



Gavin Newsom, Governor

Board for Professional Engineers, Land Surveyors, and Geologists

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

Thursday, July 24, 2025, beginning at 9:00 a.m.



Department of Consumer Affairs
1625 North Market Boulevard
Hearing Room South #102
Sacramento, CA 95834

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

BOARD MEETING

JULY 24, 2025

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room, #102
Sacramento, CA 95834

BOARD MEMBERS

President Guillermo Martinez; Vice-President Frank Ruffino; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Desirea Haggard; Michael Hartley; Betsy Mathieson; Wilfredo Sanchez; Fermin Villegas; Cliff Waldeck; and Christina Wong

I.	Roll Call to Establish a Quorum	5
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III.	Public Comment for Items Not on the Agenda NOTE: The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.	9
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A. Approval of May 29, 2025, Board Meeting Minutes	
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A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).	
B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:	
1. <u>Crownholm et al. v. Moore, et al.</u> No. 24-276, cert. pending (filed Sep. 9, 2024), Supreme Court of the United States, <u>Crownholm, et al. v. Moore, et al.</u> (No. 23-15138) (9 th Cir. April 16, 2024)	
2. <u>Shahrokh Esmaily-Radvar vs. Board for Professional Engineers, Land Surveyors, and Geologists</u> , Los Angeles County Superior Court, Case No. 25STCP02175	
3. <u>James MacGregor Renfrew, Jr. vs. Board for Professional Engineers, Land Surveyors, and Geologists</u> , Los Angeles County Superior Court, Case No. 25STCP02233	
XII. Adjourn	431

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 2025/26 Budget Report

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.

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.

Prior Year

Revenue collected up to FM 4 in October of 2020.

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.

FINANCIAL REPORT

FISCAL YEAR 2024-25 FISCAL MONTH 11 FINANCIAL STATEMENT

Revenues

Total revenue is up \$544,910 (5%) over Prior Year 2022-23. Current Fiscal Year 2024-25 is a low volume year for renewals therefore we are comparing it to Prior Year 2022-23 due to it also being a low volume year for renewals.

Revenue Category	PRIOR YEAR FY 2022-23 FM 11	PRIOR YEAR FY 2023-24 FM 11	CURRENT YEAR FY 2024-25 FM 11	CURRENT YEAR FY 2024-25 PROJECTION
Delinquent Fees	\$152,345	\$106,119	\$73,245	\$141,610
Other Regulatory Fees	\$75,403	\$ 75,037	\$ 89,770	\$79,487
Other Regulatory Licenses & Permits	\$1,751,102	\$2,104,295	\$1,969,751	\$1,895,668
Other Revenue	\$111,746	\$200,190	\$231,600	\$14,324
Renewal Fees	\$9,003,468	\$10,007,345	\$9,274,606	\$9,302,981
Total	\$ 11,094,063	\$12,492,986	\$11,638,973	\$11,434,070

Total Reimbursements as of FM9 totaled \$145,702 including \$1,225 in Reimbursement-Private Sectors, \$64,925 in Fingerprint Reports, \$68,107 in Us Cost Recovery, and \$11,445 in US DOI Administrative. Fingerprint Report expenses are included in the General Expense category.

Department of Consumer Affairs
Expenditure Projection Report
Fiscal Month: 11

Fiscal Year: 2024 - 2025

Run Date: 6/20/2025

PERSONAL SERVICES

Notes	Fiscal Code	PY 23-24 FM11 YTD + Encumbrance	CY 24-25 FM11 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$3,217,482	\$3,364,093	\$3,779,000	89%	\$3,665,214
	5100 TEMPORARY POSITIONS	\$1,191	\$29,136	\$232,000	13%	\$32,316
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$182,473	\$11,100	\$37,000	30%	\$18,000
	5150 STAFF BENEFITS	\$1,939,637	\$1,881,107	\$1,951,000	96%	\$2,199,128
	PERSONAL SERVICES	\$5,340,783	\$5,285,436	\$5,999,000	88%	\$5,914,658

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$66,948	\$70,830	\$118,000	60%	\$76,523
	5302 PRINTING	\$165,638	\$64,303	\$46,000	140%	\$88,555
	5304 COMMUNICATIONS	\$10,740	\$5,367	\$35,000	15%	\$27,497
	5306 POSTAGE	\$32,852	\$26,160	\$58,000	45%	\$36,000
	5308 INSURANCE	\$86	\$0	\$0	0%	\$86
	53202-204 IN STATE TRAVEL	\$33,306	\$28,144	\$90,000	31%	\$35,000
	53206-208 OUT OF STATE TRAVEL	\$3,671	\$298	\$0	0%	\$4,250
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$2,000
3	5324 FACILITIES*	\$473,810	\$479,917	\$377,000	127%	\$494,542
4	53402-53403 C/P SERVICES (INTERNAL)	\$588,179	\$641,638	\$1,404,000	46%	\$784,892
5	53404-53405 C/P SERVICES (EXTERNAL)	\$2,161,685	\$2,243,732	\$3,249,000	69%	\$2,472,415
6	5342 DEPARTMENT PRORATA	\$1,997,561	\$1,750,834	\$2,076,000	84%	\$2,076,000
7	5342 DEPARTMENTAL SERVICES	\$13,462	\$24,129	\$25,000	97%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$95	\$0	\$22,000	0%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$208,721	\$251,956	\$94,000	268%	\$318,692
	5362-5368 EQUIPMENT	\$37,654	\$25,337	\$0	0%	\$37,000
	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$1,498	\$2,220	\$0	0%	\$2,400
	OPERATING EXPENSES & EQUIPMENT	\$5,795,906	\$5,616,865	\$7,612,000	74%	\$6,504,852
	TOTALS	\$11,136,689	\$10,902,301	\$13,611,000	80%	\$12,419,510
8	4840-4850 REIMBURSEMENTS					\$108,000
	OVERALL TOTALS & REIMBURSEMENTS	15				\$12,311,510

SURPLUS/(DEFICIT): 10%

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

Analysis of Fund Condition

Prepared 7/01/2025

(Dollars in Thousands)

PY 23-24 Actuals & CY 24-25 FM 11

	Actual 2023-24	CY 2024-25	BY 2025-26	BY+1 2026-27
BEGINNING BALANCE	\$ 2,481	\$ 3,267	\$ 1,947	\$ -10
Prior Year Adjustment	\$ 269	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,750	\$ 3,267	\$ 1,947	\$ -10
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 114	\$ 142	\$ 139	\$ 142
4127400 Renewal fees	\$ 10,028	\$ 9,303	\$ 10,080	\$ 9,303
4129200 Other regulatory fees	\$ 78	\$ 79	\$ 79	\$ 79
4129400 Other regulatory licenses and permits	\$ 2,289	\$ 1,896	\$ 1,907	\$ 1,896
4163000 Income from surplus money investments	\$ 264	\$ 193	\$ 193	\$ 193
4171400 Escheat of unclaimed checks and warrants	\$ 10	\$ 14	\$ 12	\$ 14
4172500 Miscellaneous revenues	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 12,783	\$ 11,627	\$ 12,410	\$ 11,627
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 12,783	\$ 11,627	\$ 12,410	\$ 11,627
Totals, Revenues, Transfers and Other Adjustments	\$ 15,533	\$ 14,894	\$ 14,357	\$ 11,617
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 11,475	\$ 12,311	\$ 13,423	\$ 13,826
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 157	\$ 157	\$ 0
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 582	\$ 479	\$ 787	\$ 787
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 12,266	\$ 12,947	\$ 14,367	\$ 14,613
FUND BALANCE				
Reserve for economic uncertainties	\$ 3,267	\$ 1,947	\$ -10	\$ -2,996
Months in Reserve	3.0	1.6	0.0	-2.4

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN CY AND BY.
B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.

Expenditure Report Notes

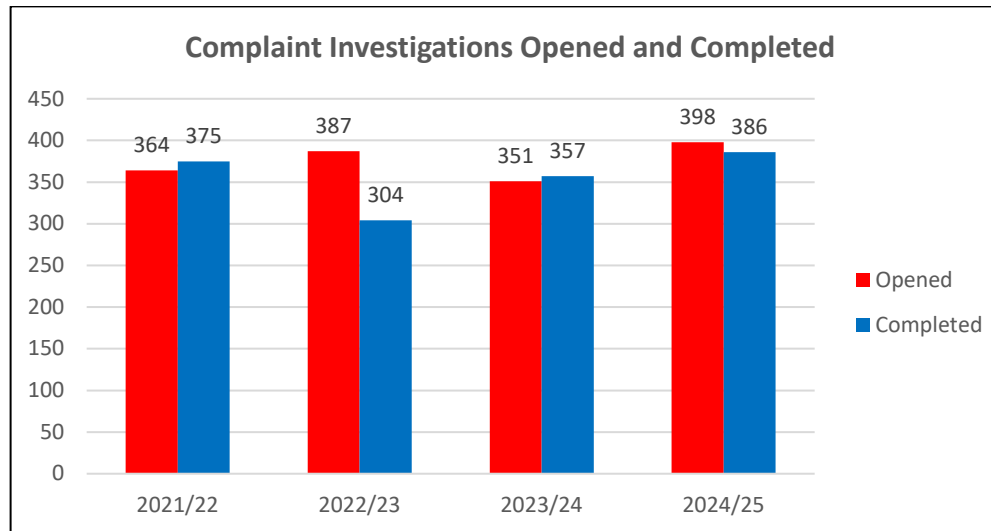
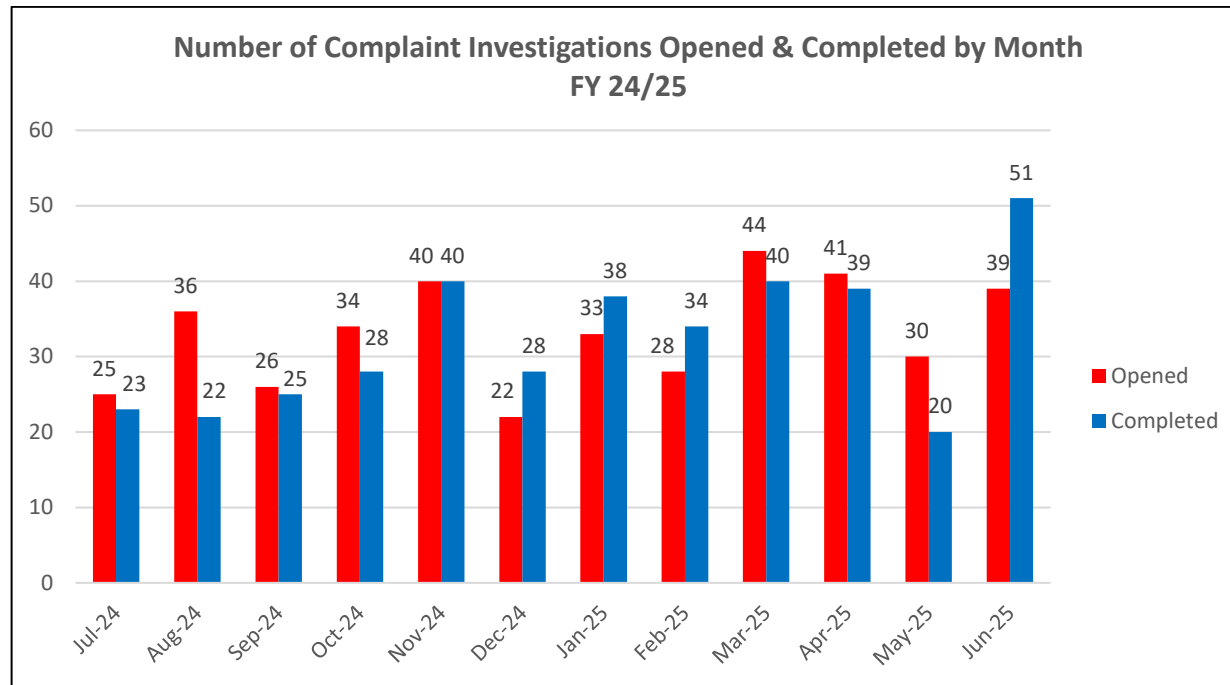
- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board being almost fully staffed, and includes merit salary adjustments and the bargaining unit agreements effective July 1, 2024.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 11 are at \$64,925
- 3 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, and security.
- 4 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 5 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, business modernization contracts, credit card processing, evidence and witness fees, and court reporter services).
- 6 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 7 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 8 Reimbursements** - Includes Reimbursements-Private Sectors (contracted with Guam to provide California Civil Seismic Principles Exams on the same dates the exam is administered in California by the Guam Registration Board at the rate of \$175 per examination that are administered to applicants), Fingerprint Reports, Cost Recovery, and US DOI Civil Case.

