12 from an underrepresented community.

13 (c) For purposes of this section, the following definitions apply:

14 (1) “Board member or commissioner from an underrepresented
15 community” means all of the following:

16 (A) An individual who self-identifies as Black, African
17 American, Hispanic, Latino, Asian, Pacific Islander, Native
18 American, Native Hawaiian, or Alaska Native.

19 (B) An individual who self-identifies as gay, lesbian, bisexual,
20 or transgender.

21 (C) An individual who has served in and has been discharged
22 under other than dishonorable conditions from service in the United
23 States Army, Navy, Air Force, Marine Corps, or Coast Guard.

24 (D) An individual who has a “physical disability” or a “mental
25 disability” as defined in Section 12926.

1 (2) “Volunteer member or commissioner” means an
2 “administrative volunteer” as defined in subdivision (b) of Section
3 3111, who is selected to serve on a board or commission by the
4 appropriate nominating authority and who does not receive any
5 compensation or financial gain from any state agency, as defined
6 in Section 11000. A volunteer may receive per diem and remain
7 a volunteer within the meaning of this section, and that volunteer
8 shall not be considered to be an employee solely on the basis of
9 receiving the per diem.

10 (d) Notwithstanding the date specified in subdivision (b), the
11 requirements of this section shall only apply as vacancies on state
12 boards and commissions occur.

13 (e) Subject to subdivision (d), this section shall only apply to a
14 vacancy appointment by the Governor or the Governor’s designees,
15 the chair of a board or commission or the chair’s designees, the
16 Speaker of the Assembly, and the President pro Tempore of the
17 Senate or Senate Rules Committee, or any combination thereof.

18 SEC. 3. Section 18502 of the Government Code is amended
19 to read:

20 18502. (a) There is hereby created in state government the
21 Department of Human Resources. The department succeeds to and
22 is vested with the following:

23 (1) All of the powers and duties exercised and performed by
24 the Department of Personnel Administration.

25 (2) Those powers, duties, and authorities necessary to operate
26 the state civil service system pursuant to Article VII of the
27 California Constitution, this code, the merit principle, and
28 applicable rules duly adopted by the State Personnel Board.

29 (b) (1) The State Personnel Board shall prescribe rules
30 consistent with a merit based civil service system to govern
31 appointments, classifications, examinations, probationary periods,
32 disciplinary actions, and other matters related to the board’s
33 authority under Article VII of the California Constitution. The
34 State Personnel Board shall ensure that all changes to regulations
35 are circulated for public comment.

36 (2) The department shall oversee compliance with rules
37 prescribed by the State Personnel Board consistent with a
38 merit-based civil service system to govern appointments,
39 classifications, examinations, probationary periods, disciplinary

1 actions, and other matters related to the board's authority under
2 Article VII of the California Constitution.

3 (3) The department, at the direction of and in conjunction with
4 the State Personnel Board, may conduct audits and investigations
5 of personnel practices of other departments and appointing
6 authorities to ensure compliance with civil service policies,
7 procedures, and statutes.

8 (4) Pursuant to a process established by the State Personnel
9 Board, the department shall investigate complaints filed by
10 employees in a state department's equal employment opportunity
11 program and personnel office, other civil service employees,
12 applicants, and members of the public alleging violations of civil
13 service laws and report findings to the State Personnel Board for
14 adjudication.

15 (c) This section shall not limit the authority of the Department
16 of Human Resources and the State Personnel Board to delegate,
17 share, or transfer between them responsibilities for programs within
18 their respective jurisdictions pursuant to an agreement.

19 (d) The rules and regulations of the State Personnel Board and
20 of the Department of Personnel Administration shall remain in
21 effect unless and until contradicted by the terms of this chapter or
22 amended or repealed by the board or the Department of Human
23 Resources.

24 SEC. 4. Section 8310.6 is added to the Government Code, to
25 read:

26 8310.6. (a) A state agency, board, or commission that directly
27 or by contract collects demographic data as to the ancestry or ethnic
28 origin of Californians shall use separate collection categories and
29 tabulations for the following:

30 (1) African Americans who are descendants of persons enslaved
31 in the United States.

32 (2) African Americans who are not descendants of persons
33 enslaved in the United States, including, but not limited to, African
34 Blacks, Caribbean Blacks, and other African Americans or Blacks.

35 (b) The data collected pursuant to the different collection
36 categories and tabulations described in subdivision (a) shall be
37 included in every demographic report on ancestry or ethnic origins
38 of Californians by the state agency, board, or commission published
39 or released on or after January 1, 2023. The data shall be made
40 available to the public in accordance with state and federal law,

1 except for personal identifying information, which shall be deemed
2 confidential.

3 (c) As used in this section, the following definitions apply:

4 (1) “African Americans who are descendants of persons enslaved
5 in the United States” means individuals who self-identify as Black
6 or African American with at least one ancestor who was enslaved
7 or subject to chattelization in the United States.

8 (2) “African Blacks” means individuals with origins from the
9 continent of Africa, including, but not limited to, one or more of
10 the following countries: Algeria, Angola, Benin, Botswana,
11 Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African
12 Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of
13 Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,
14 Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,
15 Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,
16 Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,
17 Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,
18 Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,
19 Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

20 (3) “Caribbean Blacks” means individuals with origins from
21 Caribbean countries, including, but not limited to, one or more of
22 the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,
23 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.
24 Kitts, the Bahamas, and the Dominican Republic.

25 (4) “Other African Americans or Blacks” means individuals
26 with African ancestry originating from any country not included
27 in paragraph (2) or (3).

28 SEC. 5. Section 18553 is added to the Government Code, to
29 read:

30 18553. “Core competencies” mean the particular education,
31 experience, knowledge, and abilities that each applicant is required
32 to have in order to be considered eligible for a particular group of
33 classifications.

34 SEC. 6. Section 18930.1 is added to the Government Code, to
35 read:

36 18930.1. The board shall establish a process that includes
37 diversity and best practices in each aspect of the design,
38 announcement, and administration of examinations for the
39 establishment of employment lists.

1 SEC. 7. Section 18931 of the Government Code is amended
2 to read:

3 18931. (a) The board shall establish minimum qualifications
4 for determining the fitness and qualifications of employees for
5 each class of position. The department may require applicants for
6 examination or appointment to provide documentation as it deems
7 necessary to establish the applicants' qualifications.

8 (b) The board, in developing the qualifications referenced in
9 subdivision (a), shall also incorporate standards for statements of
10 qualifications used as examination criteria for the State of
11 California in determining the fitness and qualifications of
12 employees for each class of position. The department may require
13 applicants for examination or appointment to provide
14 documentation as it deems necessary to establish the applicants'
15 qualifications.

16 (c) Whenever the law requires that an applicant for a position
17 as a peace officer be screened to ensure that the applicant is free
18 from emotional and mental impairment, the department or the
19 designated appointing authority shall undertake that screening
20 subject to the applicant's right to appeal to the board.

21 SEC. 8. Section 18933 of the Government Code is amended
22 to read:

23 18933. (a) Within a reasonable time before the scheduled date,
24 the department or a designated appointing power shall announce
25 or advertise examinations for the establishment of eligible lists.
26 The announcement shall include the following:

- 27 (1) The date and place of the examination.
- 28 (2) The nature of the minimum qualifications and the functional
29 core competencies.
- 30 (3) The general scope of the examination.
- 31 (4) The relative weight of its several parts if more than one type
32 of test is to be utilized.
- 33 (5) Any other information the department deems proper.
- 34 (6) The standard statement of qualifications, if applicable.

35 (b) The department shall notify the Department of Veterans
36 Affairs when any promotional examination for the establishment
37 of an eligible list is announced or advertised to eligible candidates.
38 The notification shall state the job position and include all of the
39 information listed in paragraphs (1) to (6), inclusive, of subdivision
40 (a).

1 SEC. 9. Section 18936 of the Government Code is amended
2 to read:

3 18936. (a) All examination materials, including examination
4 questions and any written material, shall be maintained for each
5 examination for three years, after which they shall be disposed of
6 pursuant to a policy adopted by the board.

7 (b) Examinations that have an oral examination component shall
8 be video or otherwise electronically recorded. Examinees shall be
9 informed that they are being recorded. The recordings shall be
10 maintained for each examination for three years, after which they
11 shall be disposed of pursuant to a policy adopted by the board.

12 (c) The final earned rating of each person competing in any
13 examination shall be determined by the weighted average of the
14 earned ratings on all phases of the examination, according to the
15 weights for each phase established by the department or a
16 designated appointing power in advance of the giving of the
17 examination and published as a part of the announcement of the
18 examination.

19 (d) The department or a designated appointing power may set
20 minimum qualifying ratings for each phase of an examination and
21 may provide that competitors failing to achieve those ratings in
22 any phase shall be disqualified from any further participation in
23 the examination.

24 SEC. 10. Section 19402 of the Government Code is amended
25 to read:

26 19402. (a) All upward mobility programs shall include annual
27 goals that include the number of employees expected to progress
28 from positions in low-paying occupational groups to entry-level
29 technical, professional, and administrative positions, and the
30 timeframe within which this progress shall occur. The Department
31 of Human Resources shall be responsible for approving each
32 department's annual upward mobility goals and timetables.

33 (b) (1) By July 1, 2023, the Department of Human Resources
34 shall develop model upward mobility goals based on department
35 workforce analysis and shall post the model goals on its internet
36 website.

37 (2) The model upward mobility goals may include race, gender,
38 LGBTQ, veteran status, and physical or mental disability as factors
39 to the extent permissible under state and federal equal protection
40 laws.

1 (3) On or before July 1, 2023, the Department of Human
2 Resources shall provide a copy of the model upward mobility goals
3 and a corresponding report outlining the workforce analysis used
4 to develop the model upward mobility goals to each member of
5 the Legislature. The report shall be submitted in compliance with
6 Section 9795.

7 (c) If the appointing authority is unable to meet its annual
8 upward mobility goals and timetables for two consecutive fiscal
9 years, the appointing authority shall submit a report explaining
10 why it failed to achieve its goals and what requirements are
11 necessary to facilitate achieving its goals in the subsequent two
12 fiscal years. The appointing authority shall submit the report to
13 the department, the Director of the Department of Finance, and
14 the Legislative Analyst.

15 SEC. 11. Section 19574 of the Government Code is amended
16 to read:

17 19574. (a) The appointing power, or its authorized
18 representative, may take adverse action against an employee for
19 one or more of the causes for discipline specified in this article.
20 Adverse action is valid only if a written notice is served on the
21 employee prior to the effective date of the action, as defined by
22 board rule. The notice shall be served upon the employee either
23 personally or by mail and shall include: (1) a statement of the
24 nature of the adverse action; (2) the effective date of the action;
25 (3) a statement of the reasons therefor in ordinary language; (4) a
26 statement advising the employee of the right to answer the notice
27 orally or in writing; and (5) a statement advising the employee of
28 the time within which an appeal must be filed. The notice shall be
29 filed with the board not later than 15 calendar days after the
30 effective date of the adverse action.

31 (b) Effective January 1, 1996, this subdivision shall apply only
32 to state employees in State Bargaining Unit 5. This section shall
33 not apply to discipline as defined by Section 19576.1.

34 (c) (1) No later than April 1 of each year, each appointing power
35 shall provide to the Department of Human Resources a report
36 detailing all of the following information:

37 (A) The total number of adverse actions served on state
38 employees in the preceding calendar year.

39 (B) The ethnicity or race of each employee served with an
40 adverse action in the preceding calendar year, if available.

1 (C) The gender identity or sexual orientation of each employee
2 served with an adverse action in the preceding calendar year, if
3 available.

4 (D) The statutory basis for discipline under Section 19572 for
5 each adverse action served in the preceding calendar year.

6 (E) A brief factual summary of the basis for discipline for each
7 adverse action served in the preceding calendar year.

8 (F) The type of discipline imposed in each adverse action,
9 including, but not limited to, outright termination, the nature of
10 any demotion, the length of any suspension, or any other type of
11 discipline.

12 (2) No later than June 1 of each year, the department shall
13 include in its annual workforce analysis and census report the items
14 as reported by each appointing authority pursuant to this
15 subdivision and submit this report to the Legislature.

16 (3) This report shall be submitted in compliance with Section
17 9795.

18 (4) The information required pursuant to subparagraphs (B) and
19 (C) of paragraph (1) may be provided at the discretion of the
20 employee, and an appointing power shall not require an employee
21 to disclose this information.

22 SEC. 12. The provisions of this act are severable. If any
23 provision of this act or its application is held invalid, that invalidity
24 shall not affect other provisions or applications that can be given
25 effect without the invalid provision or application.

O

ASSEMBLY BILL

No. 1604

Introduced by Assembly Member Holden

January 4, 2022

An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1604, as introduced, Holden. The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill would require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. The

Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board's administrative and ministerial functions.

This bill, among other things, would instead authorize the department, at the direction of and in conjunction with the State Personnel Board, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance with rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board's constitutional authority, and require the department, pursuant to a process established by the State Personnel Board, to investigate complaints filed by employees in a state department's equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations. Existing law, with regard to the requirements governing examinations

for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each examination, as specified. The bill would also require the announcement for an examination to include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require the appointing authority to submit a report explaining the failure to achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2023, require the department to develop model upward mobility goals that include race, gender, LGBTQ, veteran status, or physical or mental disability as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings. Existing law authorizes the board to hold hearings and make

investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Department of Human Resources with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.

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. This act shall be known, and may be cited, as the
2 Upward Mobility Act of 2022.

3 SEC. 2. Section 11140 of the Government Code is amended
4 to read:

5 11140. (a) It is the policy of the State of California that the
6 composition of state boards and commissions shall be broadly
7 reflective of the general ~~public including ethnic minorities and~~
8 ~~women.~~ *public.*

9 (b) *On or after January 1, 2023, all state boards and*
10 *commissions consisting of one or more volunteer members or*
11 *commissioners shall have at least one volunteer board member or*
12 *commissioner from an underrepresented community.*

13 (c) *For purposes of this section, the following definitions apply:*

14 (1) *“Board member or commissioner from an underrepresented*
15 *community” means all of the following:*

16 (A) *An individual who self-identifies as Black, African American,*
17 *Hispanic, Latino, Asian, Pacific Islander, Native American, Native*
18 *Hawaiian, or Alaska Native.*

19 (B) *An individual who self-identifies as gay, lesbian, bisexual,*
20 *or transgender.*

21 (C) *An individual who has served in and has been discharged*
22 *under other than dishonorable conditions from service in the*
23 *United States Army, Navy, Air Force, Marine Corps, or Coast*
24 *Guard.*

25 (D) *An individual who has a “physical disability” or a “mental*
26 *disability” as defined in Section 12926.*

1 (2) “Volunteer member or commissioner” means an
2 “administrative volunteer” as defined in subdivision (b) of Section
3 3111, who is selected to serve on a board or commission by the
4 appropriate nominating authority and who does not receive any
5 compensation or financial gain from any state agency, as defined
6 in Section 11000. A volunteer may receive per diem and remain
7 a volunteer within the meaning of this section, and that volunteer
8 shall not be considered to be an employee solely on the basis of
9 receiving the per diem.

10 (d) Notwithstanding the date specified in subdivision (b), the
11 requirements of this section shall only apply as vacancies on state
12 boards and commissions occur.

13 (e) Subject to subdivision (d), this section shall only apply to a
14 vacancy appointment by the Governor or the Governor’s designees,
15 the chair of a board or commission or the chair’s designees, the
16 Speaker of the Assembly, and the President pro Tempore of the
17 Senate or Senate Rules Committee, or any combination thereof.

18 SEC. 3. Section 18502 of the Government Code is amended
19 to read:

20 18502. (a) There is hereby created in state government the
21 Department of Human Resources. The department succeeds to and
22 is vested with the following:

23 (1) All of the powers and duties exercised and performed by
24 the Department of Personnel Administration.

25 (2) Those powers, duties, and authorities necessary to operate
26 the state civil service system pursuant to Article VII of the
27 California Constitution, this code, the merit principle, and
28 applicable rules duly adopted by the State Personnel Board.

29 (b) (1) The State Personnel Board shall prescribe rules
30 consistent with a merit based civil service system to govern
31 appointments, ~~classification,~~ *classifications*, examinations,
32 probationary periods, disciplinary actions, and other matters related
33 to the board’s authority under Article VII of the California
34 Constitution. The State Personnel Board ~~may conduct audits and~~
35 ~~investigations of personnel practices of the department and~~
36 ~~appointing authorities to shall ensure compliance with civil service~~
37 ~~policies, procedures, and statutes.~~ *that all changes to regulations*
38 *are circulated for public comment.*

39 (2) *The department shall oversee compliance with rules*
40 *prescribed by the State Personnel Board consistent with a*

1 *merit-based civil service system to govern appointments,*
2 *classifications, examinations, probationary periods, disciplinary*
3 *actions, and other matters related to the board's authority under*
4 *Article VII of the California Constitution.*

5 (3) *The department, at the direction of and in conjunction with*
6 *the State Personnel Board, may conduct audits and investigations*
7 *of personnel practices of other departments and appointing*
8 *authorities to ensure compliance with civil service policies,*
9 *procedures, and statutes.*

10 (4) *Pursuant to a process established by the State Personnel*
11 *Board, the department shall investigate complaints filed by*
12 *employees in a state department's equal employment opportunity*
13 *program and personnel office, other civil service employees,*
14 *applicants, and members of the public alleging violations of civil*
15 *service laws and report findings to the State Personnel Board for*
16 *adjudication.*

17 (c) This section shall not limit the authority of the Department
18 of Human Resources and the State Personnel Board to delegate,
19 share, or transfer between them responsibilities for programs within
20 their respective jurisdictions pursuant to an agreement.

21 (d) The rules and regulations of the State Personnel Board and
22 of the Department of Personnel Administration shall remain in
23 effect unless and until contradicted by the terms of this chapter or
24 amended or repealed by the board or the Department of Human
25 Resources.

26 SEC. 4. Section 8310.6 is added to the Government Code, to
27 read:

28 8310.6. (a) A state agency, board, or commission that directly
29 or by contract collects demographic data as to the ancestry or ethnic
30 origin of Californians shall use separate collection categories and
31 tabulations for the following:

32 (1) African Americans who are descendants of persons enslaved
33 in the United States.

34 (2) African Americans who are not descendants of persons
35 enslaved in the United States, including, but not limited to, African
36 Blacks, Caribbean Blacks, and other African Americans or Blacks.

37 (b) The data collected pursuant to the different collection
38 categories and tabulations described in subdivision (a) shall be
39 included in every demographic report on ancestry or ethnic origins
40 of Californians by the state agency, board, or commission published

1 or released on or after January 1, 2023. The data shall be made
2 available to the public in accordance with state and federal law,
3 except for personal identifying information, which shall be deemed
4 confidential.

5 (c) As used in this section, the following definitions apply:

6 (1) “African Americans who are descendants of persons enslaved
7 in the United States” means individuals who self-identify as Black
8 or African American with at least one ancestor who was enslaved
9 or subject to chattelization in the United States.

10 (2) “African Blacks” means individuals with origins from the
11 continent of Africa, including, but not limited to, one or more of
12 the following countries: Algeria, Angola, Benin, Botswana,
13 Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African
14 Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of
15 Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,
16 Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,
17 Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,
18 Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,
19 Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,
20 Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,
21 Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

22 (3) “Caribbean Blacks” means individuals with origins from
23 Caribbean countries, including, but not limited to, one or more of
24 the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,
25 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.
26 Kitts, the Bahamas, and the Dominican Republic.

27 (4) “Other African Americans or Blacks” means individuals
28 with African ancestry originating from any country not included
29 in paragraph (2) or (3).

30 SEC. 5. Section 18553 is added to the Government Code, to
31 read:

32 18553. “Core competencies” mean the particular education,
33 experience, knowledge, and abilities that each applicant is required
34 to have in order to be considered eligible for a particular group of
35 classifications.

36 SEC. 6. Section 18930.1 is added to the Government Code, to
37 read:

38 18930.1. The board shall establish a process that includes
39 diversity and best practices in each aspect of the design,

1 announcement, and administration of examinations for the
2 establishment of employment lists.

3 SEC. 7. Section 18931 of the Government Code is amended
4 to read:

5 18931. (a) The board shall establish minimum qualifications
6 for determining the fitness and qualifications of employees for
7 each class of position. The department may require applicants for
8 examination or appointment to provide documentation as it deems
9 necessary to establish the applicants' qualifications.

10 (b) *The board, in developing the qualifications referenced in*
11 *subdivision (a), shall also incorporate standards for statements*
12 *of qualifications used as examination criteria for the State of*
13 *California in determining the fitness and qualifications of*
14 *employees for each class of position. The department may require*
15 *applicants for examination or appointment to provide*
16 *documentation as it deems necessary to establish the applicants'*
17 *qualifications.*

18 ~~(b)~~

19 (c) Whenever the law requires that an applicant for a position
20 as a peace officer be screened to ensure that the applicant is free
21 from emotional and mental impairment, the department or the
22 designated appointing authority shall undertake ~~such~~ *that* screening
23 subject to the applicant's right to appeal to the board.

24 SEC. 8. Section 18933 of the Government Code is amended
25 to read:

26 18933. (a) Within a reasonable time before the scheduled date,
27 the department or a designated appointing power shall announce
28 or advertise examinations for the establishment of eligible lists.
29 The announcement shall include the following:

30 (1) The date and place of the examination.

31 (2) The nature of the minimum ~~qualifications~~: *qualifications*
32 *and the functional core competencies.*

33 (3) The general scope of the examination.

34 (4) The relative weight of its several parts if more than one type
35 of test is to be utilized.

36 (5) Any other information the department deems proper.

37 (6) *The standard statement of qualifications, if applicable.*

38 (b) The department shall notify the Department of Veterans
39 Affairs when any promotional examination for the establishment
40 of an eligible list is announced or advertised to eligible candidates.

1 The notification shall state the job position and include all of the
2 information listed in paragraphs (1) to ~~(5)~~; (6), inclusive, of
3 subdivision (a).

4 SEC. 9. Section 18936 of the Government Code is amended
5 to read:

6 18936. (a) *All examination materials, including examination*
7 *questions and any written material, shall be maintained for each*
8 *examination for three years, after which they shall be disposed of*
9 *pursuant to a policy adopted by the board.*

10 (b) *Examinations that have an oral examination component*
11 *shall be video or otherwise electronically recorded. Examinees*
12 *shall be informed that they are being recorded. The recordings*
13 *shall be maintained for each examination for three years, after*
14 *which they shall be disposed of pursuant to a policy adopted by*
15 *the board.*

16 ~~The~~

17 (c) *The final earned rating of each person competing in any*
18 *examination shall be determined by the weighted average of the*
19 *earned ratings on all phases of the examination, according to the*
20 *weights for each phase established by the department or a*
21 *designated appointing power in advance of the giving of the*
22 *examination and published as a part of the announcement of the*
23 *examination.*

24 ~~The~~

25 (d) *The department or a designated appointing power may set*
26 *minimum qualifying ratings for each phase of an examination and*
27 *may provide that competitors failing to achieve ~~such~~ those ratings*
28 *in any phase shall be disqualified from any further participation*
29 *in the examination.*

30 SEC. 10. Section 19402 of the Government Code is amended
31 to read:

32 19402. (a) *All upward mobility programs shall include annual*
33 *goals that include the number of employees expected to progress*
34 *from positions in low-paying occupational groups to entry-level*
35 *technical, professional, and administrative positions, and the*
36 *timeframe within which this progress shall occur. The Department*
37 *of Human Resources shall be responsible for approving each*
38 *department's annual upward mobility goals and timetables.*

39 (b) (1) *By July 1, 2023, the Department of Human Resources*
40 *shall develop model upward mobility goals based on department*

1 workforce analysis and shall post the model goals on its internet
2 website.

3 (2) The model upward mobility goals may include race, gender,
4 LGBTQ, veteran status, and physical or mental disability as factors
5 to the extent permissible under state and federal equal protection
6 laws.

7 (3) On or before July 1, 2023, the Department of Human
8 Resources shall provide a copy of the model upward mobility goals
9 and a corresponding report outlining the workforce analysis used
10 to develop the model upward mobility goals to each member of
11 the Legislature. The report shall be submitted in compliance with
12 Section 9795.

13 ~~Any~~

14 (c) ~~If the appointing authority that determines that it will be is~~
15 ~~unable to achieve the meet its annual upward mobility goals may~~
16 ~~ask the department and timetables for a reduction in two~~
17 ~~consecutive fiscal years, the goals. If the department determines~~
18 ~~that the appointing authority has not made shall submit a good~~
19 ~~faith effort report explaining why it failed to achieve its goals and~~
20 ~~what requirements are necessary to facilitate achieving its goals~~
21 ~~in the goals, the department subsequent two fiscal years. The~~
22 ~~appointing authority shall hold public hearings submit the report~~
23 ~~to determine the reasons for department, the deficiencies and to~~
24 ~~establish a program to overcome these deficiencies. Director of~~
25 ~~the Department of Finance, and the Legislative Analyst.~~

26 SEC. 11. Section 19574 of the Government Code is amended
27 to read:

28 19574. (a) The appointing power, or its authorized
29 representative, may take adverse action against an employee for
30 one or more of the causes for discipline specified in this article.
31 Adverse action is valid only if a written notice is served on the
32 employee prior to the effective date of the action, as defined by
33 board rule. The notice shall be served upon the employee either
34 personally or by mail and shall include: (1) a statement of the
35 nature of the adverse action; (2) the effective date of the action;
36 (3) a statement of the reasons therefor in ordinary language; (4) a
37 statement advising the employee of the right to answer the notice
38 orally or in writing; and (5) a statement advising the employee of
39 the time within which an appeal must be filed. The notice shall be

1 filed with the board not later than 15 calendar days after the
2 effective date of the adverse action.

3 (b) Effective January 1, 1996, this subdivision shall apply only
4 to state employees in State Bargaining Unit 5. This section shall
5 not apply to discipline as defined by Section 19576.1.

6 (c) (1) *No later than April 1 of each year, each appointing
7 power shall provide to the Department of Human Resources a
8 report detailing all of the following information:*

9 (A) *The total number of adverse actions served on state
10 employees in the preceding calendar year.*

11 (B) *The ethnicity or race of each employee served with an
12 adverse action in the preceding calendar year, if available.*

13 (C) *The gender identity or sexual orientation of each employee
14 served with an adverse action in the preceding calendar year, if
15 available.*

16 (D) *The statutory basis for discipline under Section 19572 for
17 each adverse action served in the preceding calendar year.*

18 (E) *A brief factual summary of the basis for discipline for each
19 adverse action served in the preceding calendar year.*

20 (F) *The type of discipline imposed in each adverse action,
21 including, but not limited to, outright termination, the nature of
22 any demotion, the length of any suspension, or any other type of
23 discipline.*

24 (2) *No later than June 1 of each year, the department shall
25 include in its annual workforce analysis and census report the
26 items as reported by each appointing authority pursuant to this
27 subdivision and submit this report to the Legislature.*

28 (3) *This report shall be submitted in compliance with Section
29 9795.*

30 (4) *The information required pursuant to subparagraphs (B)
31 and (C) of paragraph (1) may be provided at the discretion of the
32 employee, and an appointing power shall not require an employee
33 to disclose this information.*

34 SEC. 12. The provisions of this act are severable. If any
35 provision of this act or its application is held invalid, that invalidity
36 shall not affect other provisions or applications that can be given
37 effect without the invalid provision or application.

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AB 1662 (Gipson, D-Gardena)
Licensing boards: disqualification from licensure: criminal conviction.

Status/History: 1/27/2022 – Assembly Committee on Business and Professions.

Location: 2/24/2022 – Committee on Business and Professions

Introduced: 1/18/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law provides for the licensure and regulation of various professions by boards within the Department of Consumer Affairs and authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would allow a prospective applicant who has been convicted of a crime to submit a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require the board to determine if the prospective applicant would be disqualified from licensure based on the information submitted with the request and to advise the prospective applicant of the determination.

Affected Laws: An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill would allow individuals who have been convicted of a crime to submit information regarding the conviction to the Board and request a determination as to whether or not the conviction would be grounds for denial of the license prior to the individual actually submitting an application for licensure and prior to paying any application fee. The bill would require the Board to determine if the individual may be denied licensure based on the information submitted and to notify the individual in writing of the determination.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on AB 1662.

ASSEMBLY BILL

No. 1662

Introduced by Assembly Member Gipson

January 18, 2022

An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as introduced, Gipson. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.

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

3 480. (a) Notwithstanding any ~~other~~ provision of this code, a
4 board may deny a license regulated by this code on the grounds
5 that the applicant has been convicted of a crime or has been subject
6 to formal discipline only if either of the following conditions are
7 met:

8 (1) The applicant has been convicted of a crime within the
9 preceding seven years from the date of application that is
10 substantially related to the qualifications, functions, or duties of
11 the business or profession for which the application is made,
12 regardless of whether the applicant was incarcerated for that crime,
13 or the applicant has been convicted of a crime that is substantially
14 related to the qualifications, functions, or duties of the business or
15 profession for which the application is made and for which the
16 applicant is presently incarcerated or for which the applicant was
17 released from incarceration within the preceding seven years from
18 the date of application. However, the preceding seven-year
19 limitation shall not apply in either of the following situations:

20 (A) The applicant was convicted of a serious felony, as defined
21 in Section 1192.7 of the Penal Code or a crime for which
22 registration is required pursuant to paragraph (2) or (3) of
23 subdivision (d) of Section 290 of the Penal Code.

24 (B) The applicant was convicted of a financial crime currently
25 classified as a felony that is directly and adversely related to the
26 fiduciary qualifications, functions, or duties of the business or
27 profession for which the application is made, pursuant to
28 regulations adopted by the board, and for which the applicant is
29 seeking licensure under any of the following:

30 (i) Chapter 6 (commencing with Section 6500) of Division 3.

31 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

32 (iii) Chapter 11.3 (commencing with Section 7512) of Division
33 3.

34 (iv) Licensure as a funeral director or cemetery manager under
35 Chapter 12 (commencing with Section 7600) of Division 3.

36 (v) Division 4 (commencing with Section 10000).

37 (2) The applicant has been subjected to formal discipline by a
38 licensing board in or outside California within the preceding seven

1 years from the date of application based on professional misconduct
2 that would have been cause for discipline before the board for
3 which the present application is made and that is substantially
4 related to the qualifications, functions, or duties of the business or
5 profession for which the present application is made. However,
6 prior disciplinary action by a licensing board within the preceding
7 seven years shall not be the basis for denial of a license if the basis
8 for that disciplinary action was a conviction that has been dismissed
9 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425
10 of the Penal Code or a comparable dismissal or expungement.

11 (b) Notwithstanding any ~~other~~ provision of this code, a person
12 shall not be denied a license on the basis that the person has been
13 convicted of a crime, or on the basis of acts underlying a conviction
14 for a crime, if that person has obtained a certificate of rehabilitation
15 under Chapter 3.5 (commencing with Section 4852.01) of Title 6
16 of Part 3 of the Penal Code, has been granted clemency or a pardon
17 by a state or federal executive, or has made a showing of
18 rehabilitation pursuant to Section 482.

19 (c) Notwithstanding any ~~other~~ provision of this code, a person
20 shall not be denied a license on the basis of any conviction, or on
21 the basis of the acts underlying the conviction, that has been
22 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,
23 or 1203.425 of the Penal Code, or a comparable dismissal or
24 expungement. An applicant who has a conviction that has been
25 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42
26 of the Penal Code shall provide proof of the dismissal if it is not
27 reflected on the report furnished by the Department of Justice.

28 (d) Notwithstanding any ~~other~~ provision of this code, a board
29 shall not deny a license on the basis of an arrest that resulted in a
30 disposition other than a conviction, including an arrest that resulted
31 in an infraction, citation, or a juvenile adjudication.

32 (e) A board may deny a license regulated by this code on the
33 ground that the applicant knowingly made a false statement of fact
34 that is required to be revealed in the application for the license. A
35 board shall not deny a license based solely on an applicant's failure
36 to disclose a fact that would not have been cause for denial of the
37 license had it been disclosed.

38 (f) A board shall follow the following procedures in requesting
39 or acting on an applicant's criminal history information:

1 (1) A board issuing a license pursuant to Chapter 3 (commencing
2 with Section 5500), Chapter 3.5 (commencing with Section 5615),
3 Chapter 10 (commencing with Section 7301), Chapter 20
4 (commencing with Section 9800), or Chapter 20.3 (commencing
5 with Section 9880), of Division 3, or Chapter 3 (commencing with
6 Section 19000) or Chapter 3.1 (commencing with Section 19225)
7 of Division 8 may require applicants for licensure under those
8 chapters to disclose criminal conviction history on an application
9 for licensure.

10 (2) Except as provided in paragraph (1), a board shall not require
11 an applicant for licensure to disclose any information or
12 documentation regarding the applicant's criminal history. However,
13 a board may request mitigating information from an applicant
14 regarding the applicant's criminal history for purposes of
15 determining substantial relation or demonstrating evidence of
16 rehabilitation, provided that the applicant is informed that
17 disclosure is voluntary and that the applicant's decision not to
18 disclose any information shall not be a factor in a board's decision
19 to grant or deny an application for licensure.

20 (3) If a board decides to deny an application for licensure based
21 solely or in part on the applicant's conviction history, the board
22 shall notify the applicant in writing of all of the following:

23 (A) The denial or disqualification of licensure.

24 (B) Any existing procedure the board has for the applicant to
25 challenge the decision or to request reconsideration.

26 (C) That the applicant has the right to appeal the board's
27 decision.

28 (D) The processes for the applicant to request a copy of the
29 applicant's complete conviction history and question the accuracy
30 or completeness of the record pursuant to Sections 11122 to 11127
31 of the Penal Code.

32 (g) (1) *A prospective applicant that has been convicted of a*
33 *crime may submit to a board, by mail or email, and at any time,*
34 *including before obtaining any training or education required for*
35 *licensure by that board or before paying any application fee, a*
36 *request for a preapplication determination that includes*
37 *information provided by the prospective applicant regarding their*
38 *criminal conviction.*

39 (2) *Upon receiving a request submitted pursuant to paragraph*
40 *(1), a board shall determine if the prospective applicant may be*

1 *disqualified from licensure by the board based on the information*
2 *submitted with the request, and deliver the determination by mail*
3 *or email to the prospective applicant within a reasonable time.*

4 ~~(g)~~

5 (h) (1) For a minimum of three years, each board under this
6 code shall retain application forms and other documents submitted
7 by an applicant, any notice provided to an applicant, all other
8 communications received from and provided to an applicant, and
9 criminal history reports of an applicant.

10 (2) Each board under this code shall retain the number of
11 applications received for each license and the number of
12 applications requiring inquiries regarding criminal history. In
13 addition, each licensing authority shall retain all of the following
14 information:

15 (A) The number of applicants with a criminal record who
16 received notice of denial or disqualification of licensure.

17 (B) The number of applicants with a criminal record who
18 provided evidence of mitigation or rehabilitation.

19 (C) The number of applicants with a criminal record who
20 appealed any denial or disqualification of licensure.

21 (D) The final disposition and demographic information,
22 consisting of voluntarily provided information on race or gender,
23 of any applicant described in subparagraph (A), (B), or (C).

24 (3) (A) Each board under this code shall annually make
25 available to the public through the board's internet website and
26 through a report submitted to the appropriate policy committees
27 of the Legislature deidentified information collected pursuant to
28 this subdivision. Each board shall ensure confidentiality of the
29 individual applicants.

30 (B) A report pursuant to subparagraph (A) shall be submitted
31 in compliance with Section 9795 of the Government Code.

32 ~~(h)~~

33 (i) "Conviction" as used in this section shall have the same
34 meaning as defined in Section 7.5.

35 ~~(i)~~

36 (j) This section does not in any way modify or otherwise affect
37 the existing authority of the following entities in regard to
38 licensure:

39 (1) The State Athletic Commission.

40 (2) The Bureau for Private Postsecondary Education.

- 1 (3) The California Horse Racing Board.
- 2 ~~(j) This section shall become operative on July 1, 2020.~~

O

AB 1733 (Quirk, D-Hayward)
State bodies: open meetings.

Status/History: 2/18/2022 – Referred to the Assembly Committee on Business and Professions and Committee on Governmental Organization.

Location: 2/24/2022 – Committee on Governmental Organization

Introduced: 1/31/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

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 authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting. The act provides that if the state body elects to conduct a meeting by teleconference, each teleconference location must be identified in the notice and agenda of the meeting and must be accessible to the public, and the agenda must provide an opportunity for members of the public to address the state body at each teleconference location.

The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body. It would also authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting.

Under existing law (the Business and Professions Code), boards are required to meet at least two times each calendar year and at least once in northern California and once in southern California in order to facilitate participation by the public and its licensees. This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options. It would also declare that it is to take effect immediately as an urgency statute.

Affected Laws: An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal

Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Staff Comment: This bill would allow the Board to continue meeting via teleconference without having to list all of the locations from where a Board member may attend the meeting. It would also require the Board to provide the public with both a physical location and a teleconference option where they can hear, observe, and address the Board.

This bill would facilitate opportunities for members of the public (consumers, applicants, licensees, and other interested parties) to attend meetings of the Board by providing for both a physical location and a teleconference option. It would also allow Board members to attend the meetings from a remote location via teleconference without that location having to be disclosed and open to the public.

Staff Recommendation: Staff recommends the Board take a position of “Support” on AB 1733.

ASSEMBLY BILL

No. 1733

Introduced by Assembly Member Quirk

January 31, 2022

An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

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 defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

3 101.7. (a) Notwithstanding any other provision of law, boards
4 shall meet at least two times each calendar year. Boards shall meet
5 at least once each calendar year in northern California and once
6 each calendar year in southern California in order to facilitate
7 participation by the public and its ~~licensees~~. *licensees, unless the*
8 *board’s meetings are held entirely by teleconference.*

9 (b) The director has discretion to exempt any board from the
10 requirement in subdivision (a) upon a showing of good cause that
11 the board is not able to meet at least two times in a calendar year.

12 (c) The director may call for a special meeting of the board
13 when a board is not fulfilling its duties.

14 (d) An agency within the department that is required to provide
15 a written notice pursuant to subdivision (a) of Section 11125 of
16 the Government Code, may provide that notice by regular mail,
17 email, or by both regular mail and email. An agency shall give a
18 person who requests a notice the option of receiving the notice by
19 regular mail, email, or by both regular mail and email. The agency
20 shall comply with the requester’s chosen form or forms of notice.

21 (e) An agency that plans to webcast a meeting shall include in
22 the meeting notice required pursuant to subdivision (a) of Section
23 11125 of the Government Code a statement of the board’s intent
24 to webcast the meeting. An agency may webcast a meeting even
25 if the agency fails to include that statement of intent in the notice.

26 SEC. 2. Section 11122.5 of the Government Code is amended
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any
2 congregation of a majority of the members of a state body at the
3 same time and ~~place~~ *place, including one held entirely by*
4 *teleconference*, to hear, discuss, or deliberate upon any item that
5 is within the subject matter jurisdiction of the state body to which
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,
8 outside of a meeting authorized by this chapter, use a series of
9 communications of any kind, directly or through intermediaries,
10 to discuss, deliberate, or take action on any item of business that
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee
13 or official of a state agency from engaging in separate
14 conversations or communications outside of a meeting authorized
15 by this chapter with members of a legislative body in order to
16 answer questions or provide information regarding a matter that
17 is within the subject matter jurisdiction of the state agency, if that
18 person does not communicate to members of the legislative body
19 the comments or position of any other member or members of the
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the
22 following:

23 (1) Individual contacts or conversations between a member of
24 a state body and any other person that do not violate subdivision
25 (b).

26 (2) (A) The attendance of a majority of the members of a state
27 body at a conference or similar gathering open to the public that
28 involves a discussion of issues of general interest to the public or
29 to public agencies of the type represented by the state body, if a
30 majority of the members do not discuss among themselves, other
31 than as part of the scheduled program, business of a specified
32 nature that is within the subject matter jurisdiction of the state
33 body.

34 (B) Subparagraph (A) does not allow members of the public
35 free admission to a conference or similar gathering at which the
36 organizers have required other participants or registrants to pay
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body
39 at an open and publicized meeting organized to address a topic of
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,
2 other than as part of the scheduled program, business of a specific
3 nature that is within the subject matter jurisdiction of the state
4 body.

5 (4) The attendance of a majority of the members of a state body
6 at an open and noticed meeting of another state body or of a
7 legislative body of a local agency as defined by Section 54951, if
8 a majority of the members do not discuss among themselves, other
9 than as part of the scheduled meeting, business of a specific nature
10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body
12 at a purely social or ceremonial occasion, if a majority of the
13 members do not discuss among themselves business of a specific
14 nature that is within the subject matter jurisdiction of the state
15 body.