V. Enforcement

A. Enforcement Statistical Reports

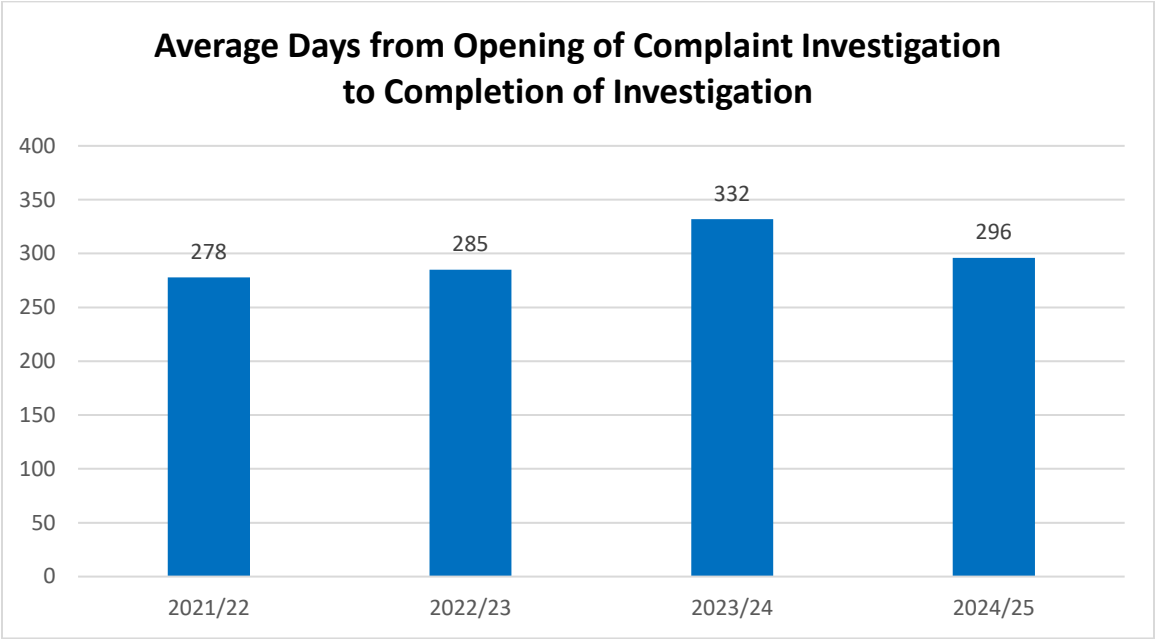
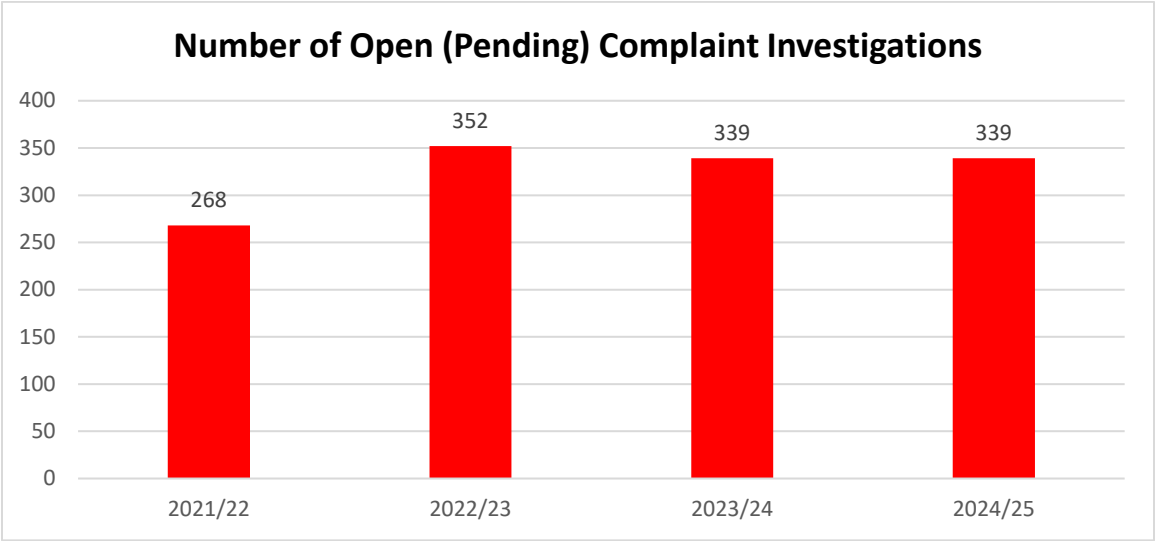
1. Fiscal Year 2025/26 Update