16 (6) The attendance of a majority of the members of a state body
17 at an open and noticed meeting of a standing committee of that
18 body, if the members of the state body who are not members of
19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended
21 to read:

22 11123. (a) All meetings of a state body shall be open and
23 public and all persons shall be permitted to attend any meeting of
24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~
26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for
27 the benefit of the public and state ~~body.~~ *body, and allows for use*
28 *of teleconference in closed sessions.* The meeting or proceeding
29 held by teleconference shall otherwise comply with all applicable
30 requirements or laws relating to a specific type of meeting or
31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing teleconferenced~~ meeting shall comply
33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required
35 to be open to the public *at any physical location specified in the*
36 *notice of the meeting* shall be *visible and* audible to the public at
37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~
39 ~~proceeding by teleconference, it shall post agendas at all~~
40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the
2 public appearing before the state body. *The state body shall provide*
3 *a means by which the public may remotely hear audio of the*
4 *meeting or remotely hear and observe the meeting, and a means*
5 *by which the public may remotely address the state body, as*
6 *appropriate, via either a two-way audio-visual platform or a*
7 *two-way telephonic service. Should the state body elect to use a*
8 *two-way telephonic service only, it must also provide live*
9 *webcasting of the open meeting. The applicable teleconference*
10 *phone number or internet website, or other information indicating*
11 *how the public can access the meeting remotely, shall be specified*
12 *in any notice required by this article. Each teleconference location*
13 *shall be identified in the notice and agenda of the meeting or*
14 *proceeding, and each teleconference location shall be accessible*
15 *to the public. The agenda shall provide an opportunity for members*
16 *of the public to remotely address the state body directly pursuant*
17 *to Section 11125.7 at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*
19 *physical location at which the public may hear, observe, and*
20 *address the state body. Each physical location shall be identified*
21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*
23 *right to directly address the state body during the teleconferenced*
24 *meeting without being required to submit public comments prior*
25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*
28 *a meeting. The members of the state body may also be physically*
29 *present and participate at a designated physical meeting location,*
30 *but no member of the state body shall be required to be physically*
31 *present at any physical meeting location designated in the notice*
32 *of the meeting in order to be deemed present at the meeting. All*
33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*
35 *to the public may not include the consideration of any agenda item*
36 *being heard pursuant to Section 11125.5.*

37 ~~(F)~~ *At least one member of the state body shall be physically*
38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*
40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,
2 including Section 11125, requiring the state body post an agenda
3 of a meeting at least 10 days in advance of the meeting, Section
4 11125.4, applicable to special meetings, and Sections 11125.5 and
5 11125.6, applicable to emergency meetings. The state body shall
6 post the agenda on its internet website and, on the day of the
7 meeting, at any physical meeting location designated in the notice
8 of the meeting. The notice and agenda shall not disclose
9 information regarding any remote location from which a member
10 is participating.

11 (H) Upon discovering that a means of remote participation
12 required by this section has failed during a meeting and cannot
13 be restored, the state body shall end or adjourn the meeting in
14 accordance with Section 11128.5. In addition to any other
15 requirements that may apply, the state body shall provide notice
16 of the meeting's end or adjournment on the state body's internet
17 website and by email to any person who has requested notice of
18 meetings of the state body by email under this article. If the meeting
19 will be adjourned and reconvened on the same day, further notice
20 shall be provided by an automated message on a telephone line
21 posted on the state body's agenda, internet website, or by a similar
22 means, that will communicate when the state body intends to
23 reconvene the meeting and how a member of the public may hear
24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, "~~teleconference~~" all of
26 the following definitions shall apply:

27 (A) "~~Teleconference~~" means a meeting of a state ~~body, the~~
28 ~~members of which are at different locations, connected~~ body that
29 provides for a connection by electronic means, including by
30 telephone, an internet website, or other online platform, through
31 ~~either audio or both audio and video~~. This section does not prohibit
32 a state body from providing members of the public with additional
33 physical locations in which the public may observe ~~or~~ and address
34 the state body by electronic means, through either audio or both
35 audio and video.

36 (B) "Remote location" means a location from which a member
37 of a state body participates in a meeting other than any physical
38 meeting location designated in the notice of the meeting. Remote
39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting
2 by teleconference at a location other than any physical meeting
3 location designated in the notice of the meeting. Watching or
4 listening to a meeting via webcasting or another similar electronic
5 medium that does not permit members to interactively hear,
6 discuss, or deliberate on matters, does not constitute participation
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform
9 that provides participants with the ability to participate in a
10 meeting via both an interactive video conference and a two-way
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service
13 that does not require internet access, is not provided as part of a
14 two-way audio-visual platform, and allows participants to dial a
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online
17 or on television, using streaming media technology to distribute
18 a single content source to many simultaneous listeners and viewers.
19 This section does not prohibit a state body from providing members
20 of the public with additional physical locations in which the public
21 may observe and address the state body by electronic means.

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

25 (d) A state body that is organized within the Department of
26 Consumer Affairs and meets at least two times each calendar year
27 shall be deemed to have met the requirements of subdivision (a)
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the
30 ability to encourage full participation by appointees with
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by
33 teleconference from a remote location, the member shall disclose
34 whether any other individuals 18 years of age or older are present
35 in the room at the remote location with the member, and the
36 general nature of the member’s relationship with any such
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,
2 advisory committee, advisory subcommittee, or similar
3 multimember advisory body may hold an open meeting by
4 teleconference as described in this section, provided the meeting
5 complies with all of the section's requirements and, except as set
6 forth in this section, it also complies with all other applicable
7 requirements of this article.

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

12 (c) The state body shall provide notice to the public at least 24
13 hours before the meeting that identifies any member who will
14 participate remotely by posting the notice on its Internet Web site
15 and by emailing notice to any person who has requested notice of
16 meetings of the state body under this article. The location of a
17 member of a state body who will participate remotely is not
18 required to be disclosed in the public notice or email and need not
19 be accessible to the public. The notice of the meeting shall also
20 identify the primary physical meeting location designated pursuant
21 to subdivision (c).

22 (d) This section does not affect the requirement prescribed by
23 this article that the state body post an agenda of a meeting at least
24 10 days in advance of the meeting. The agenda shall include
25 information regarding the physical meeting location designated
26 pursuant to subdivision (c), but is not required to disclose
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the
29 primary physical meeting location in the notice of the meeting
30 where members of the public may physically attend the meeting
31 and participate. A quorum of the members of the state body shall
32 be in attendance at the primary physical meeting location, and
33 members of the state body participating remotely shall not count
34 towards establishing a quorum. All decisions taken during a
35 meeting by teleconference shall be by rollcall vote. The state body
36 shall post the agenda at the primary physical meeting location, but
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)
39 participates remotely in a meeting subject to this section's
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe
2 the meeting, including, if available, equal access equivalent to
3 members of the state body participating remotely. The applicable
4 teleconference phone number or Internet Web site, or other
5 information indicating how the public can access the meeting
6 remotely, shall be in the 24-hour notice described in subdivision
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required
9 by subdivision (f) has failed during a meeting, the state body
10 described in subdivision (a) shall end or adjourn the meeting in
11 accordance with Section 11128.5. In addition to any other
12 requirements that may apply, the state body shall provide notice
13 of the meeting's end or adjournment on its Internet Web site and
14 by email to any person who has requested notice of meetings of
15 the state body under this article. If the meeting will be adjourned
16 and reconvened on the same day, further notice shall be provided
17 by an automated message on a telephone line posted on the state
18 body's agenda, or by a similar means, that will communicate when
19 the state body intends to reconvene the meeting and how a member
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at
23 a location other than the physical location designated in the agenda
24 of the meeting.

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

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

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

31 SEC. 5. Section 11124 of the Government Code is amended
32 to read:

33 11124. (a) No person shall be required, as a condition to
34 attendance at a meeting of a state body, to register his or her *the*
35 *person's* name, to provide other information, to complete a
36 questionnaire, or otherwise to fulfill any condition precedent to
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to
2 persons present during the meeting, it shall state clearly that the
3 signing, registering, or completion of the document is voluntary,
4 and that all persons may attend the meeting regardless of whether
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*
7 *online platform that may require identification to log into a*
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended
10 to read:

11 11125. (a) The state body shall provide notice of its meeting
12 to any person who requests that notice in writing. Notice shall be
13 given and also made available on the ~~Internet~~ *state body's internet*
14 *website* at least 10 days in advance of the meeting, and shall include
15 the name, address, and telephone number of any person who can
16 provide further information prior to the meeting, but need not
17 include a list of witnesses expected to appear at the meeting. The
18 written notice shall additionally include the address of the ~~Internet~~
19 *site internet website* where notices required by this article are made
20 available. *The notice shall specify the means by which a meeting*
21 *may be accessed by teleconference in accordance with the*
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*
23 *(b) of Section 11123, including sufficient information necessary*
24 *to access the teleconference. The notice shall also specify any*
25 *designated physical meeting location at which the public may*
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall
28 include a specific agenda for the meeting, containing a brief
29 description of the items of business to be transacted or discussed
30 in either open or closed session. A brief general description of an
31 item generally need not exceed 20 words. A description of an item
32 to be transacted or discussed in closed session shall include a
33 citation of the specific statutory authority under which a closed
34 session is being held. No item shall be added to the agenda
35 subsequent to the provision of this notice, unless otherwise
36 permitted by this article.

37 ~~(e) Notice of a meeting of a state body that complies with this~~
38 ~~section shall also constitute notice of a meeting of an advisory~~
39 ~~body of that state body, provided that the business to be discussed~~
40 ~~by the advisory body is covered by the notice of the meeting of~~

1 ~~the state body, provided that the specific time and place of the~~
2 ~~advisory body's meeting is announced during the open and public~~
3 ~~state body's meeting, and provided that the advisory body's~~
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant
8 to subdivision (a) for all meetings of a state body or for a specific
9 meeting or meetings. In addition, at the state body's discretion, a
10 person may request, and may be provided, notice of only those
11 meetings of a state body at which a particular subject or subjects
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative
18 formats, as required by Section 202 of the Americans with
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
20 rules and regulations adopted in implementation thereof, upon
21 request by any person with a disability. The notice shall include
22 information regarding how, to whom, and by when a request for
23 any disability-related modification or accommodation, including
24 auxiliary aids or services may be made by a person with a disability
25 who requires these aids or services in order to participate in the
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*
28 *consistent with applicable state and federal civil rights laws,*
29 *including, but not limited to, any applicable language access and*
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended
32 to read:

33 11125.4. (a) A special meeting may be called at any time by
34 the presiding officer of the state body or by a majority of the
35 members of the state body. A special meeting may only be called
36 for one of the following purposes when compliance with the 10-day
37 notice provisions of Section 11125 would impose a substantial
38 hardship on the state body or when immediate action is required
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in
2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or
6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real
8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant
11 to Division 31 (commencing with Section 50000) of the Health
12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit
14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body
16 upon the death, incapacity, or vacancy in the office of the executive
17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*
19 *required to be conducted pursuant to Chapter 5 (commencing with*
20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the
22 purposes specified in subdivision (a), the state body shall provide
23 notice of the special meeting to each member of the state body and
24 to all parties that have requested notice of its meetings as soon as
25 is practicable after the decision to call a special meeting has been
26 made, but shall deliver the notice in a manner that allows it to be
27 received by the members and by newspapers of general circulation
28 and radio or television stations at least 48 hours before the time
29 of the special meeting specified in the notice. Notice shall be made
30 available to newspapers of general circulation and radio or
31 television stations by providing that notice to all national press
32 wire services. Notice shall also be made available on the Internet
33 within the time periods required by this section. The notice shall
34 specify the time and place of the special meeting and the business
35 to be transacted. The written notice shall additionally specify the
36 address of the ~~Internet Web site~~ *internet website* where notices
37 required by this article are made available. No other business shall
38 be considered at a special meeting by the state body. The written
39 notice may be dispensed with as to any member who at or prior
40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be
2 given by telegram, facsimile transmission, or similar means. The
3 written notice may also be dispensed with as to any member who
4 is actually present at the meeting at the time it convenes. Notice
5 shall be required pursuant to this section regardless of whether any
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body
8 must make a finding in open session that the delay necessitated
9 by providing notice 10 days prior to a meeting as required by
10 Section 11125 would cause a substantial hardship on the body or
11 that immediate action is required to protect the public interest. The
12 finding shall set forth the specific facts that constitute the hardship
13 to the body or the impending harm to the public interest. The
14 finding shall be adopted by a two-thirds vote of the body, or, if
15 less than two-thirds of the members are present, a unanimous vote
16 of those members present. The finding shall be made available on
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned
22 regular, special, or adjourned special meeting to a time and ~~place~~
23 *place, including by teleconference*, specified in the order of
24 adjournment. Less than a quorum may so adjourn from time to
25 time. If all members are absent from any regular or adjourned
26 regular meeting, the clerk or secretary of the state body may declare
27 the meeting adjourned to a stated time and ~~place~~ *place, including*
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall
29 cause a written notice of the adjournment to be given in the same
30 manner as provided in Section 11125.4 for special meetings, unless
31 that notice is waived as provided for special meetings. A copy of
32 the order or notice of adjournment shall be conspicuously posted
33 *on the state body's internet website, and if applicable*, on or near
34 the door of the place where the regular, adjourned regular, special,
35 or adjourned special meeting was held within 24 hours after the
36 time of the adjournment. When a regular or adjourned regular
37 meeting is adjourned as provided in this section, the resulting
38 adjourned regular meeting is a regular meeting for all purposes.
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be
6 held by a state body at any meeting may by order or notice of
7 continuance be continued or recontinued to any subsequent meeting
8 of the state body in the same manner and to the same extent set
9 forth in Section 11128.5 for the adjournment of meetings. A copy
10 of the order or notice of continuance shall be conspicuously posted
11 *on the state body's internet website, and if applicable*, on or near
12 the door of the place where the hearing was held within 24 hours
13 after the time of the continuance; provided, that if the hearing is
14 continued to a time less than 24 hours after the time specified in
15 the order or notice of hearing, a copy of the order or notice of
16 continuance of hearing shall be posted immediately following the
17 meeting at which the order or declaration of continuance was
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act
20 to improve and enhance public access to state and local agency
21 meetings by allowing broader access through teleconferencing
22 options consistent with the Governor's Executive Order No.
23 N-29-20 dated March 17, 2020, and related executive orders,
24 permitting expanded use of teleconferencing during the COVID-19
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the California Constitution and shall
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government
31 participation by the public, and increase transparency in state
32 government operations during the COVID-19 pandemic, it is
33 necessary that this act take effect immediately.

O

AB 1795 (V. Fong, R-Bakersfield)
Open meetings: remote participation.

Status/History: 2/18/2022 – Referred to the Assembly Committee on Governmental Organization.

Location: 2/25/2022 – Committee on Governmental Organization

Introduced: 2/7/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

Affected Laws: An act to amend Sections 11123 and 11125.7, of the Government Code, relating to boards and commissions.

Staff Comment: This bill would require the Board to allow members of the public to attend meetings both in person and through “remote participation.” For purposes of this requirement, “remote participation” is defined as “participation in a meeting at a location other than the physical location designated in the agenda of the meeting via electronic communication.” Unlike SB 1733, this bill would not amend the law to allow Board members to attend meetings from remote locations unless those locations were included on the meeting notice and open and accessible to the public.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on AB 1795.

ASSEMBLY BILL

No. 1795

Introduced by Assembly Member Fong

February 7, 2022

An act to amend Sections 11123 and 11125.7 of the Government Code, relating to boards and commissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1795, as introduced, Fong. Open meetings: remote participation.

Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

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:
3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state ~~body~~ body, including by both in-person and remote
6 participation, except as otherwise provided in this article. For
7 purposes of this subdivision, "remote participation" means
8 participation in a meeting at a location other than the physical

1 *location designated in the agenda of the meeting via electronic*
2 *communication.*

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

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

11 (B) The portion of the teleconferenced meeting that is required
12 to be open to the public shall be audible to the public at the location
13 specified in the notice of the meeting.

14 (C) If the state body elects to conduct a meeting or proceeding
15 by teleconference, it shall post agendas at all teleconference
16 locations and conduct teleconference meetings in a manner that
17 protects the rights of any party or member of the public appearing
18 before the state body. Each teleconference location shall be
19 identified in the notice and agenda of the meeting or proceeding,
20 and each teleconference location shall be accessible to the public.
21 The agenda shall provide an opportunity for members of the public
22 to address the state body directly pursuant to Section 11125.7 at
23 each teleconference location.

24 (D) All votes taken during a teleconferenced meeting shall be
25 by rollcall.

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

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

31 (2) For the purposes of this subdivision, “teleconference” means
32 a meeting of a state body, the members of which are at different
33 locations, connected by electronic means, through either audio or
34 both audio and video. This section does not prohibit a state body
35 from providing members of the public with additional locations
36 in which the public may observe or address the state body by
37 electronic means, through either audio or both audio and video.

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

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

3 11125.7. (a) Except as otherwise provided in this section, the
4 state body shall provide an opportunity for members of the public
5 to directly address the state ~~body~~ body, *including by both in-person*
6 *and remote participation*, on each agenda item before or during
7 the state body's discussion or consideration of the item. This
8 section is not applicable if the agenda item has already been
9 considered by a committee composed exclusively of members of
10 the state body at a public meeting where interested members of
11 the public were afforded the opportunity to address the committee
12 on the item, before or during the committee's consideration of the
13 item, unless the item has been substantially changed since the
14 committee heard the item, as determined by the state body. Every
15 notice for a special meeting at which action is proposed to be taken
16 on an item shall provide an opportunity for members of the public
17 to directly address the state body concerning that item prior to
18 action on the item. In addition, the notice requirement of Section
19 11125 shall not preclude the acceptance of testimony at meetings,
20 other than emergency meetings, from members of the public if no
21 action is taken by the state body at the same meeting on matters
22 brought before the body by members of the public. *For purposes*
23 *of this subdivision, "remote participation" means participation*
24 *in a meeting at a location other than the physical location*
25 *designated in the agenda of the meeting via electronic*
26 *communication.*

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

32 (c) (1) Notwithstanding subdivision (b), when a state body
33 limits time for public comment the state body shall provide at least
34 twice the allotted time to a member of the public who utilizes a
35 translator or other translating technology to ensure that non-English
36 speakers receive the same opportunity to directly address the state
37 body.

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

1 (d) The state body shall not prohibit public criticism of the
2 policies, programs, or services of the state body, or of the acts or
3 omissions of the state body. Nothing in this subdivision shall confer
4 any privilege or protection for expression beyond that otherwise
5 provided by law.

6 (e) This section is not applicable to any of the following:

7 (1) Closed sessions held pursuant to Section 11126.

8 (2) Decisions regarding proceedings held pursuant to Chapter
9 5 (commencing with Section 11500), relating to administrative
10 adjudication, or to the conduct of those proceedings.

11 (3) Hearings conducted by the California Victim Compensation
12 Board pursuant to ~~Sections 13963 and 13963.1~~. *Section 13959*.

13 (4) Agenda items that involve decisions of the Public Utilities
14 Commission regarding adjudicatory hearings held pursuant to
15 Chapter 9 (commencing with Section 1701) of Part 1 of Division
16 1 of the Public Utilities Code. For all other agenda items, the
17 commission shall provide members of the public, other than those
18 who have already participated in the proceedings underlying the
19 agenda item, an opportunity to directly address the commission
20 before or during the commission's consideration of the item.

O

**SB 1120 (Jones, R-El Cajon)
California Coordinate System.**

Status/History: 2/23/2022 – Referred to the Senate Committee on Governance and Finance.

Location: 2/24/2022 – Committee on Governance and Finance

Introduced: 2/16/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law (the Public Resources Code) prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the “California Coordinate System of 1983.”

This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the “California Coordinate System of 2022,” as provided, and make other conforming changes.

Affected Laws: An act to amend Sections 8801 and 8813.1 of the Public Resources Code, relating to surveying and mapping.

Staff Comment: Senator Brian Jones has agreed to carry the Board’s legislative proposals relating to engineering and land surveying businesses and requiring applicants and licensees to provide the Board with an email address (if they have one). That language will be amended into this bill.

The other language in this bill would update the Public Resources Code to include references to the “California Coordinate System of 2022.” This portion is sponsored by the California Land Surveyors Association (CLSA). These proposed changes do not impact the Board or its operations.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on SB 1120, as introduced, and authorize staff to change the position to “Support” when the bill is amended to include the Board’s legislative proposals.

Introduced by Senator JonesFebruary 16, 2022

An act to amend Sections 8801 and 8813.1 of the Public Resources Code, relating to surveying and mapping.

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, as introduced, Jones. California Coordinate System.

Existing law prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the "California Coordinate System of 1983."

This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the "California Coordinate System of 2022," as provided.

Existing law requires any survey that uses or establishes California Coordinate System of 1983 (CCS83) values to meet specified requirements, including that the survey be referenced to and have field-observed statistically independent connections to one or more horizontal reference stations, as specified.

This bill would instead require any survey that establishes a CCS83 value to be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations. The bill would make conforming and nonsubstantive 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 8801 of the Public Resources Code is
2 amended to read:

3 8801. (a) The system of plane coordinates that has been
4 established by the United States Coast and Geodetic Survey for
5 defining and stating the positions or locations of points on the
6 surface of the earth within the State of California is based on the
7 North American Datum of 1927 and is identified as the “California
8 Coordinate System.” After January 1, 1987, this system shall be
9 known as the “California Coordinate System of 1927.”

10 (b) The system of plane coordinates—~~which~~ *that* has been
11 established by the National Geodetic Survey for defining and
12 stating the positions or locations of points on the surface of the
13 earth within the State of California and—~~which~~ *that* is based on the
14 North American Datum of 1983 shall be known as the “California
15 Coordinate System of 1983.”

16 (c) As used in this ~~chapter~~; *chapter*; the following definitions
17 apply:

18 (1) “NAD27” means the North American Datum of 1927.

19 (2) “CCS27” means the California Coordinate System of 1927.

20 (3) “NAD83” means the North American Datum of 1983.

21 (4) “CCS83” means the California Coordinate System of 1983.

22 (5) “USC&GS” means the United States Coast and Geodetic
23 Survey.

24 (6) “NGS” means the National Geodetic Survey or its successor.

25 (7) “FGCS” means the Federal Geodetic Control Subcommittee
26 or its successor.

27 (8) “CSRC” means the California Spatial Reference Center or
28 its successor.

29 (9) “CSRN” means the California Spatial Reference Network,
30 as ~~defined by~~ *described in* Chapter 3 (commencing with Section
31 8850), “Geodetic Datums and the California Spatial Reference
32 Network.”

33 (10) “GPS” means Global Positioning System and includes
34 other, similar space-based systems.

35 (11) “FGDC” means the Federal Geographic Data Committee
36 or its successor.

37 (d) *The California portion of the system of plane coordinates*
38 *defined as the State Plane Coordinate System of 2022 (SPCS2002)*

1 as established by NGS and maintained by either NGS or CSRC
2 shall be known as the “California Coordinate System of 2022.”

3 ~~(d)~~

4 (e) The use of the term “State Plane Coordinates” refers only
5 to CCS27 and CCS83 coordinates.

6 SEC. 2. Section 8813.1 of the Public Resources Code is
7 amended to read:

8 8813.1. ~~After~~ *On and after* December 31, 2005, ~~any~~ a survey
9 that uses or establishes a CCS83 value or values shall meet all of
10 the following requirements:

11 (a) (1) The survey shall be referenced to and shall have
12 field-observed statistically independent connections to one or more
13 horizontal reference ~~stations~~ *stations, except as provided in*
14 *paragraph (2),* that is or are one of the following:

15 ~~(1)~~

16 (A) CSRN station.

17 ~~(2)~~

18 (B) Geodetic control station located outside of the State of
19 California that meets all the requirements for inclusion in the CSRN
20 except that the station is outside California.

21 ~~(3)~~

22 (C) Existing CCS83 station ~~that:~~ *that is all of the following:*

23 ~~(A)~~

24 (i) Is shown on a map filed with the applicable county surveyor
25 by a public officer, subdivision map, corner record, or record of
26 survey.

27 ~~(B)~~

28 (ii) Meets all the requirements for inclusion in the CSRN, except
29 that the station and its data are not published by NGS or CSRC.

30 ~~(C)~~

31 (iii) Has an accuracy, conforming to the applicable CSRN
32 requirements, stated for the station’s value.

33 ~~(4)~~

34 (D) Existing CCS83 station ~~that:~~ *that is all of the following:*

35 ~~(A)~~

36 (i) Is shown on a public map or document that is compiled and
37 maintained by the applicable county surveyor.

38 ~~(B)~~

39 (ii) Meets all the requirements for inclusion in the CSRN, except
40 that the station and its data are not published by NGS or CSRC.

- 1 ~~(E)~~
2 (iii) Has an accuracy, conforming to the applicable CSRN
3 requirements, stated for the station's value.
4 (2) *For purposes of a survey that establishes a CCS83 value or*
5 *values, the survey shall be referenced to and shall have*
6 *field-observed statistically independent connections to two or more*
7 *horizontal reference stations.*
8 (b) If an accuracy is to be claimed for the CCS83 value or values
9 established, the claimed accuracy shall be an accuracy standard
10 published by FGDC or FGCS.

O

SB 1237 (Newman, D-Fullerton)
Licenses: military service.

Status/History: 2/17/2022 – To Senate Committee on Rules for assignment.

Location: 2/25/2022 – Senate Rules Committee

Introduced: 2/17/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law requires the licensing boards within the Department of Consumer Affairs, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met.

This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.

Affected Laws: An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: Business and Professions Code section 114.3 requires the licensing boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if 1) the licensee or registrant possessed a current and valid license with the board at the time the licensee or registrant was called to active duty; 2) the renewal requirements are waived only for the period during which the licensee or registrant is on active duty service; and, 3) written documentation that substantiates the licensee or registrant’s active duty service is provided to the board. This bill would add a new subdivision to Section 114.3 that would require the Board to waive the renewal fees of a licensee called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee is stationed outside of California.

Since Section 114.3 was enacted in 2013, the Board has received a few requests to waive the renewal fees pursuant to this section, which have been granted upon receipt of the required documentation. These waivers have been granted whether the person was stationed inside or outside of California. (The Board does not have continuing education or other renewal requirements beyond payment of the fee.)

Staff Recommendation: Staff recommends the Board take a position of “Watch” on SB 1237.

Introduced by Senator NewmanFebruary 17, 2022

An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as introduced, Newman. Licenses: military service.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. This bill would also make nonsubstantive changes to those 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 114.3 of the Business and Professions
2 Code is amended to read:
3 114.3. (a) Notwithstanding any other law, every board, as
4 defined in Section 22, within the department shall waive the
5 renewal fees, continuing education requirements, and other renewal
6 requirements as determined by the board, if any are applicable,
7 for ~~any~~ a licensee or registrant called to active duty as a member
8 of the United States Armed Forces or the California National Guard
9 if all of the following requirements are met:
10 (1) The licensee or registrant possessed a current and valid
11 license with the board at the time the licensee or registrant was
12 called to active duty.
13 (2) The renewal requirements are waived only for the period
14 during which the licensee or registrant is on active duty service.
15 (3) Written documentation that substantiates the licensee or
16 registrant's active duty service is provided to the board.
17 (b) (1) Except as specified in paragraph (2), the licensee or
18 registrant shall not engage in any activities requiring a license
19 during the period that the waivers provided by this section are in
20 effect.
21 (2) If the licensee or registrant will provide services for which
22 the licensee or registrant is licensed while on active duty, the board
23 shall convert the license status to military active and no private
24 practice of any type shall be permitted.
25 (c) In order to engage in any activities for which the licensee
26 or registrant is licensed once discharged from active duty, the
27 licensee or registrant shall meet all necessary renewal requirements
28 as determined by the board within six months from the licensee's
29 or registrant's date of discharge from active duty service.
30 (d) After a licensee or registrant receives notice of the licensee
31 or registrant's discharge date, the licensee or registrant shall notify
32 the board of their discharge from active duty within 60 days of
33 receiving their notice of discharge.
34 (e) *A board shall waive the renewal fees of a licensee or*
35 *registrant called to active duty as a member of the United States*

1 *Armed Forces or the California National Guard if the licensee or*
2 *registrant is stationed outside of California.*

3 (e)

4 (f) A board may adopt regulations to carry out the provisions
5 of this section.

6 (f)

7 (g) This section shall not apply to any board that has a similar
8 license renewal waiver process statutorily authorized for that board.

O

SB 1365 (Jones, R-El Cajon)
Licensing boards: procedures.

Status/History: 2/18/2022 – To Senate Committee on Rules for assignment.

Location: 2/25/2022 – Senate Rules Committee

Introduced: 2/18/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs (DCA) and the boards to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require the boards to publicly post on their websites a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees.

The bill would require DCA to establish a process to assist each board in developing the information to be included on the website, as specified. It would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents.

The bill would further require the boards to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

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

Staff Comment: The Board has regulations that define the criteria that must be considered to determine if a crime is substantially related to the qualifications, functions, and duties of the regulated professions and that define the evidence of rehabilitation the Board must consider before denying issuance of a license. These regulations are available on the Board's website, as are all of the Board's regulations. Board staff currently relies upon information from official court documents regarding convictions, rather than just a list or explanation from the applicants. The Board currently has an informal appeal process for citations; it is likely that the informal appeal process required by this bill could be similar to that process.

Staff Recommendation: Staff recommends the Board take a position of "Watch" on SB 1365.

Introduced by Senator JonesFebruary 18, 2022

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as introduced, Jones. Licensing boards: procedures.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

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

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

1 SECTION 1. Section 114.6 is added to the Business and
2 Professions Code, to read:
3 114.6. (a) Each board within the department shall publicly
4 post on its internet website a list of criteria used to evaluate
5 applicants with criminal convictions so that potential applicants
6 for licensure may be better informed about their possibilities of
7 gaining licensure before investing time and resources into
8 education, training, and application fees.
9 (b) The department shall do all of the following:
10 (1) (A) Establish a process to assist each board in developing
11 its internet website in compliance with subdivision (a).
12 (B) As part of this process, the department shall disseminate
13 materials to, and serve as a clearing house to, boards in order to
14 provide guidance and best practices in assisting applicants with
15 criminal convictions gain employment.
16 (2) (A) Develop a process for each board to use in verifying
17 applicant information and performing background checks of
18 applicants.
19 (B) In developing this process, the board may examine the model
20 used for performing background checks of applicants established
21 by the Department of Insurance. The process developed shall
22 require applicants with convictions to provide certified court
23 documents instead of listing convictions on application documents.
24 This process shall prevent license denials due to unintentional
25 reporting errors. This process shall also include procedures to
26 expedite the fee-waiver process for any low-income applicant
27 requesting a background check.
28 (3) (A) Develop a procedure to provide for an informal appeals
29 process.
30 (B) In developing this informal appeals process, the department
31 may examine the model for informal appeals used by the Bureau
32 of Security and Investigative Services. The informal appeals

- 1 process shall occur between an initial license denial and an
- 2 administrative law hearing.

O

SB 1443 (Roth, D-Riverside)
The Department of Consumer Affairs.

Status/History: 2/18/2022 – To Senate Committee on Rules for assignment.

Location: 2/25/2022 – Senate Rules Committee

Introduced: 2/18/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions until January 1, 2025, and make related conforming changes.

Affected Laws: An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: The Board’s current sunset date specified in the Professional Engineers Act and the Professional Land Surveyors’ Act is January 1, 2024. This bill would extend that date to January 1, 2025. (There is no sunset date in the Geologist and Geophysicist Act.) Due to the pandemic, the sunset hearings originally scheduled for 2020 were postponed, and the boards and bureaus up for hearing that year were given extensions. However, that created a burdensome hearing calendar for the Legislature the following year. As such, the Legislature has been adjusting the sunset dates of various boards and bureaus each year in order to achieve a more uniform and workable schedule of boards and bureaus subject to review each year.

Extending the Board’s sunset date to 2025 means that the Board’s report will be due at the end of 2023/beginning of 2024, with the sunset review hearing held in 2024.

The section from the Professional Land Surveyors’ Act was overlooked in the introduced version of the bill. Senator Roth’s staff is aware of this, and the section will be included when the bill is amended.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on SB 1443, as introduced, and authorize staff to change the position to “Support” when the bill is amended to include the Business and Professions Code section 8710.

Introduced by Senator RothFebruary 18, 2022

An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as introduced, Roth. The Department of Consumer Affairs.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis.

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024.

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

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

1 SECTION 1. Section 1601.1 of the Business and Professions
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer
4 Affairs the Dental Board of California in which the administration
5 of this chapter is vested. The board shall consist of eight practicing
6 dentists, one registered dental hygienist, one registered dental
7 assistant, and five public members. Of the eight practicing dentists,
8 one shall be a member of a faculty of any California dental college,
9 and one shall be a dentist practicing in a nonprofit community
10 clinic. The appointing powers, described in Section 1603, may
11 appoint to the board a person who was a member of the prior board.
12 The board shall be organized into standing committees dealing
13 with examinations, enforcement, and other subjects as the board
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter
16 to the Board of Dental Examiners shall be deemed to refer to the
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the
19 existing board under this chapter. The board may enforce all
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until ~~January 1, 2024,~~
22 *January 1, 2025*, and as of that date is repealed. Notwithstanding
23 any other law, the repeal of this section renders the board subject
24 to review by the appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,
28 may appoint a person exempt from civil service who shall be
29 designated as an executive officer and who shall exercise the
30 powers and perform the duties delegated by the board and vested
31 in the executive officer by this chapter.

1 (b) This section shall remain in effect only until ~~January 1, 2024,~~
2 *January 1, 2025*, and as of that date is repealed.

3 SEC. 3. Section 5000 of the Business and Professions Code is
4 amended to read:

5 5000. (a) There is in the Department of Consumer Affairs the
6 California Board of Accountancy, which consists of 15 members,
7 7 of whom shall be licensees, and 8 of whom shall be public
8 members who shall not be licentiates of the board or registered by
9 the board. The board has the powers and duties conferred by this
10 chapter.

11 (b) The Governor shall appoint four of the public members, and
12 the seven licensee members as provided in this section. The Senate
13 Committee on Rules and the Speaker of the Assembly shall each
14 appoint two public members. In appointing the seven licensee
15 members, the Governor shall appoint individuals representing a
16 cross section of the accounting profession.

17 (c) This section shall remain in effect only until ~~January 1, 2024,~~
18 *January 1, 2025*, and as of that date is repealed.

19 (d) Notwithstanding any other law, the repeal of this section
20 renders the board subject to review by the appropriate policy
21 committees of the Legislature. However, the review of the board
22 shall be limited to reports or studies specified in this chapter and
23 those issues identified by the appropriate policy committees of the
24 Legislature and the board regarding the implementation of new
25 licensing requirements.

26 SEC. 4. Section 5015.6 of the Business and Professions Code
27 is amended to read:

28 5015.6. The board may appoint a person exempt from civil
29 service who shall be designated as an executive officer and who
30 shall exercise the powers and perform the duties delegated by the
31 board and vested in the executive officer by this chapter.

32 This section shall remain in effect only until ~~January 1, 2024,~~
33 *January 1, 2025*, and as of that date is repealed.

34 SEC. 5. Section 5510 of the Business and Professions Code is
35 amended to read:

36 5510. There is in the Department of Consumer Affairs a
37 California Architects Board which consists of 10 members.

38 Any reference in law to the California Board of Architectural
39 Examiners shall mean the California Architects Board.

1 This section shall remain in effect only until ~~January 1, 2024,~~
2 *January 1, 2025*, and as of that date is repealed. Notwithstanding
3 any other law, the repeal of this section renders the board subject
4 to review by the appropriate policy committees of the Legislature.

5 SEC. 6. Section 5517 of the Business and Professions Code is
6 amended to read:

7 5517. The board may appoint a person exempt from civil
8 service who shall be designated as an executive officer and who
9 shall exercise the powers and perform the duties delegated by the
10 board and vested in the executive officer by this chapter.

11 This section shall remain in effect only until ~~January 1, 2024,~~
12 *January 1, 2025*, and as of that date is repealed.

13 SEC. 7. Section 5620 of the Business and Professions Code is
14 amended to read:

15 5620. The duties, powers, purposes, responsibilities, and
16 jurisdiction of the California State Board of Landscape Architects
17 that were succeeded to and vested with the Department of
18 Consumer Affairs in accordance with Chapter 908 of the Statutes
19 of 1994 are hereby transferred to the California Architects Board.
20 The Legislature finds that the purpose for the transfer of power is
21 to promote and enhance the efficiency of state government and
22 that assumption of the powers and duties by the California
23 Architects Board shall not be viewed or construed as a precedent
24 for the establishment of state regulation over a profession or
25 vocation that was not previously regulated by a board, as defined
26 in Section 477.

27 (a) There is in the Department of Consumer Affairs a California
28 Architects Board as defined in Article 2 (commencing with Section
29 5510) of Chapter 3 of Division 3.

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

32 (b) Except as provided herein, the board may delegate its
33 authority under this chapter to the Landscape Architects Technical
34 Committee.

35 (c) After review of proposed regulations, the board may direct
36 the examining committee to notice and conduct hearings to adopt,
37 amend, or repeal regulations pursuant to Section 5630, provided
38 that the board itself shall take final action to adopt, amend, or
39 repeal those regulations.

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

4 (e) This section shall remain in effect only until ~~January 1, 2024,~~
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 8. Section 5621 of the Business and Professions Code is
7 amended to read:

8 5621. (a) There is hereby created within the jurisdiction of the
9 board, a Landscape Architects Technical Committee, hereinafter
10 referred to in this chapter as the landscape architects committee.

11 (b) The landscape architects committee shall consist of five
12 members who shall be licensed to practice landscape architecture
13 in this state. The Governor shall appoint three of the members.
14 The Senate Committee on Rules and the Speaker of the Assembly
15 shall appoint one member each.

16 (c) The initial members to be appointed by the Governor are as
17 follows: one member for a term of one year; one member for a
18 term of two years; and one member for a term of three years. The
19 Senate Committee on Rules and the Speaker of the Assembly shall
20 initially each appoint one member for a term of four years.
21 Thereafter, appointments shall be made for four-year terms,
22 expiring on June 1 of the fourth year and until the appointment
23 and qualification of the member's successor or until one year shall
24 have elapsed, whichever first occurs. Vacancies shall be filled for
25 the unexpired term.

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

28 (e) This section shall remain in effect only until ~~January 1, 2024,~~
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 9. Section 5622 of the Business and Professions Code is
31 amended to read:

32 5622. (a) The landscape architects committee may assist the
33 board in the examination of candidates for a landscape architect's
34 license and, after investigation, evaluate and make
35 recommendations regarding potential violations of this chapter.

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

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

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

7 (e) This section shall remain in effect only until ~~January 1, 2024,~~
8 *January 1, 2025*, and as of that date is repealed.

9 SEC. 10. Section 6710 of the Business and Professions Code
10 is amended to read:

11 6710. (a) There is in the Department of Consumer Affairs a
12 Board for Professional Engineers, Land Surveyors, and Geologists,
13 which consists of 15 members.

14 (b) Any reference in any law or regulation to the Board of
15 Registration for Professional Engineers and Land Surveyors, or
16 the Board for Professional Engineers and Land Surveyors, is
17 deemed to refer to the Board for Professional Engineers, Land
18 Surveyors, and Geologists.

19 (c) This section shall remain in effect only until ~~January 1, 2024,~~
20 *January 1, 2025*, and as of that date is repealed. Notwithstanding
21 any other law, the repeal of this section renders the board subject
22 to review by the appropriate policy committees of the Legislature.

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

25 6714. The board shall appoint an executive officer at a salary
26 to be fixed and determined by the board with the approval of the
27 Director of Finance.

28 This section shall remain in effect only until ~~January 1, 2024,~~
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 12. Section 6981 of the Business and Professions Code
31 is amended to read:

32 6981. Notwithstanding any other law, the powers and duties
33 of the bureau, as set forth in this chapter, shall be subject to review
34 by the appropriate policy committees of the Legislature. The review
35 shall be performed as if this chapter were scheduled to be repealed
36 as of ~~January 1, 2024.~~ *January 1, 2025*.

37 SEC. 13. Section 7000.5 of the Business and Professions Code
38 is amended to read:

39 7000.5. (a) There is in the Department of Consumer Affairs
40 a Contractors State License Board, which consists of 15 members.

1 (b) Notwithstanding any other provision of law, the repeal of
2 this section renders the board subject to review by the appropriate
3 policy committees of the Legislature.

4 (c) This section shall remain in effect only until ~~January 1, 2024,~~
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 14. Section 7011 of the Business and Professions Code
7 is amended to read:

8 7011. (a) The board, by and with the approval of the director,
9 shall appoint a registrar of contractors and fix the registrar's
10 compensation.