Complaint Investigation Phase



NOTE: FY24/25 statistics are through June 30, 2025

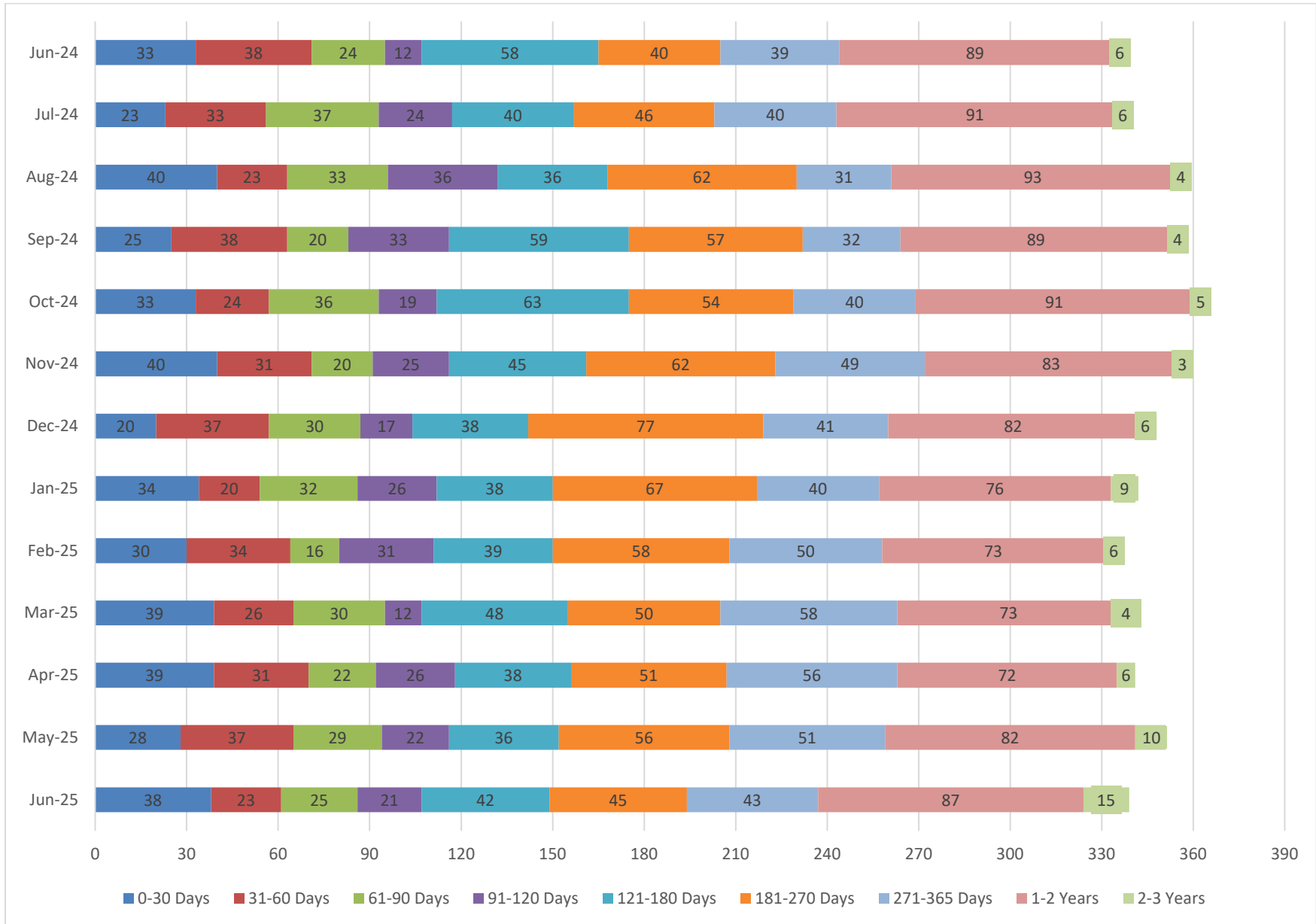
Complaint Investigation Phase



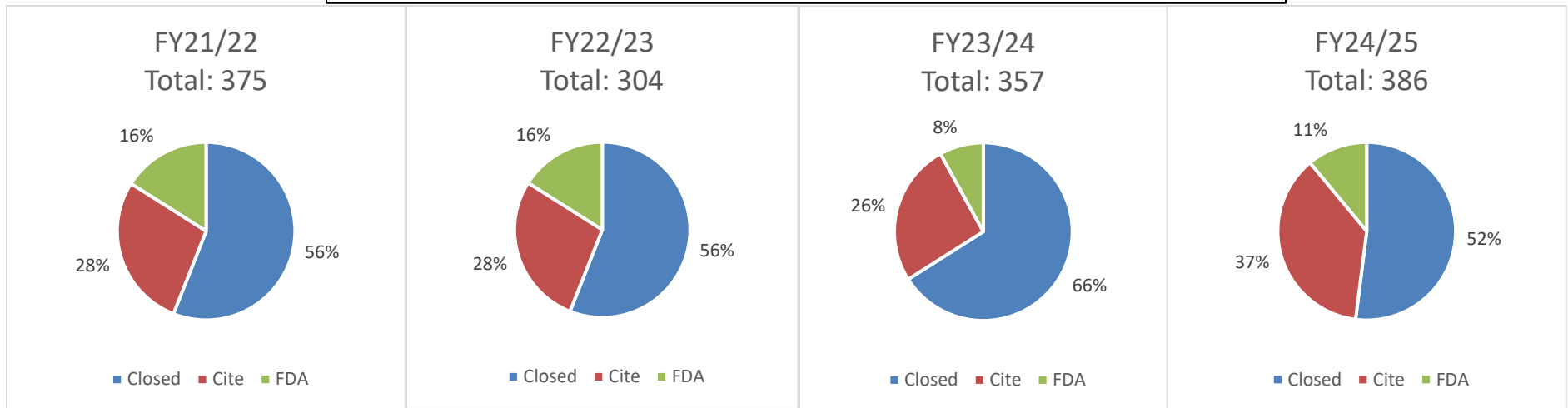
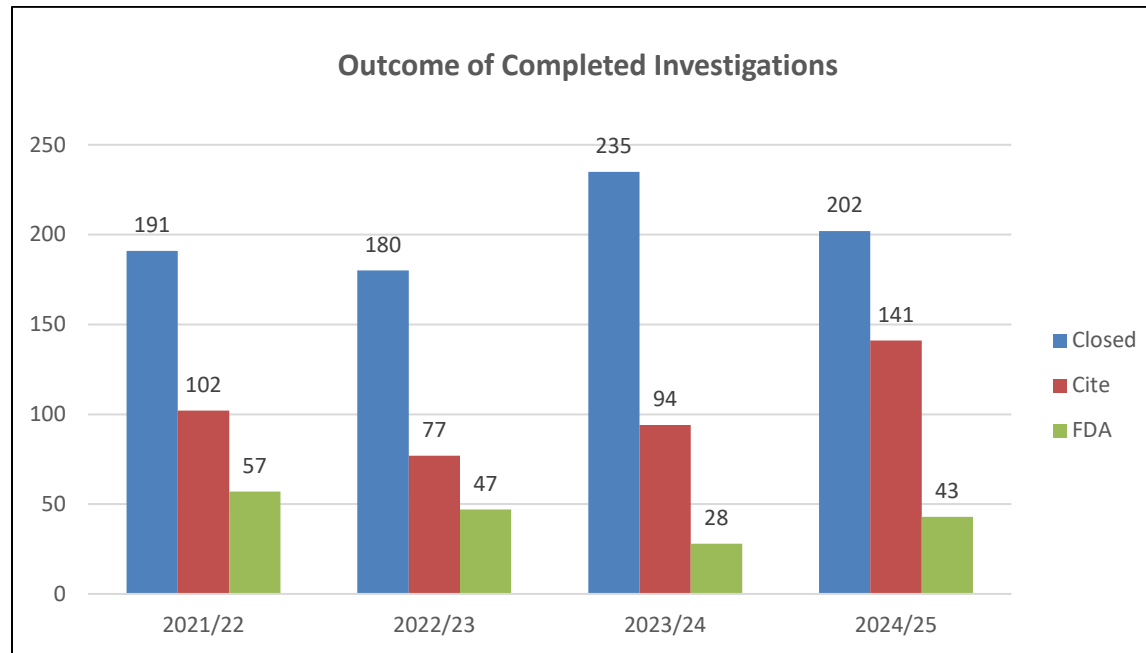
NOTE: FY24/25 statistics are through June 30, 2025

Complaint Investigation Phase

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



Complaint Investigation Phase



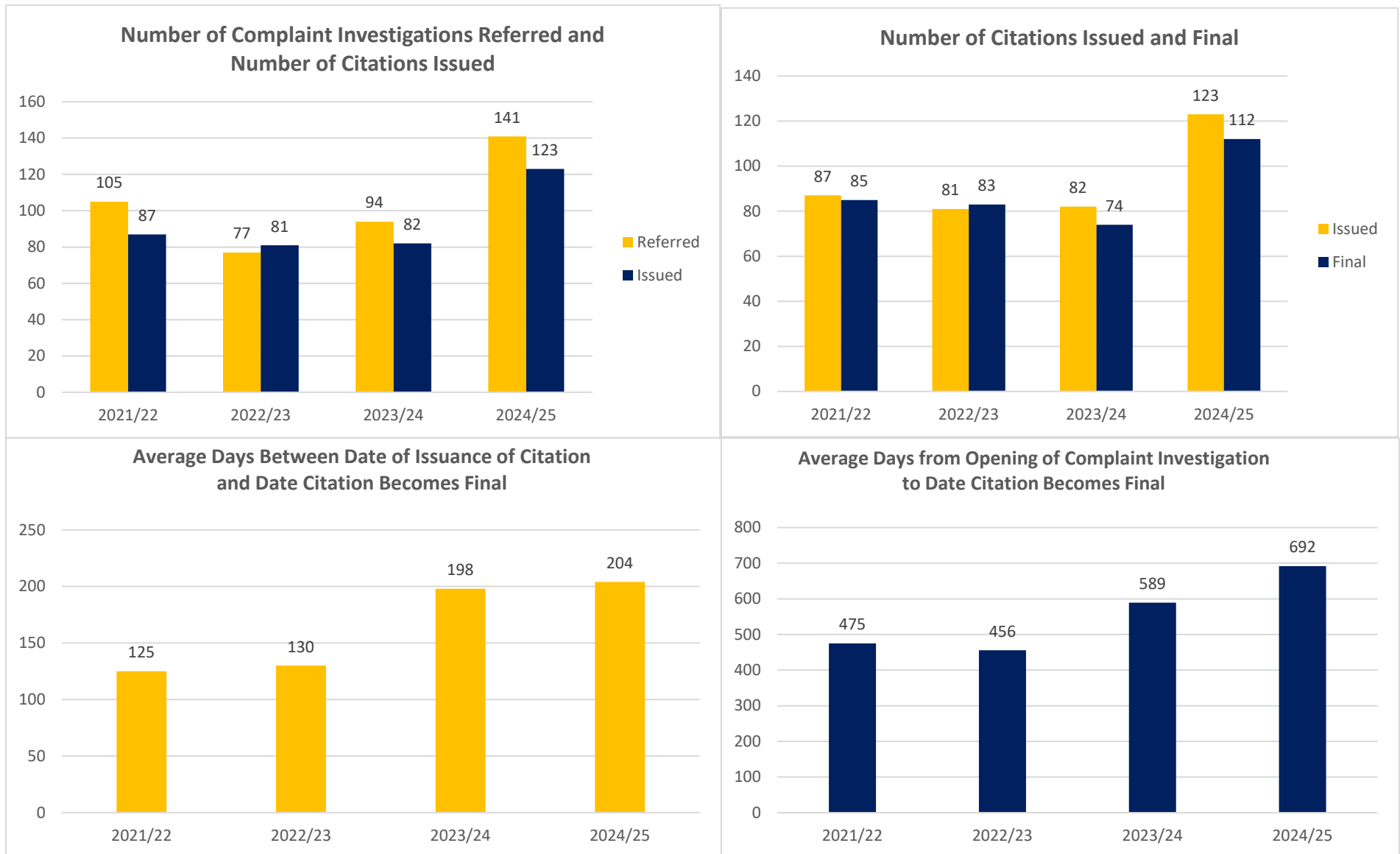
NOTE: FY24/25 statistics are through June 30, 2025

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

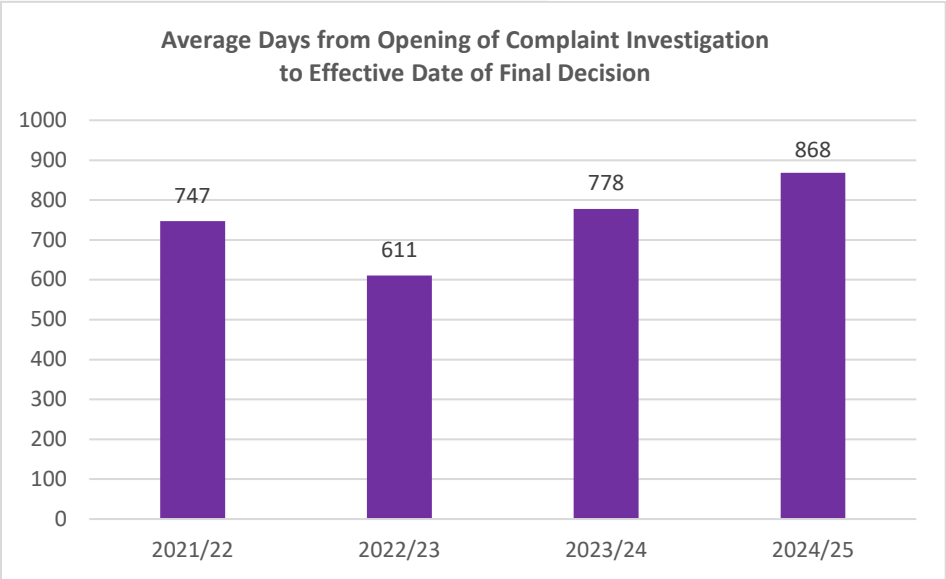
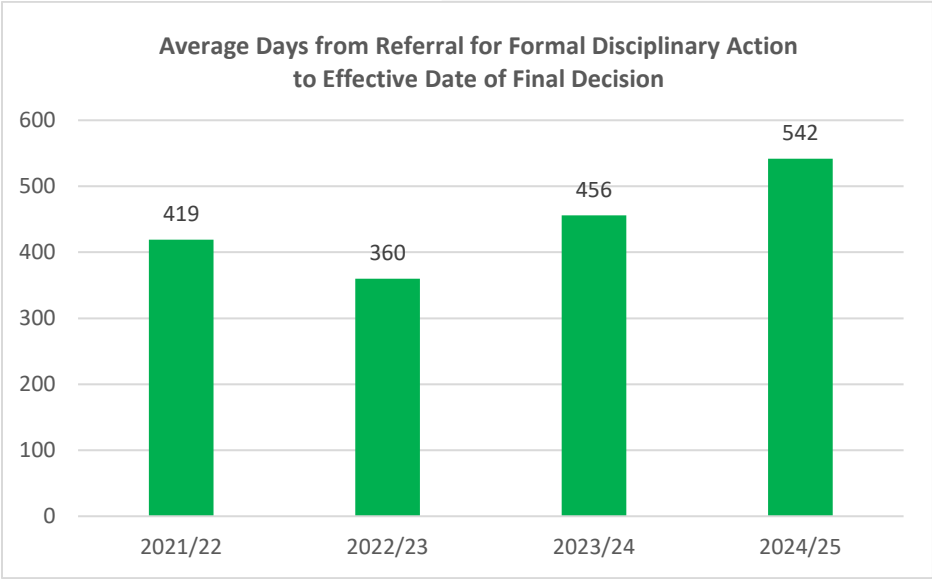
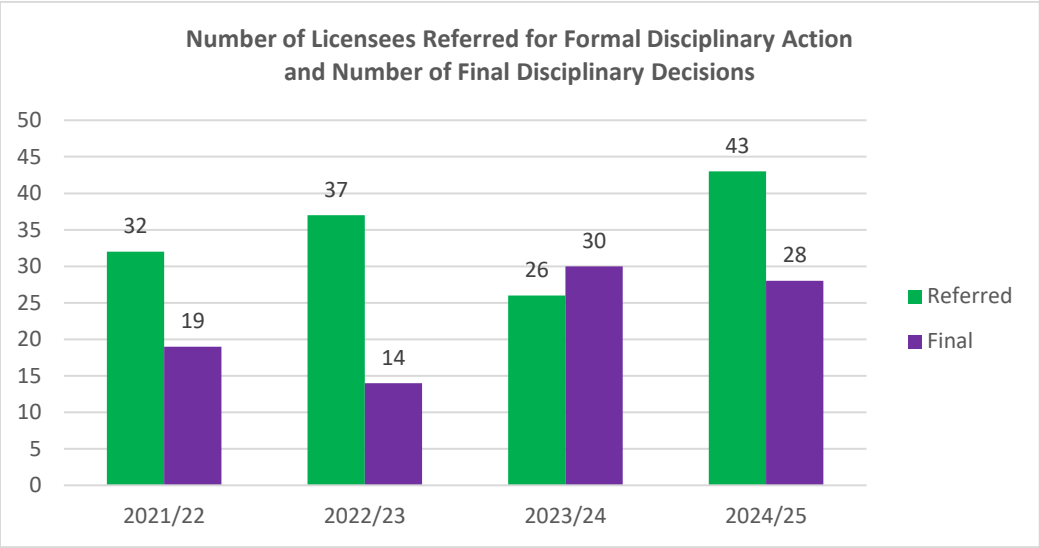
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY24/25 statistics are through June 30, 2025