11 (b) The registrar shall be the executive officer and secretary of
12 the board and shall carry out all of the administrative duties as
13 provided in this chapter and as delegated to the registrar by the
14 board.

15 (c) For the purpose of administration of this chapter, there may
16 be appointed a deputy registrar, a chief reviewing and hearing
17 officer, and, subject to Section 159.5, other assistants and
18 subordinates as may be necessary.

19 (d) Appointments shall be made in accordance with the
20 provisions of civil service laws.

21 (e) This section shall remain in effect only until ~~January 1, 2024,~~
22 *January 1, 2025*, and as of that date is repealed.

23 SEC. 15. Section 7511.5 of the Business and Professions Code
24 is amended to read:

25 7511.5. Notwithstanding any other law, the powers and duties
26 of the bureau, as set forth in this chapter, shall be subject to review
27 by the appropriate policy committees of the Legislature. The review
28 shall be performed as if this chapter were scheduled to be repealed
29 as of ~~January 1, 2024.~~ *January 1, 2025.*

30 SEC. 16. Section 7573.5 of the Business and Professions Code
31 is amended to read:

32 7573.5. Notwithstanding any other law, the powers and duties
33 of the bureau, as set forth in this chapter, shall be subject to review
34 by the appropriate policy committees of the Legislature. The review
35 shall be performed as if this chapter were scheduled to be repealed
36 as of ~~January 1, 2024.~~ *January 1, 2025.*

37 SEC. 17. Section 7576 of the Business and Professions Code
38 is amended to read:

39 7576. Notwithstanding any other law, the powers and duties
40 of the bureau, as set forth in this chapter, shall be subject to review

1 by the appropriate policy committees of the Legislature. The review
2 shall be performed as if this chapter were scheduled to be repealed
3 as of ~~January 1, 2024~~. *January 1, 2025*.

4 SEC. 18. Section 7588.8 of the Business and Professions Code
5 is amended to read:

6 7588.8. Notwithstanding any other law, the powers and duties
7 of the bureau, as set forth in this chapter, shall be subject to review
8 by the appropriate policy committees of the Legislature. The review
9 shall be performed as if this chapter were scheduled to be repealed
10 as of ~~January 1, 2024~~. *January 1, 2025*.

11 SEC. 19. Section 7599.80 of the Business and Professions
12 Code is amended to read:

13 7599.80. Notwithstanding any other law, the powers and duties
14 of the bureau, as set forth in this chapter, shall be subject to review
15 by the appropriate policy committees of the Legislature. The review
16 shall be performed as if this chapter were scheduled to be repealed
17 as of ~~January 1, 2024~~. *January 1, 2025*.

18 SEC. 20. Section 7602 of the Business and Professions Code
19 is amended to read:

20 7602. (a) (1) There is in the department the Cemetery and
21 Funeral Bureau, under the supervision and control of the director.

22 (2) The director may appoint a chief at a salary to be fixed and
23 determined by the director, with the approval of the Director of
24 Finance. The duty of enforcing and administering this chapter is
25 vested in the chief, and the chief is responsible to the director. The
26 chief shall serve at the pleasure of the director.

27 (3) Every power granted or duty imposed upon the director
28 under this chapter may be exercised or performed in the name of
29 the director by a deputy director or by the chief, subject to
30 conditions and limitations the director may prescribe.

31 (b) Notwithstanding any other law, the powers and duties of the
32 bureau, as set forth in this chapter, shall be subject to review by
33 the appropriate policy committees of the Legislature. The review
34 shall be performed as if this chapter is scheduled to be repealed
35 on ~~January 1, 2024~~. *January 1, 2025*.

36 SEC. 21. Section 8000 of the Business and Professions Code
37 is amended to read:

38 8000. (a) There is in the Department of Consumer Affairs a
39 Court Reporters Board of California, which consists of five
40 members, three of whom shall be public members and two of

1 whom shall be holders of certificates issued under this chapter
2 who have been actively engaged as shorthand reporters within this
3 state for at least five years immediately preceding their
4 appointment.

5 (b) This section shall remain in effect only until ~~January 1, 2024,~~
6 *January 1, 2025*, and as of that date is repealed.

7 (c) Notwithstanding any other law, repeal of this section renders
8 the board subject to review by the appropriate policy committees
9 of the Legislature.

10 SEC. 22. Section 8005 of the Business and Professions Code
11 is amended to read:

12 8005. (a) The Court Reporters Board of California is charged
13 with the executive functions necessary for effectuating the purposes
14 of this chapter. It may appoint committees as it deems necessary
15 or proper. The board may appoint, prescribe the duties, and fix the
16 salary of an executive officer. Except as provided by Section 159.5,
17 the board may also employ other employees as may be necessary,
18 subject to civil service and other law.

19 (b) This section shall remain in effect only until ~~January 1, 2024,~~
20 *January 1, 2025*, and as of that date is repealed.

21 SEC. 23. Section 9812.5 of the Business and Professions Code
22 is amended to read:

23 9812.5. The director shall gather evidence of violations of this
24 chapter and of any regulation established hereunder by any service
25 contractor, whether registered or not, and by any employee, partner,
26 officer, or member of any service contractor. The director shall,
27 ~~on his or her~~ *their* own initiative, conduct spot check investigations
28 of service contractors throughout the state on a continuous basis.

29 This section shall remain in effect only until ~~January 1, 2023,~~
30 *January 1, 2024*, and as of that date is repealed.

31 SEC. 24. Section 9832.5 of the Business and Professions Code
32 is amended to read:

33 9832.5. (a) Registrations issued under this chapter shall expire
34 no more than 12 months after the issue date. The expiration date
35 of registrations shall be set by the director in a manner to best
36 distribute renewal procedures throughout the year.

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

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

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

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

14 (f) This section shall remain in effect only until ~~January 1, 2023,~~
15 *January 1, 2024*, and as of that date is repealed.

16 SEC. 25. Section 9847.5 of the Business and Professions Code
17 is amended to read:

18 9847.5. (a) Each service contractor shall maintain those records
19 as are required by the regulations adopted to carry out the
20 provisions of this chapter for a period of at least three years. These
21 records shall be open for reasonable inspection by the director or
22 other law enforcement officials.

23 (b) This section shall remain in effect only until ~~January 1, 2023,~~
24 *January 1, 2024*, and as of that date is repealed.

25 SEC. 26. Section 9849 of the Business and Professions Code,
26 as amended by Section 12 of Chapter 578 of the Statutes of 2018,
27 is amended to read:

28 9849. (a) The expiration of a valid registration shall not deprive
29 the director of jurisdiction to proceed with any investigation or
30 hearing on a cease and desist order against a service dealer or
31 service contractor or to render a decision to suspend, revoke, or
32 place on probation a registration.

33 (b) This section shall remain in effect only until ~~January 1, 2023,~~
34 *January 1, 2024*, and as of that date is repealed.

35 SEC. 27. Section 9849 of the Business and Professions Code,
36 as amended by Section 13 of Chapter 578 of the Statutes of 2018,
37 is amended to read:

38 9849. (a) The expiration of a valid registration shall not deprive
39 the director of jurisdiction to proceed with any investigation or
40 hearing on a cease and desist order against a service dealer or to

1 render a decision to suspend, revoke, or place on probation a
2 registration.

3 (b) This section shall become operative on ~~January 1, 2023.~~
4 *January 1, 2024.*

5 SEC. 28. Section 9851 of the Business and Professions Code,
6 as amended by Section 14 of Chapter 578 of the Statutes of 2018,
7 is amended to read:

8 9851. (a) The superior court in and for the county wherein any
9 person carries on, or attempts to carry on, business as a service
10 dealer or service contractor in violation of the provisions of this
11 chapter, or any regulation thereunder, shall, on application of the
12 director, issue an injunction or other appropriate order restraining
13 that conduct.

14 (b) The proceedings under this section shall be governed by
15 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
16 the Code of Civil Procedure, except that the director shall not be
17 required to allege facts necessary to show or tending to show lack
18 of an adequate remedy at law or irreparable injury.

19 (c) This section shall remain in effect only until ~~January 1, 2023,~~
20 *January 1, 2024,* and as of that date is repealed.

21 SEC. 29. Section 9851 of the Business and Professions Code,
22 as amended by Section 15 of Chapter 578 of the Statutes of 2018,
23 is amended to read:

24 9851. (a) The superior court in and for the county wherein any
25 person carries on, or attempts to carry on, business as a service
26 dealer in violation of the provisions of this chapter, or any
27 regulation thereunder, shall, on application of the director, issue
28 an injunction or other appropriate order restraining that conduct.

29 (b) The proceedings under this section shall be governed by
30 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
31 the Code of Civil Procedure, except that the director shall not be
32 required to allege facts necessary to show or tending to show lack
33 of an adequate remedy at law or irreparable injury.

34 (c) This section shall become operative on ~~January 1, 2023.~~
35 *January 1, 2024.*

36 SEC. 30. Section 9853 of the Business and Professions Code,
37 as amended by Section 16 of Chapter 578 of the Statutes of 2018,
38 is amended to read:

39 9853. (a) A plea or verdict of guilty or a conviction following
40 a plea of nolo contendere made to a charge substantially related

1 to the qualifications, functions, and duties of a service dealer or
2 service contractor is deemed to be a conviction within the meaning
3 of this article. The director may suspend, revoke, or place on
4 probation a registration, or may deny registration, when the time
5 for appeal has elapsed, or the judgment of conviction has been
6 affirmed on appeal or when an order granting probation is made
7 suspending the imposition of sentence, irrespective of a subsequent
8 order under Section 1203.4 of the Penal Code, allowing that person
9 to withdraw ~~his or her~~ *their* plea of guilty and to enter a plea of
10 not guilty, or setting aside the verdict of guilty, or dismissing the
11 accusation, information, or indictment.

12 (b) This section shall remain in effect only until ~~January 1, 2023,~~
13 *January 1, 2024*, and as of that date is repealed.

14 SEC. 31. Section 9853 of the Business and Professions Code,
15 as amended by Section 17 of Chapter 578 of the Statutes of 2018,
16 is amended to read:

17 9853. (a) A plea or verdict of guilty or a conviction following
18 a plea of nolo contendere made to a charge substantially related
19 to the qualifications, functions, and duties of a service dealer is
20 deemed to be a conviction within the meaning of this article. The
21 director may suspend, revoke, or place on probation a registration,
22 or may deny registration, when the time for appeal has elapsed, or
23 the judgment of conviction has been affirmed on appeal or when
24 an order granting probation is made suspending the imposition of
25 sentence, irrespective of a subsequent order under Section 1203.4
26 of the Penal Code allowing that person to withdraw ~~his or her~~ *their*
27 plea of guilty and to enter a plea of not guilty, or setting aside the
28 verdict of guilty, or dismissing the accusation, information, or
29 indictment.

30 (b) This section shall become operative ~~on January 1, 2023.~~
31 *January 1, 2024.*

32 SEC. 32. Section 9855.9 of the Business and Professions Code
33 is amended to read:

34 9855.9. This article shall remain in effect only until ~~January~~
35 ~~1, 2023,~~ *January 1, 2024*, and as of that date is repealed.

36 SEC. 33. Section 9860 of the Business and Professions Code,
37 as amended by Section 22 of Chapter 578 of the Statutes of 2018,
38 is amended to read:

1 9860. (a) The director shall establish procedures for accepting
2 complaints from the public against any service dealer or service
3 contractor.

4 (b) This section shall remain in effect only until ~~January 1, 2023,~~
5 *January 1, 2024*, and as of that date is repealed.

6 SEC. 34. Section 9860 of the Business and Professions Code,
7 as amended by Section 23 of Chapter 578 of the Statutes of 2018,
8 is amended to read:

9 9860. (a) The director shall establish procedures for accepting
10 complaints from the public against any service dealer.

11 (b) This section shall become operative on ~~January 1, 2023.~~
12 *January 1, 2024.*

13 SEC. 35. Section 9862.5 of the Business and Professions Code
14 is amended to read:

15 9862.5. (a) If a complaint indicates a possible violation of this
16 chapter or of the regulations adopted pursuant to this chapter, the
17 director may advise the service contractor of the contents of the
18 complaint and, if the service contractor is so advised, the director
19 shall make a summary investigation of the facts after the service
20 contractor has had reasonable opportunity to reply thereto.

21 (b) This section shall remain in effect only until ~~January 1, 2023,~~
22 *January 1, 2024*, and as of that date is repealed.

23 SEC. 36. Section 9863 of the Business and Professions Code,
24 as amended by Section 25 of Chapter 578 of the Statutes of 2018,
25 is amended to read:

26 9863. (a) If, upon summary investigation, it appears probable
27 to the director that a violation of this chapter, or the regulations
28 thereunder, has occurred, the director, in ~~his or her~~ *their* discretion,
29 may suggest measures that in the director's judgment would
30 compensate the complainant for the damages ~~he or she has~~ *they*
31 suffered as a result of the alleged violation. If the service dealer
32 or service contractor accepts the director's suggestions and
33 performs accordingly, the director shall give that fact due
34 consideration in any subsequent disciplinary proceeding. If the
35 service dealer or service contractor declines to abide by the
36 suggestions of the director, the director may investigate further
37 and may institute disciplinary proceedings in accordance with the
38 provisions of this chapter.

39 (b) This section shall remain in effect only until ~~January 1, 2023,~~
40 *January 1, 2024*, and as of that date is repealed.

1 SEC. 37. Section 9863 of the Business and Professions Code,
2 as amended by Section 26 of Chapter 578 of the Statutes of 2018,
3 is amended to read:

4 9863. (a) If, upon summary investigation, it appears probable
5 to the director that a violation of this chapter, or the regulations
6 thereunder, has occurred, the director, ~~in his or her~~ *their* discretion,
7 may suggest measures that in the director's judgment would
8 compensate the complainant for the damages ~~he or she has~~ *they*
9 suffered as a result of the alleged violation. If the service dealer
10 accepts the director's suggestions and performs accordingly, the
11 director shall give that fact due consideration in any subsequent
12 disciplinary proceeding. If the service dealer declines to abide by
13 the suggestions of the director, the director may investigate further
14 and may institute disciplinary proceedings in accordance with the
15 provisions of this chapter.

16 (b) This section shall become operative on ~~January 1, 2023.~~
17 *January 1, 2024.*

18 SEC. 38. Section 18602 of the Business and Professions Code
19 is amended to read:

20 18602. (a) Except as provided in this section, there is in the
21 Department of Consumer Affairs the State Athletic Commission,
22 which consists of seven members. Five members shall be appointed
23 by the Governor, one member shall be appointed by the Senate
24 Committee on Rules, and one member shall be appointed by the
25 Speaker of the Assembly.

26 The members of the commission appointed by the Governor are
27 subject to confirmation by the Senate pursuant to Section 1322 of
28 the Government Code.

29 No person who is currently licensed, or who was licensed within
30 the last two years, under this chapter may be appointed or
31 reappointed to, or serve on, the commission.

32 (b) In appointing commissioners under this section, the
33 Governor, the Senate Committee on Rules, and the Speaker of the
34 Assembly shall make every effort to ensure that at least four of
35 the members of the commission shall have experience and
36 demonstrate expertise in one of the following areas:

37 (1) A licensed physician or surgeon having expertise or
38 specializing in neurology, neurosurgery, head trauma, or sports
39 medicine. Sports medicine includes, but is not limited to,
40 physiology, kinesiology, or other aspects of sports medicine.

- 1 (2) Financial management.
2 (3) Public safety.
3 (4) Past experience in the activity regulated by this chapter,
4 either as a contestant, a referee or official, a promoter, or a venue
5 operator.

6 (c) Each member of the commission shall be appointed for a
7 term of four years. All terms shall end on January 1. Vacancies
8 occurring prior to the expiration of the term shall be filled by
9 appointment for the unexpired term. No commission member may
10 serve more than two consecutive terms.

11 (d) Notwithstanding any other provision of this chapter,
12 members first appointed shall be subject to the following terms:

13 (1) The Governor shall appoint two members for two years, two
14 members for three years, and one member for four years.

15 (2) The Senate Committee on Rules shall appoint one member
16 for four years.

17 (3) The Speaker of the Assembly shall appoint one member for
18 four years.

19 (e) (1) This section shall remain in effect only until ~~January 1,~~
20 ~~2024,~~ *January 1, 2025*, and as of that date is repealed.

21 (2) Notwithstanding any other law, the repeal of this section
22 renders the board subject to review by the appropriate policy
23 committees of the Legislature.

24 SEC. 39. Section 18613 of the Business and Professions Code
25 is amended to read:

26 18613. (a) (1) The commission shall appoint a person exempt
27 from civil service who shall be designated as an executive officer
28 and who shall exercise the powers and perform the duties delegated
29 by the commission and vested in the executive officer by this
30 chapter. The appointment of the executive officer is subject to the
31 approval of the Director of Consumer Affairs.

32 (2) The commission may employ a chief athletic inspector. If
33 the commission employs a chief athletic inspector, the chief athletic
34 inspector shall exercise the powers and perform the duties delegated
35 by the commission and authorized by the executive officer related
36 to the regulation of events under this chapter.

37 (3) The commission may employ an assistant chief athletic
38 inspector. If the commission employs an assistant chief athletic
39 inspector, the assistant chief athletic inspector shall assist the chief
40 athletic inspector in exercising the powers and performing the

1 duties delegated by the commission and authorized by the executive
2 officer related to the regulation of events under this chapter.

3 (4) The commission may employ in accordance with Section
4 154 other personnel as may be necessary for the administration of
5 this chapter.

6 (b) This section shall remain in effect only until ~~January 1, 2024,~~
7 *January 1, 2025*, and as of that date is repealed.

O

SB 1487 (Rubio, D-West Covina)
Professional Engineers Act: titles.

Status/History: 2/18/2022 – To Senate Committee on Rules for assignment.

Location: 2/25/2022 – Senate Rules Committee

Introduced: 2/18/2022

Board Position: No position

Board Staff Analysis: 2/25/2022

Bill Summary: Existing law, the Professional Engineers Act, provides for the licensure and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists and prohibits a person from practicing civil, electrical, or mechanical engineering unless that person is appropriately licensed or exempted from licensure pursuant to the act.

This bill would make nonsubstantive changes to that provision.

Affected Laws: An act to amend Section 6704 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: In its current form, this bill would make nonsubstantive, grammatical changes to Business and Professions Code section 6704.

This bill is what is known as a “spot” bill. It will likely be amended. Staff anticipates having additional information to provide regarding this bill at the March 7, 2022, Board meeting.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on SB 1487.

Introduced by Senator Rubio

February 18, 2022

An act to amend Section 6704 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

SB 1487, as introduced, Rubio. Professional Engineers Act: titles.

Existing law, the Professional Engineers Act, provides for the licensure and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists in the Department of Consumer Affairs. Existing law prohibits a person from practicing civil, electrical, or mechanical engineering unless that person is appropriately licensed or exempted from licensure pursuant to the act.

This bill would make nonsubstantive changes to that provision.

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 6704 of the Business and Professions
- 2 Code is amended to read:
- 3 6704. (a) In order to safeguard life, health, property, and public
- 4 welfare, ~~no person shall~~ *a person shall not* practice civil, electrical,
- 5 or mechanical engineering unless appropriately licensed or
- 6 specifically exempted from licensure under this ~~chapter, and only~~
- 7 *chapter. Only* persons licensed under this chapter shall be entitled
- 8 to take and use the titles “consulting engineer,” “professional
- 9 engineer,” or “registered engineer,” or any combination of those

1 titles or abbreviations thereof, and according to licensure with the
2 board the engineering branch titles specified in Section 6732, or
3 the authority titles specified in Sections 6736 and 6736.1, or the
4 title “engineer-in-training.”

5 (b) ~~The provisions of this~~ *This* section shall not prevent the use
6 of the title “consulting engineer” by a person who has qualified
7 for and maintained exemption for using that title ~~under the~~
8 ~~provisions of~~ *pursuant to* Section 6732.1, or by a person licensed
9 as a photogrammetric surveyor.

O

**Senate Committee on Business, Professions and Economic Development
2022 Omnibus Bill**

Status/History:

Location:

Introduced:

Board Position: No position

Board Staff Analysis: 2/25/2022

Staff Comment: The Senate Committee on Business, Professions and Economic Development has agreed to include the Board's proposal to amend Business and Professions Code section 7841.2 relating to Geologist-in-Training applications in its omnibus bill this legislative session. As of the date of this analysis, the bill has not yet been introduced.

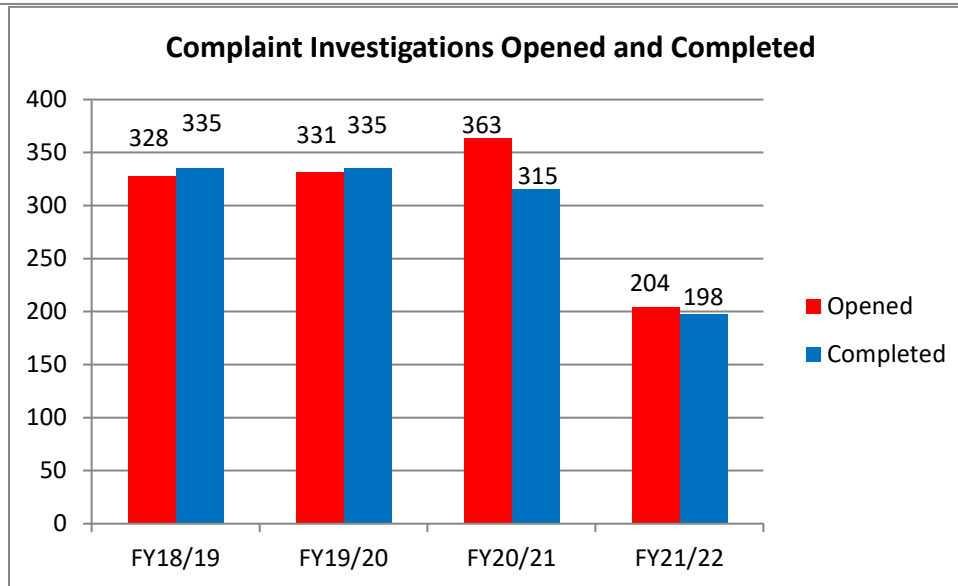
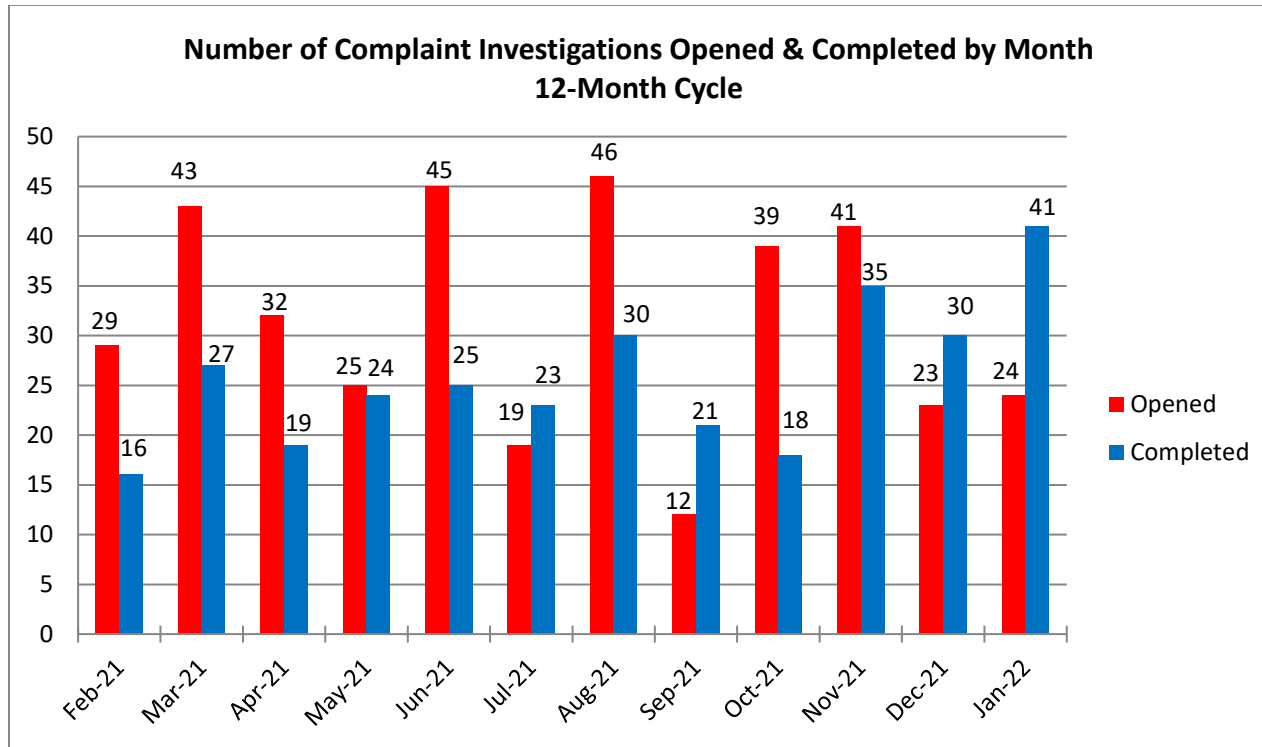
Staff Recommendation: Staff recommends the Board authorize staff to represent that the Board has a position to "Support" on the bill once it is introduced and contains the Board's legislative proposal relating to Section 7841.2.

VI. Enforcement

A. Enforcement Statistical Reports

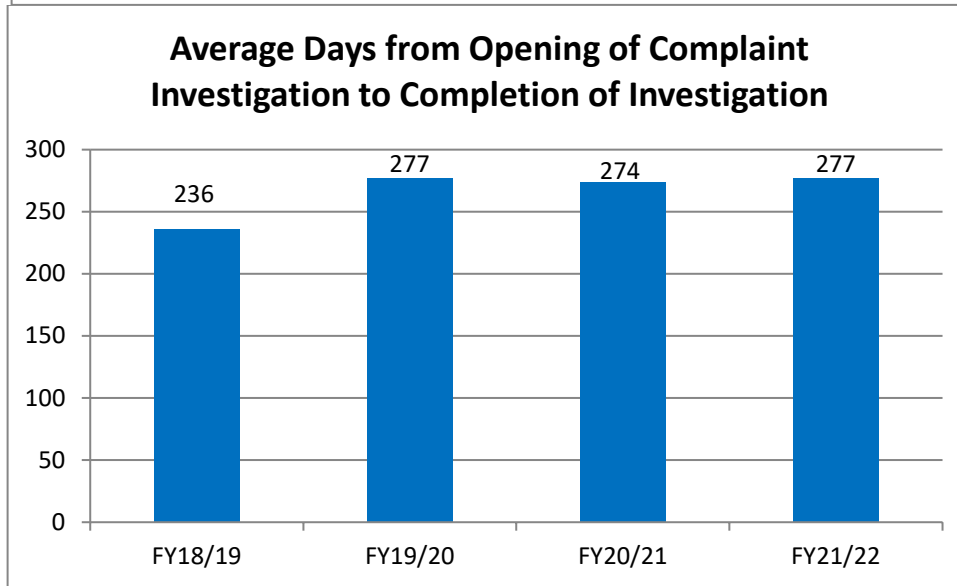
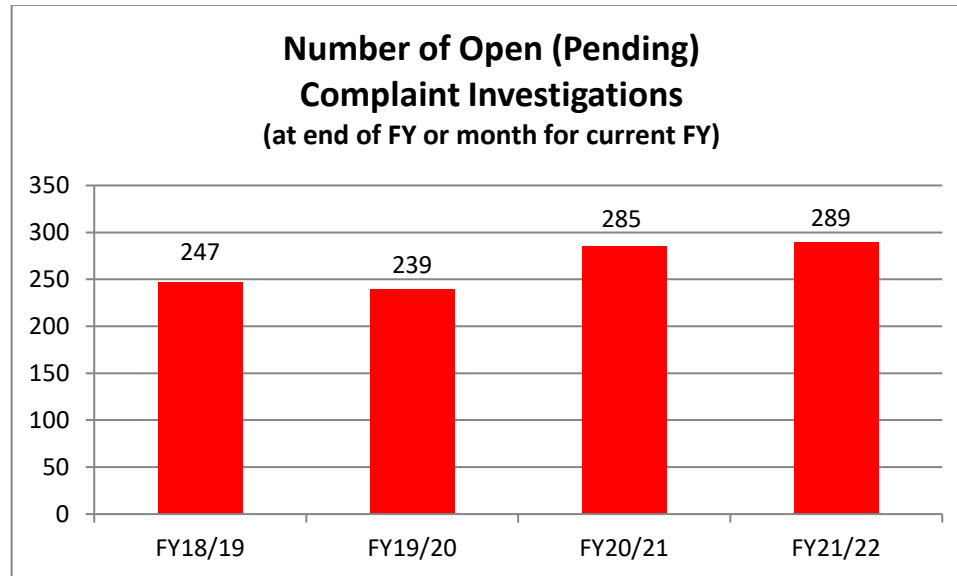
1. Fiscal Year 2021/22 Update

Complaint Investigation Phase



NOTE: FY20/21 statistics are through January 31, 2022

Complaint Investigation Phase



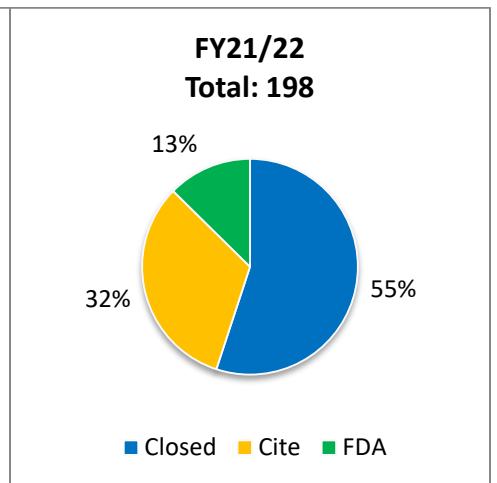
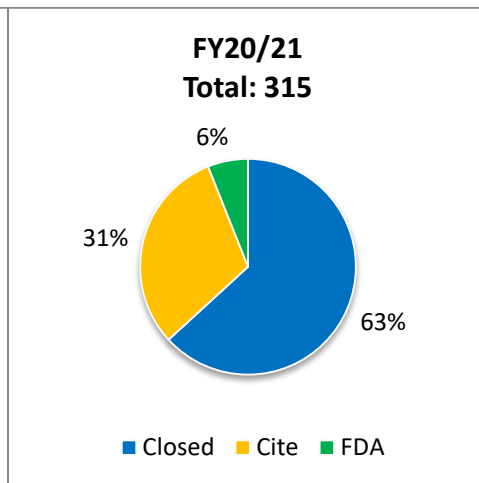
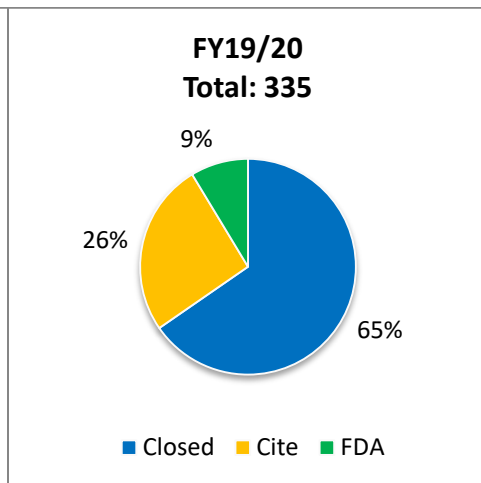
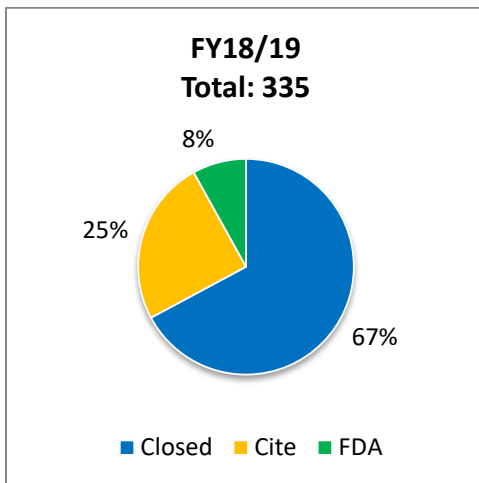
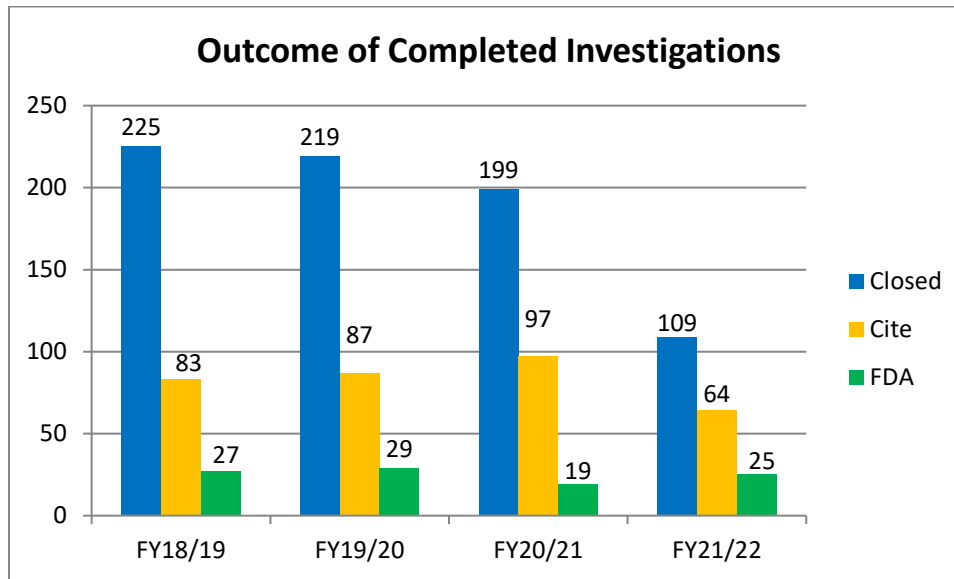
NOTE: FY20/21 statistics are through January 31, 2022

Complaint Investigation Phase

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



Complaint Investigation Phase Outcome of Completed Investigations



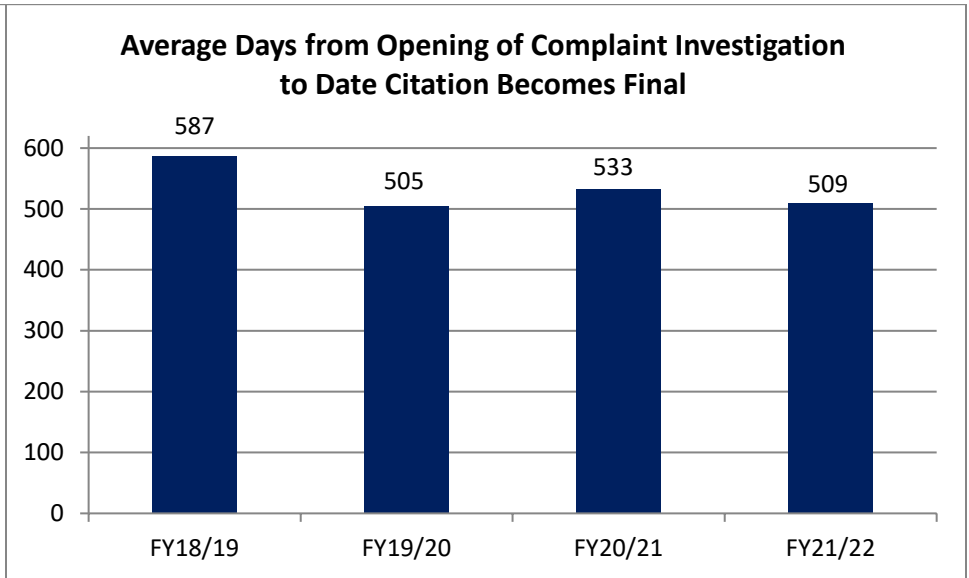
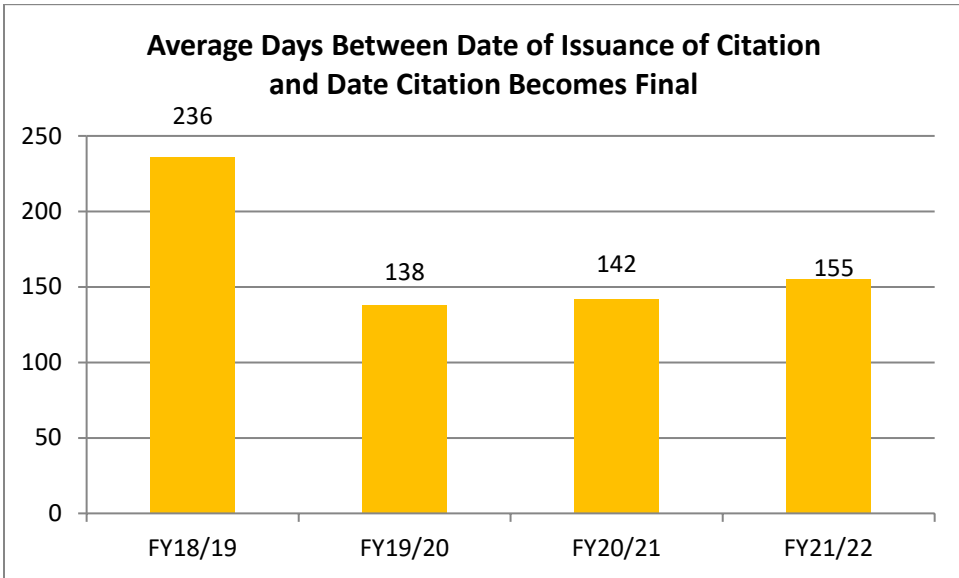
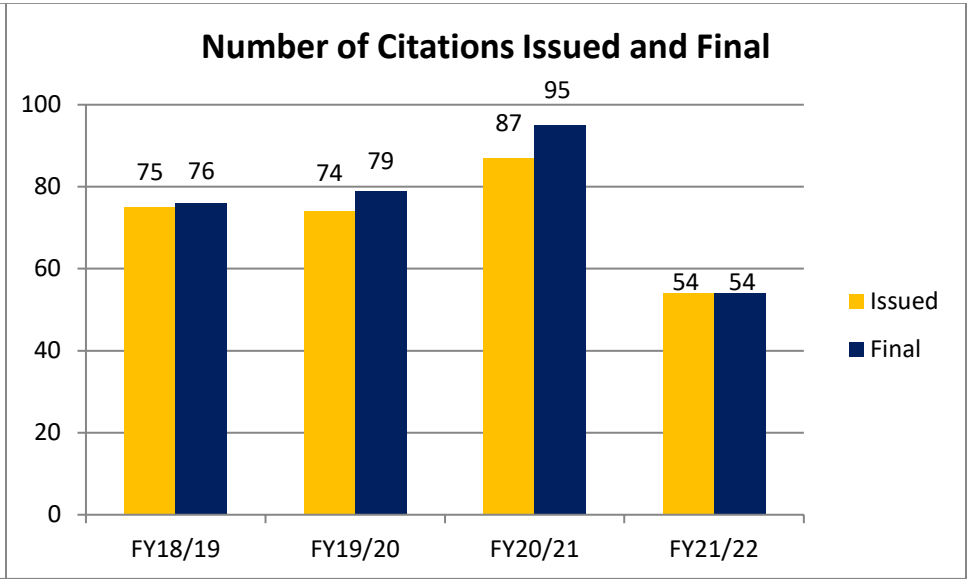
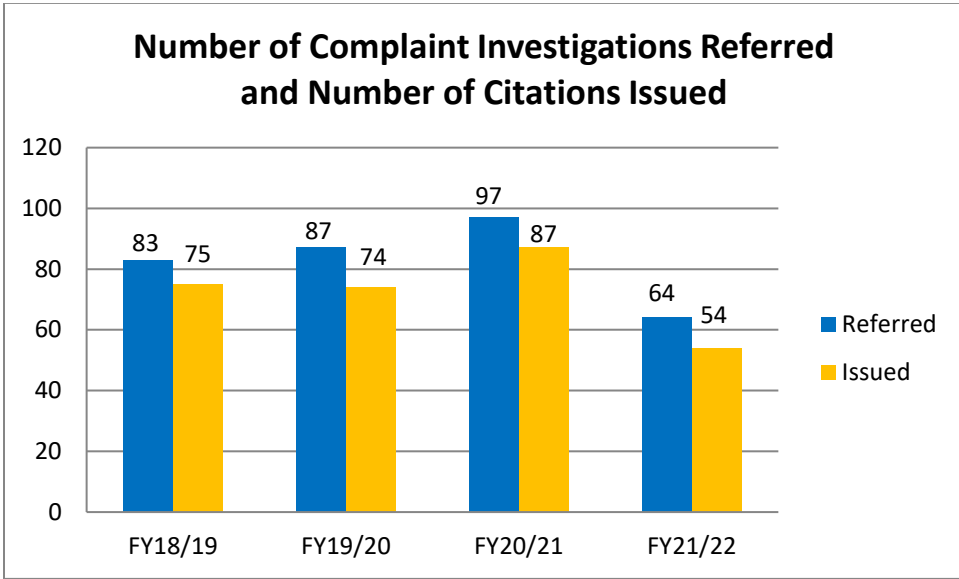
NOTE: FY20/21 statistics are through January 31, 2022