Formal Disciplinary Actions Against Licensees



NOTE: FY24/25 statistics are through June 30, 2025

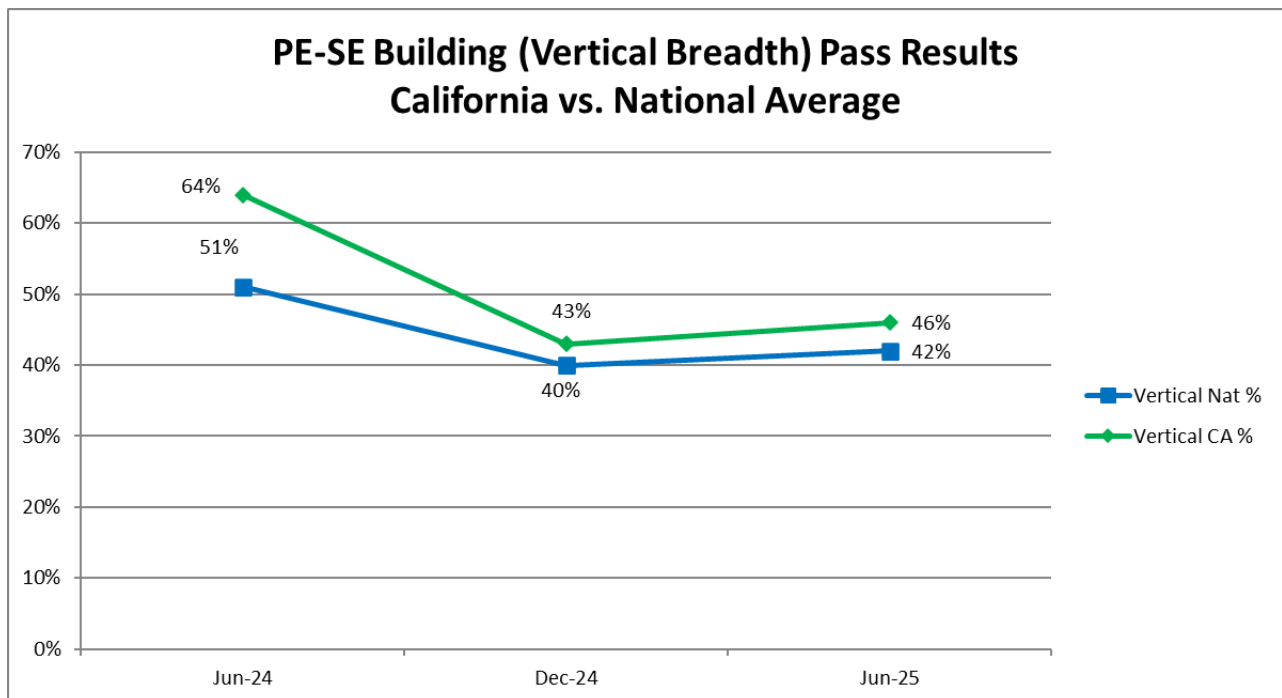
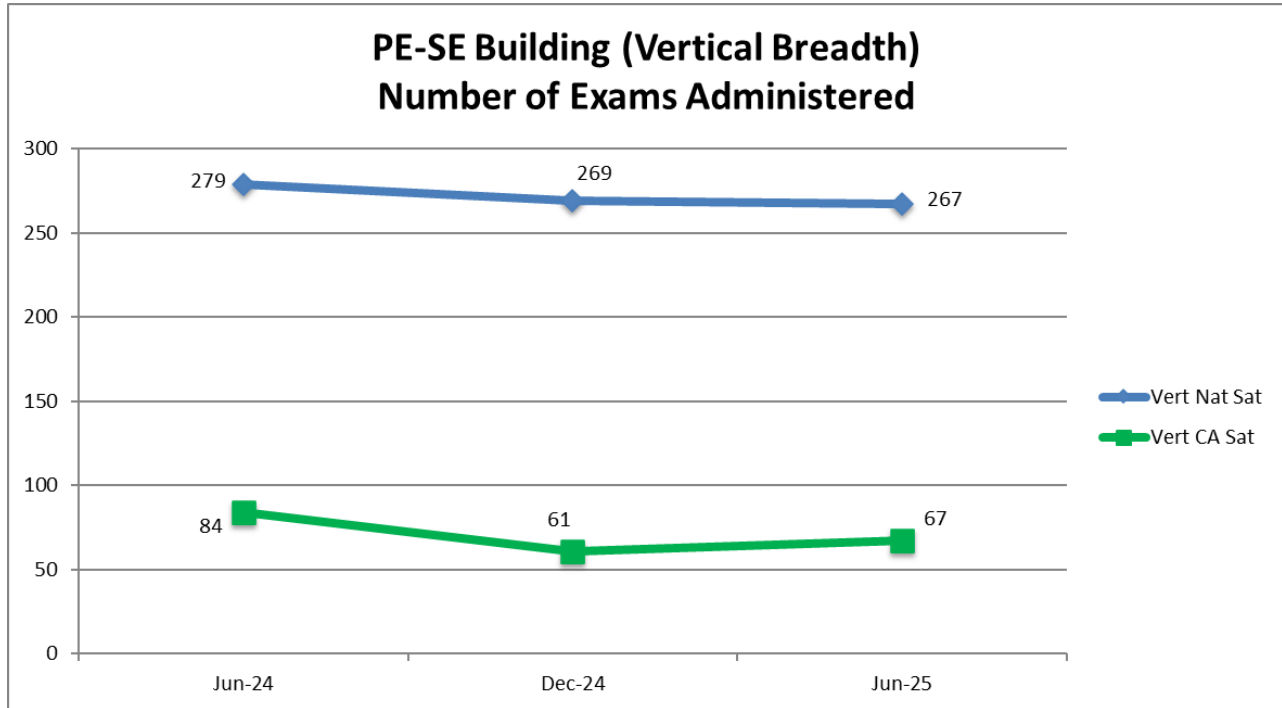
VI. Exams/Licensing

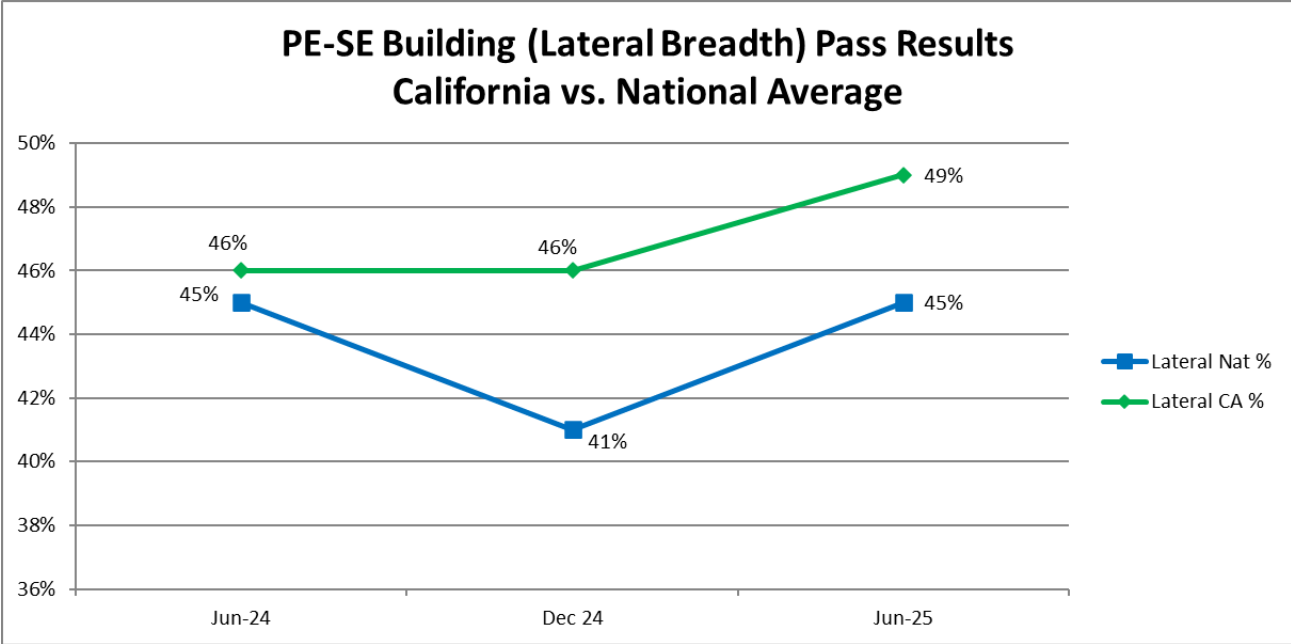
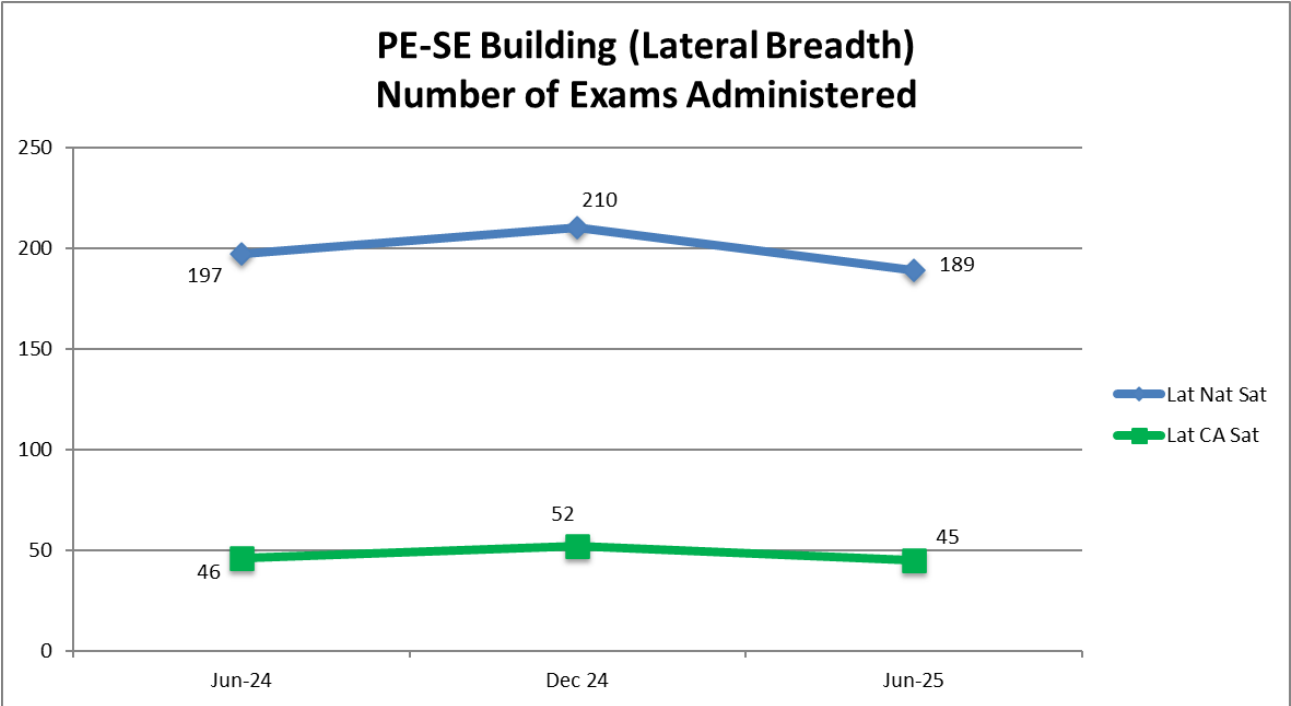
A. Examination/Licensing Updates

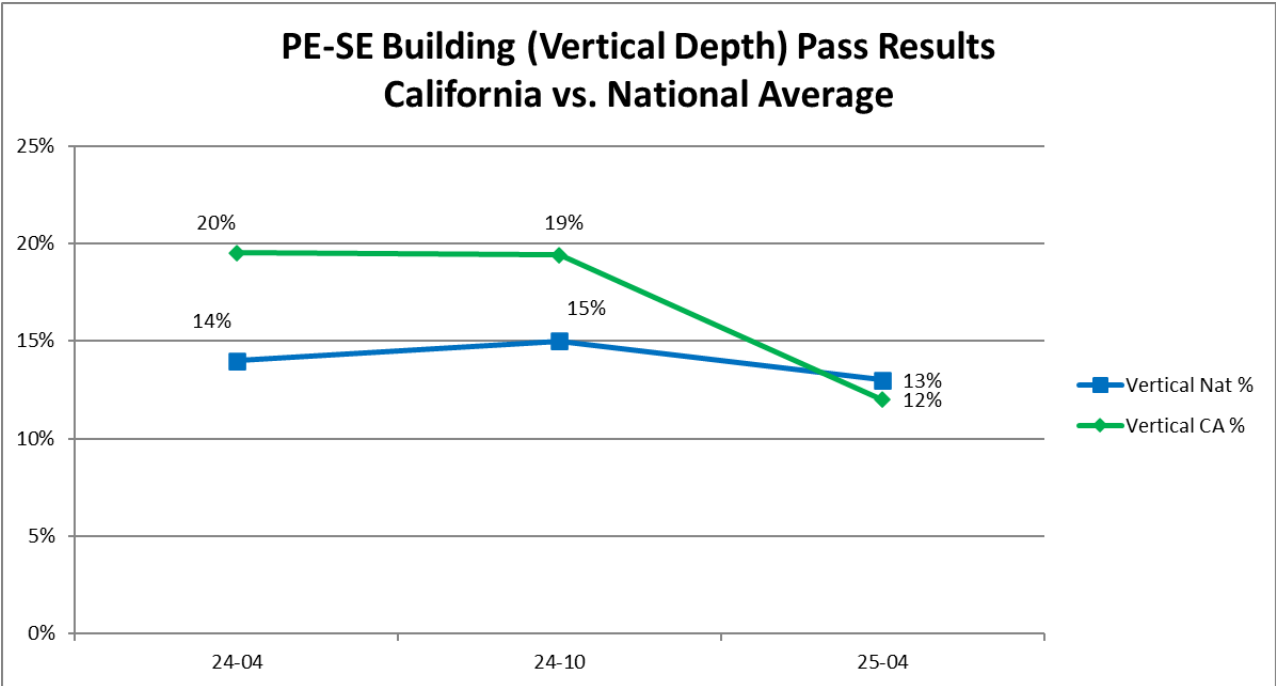
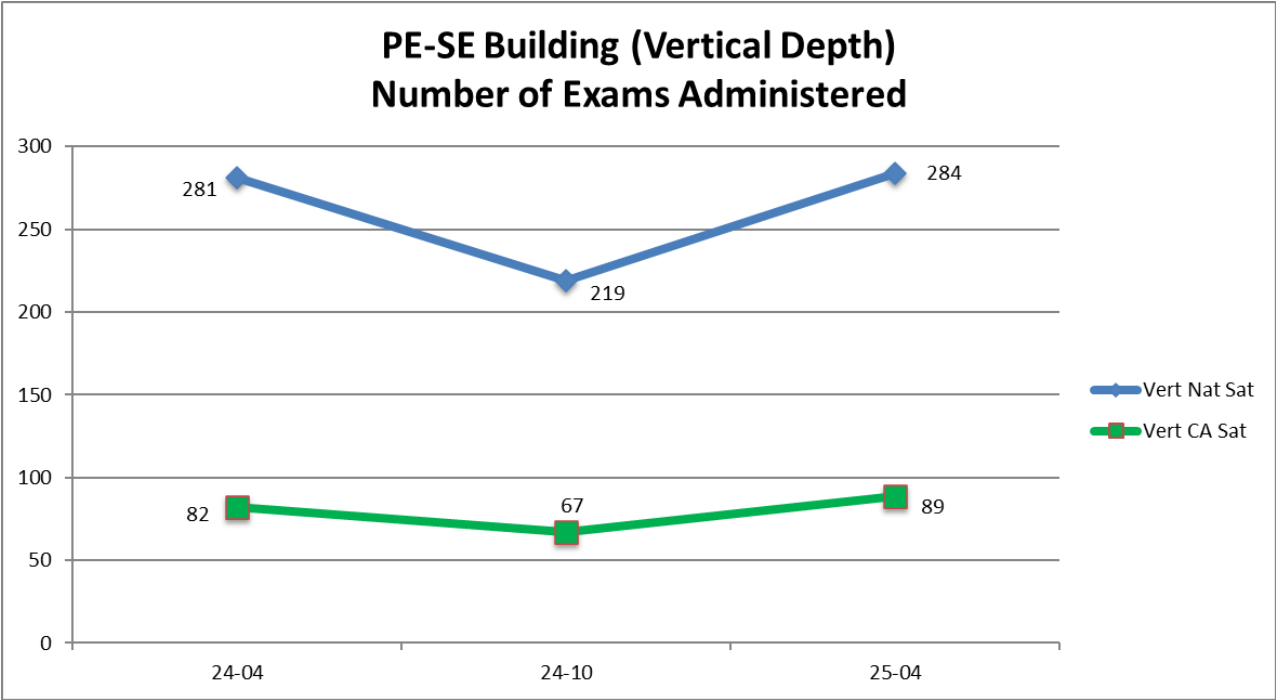
NCEES PE- Structural Examination Statistics

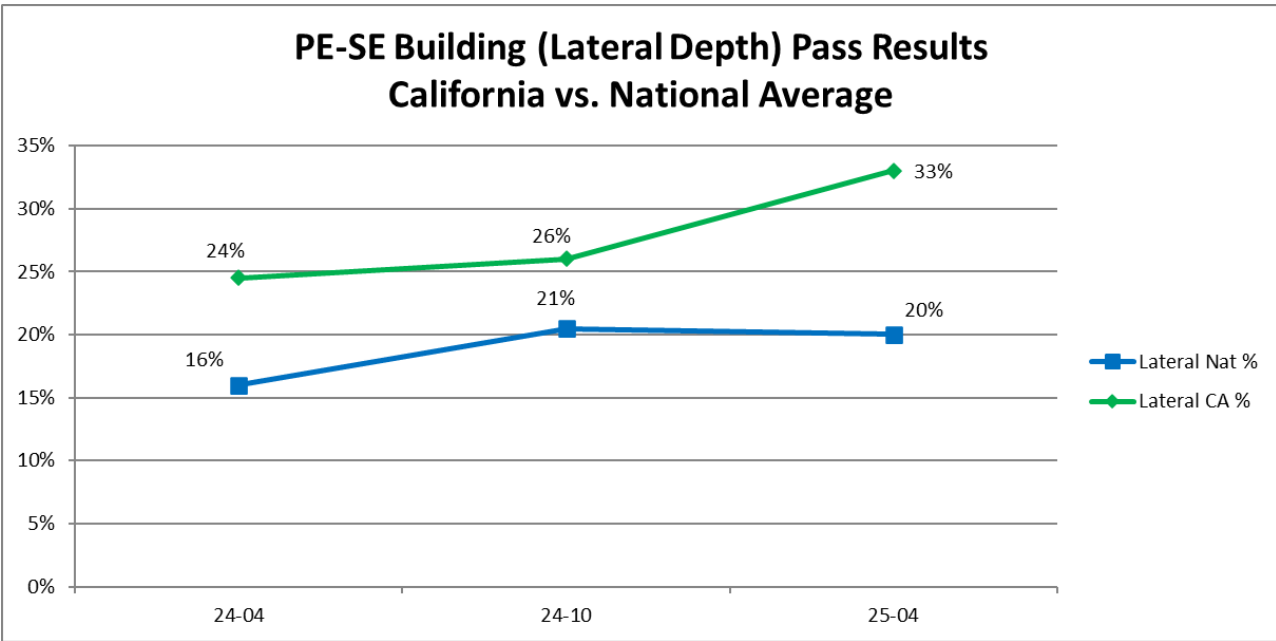
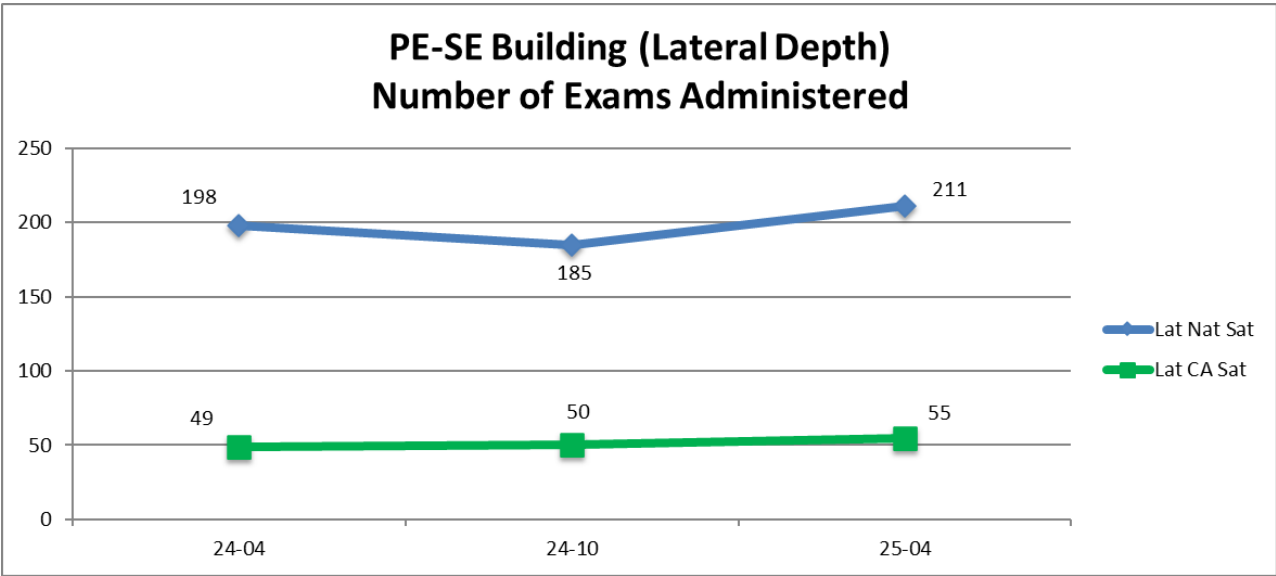
Vertical Breadth