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

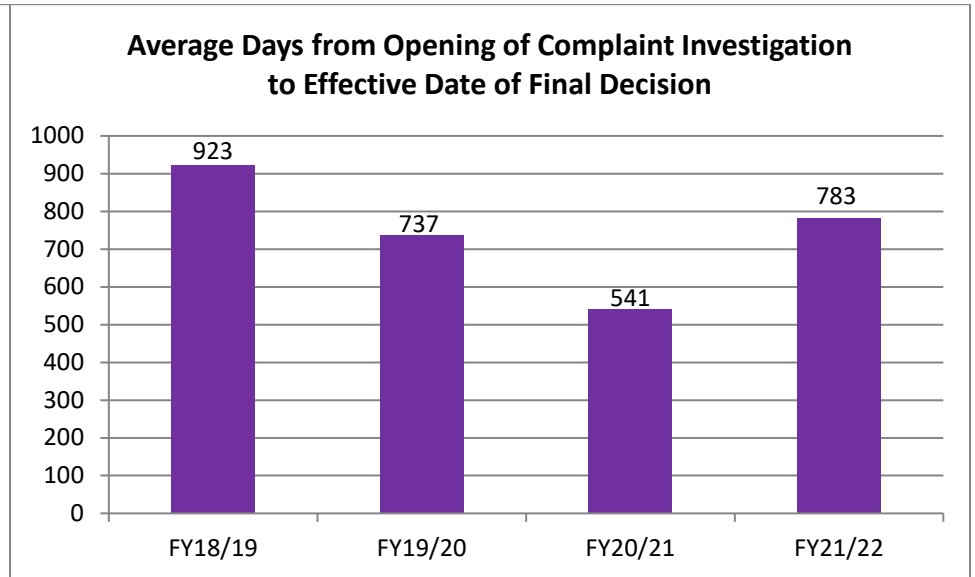
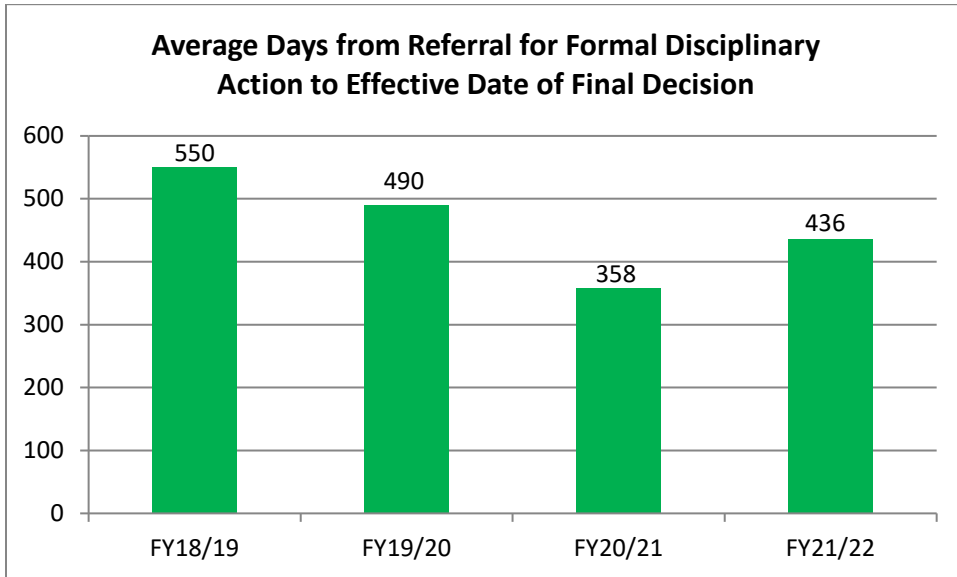
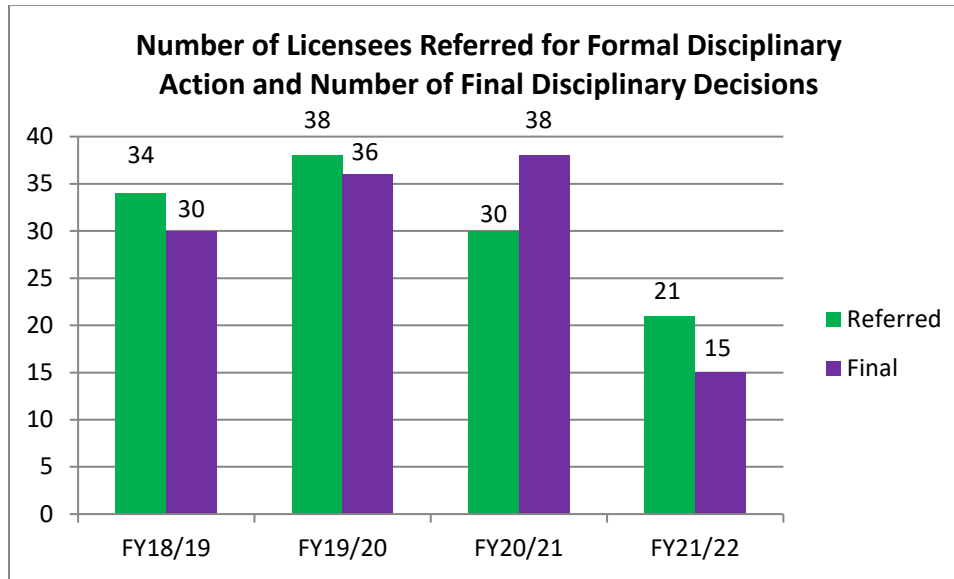
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through January 31, 2022

Formal Disciplinary Actions Against Licensees



NOTE: FY20/21 statistics are through January 31, 2022

Complaint Investigation Phase

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
February 2021	29	16
March 2021	43	27
April 2021	32	19
May 2021	25	24
June 2021	45	25
July 2021	19	23
August 2021	46	30
September 2021	12	21
October 2021	39	18
November 2021	41	35
December 2021	23	30
January 2022	24	41

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2018/19	328	335
2019/20	331	335
2020/21	363	315
2021/22	204	198

Current Fiscal Year through January 31, 2022

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2018/19	247
2019/20	239
2020/21	285
2021/22	289

Current Fiscal Year through January 31, 2022

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
2018/19	236
2019/20	277
2020/21	274
2021/22	277

Current Fiscal Year through January 31, 2022

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	109	55%	64	32%	25	13%

Current Fiscal Year through January 31, 2022

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

Complaint Investigation Phase

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
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
May 2021	25	21	49	29	37	40	22	38	4	0
June 2021	39	25	21	45	54	35	29	34	3	0
July 2021	19	38	25	18	69	40	24	45	3	0
August 2021	45	19	37	22	50	51	36	34	3	0
September 2021	12	40	17	25	38	71	34	38	3	0
October 2021	38	12	38	17	57	54	51	37	5	0
November 2021	35	36	12	37	51	54	42	45	3	0
December 2021	21	36	34	12	51	56	46	48	4	0
January 2022	24	19	28	41	45	48	41	39	4	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2018/19	83	75
2019/20	87	74
2020/21	97	87
2021/22	64	54

Current Fiscal Year through January 31, 2022

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2018/19	75	76
2019/20	74	79
2020/21	87	95
2021/22	54	54

Current Fiscal Year through January 31, 2022

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

Fiscal Year	Number of Days
2018/19	236
2019/20	138
2020/21	142
2021/22	155

Current Fiscal Year through January 31, 2022

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

Fiscal Year	Number of Days
2018/19	587
2019/20	505
2020/21	533
2021/22	509

Current Fiscal Year through January 31, 2022

Formal Disciplinary Actions Against Licensees

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
2018/19	34	30
2019/20	38	35
2020/21	30	38
2021/22	21	15

Current Fiscal Year through January 31, 2022

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

Fiscal Year	Number of Days
2018/19	550
2019/20	490
2020/21	358
2021/22	436

Current Fiscal Year through January 31, 2022

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

Fiscal Year	Number of Days
2018/19	923
2019/20	737
2020/21	541
2021/22	783

Current Fiscal Year through January 31, 2022

VII. Exams/Licensing

- A. Examination Updates
- B. 2021 Examination Results
- C. Presentation from Prometric, Inc., Regarding Civil Engineer Occupational Analysis

VIII. Strategic Planning

Review Draft Goals and Objectives (**Possible Action**)



Board for Professional Engineers, Land
Surveyors, and Geologists
Strategic Plan 2022 – 2027

Prepared by:

SOLID Planning Solutions

Department of Consumer Affairs

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Members of the Board

Elizabeth “Betsy” Mathieson, Geologist Member, Board President

Rossana D’Antonio, Civil Engineer Member, Board Vice President

Fel Amistad, Public Member

Alireza Asgari, Structural Engineer Member

Duane Friel, Public Member

Michael Hartley, Land Surveyor Member

Kathy Jones Irish, Public Member

Eric Johnson, Electrical Engineer Member

Coby King, Public Member

Paul Novak, Public Member

Mohammad Qureshi, Traffic Engineer Member

Frank Ruffino, Public Member

Wilfredo Sanchez, Public Member

Christina Wong, Public Member

Gavin Newsom, Governor

Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services, and Housing Agency

Kimberly Kirchmeyer, Director, Department of Consumer Affairs

Richard B. Moore, Executive Officer, Board for Professional Engineers, Land Surveyors, and Geologists

DRAFT

Message from the Board President

[Please Note: This is a good place to list the Board's accomplishments from its last strategic plan as well as expressing excitement for the new strategic plan. Another idea is to list accomplishments later in the report.]

DRAFT

About the Board

- 1891
 - Licensing for land surveyors was first enacted on March 31, 1891 by the Legislature (first in nation) and established the State Surveyor General.
- 1920's
 - The Board was created by the Legislature. Registration was for civil engineers only.
- 1930's
 - Structural Engineer license was added by the Legislature.
 - State Surveyor General's office was abolished and Land Surveyor licensing authority was transferred to the Board by the Legislature.
- 1940's
 - The Legislature added restrictions on use of engineering titles (this began the creation of the "title acts") for the branches of professional engineering in the fields of chemical, electrical, mechanical, and petroleum engineering.
- 1960's
 - The Legislature added restrictions on use of engineering titles for the branch of metallurgical engineering.
 - The Legislature added restrictions on the practices of electrical and mechanical engineering (change in status on the "title act" to "practice act") and on use of engineering titles for the branch of industrial engineering.
 - The Legislature delegated authority to the Board to create new title acts.
 - The Legislature created the Board of Registration for Geologists under the Geologist Act to regulate the practice of geology.
- 1970's
 - The first Professional Geologist license and the first Certified Engineering Geologist title authority license were issued.
 - Professional Geophysicist licensure and regulation of the practice of geophysics were added by the Legislature.
 - The Board held hearings and created nine additional title act branches of engineering: agricultural, control systems, corrosion, fire protection, manufacturing, nuclear, quality, safety, and traffic.
- 1980's
 - The geotechnical engineer license was added by the Legislature.
 - The Board's authority to create new title act branches of engineering was eliminated by the Legislature at the Board's request.
 - The requirement for testing of all civil engineering applicants on engineering surveying principles and seismic principles was added by the Legislature.
- 1990's

- The Legislature created the sunset review process for all licensing boards under the Department of Consumer Affairs.
- The Board adopted regulations to create the title authority license of Certified Hydrogeologist for Professional Geologists.
- 2000's
 - Laws requiring licensees to execute written contract for professional services were enacted.
 - Legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors.
- 2010's
 - Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.
 - The Board began administering its state licensing examinations via computer-based testing (CBT).
 - The Board implemented online licensure renewals via credit card payment.
 - The Legislature authorized the Board to collect fingerprints from applicants for the purpose of a criminal history record check to further its mission of public protection.
 - The Board conducted a review of its operational processes and procedures and, based on that review, reorganized into four functional units: Administrative Services, Enforcement, Examination Development, and Licensing.
 - The Board transitioned all eight of its state-specific licensing examinations to computer-based testing (CBT) format, allowing for more testing opportunities.
- 2020's
 - Working with a vendor and the Department of Consumer Affairs' Office of Information Services, the Board developed and launched its BPELSG Connect system, a licensing and enforcement monitoring system that allows submission of applications, renewals, and complaints through an online portal.

Significant Accomplishments

[Please Note: This portion is optional. If you want to include it, you can look at accomplished objectives from your prior plan for inspiration.]

DRAFT

Mission, Vision, and Values

Our Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Our Vision

A safe and resilient California with confidence in the integrity and work of the Board's licensed professionals.

Our Values

- Accountability
- Competence
- Consumer Protection
- Equity
- Fairness
- Integrity
- Professionalism

DRAFT

Goal 1: Licensing

The Board protects the public by licensing qualified individuals who provide professional services in California.

- 1.1 Improve communication to licensees to ensure they are engaged and up to date on regulations and policies.
- 1.2 Continue rollout and enhancement of the Connect system to improve interactions with licensees.
- 1.3 Develop a strategy to implement a continuing education requirement to help licensees maintain and improve their professional knowledge and awareness of new, pertinent laws.
- 1.4 Implement a renewal assessment to promote better informed licensees regarding relevant laws and regulations.

DRAFT

Goals 2: Applications and Examinations

The Board processes applications and administers examinations in a timely and accessible manner to determine individuals' qualifications for licensure.

- 2.1 Improve communication to applicants to educate them on application and examination requirements, the Connect system, and the licensing process.
- 2.2 Offer applicants current status updates in the Connect system as a way of checking the status of their application online and reducing the need for applicants to call the Board.
- 2.3 Continue rollout and enhancement of the Connect system to streamline applications and the exam scheduling process.
- 2.4 Update and maintain the list of frequently asked questions and appropriate answers to enable applicants to submit a complete application package and improve staff efficiency.
- 2.5 Educate prospective references that their opinion of an applicant's readiness for licensure is as important as passing an exam to provide additional verification of the applicant's qualifications.
- 2.6 Advocate for national exam standards and ensure state exams maintain their high quality and accurately reflect the knowledge and skills needed in the profession to accurately measure applicants' qualifications to practice in California.
- 2.7 Keep licensure requirements and exams relevant and fair to competent applicants with varied education and experience to increase diversity in the professions, leading to an increase in the number of licensees.
- 2.8 Increase the visibility of application processing timeframes on the website to inform Board members, licensees, and consumers of the Board's performance.

Goal 3: Laws and Regulations

The Board strives to ensure that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

- 3.1 Collaborate with the Department of Consumer Affairs and the California Business, Consumer Services and Housing Agency on the timeline for approval of regulations to facilitate timely implementation of changes.
- 3.2 Develop a mentorship or succession plan to provide staff with continuity of knowledge and skills related to the legislative and rulemaking processes.
- 3.3 Anticipate the need for new legislation, recruit potential sponsors for bills, and respond to bills that have an effect on the Board's ability to protect the public in an effort to ensure statutes are relevant and to support the Board's mission.
- 3.4 Develop and promote new regulations as necessary to implement statutory authority and to keep Board policies and procedures consistent and relevant across all the professions.
- 3.5 Improve communication to licensees to ensure that they are kept aware of changing laws and regulations.
- 3.6 Promote legislation to increase and collect penalties for unlicensed practice to provide effective deterrents.

Goal 4: Enforcement

The Board strives to protect the public by enforcing the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

- 4.1 Continue development and refinement of the Connect system's enforcement module to increase the efficiency of complaint submittal, respondent contact, case-tracking, and reporting of case status.
- 4.2 Improve education to applicants and licensees of common violations that could lead to disciplinary action to reduce violations and increase understanding of requirements.
- 4.3 Work with law enforcement and other appropriate government agencies to enforce penalties to provide effective deterrents to unlicensed practice.
- 4.4 Continue to reduce investigation timelines to streamline enforcement against violators and be responsive to complainants.
- 4.5 Educate other governmental state agencies about unlicensed practice to minimize risk to the public and improve enforcement actions against unlicensed individuals.
- 4.6 Develop a plan for recruitment, training, and retention of expert consultants to improve the quality and consistency of case reviews.

Goal 5: Outreach

The Board promotes the importance of licensure to educate applicants, licensees, the public, and other stakeholders about the practice and regulation of the professions.

- 5.1 Solicit feedback from applicants, licensees, complainants, respondents, consumers, and staff to gauge the Board's success in meeting its goals and to receive suggestions for improvement.
- 5.2 Increase outreach to students through innovative tools and social media platforms to increase interest in the professions, recognition of the importance of licensure, understanding of requirements, and awareness of the Board's activities.
- 5.3 Explore and implement additional means of outreach on social media, including advertising, to increase interest in the professions, recognition of the importance of licensure, understanding of requirements, and awareness of the Board's activities.
- 5.4 Increase public awareness of the Board's functions and services so the public knows how to submit complaints and can use the Board as a resource.
- 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.
- 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights with the Board to improve the public's awareness.

Goal 6: Customer Service and Administration

The Board continuously works to improve efficiency and quality of its services.

- 6.1 Provide customer service training to staff on a periodic basis to reinforce the importance of serving the public.
- 6.2 Develop a mentorship or succession plan for all management positions to provide continuity of knowledge.
- 6.3 Assess and administer, where appropriate, technological developments that improve process efficiencies to better serve applicants, licensees, and the public.
- 6.4 Adopt creative, innovative, and proactive ways to communicate the Board's processes and procedures to promote better understanding for the public.
- 6.5 Create an onboarding program for the Board members to educate them on the Board's regulated professions, policies, and procedures to increase the Board members effectiveness and confidence.
- 6.6 Evaluate customer service complaints to find patterns related to the sources and types of complaints to implement changes where needed.
- 6.7 Consider including management and senior registrar backgrounds and credentials and a staff email and phone directory on the website to inform stakeholders of professional qualifications of the staff who carry out the Board's mission day to day.
- 6.8 Increase understanding of Board processes to improve applicant, licensee, and consumer satisfaction.

Strategic Planning Process

To understand the environment in which the Board operates and to identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID Planning Unit (SOLID) conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- Interviews were conducted with twelve members of the Board, as well as the Executive Officer, and five members of Board management. These interviews were completed during the months of August and September 2021.
- An online survey was posted on the Board website and sent to a Listserv of external Board stakeholders in August 2021. Six hundred and twenty-three stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the Board members and the Executive Officer during a strategic planning session facilitated by SOLID on January 10, 2022. This information guided the Board in the review of its mission, vision, and values while directing the strategic goals and objectives outlined in its new strategic plan.

Board for Professional Engineers, Land Surveyors, and Geologists

2535 Capitol Oaks Drive, Suite 300

Sacramento, CA 95833-2944

Phone: (916) 999-3600

www.bpelsg.ca.gov

Strategic plan adopted on **[TBD]**.

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Board for Professional Engineers, Land Surveyors, and Geologists on January 10, 2022. Subsequent amendments may have been made after the adoption of this plan.



Prepared by:

SOLID Planning Solutions

1747 N. Market Blvd., Ste. 270

Sacramento, CA 95834

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. Discussion with Western Zone Vice President Scott Bishop, P.S. (UT)
 - 2. Western Zone Interim Meeting, May 19-21, 2022 in Stateline, NV – Update (Possible Action)
 - 3. Principles and Practices of Surveying (PS) Exam – 2022 PAKS Study
- G. Update on Outreach Efforts

Rulemaking Status Report

- 1. Examination Fees (Title 16, California Code of Regulations sections [16 CCR] 3005, 3024, and 3026)**
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 2. Abandoned Applications and Postponements (16 CCR 3024 and 3024.5)**
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 3. Applications, Final Filing Dates, and Schedules of Examinations (16 CCR sections 420, 422, 3021, 3023, 3023.1, and 3032)**
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 4. References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers (16 CCR 426.14, 427.10, 427.20, and 427.30)**
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 5. Definition of Traffic Engineering (16 CCR 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.
- 6. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR 3003 and 3003.1)**
 - Board staff working on pre-notice documents on September 3, 2021.
 - 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.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 2/25/2022	Project title:	Business Modernization Cohort 1
--------------------------	-----------------------	-----------------------	---------------------------------

EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
<p>PI 4 – Further development on investigation monitoring/management; additional engineering applications; and scope design for geology/geophysicist applications.</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
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Product Increment 4 (PI4) – Commenced shortly after PI3 Go Live	On-going	Jan 2021	No
Go Live – PI4	Estimated	Apr 2022	No

**CALIFORNIA DEPARTMENT OF TECHNOLOGY**

707 3rd Street, 2nd Floor North
 West Sacramento, CA 95605
 (916) 319-9223

Russell J. Nichols, Acting Director
Russell J. Nichols, Chief Deputy Director

February 23, 2022

Kimberly Kirchmeyer, Director
 California Department of Consumer Affairs
 1625 North Market Boulevard
 Sacramento, CA 95824

**SUBJECT: SPECIAL PROJECT REPORT #1 FOR THE CALIFORNIA DEPARTMENT OF
 CONSUMER AFFAIRS – BUSINESS MODERNIZATION COHORT 1, PROJECT
 NUMBER 1111-007**

Dear Ms. Kirchmeyer:

The California Department of Technology (CDT) approves the continuation of the California Department of Consumer Affairs (DCA) Business Modernization Cohort 1 (BMC1) project as presented in the January 12, 2022, Special Project Report (SPR) #1.