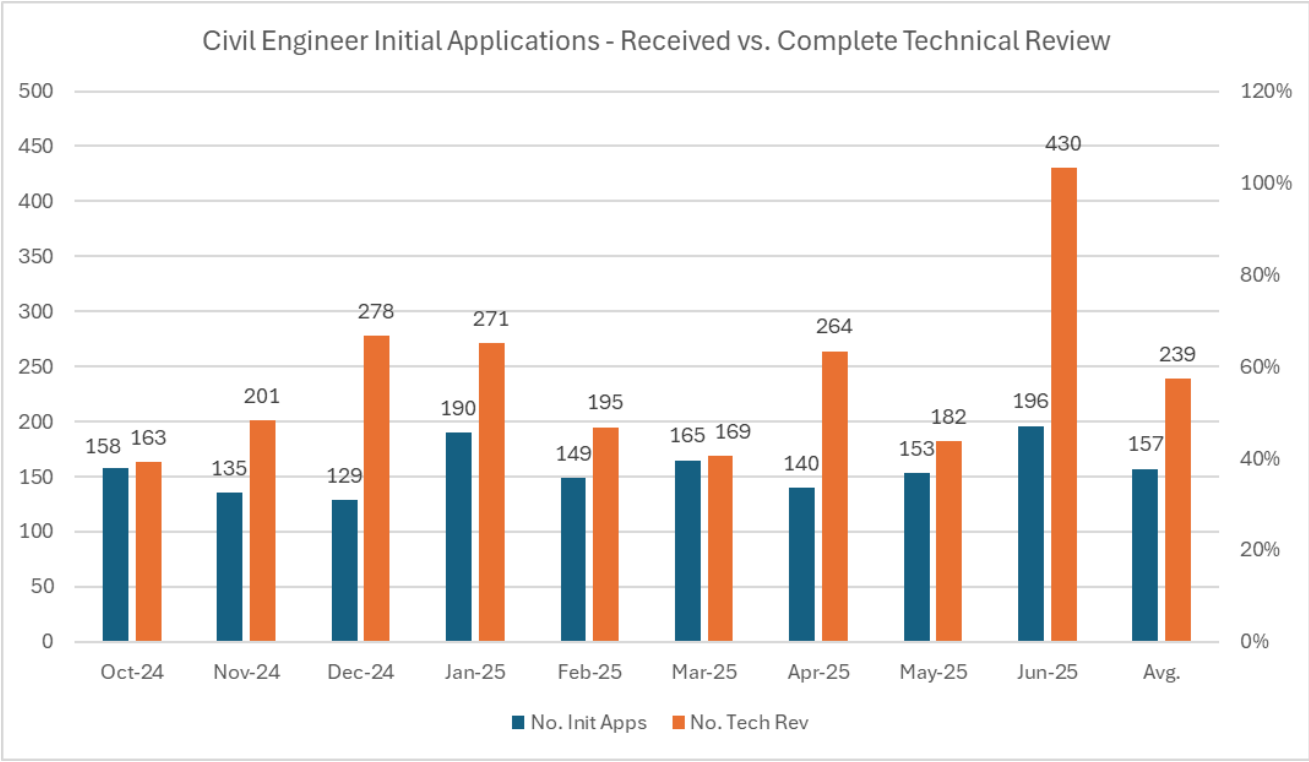
(Administered Year Round (LOFT))





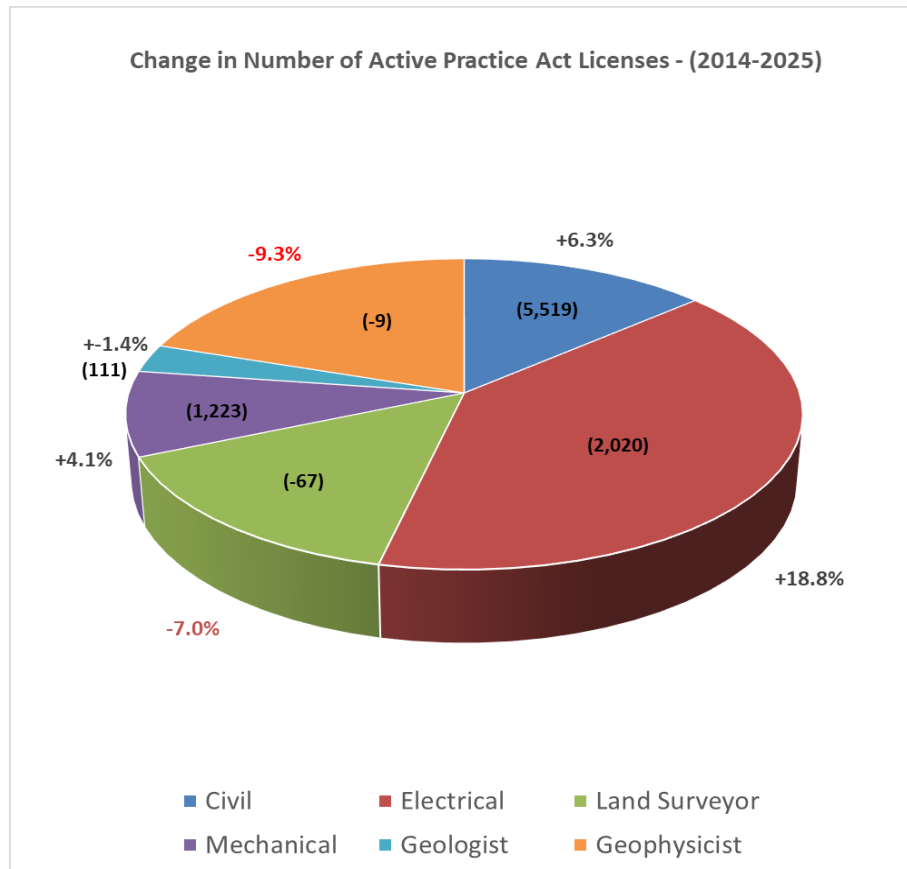
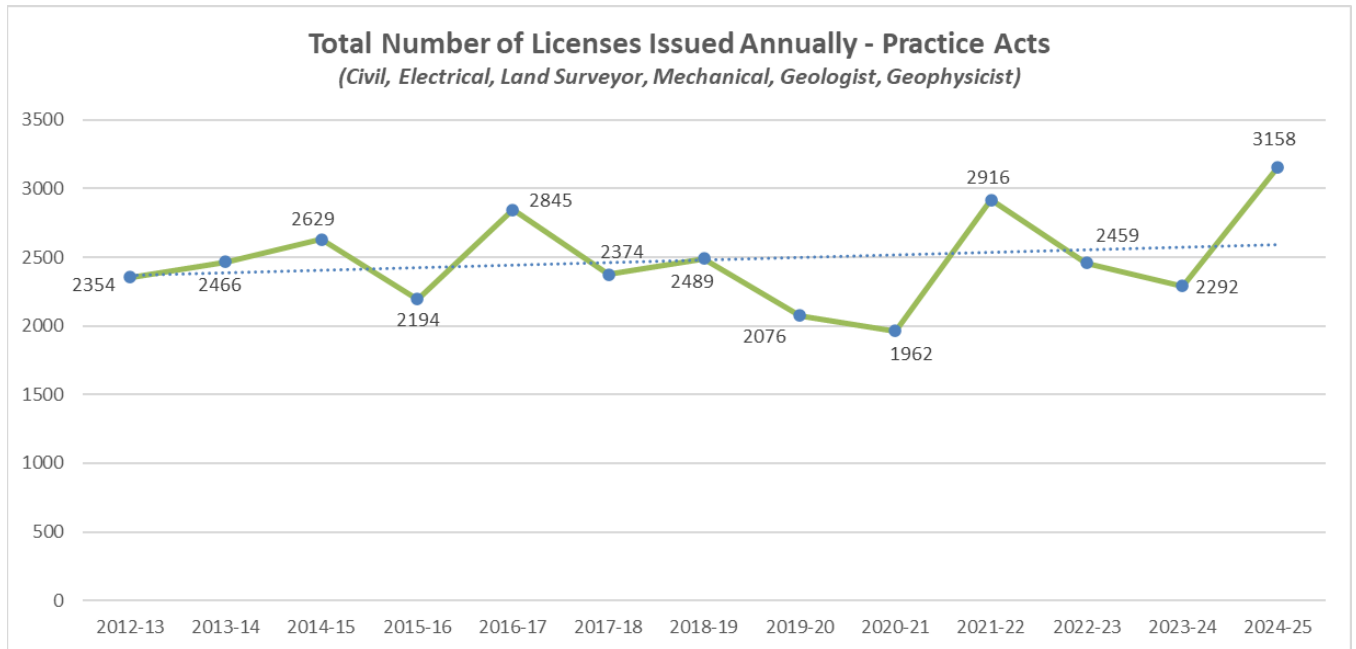




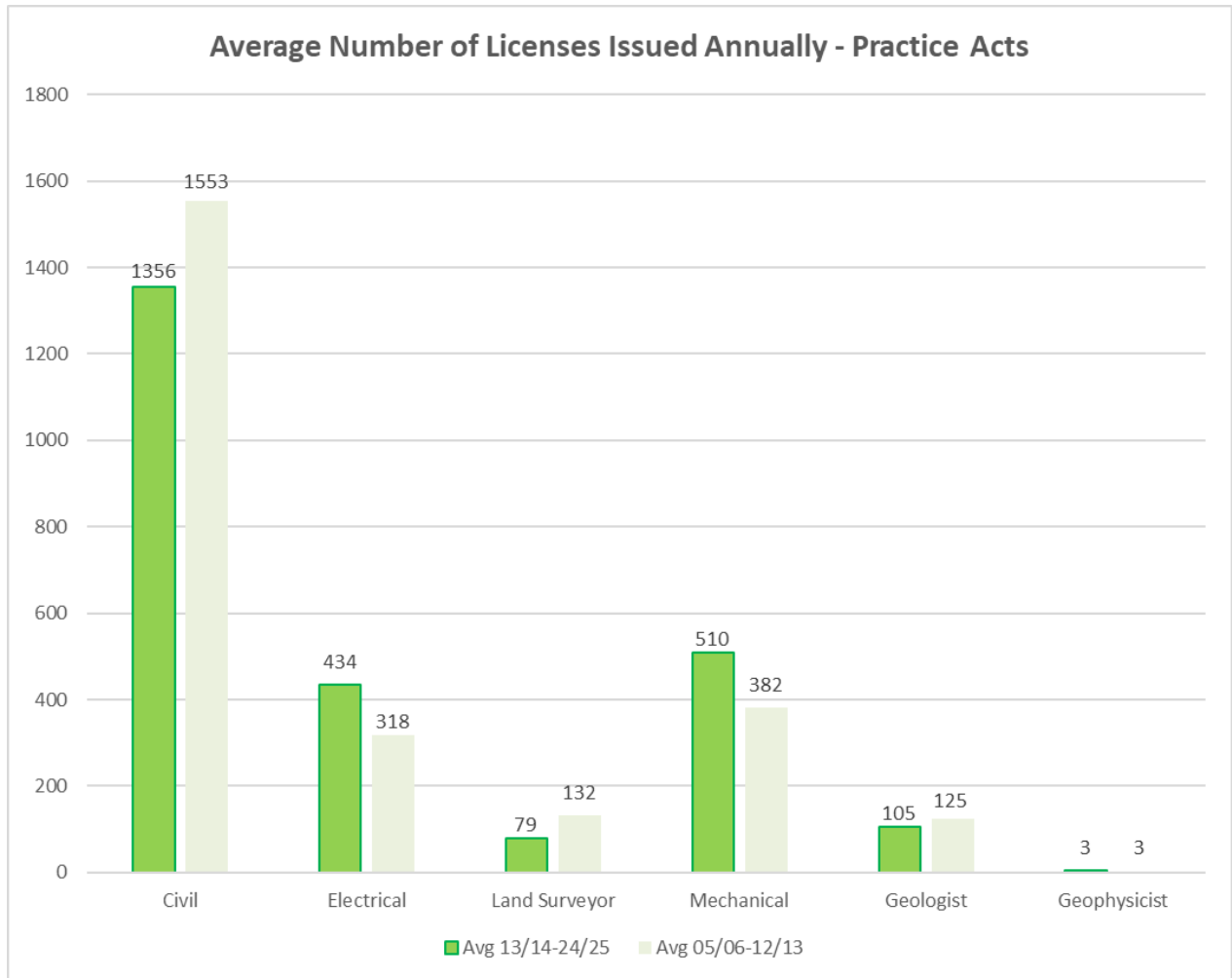


Annual Licensing Statistics

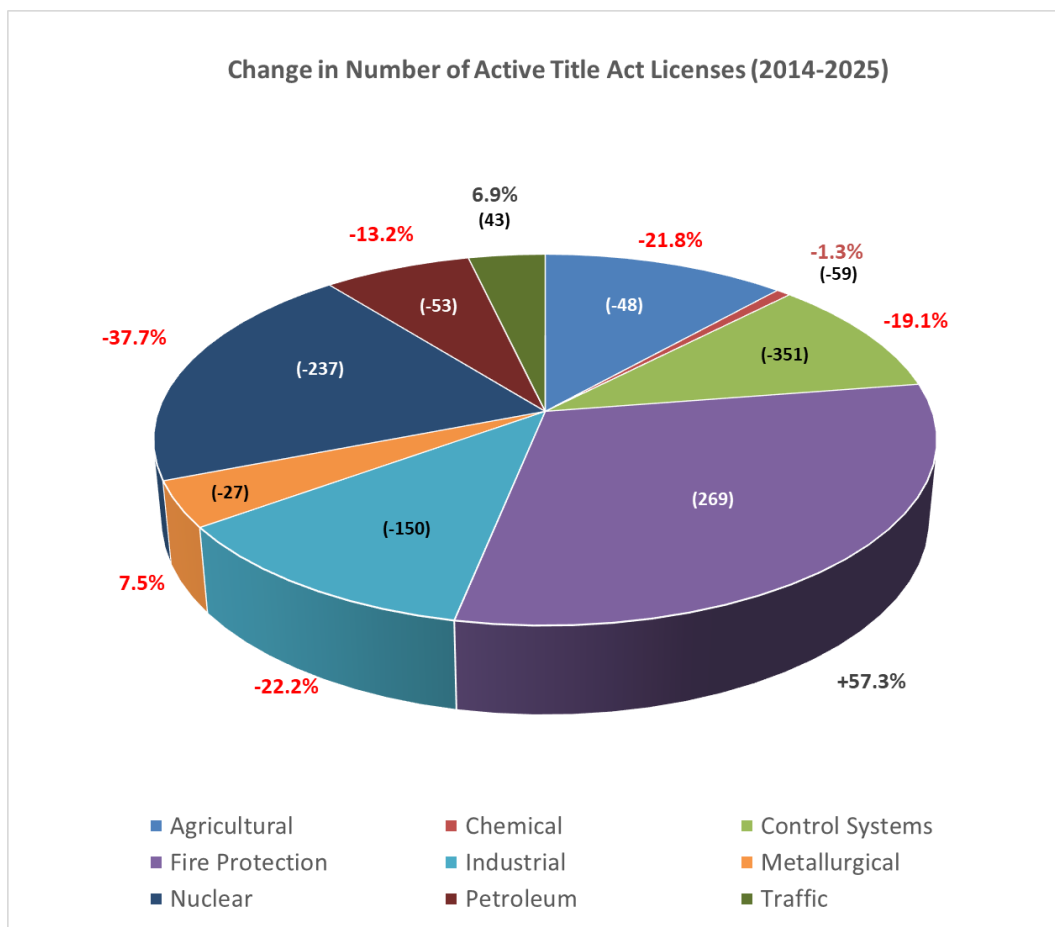
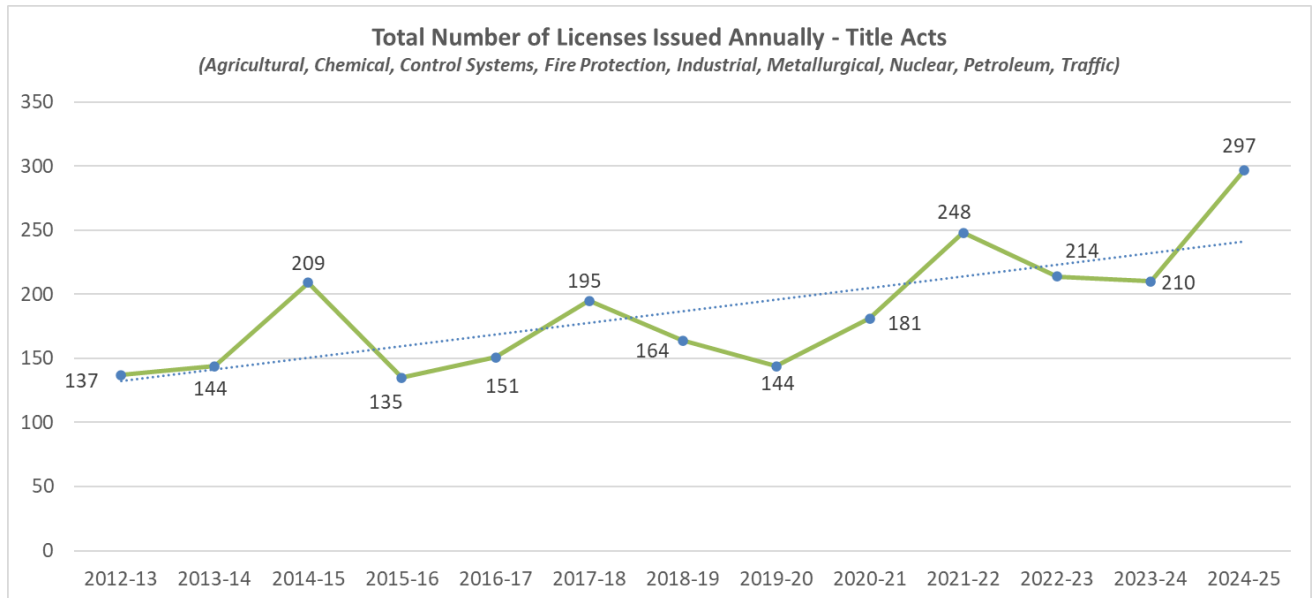
Practice Acts