Approved Project Schedule, Cost, and Criticality Rating Project Number 1111-007			
Description	Last Approved	Approved Revision	Change
Project Schedule			
Start Date	January 2020	January 2020	--
Implementation Date	July 2021	May 2022	+ 10 months
PIER Date	July 2022	May 2023	+ 10 months
Total Project Cost	\$18,813,514	\$18,490,423	(\$323,091)
One-Time	\$12,214,600	\$12,071,906	(\$142,694)
Continuing (Future Ops. IT Staff & OE&E)	\$5,577,377	\$5,589,433	\$12,096
Annual M&O	\$1,026,411	\$1,592,718	\$566,307
Funding Source	Special Fund	Special Fund	

Approved Project Schedule, Cost, and Criticality Rating Project Number 1111-007			
Description	Last Approved	Approved Revision	Change
Criticality Rating:	Medium	Medium	
Complexity Zone:	II	II	

An SPR is required whenever the project schedule, scope, or requirements vary by 10 percent or more, the development methodology undergoes major changes, or when there is a cost increase of 10% or \$5 million (whichever is less).

If you have any questions, please have your project staff contact your assigned CDT Project Oversight Manager, Julie Bianucci, at (916) 205-8776 or by e-mail at Julie.Bianucci@state.ca.gov.

Sincerely,

Chinyere Emodi

Chinyere Emodi
 Deputy Director and State Chief Project Officer
 Office of Statewide Project Delivery
 California Department of Technology

- cc: Lourdes M. Castro Ramirez, Secretary, California Business, Consumer Services, and Housing Agency
- Melinda Grant, Undersecretary, California Business, Consumer Services, and Housing Agency
- Jason Piccone, Agency Information Officer, California Business, Consumer Services and Housing Agency / Chief Information Officer, California Department of Consumer Affairs
- Ric Moore, Executive Officer, California Board of Professional Engineers, Land Surveyors, and Geologists
- Deborah Cochrane, Chief, Bureau for Private Post Secondary Education
- Benjamin Bodea, Executive Officer, California Acupuncture Board

Kristin Walker, Acting Executive Officer, California Board of Chiropractic Examiners

Amy Tong, Secretary, Government Operations Agency

Russ Nichols, Acting Director and Chief Deputy Director, California Department of Technology

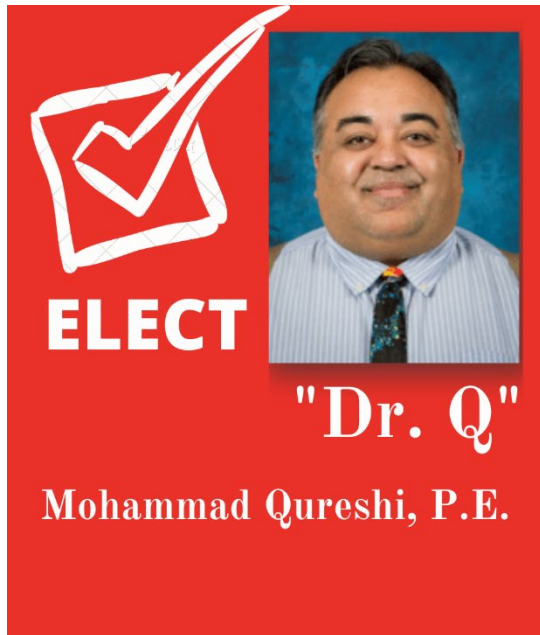
Andrew Wertin, Deputy Chief Project Officer, California Department of Technology

Rosanna Nguyen, Chief, Information Technology Consulting Unit, California Department of Finance

Brian Metzker, Principal Fiscal and Policy Analyst, Legislative Analyst's Office

We are entering the time of year where you will be making decisions about how your respective Boards may vote at the Interim Zone meeting in May 2022. It has been my privilege to serve as your Assistant Vice President for the zone since August 2020. **Now I ask for your continued support** as I seek the office of Vice President and to represent our zone on the NCEES Board of Directors.

If you have any questions, please do not hesitate to contact me.

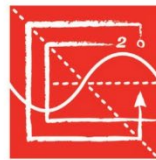


A red rectangular graphic with a white checkmark icon in the top left corner. Below the checkmark, the word "ELECT" is written in white, bold, sans-serif capital letters. To the right of the text is a portrait of a man with dark hair, wearing a light blue striped shirt and a dark tie. Below the portrait, the name "Dr. Q" is written in a white, stylized serif font. At the bottom of the graphic, the name "Mohammad Qureshi, P.E." is written in a white, sans-serif font.

Experienced Leadership

for

**Western Zone
Vice President**



NCEES

*advancing licensure for
engineers and surveyors*

VOTED MOST INFLUENTIAL WOMAN OF THE SIERRA NEVADA 2021
NORTHERN NEVADA BUSINESS WEEKLY LEADERS TO KNOW 1ST PLACE WINNER 2021



VOTE

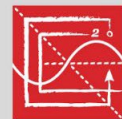
KAREN PURCELL, PE

for NCEES Western Zone Vice President

PROGRESS
IS IMPOSSIBLE
WITHOUT **CHANGE**

LET'S WORK TOGETHER ON:

- *Future of Licensure*
- *Mobility*
- *Diversity & Inclusion*



NCEES

Karen Purcell, P.E.
President & CEO




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CO – certified DBE/SBE/M/WBE | AZ, CA, IL, NV, TX, WA – certified DBE | WBENC certified | CDOT ESB certified



QUARTERLY OUTREACH REPORT (Q4)

SOCIAL MEDIA: OCTOBER – DECEMBER 2021

 TOP FACEBOOK POSTS	DATE	VIEWS
ASBOG Exam Announcement	Oct 25	1456
Announcement to Suspend Paper Applications	Sept 3	911
Natalie King, PE Community Service Award	Sept 3	813
Final Day for Paper Applications	Sept 30	671

 TOP TWEETS	DATE	IMPRESSIONS
LA Water and Power Presentation	Nov 10	298
Natalie King PE Engineer in Community Service Award	Oct 15	180
ASBOG Exam Announcement	Oct 22	157
Meeting Materials for November 8/9 Meeting	Nov 3	147
NSPE Presentation Thank You	Oct 29	140

WEB PAGE VIEWS	VIEWS
License lookup	259,223
Board Front Page	187,505
Applicants Information	132,710
PE Application	107,302
Licensee Information	75,972

QUARTERLY OUTREACH REPORT (Q4)

OUTREACH EVENTS: OCTOBER – DECEMBER 2021

OCTOBER 2021
October 7 - CLSA Cal Poly Pomona student chapter (Zoom) Dallas Sweeney, PS
October 19 – Celebrating Females in STEM Panel Discussion, hosted by Ventura College MESA Program (Zoom) Natalie King, PE
October 25 - CONNECT Presentation - PECG Redding Section by Ric Moore, PS, Dallas Sweeney PS, Natalie King, PE
October 28 - NSPE CA – Presentation by Mike Donelson and Natalie King PE (Zoom)

NOVEMBER 2021
November 2 – UC Irvine Professional Licensure Presentation (Zoom) Natalie King PE
November 4 – BKF Engineers Lunch & Learn Professional Licensure Presentation (Zoom) Natalie King PE Dallas Sweeney PS
November 5 - San Diego State Mike Donelson (Zoom)
November 9 – LA-DWP-SWE presentation (Zoom; Mike Donelson, PE and Natalie King, PE)
November 9 - Cal Poly, Pomona 5:30 PM-8:15 PM Natalie King (Zoom)

DECEMBER 2021
December 3 – ASCE Region 9 Government Relations Committee Ric Moore, PS
December 3 – Cal Poly San Luis Obispo Sr. Civil & Environmental Engineering Professional Practices class presentation (Zoom) Natalie King, PE
December 7 – Cal Maritime Academy presentation by Mike Donelson PE to “Intro to Engineering Class” on the Professional Engineering license process
December 15 – ASCE LA Section Professional Licensure Presentation (Zoom) Natalie King PE

XI. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the January 10-11, 2022, Board Meeting

DRAFT

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

Teleconference

Monday, January 10, 2022, beginning at 9:00 a.m., and continuing
Tuesday, January 11, 2022, beginning at 9:00 a.m.

Monday, January 10, 2022

Board Members Present:	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

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

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

No public comment.

IV. Strategic Planning Session

The Board engaged in a Strategic Planning Session on Monday, January 10, 2022.

The meeting recessed at 4:40 p.m.

Tuesday, January 11, 2022

Board Members Present:	President Betsy Mathieson; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Vice-President Rossana D’Antonio
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

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

III. Public Comment for Items Not on the Agenda

No public comment.

VI. Department of Consumer Affairs (DCA) Update – Carrie Holmes, Deputy Director for Board and Bureau Services

Deputy Director for Board and Bureau Services, Carrie Holmes, expressed her appreciation to Board Members and staff who have continued to serve through the pandemic and have followed the protocols the Department has set to combat the spread of the virus. She explained that prior to any in-person meetings, members must verify their full vaccination status with the Office of Human Resources or participate in Covid-19 testing. DCA is requesting all members provide their proof of vaccination no later than January 31, 2022.

She reported that there is a mechanical engineer vacancy on the Board and encouraged those interested in applying to visit Board Member Resources on DCA’s homepage. She reminded Board members to file their Form 700 before April 1, 2022, and those members newly appointed or reappointed to complete the Board Member Orientation Training (BMOT).

VII. Administration

A. Fiscal Year 2021/22 Budget Report

Ms. Hall thanked Mr. King and Dr. Qureshi for their input on the new format for the financial report.

She reported that the Budget Authority illustrates an increase in appropriations. The Governor’s Budget for Fiscal Year 2022/23 was published on January 10, 2022, and proposes \$286 billion dollars in total state funds and \$65.3 billion in special funds. She noted that the fund accounting operates in a much larger

framework than most organizations. There are meetings scheduled with DCA's Budget Office to discuss changes in the budget in appropriations and more information will be provided at future Board meetings. Overall, she expects some decreases in some line items, and the graph will be updated in May and at the end of the Fiscal Year.

Ms. Hall reviewed the Revenue and Expense statement. President Mathieson expressed her appreciation for the budget presentation.

In reviewing Fiscal Month 4 revenue total for the current and prior Fiscal Years and the current total year projections, Ms. Hall confirmed that \$2.6 million in revenue collected in June 2021 as revenue in advance has been booked in December which represents \$1 million dollars more than the revenue in advance for the previous periods due to the fee increase. There are currently no anticipated changes to the current full year projections.

She also reviewed Fiscal Month 4 Personal Services. She reported that salary and wages are up over the prior year. A general salary increase of 4.55% went into effect in July 2021. The Board continues to fund the Business Modernization effort and has seen an increase in credit card transactions fees, which was expected. The full year expenses are expected to be 87% of appropriations which is in line with prior years.

If revenues are within 90% of projections and expenditures hold to Board projections and less than the budget authority, it is expected that in Fiscal Year 2023/24 revenues will exceed expenditures and begin to increase the fund reserves.

VIII. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reported that the Legislature reconvened January 3, 2022, and there have been bills that were introduced last year that need to make it out of their house of origin by the end of January or they are considered dead. One bill addresses out of state travel that would ban travel to states that have what California would consider restrictive voter registration and election laws similar to the travel ban that is currently in effect. Another bill addresses Board member per diem for how Board members' time would be calculated for days spent preparing for meetings. These two bills will be presented to the Board in March. Ms. Eissler spoke with the staff consultant for the Senate Business, Professions and Economic Development Committee regarding possibly including the Board's legislative proposals in the Committee's Omnibus bill.

IX. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Ms. Criswell reviewed the Enforcement statistics. Dr. Qureshi noted a significant trend in the increase of the aging of cases. Ms. Criswell noted that overall, there are significantly more cases, which makes it appear that the trend is increasing. She attributes the increase to the new Connect system which has created more accessibility. In addition, more cases have been opened that have a number of related complaints. The trend percentagewise is consistent.

Ms. Irish commented that public meetings present an opportunity to provide a sense of how licensees can avoid getting into an enforcement issue. The Board has witnessed instances where licensees were unaware that they committed an infraction. Ms. Criswell referred to the Strategic Planning that took place the day before and the renewal assessment that is being developed and will help licensees stay current on the laws. She noted that some licensees are unaware of changes in laws and do not review the website for law updates. She is optimistic that the renewal assessment will help in addressing the more common violations by making licensees aware of the laws.

X. Exams/Licensing

A. Examination Updates

Mr. Kereszt reported that as of 2022 all NCEES exams will be administered via computer based testing (CBT), with the exception of the Structural Engineer exam. That exam will be administered in various locations across the country, including one location in California.

ASBOG has recently notified member boards that their Professional Geologist (PG) and Fundamentals of Geology (FG) exams will be transitioning to CBT no sooner than spring 2023. The final PG and FG paper and pencil exams are anticipated to occur in fall 2022. ASBOG will continue to work with all state boards during 2022 to prepare for the CBT transition.

B. 2021 Examination Results

Mr. Kereszt reviewed the statistics for the examination results for 2021. The December results for the State Civil Engineer and the NCEES national results were not yet available at the time of the Board meeting.

XI. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reviewed the Rulemaking Status Report and reported that the four rulemaking packages were sent to the Department of Consumer Affairs, Regulation Review Unit for initial review that needs to be completed prior to being noticed. Because the four new packages relate to changes the Board needs to make due to changes in Connect and the upcoming changes regarding ASBOG transitioning to CBT and the collection of exam fees directly, the new regulation packages were prioritized over the prior packages.

B. Update on Board's Business Modernization Project

Mr. Moore reported on the Business Modernization Project and updated the Board on Product Increment 3.5 which launched November 10, 2021. This gave the ability for civil engineer and land surveyor applicants to submit their applications through the Connect system. In addition, refinements to the fingerprinting process were included. It was previously reported that due to the anticipation of this release, the Board halted accepting the former paper applications for civil engineers and land surveyors in September in order to transition to Connect. A larger than normal amount of applications were received. Staff has been busy simultaneously processing paper applications that were submitted in addition to the electronically submitted applications. There is currently a 60-day backlog and staff is working diligently to reduce this time. During the last week of December, there was a large number of applicants who were able to submit and request exams with a handful of people that were still working to resolve the scheduling of the exams. Mr. Moore expressed his gratitude to Board staff, the Agile Project Team, and Prometric for their efforts in resolving the backlog.

Product Increment 4 is slated to go live in April. The key points are related mostly to enforcement and trying to build upon the complaint submittal process and implement the ability for enforcement staff to manage and monitor complaint investigation cases more effectively.

C. Personnel

Mr. Moore reported that there are currently five vacancies; two are in the Administration Unit, one of which is the Human Resources position, which staff member Francesca LaFleur has filled through an out of class assignment which expired January 4, 2022. The other vacancy in this unit is the record retention analyst position, which became vacant as of September 1, 2021. There are two vacancies in the Licensing Unit, the filling of which will aid in bringing the application backlog down, and one in the Examination Unit. Applications are being evaluated.

Ms. Eissler provided an update on the request for the exempt salary level change for the Executive Officer position. It was submitted to DCA, and they have submitted it to Agency. Agency then forwarded it to the California Department of Human Resources (CalHR) and the Governor's Office. They are the two that have the final say in the request. There have not been any questions during the review so far.

D. ABET

Mr. Moore reported that Board Member Rossana D'Antonio participated in a virtual visit mid-October. Ms. D'Antonio had an opportunity to listen in on meetings from the business aspect but unfortunately because it was a virtual meeting, it conflicted with the student meetings. She reported that it was

enlightening to see the issues from the Deans' and Chancellors' aspects, to funding, equipment, labs, conflict with class requirements for upper education, and some of the challenges the school faces with regards to funding. She looks forward to attending future sessions.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore recapped Mr. Kereszt's report in regard to ASBOG's CBT transition.

President Mathieson reported that ASBOG is conducting a task analysis survey, which is done periodically to gather information from working geologists around the country to figure out what knowledge and skills are required for their occupations to aid in exam development. She expressed the importance to get a high participation rate from geologists. Senior Registrar for Geology Laurie Racca has been involved and while there is a meeting to further discuss the matter, Ms. Racca will not be attending due to concerns with traveling at this time and there is no virtual option to attend.

10:34 a.m. Coby King joined the meeting.

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

1. Request for Information from Committee on Examinations for Professional Engineers (EPE) Related to Potential Mechanical PE Exam - Plumbing Option (Possible Action)

Mr. Moore reported that NCEES received a request to add a fourth option under the Mechanical Engineering PE exam which would focus on Plumbing Engineering. He indicated that the Board received a letter four years ago to support the option, the Board discussed it and took no action. NCEES' policy is that if 10 member boards are in favor and support the motion to add or change an exam, NCEES must consider it. NCEES sent a questionnaire to all Member Board Administrators to see if the Board would accept this proposed fourth option for licensure and estimate a minimum and maximum number of first-time test takers. Mr. Moore was required to respond by December 31, 2021. He consulted with Board staff and confirmed that the Board has not received any identifiable interest which resulted in a zero-interest response to NCEES.

Dr. Asgari further explained that NCEES is exploring the possibility of adding plumbing as an option under the Mechanical Engineer exam. This would be in addition to the three other disciplines currently offered, which include HVAC and refrigeration, machine design and material, and thermal and fluid systems. The American Society of Plumbing Engineers (ASPE) has approached NCEES with the proposal and ten boards have shown interest. He reviewed the pros and cons expressed by members of the EPE Committee and outlined the requirements.

The board made no indication of interest in supporting adding plumbing as an option under the Mechanical Engineer exam.

2. Western Zone Interim Meeting, May 19-21, 2022 in Stateline, NV – Determine Funded Delegates (Possible Action)

Mr. Moore reported that this out of state travel was approved, and NCEES has requested the names of funded delegates by February 9, 2022. Dr. Qureshi is the current Assistant Vice-President of the Western Zone and is already funded, and Mr. Moore is separately funded as a Member Board Administrator. Mr. King was appointed to the Bylaws Committee but will not be able to attend.

Mr. Hartley and Dr. Asgari expressed interest and volunteered to attend. Dr. Qureshi recommended Ms. Eissler be the third funded delegate if no other Board members are interested.

G. Update on Outreach Efforts
No report given.

XII. President’s Report/Board Member Activities

President Mathieson reported that since the last Board Meeting, she reviewed and approved the Administrative Law Judge’s written descriptions of the Board’s decisions from the petition hearings that were conducted during the November meeting.

Mr. King reported that he attended an NCEES Bylaws Committee meeting. Dr. Qureshi reported that he attended virtual meetings for the Advisory Committee on Council Activity (ACCA) for NCEES. There will be an in-person meeting in Phoenix, AZ, which he is planning to attend.

XIII. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the November 8-9, 2021, Board Meeting

MOTION:	Ms. Wong and Mr. Novak moved to approve the minutes as amended.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio				X	
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				

Coby King			X		
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore reported that the Board of Directors for NCEES offers to visit member boards to update them on NCEES matters. Western Zone Vice-President Scott Bishop requested to appear on the March 7 and 8, 2022, Board Meeting agenda.

Mr. Novak expressed interest in changing the March Board meeting dates from Monday/Tuesday to Thursday/Friday. Mr. Moore indicated he would consult with SOLID and staff to determine if it was possible.

V. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. 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

XV. Adjournment

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT

None present

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XIII. 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)]

XIV. Adjournment

Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.