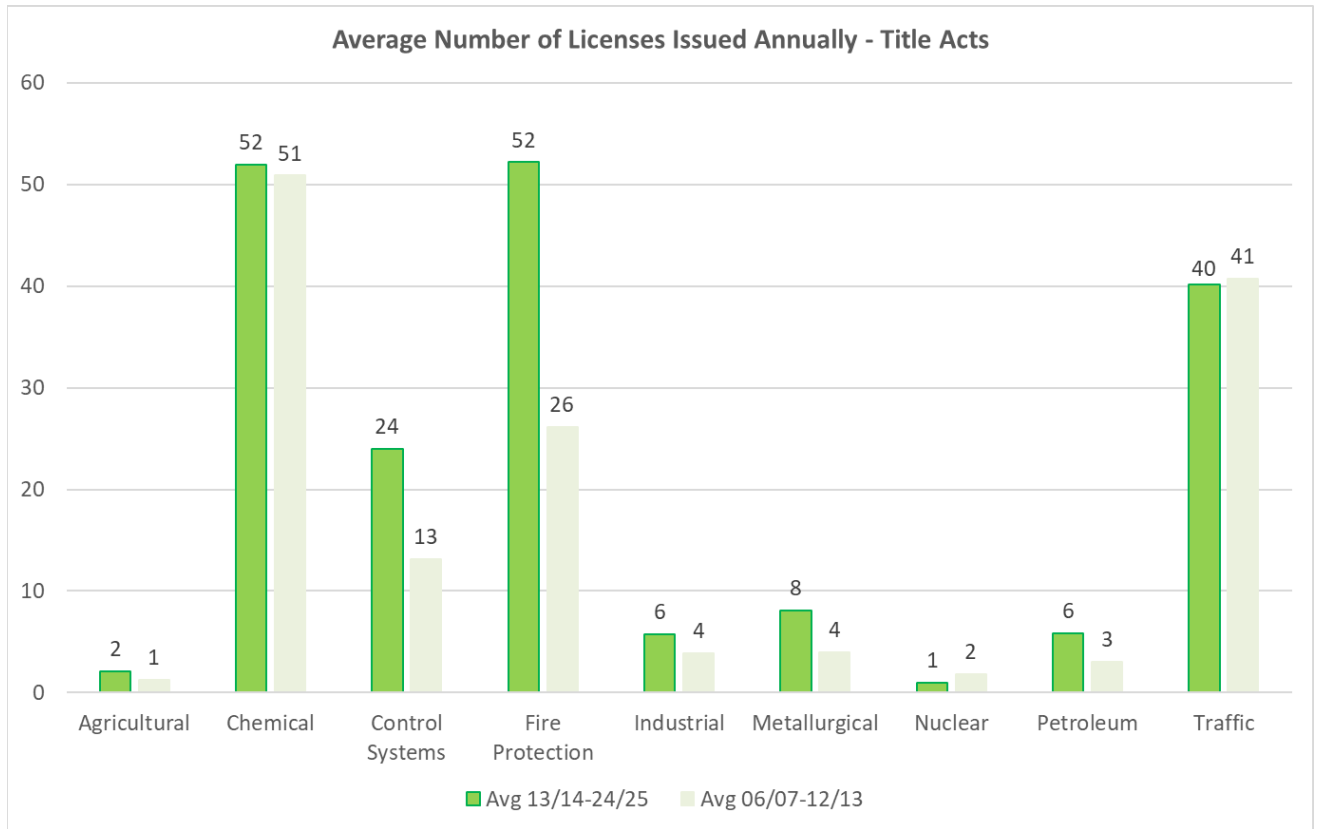
Practice Acts



Title Acts



Title Acts



VII. Legislation

- A. 2025 Legislative Calendar
- B. Discussion of Legislation for 2025 (**Possible Action**)
 - 1. Assembly Bill (AB) 667 – Professions and vocations: license examinations; interpreters
 - 2. AB 671 – Accelerated restaurant building plan approval
 - 3. AB 742 – Department of Consumer Affairs: licensing: applicants who are descendants of slaves
 - 4. AB 1341 – Contractors: discipline: building law violations.
 - 5. Senate Bill (SB) 518 – Descendants of enslaved persons; reparations
 - 6. SB 470 – Bagley-Keene Open Meeting Act: teleconferencing
 - 7. SB 641 – Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions
 - 8. SB 861 – Consumer affairs

JANUARY						
S	M	T	W	TH	F	S
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5	6	7	8	9	10	11
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FEBRUARY						
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APRIL						
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MAY						
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25	26	27	28	29	30	31

DEADLINES

- Jan. 1Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 6Legislature Reconvenes (J.R. 51(a)(1)).
- Jan. 10Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 20Martin Luther King, Jr. Day.
- Jan. 24Last day to submit **bill requests** to the Office of Legislative Counsel.

- Feb. 17Presidents’ Day.
- Feb. 21Last day for bills to be **introduced** (J.R. 61(a)(1), (J.R. 54(a)).

- Mar. 31Cesar Chavez Day

- Apr. 10**Spring Recess** begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- Apr. 21Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).

- May 2Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(a)(2)).
- May 9Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(a)(3)).
- May 16Last day for **policy committees** to meet prior to June 9 (J.R. 61(a)(4)).
- May 23Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 9 (J.R. 61 (a)(6)).
- May 26Memorial Day.

*Holiday schedule subject to Senate Rules committee approval.

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

- June 2 - 6 Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).
- June 6** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 9** Committee meetings may resume (J.R. 61(a)(9)).
- June 15** **Budget Bill** must be **passed by midnight** (Art. IV, Sec. 12(c)(3)).

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

- July 4** Independence Day.
- July 18** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)). **Summer Recess** begins upon adjournment of session provided Budget Bill has been passed (J.R. 51(a)(3)).

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

- Aug. 18** Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).
- Aug. 29** Last day for **fiscal committees** to meet and report bills to the Floor. (J.R. 61(a)(11)).

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

- Sept. 1** Labor Day.
- Sept. 2-12 Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(12)).
- Sept. 5** Last day to **amend** on the Floor (J.R. 61(a)(13)).
- Sept. 12** Last day for **each house to pass bills** (J.R. 61(a)(14)). **Interim Study Recess** begins at end of this day’s session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

<u>2025</u>	
Oct. 12	Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 12 and in the Governor’s possession after Sept. 12 (Art. IV, Sec.10(b)(1)).
<u>2026</u>	
Jan. 1	Statutes take effect (Art. IV, Sec. 8(c)).
Jan. 5	Legislature reconvenes (J.R. 51(a)(4)).

AB 667 (Solache-D)
Professions and vocations: license examinations; interpreters

Status/History: 7/08/2025 – Amended by Author and re-referred to Sen. Committee on Business, Professions, and Economic Development

Location: 7/08/2025 – Re-referred to Committee on BP&ED.

Introduced: 2/14/2025

Amended: 4/01/2025; 4/08/2025; 4/09/2025; 7/08/2025

Board Position: 5/29/2025 – Oppose

Board Staff Analysis: 7/14/2025

Bill Summary: Existing law establishes the Department of Consumer Affairs, which is composed of various boards that license and regulate various professions. Existing law provides for the certification and regulation of nurse assistants and home health aides by the State Department of Public Health. This bill would, beginning July 1, 2026, require the State Department of Public Health and boards under the jurisdiction of the Department of Consumer Affairs to permit an applicant who cannot read, speak, or write in English to use an interpreter, at no cost to the applicant, to interpret the English verbal and oral portions of the license or certification examination, as applicable, if the applicant meets all other requirements for licensure.

This bill would require an interpreter to satisfy specified requirements, including not having the license for which the applicant is taking the examination. The bill would also require those boards and the State Department of Public Health to post on their internet websites that an applicant may use an interpreter if they cannot read, speak, or write in English and if they meet all other requirements for licensure or certification.

This bill would require those boards and the State Department of Public Health to include in their licensure or certification applications a section that asks the applicant to identify their preferred language and, beginning July 1, 2027, to conduct an annual review of the language preferences of applicants. The bill would require the State Department of Public Health and those boards, beginning July 1, 2029, and until January 1, 2033, to annually report to specified committees of the Legislature on language preference data.

5/20/2025 Update – The language of this bill was revised shortly after the Board’s last board meeting after the Business and Professions Committee 4/04/2025 analysis. These revisions exempted state-administered examinations which were contracted out to third parties for administration. However, the bill was subsequently referred to the Committee on Health where a 4/09/2025 amendment removed the exemption for contracted administration of state exams.

7/14/2025 Update – Subsequent to the Board’s most recent Oppose position on 5/29/2025, the Author canceled the BP&ED Committee hearing which began several rounds of discussions before resulting in the 7/08/2025 amendments. These latest amendments re-introduced a requirement for boards/bureaus who contract administration of state examinations.

Affected Laws: An act to amend Section 41 of the Business and Professions Code and to add Section 1337.25 to the Health and Safety Code.

Staff Comment: After submitting the Oppose Unless Amended letter to the Author and B&P Committee, staff learned of the amendments based on that committee's analysis. The amendment to exempt state exams which are contracted out for administration essentially eliminated the Board's primary concerns. However, once the bill left Assembly B&P Committee, proceeding to Committee on Health, a subsequent amendment removed the contracted exemption. This now forces the Board to consider the fiscal and operational impacts this would have on the application and examination processes.

Prometric reports that there are 25 CBT centers located in California with a total of 444 workstations (average of approximately 18 workstations per center). However, the Board allows Prometric to administer its state exams at any of their North America locations. Based on the requirements set forth in this bill for the interpreter and taking into account all the costs and logistics associated with allowing an interpreter to be present for a given Board exam (meaning a necessity to close down the entire CBT center for all other candidates during the duration of the interpreted exam), Prometric estimates that costs could exceed \$500 an hour to meet the requirements of this bill. Since the Board will be required to absorb the costs associated with providing an interpreter, this means that the cost could range anywhere between \$1,500 - \$5,000 per exam, per interpreter request.

Staff cannot fully estimate the fiscal impact because they do not have any idea how often a request for an interpreter would occur. Regardless, DCA is estimating a one-time IT-related cost of \$358,000 to implement these requirements, including adding these questions to all application processes, which means that even if the Board does not receive a request for an interpreter, the Board will still experience an additional fiscal impact on its budget should this proposal become law.

There is no clear understanding or observable benefit to the Board's stakeholders and operations when the Board has no record of ever receiving requests in the past for interpreter services.

7/14/2025 Updated Staff Comment: The 7/08/2025 amendments also clarified that this requirement is mandatory only if "*...the use of an interpreter is permitted by the terms of the contract for the administration of the examination.*" An evaluation of the Board's exam administration contract does not include any provision or term which allows for the use of an interpreter. Therefore, the Board would be exempt from this requirement. However, the Board would still be subject to updating applications to provide questions and to annually report to Legislature on language preference collected.

Staff Recommendation: Staff recommends the Board take a Watch position on AB 667 as amended July 8, 2025.

ASSEMBLY THIRD READING

AB 667 (Solache)

As Amended April 9, 2025

Majority vote

SUMMARY

Requires certain licensing boards within the Department of Consumer Affairs (DCA) to allow applicants who cannot read, speak, or write in English to use an interpreter when taking state-administered examinations required for licensure or certification.

Major Provisions

- 1) Defines "board" as inclusive of any board under the jurisdiction of the DCA, with the exception of healing arts boards.
- 2) Defines "interpreter" as an individual who satisfies all of the following conditions:
 - a) Has not acted as an interpreter for the examination within the year preceding the examination date.
 - b) Is not licensed and has not been issued the license for which the applicant is taking the examination.
 - c) Is not a current or former student in an educational program for the license for which the applicant is taking the examination.
 - d) Is not a current or former student in an apprenticeship or training program for the license for which the applicant is taking the examination.
 - e) Is not a current or former owner or employee of a school for the license for which the applicant is taking the examination.
- 3) Beginning July 1, 2026, requires each board to permit applicants for licensure to use an interpreter, if the applicant cannot read, speak, or write in English, to interpret the English written and oral portions of a state-administered examination to their preferred language, provided the applicant meets all other requirements for licensure.
- 4) Prohibits an interpreter from assisting an applicant with any examination for a license for which English language proficiency is required by law or regulation.
- 5) Prohibits an interpreter from assisting an applicant if an examination is offered in the applicant's preferred language.
- 6) Prohibits boards from charging an applicant any fee, penalty, or surcharge for the applicant's use of an interpreter.
- 7) Requires boards to publish information on their websites about the ability of applicants to use an interpreter if the applicant cannot read, speak, or write in English, to interpret the English written and oral portions of a state-administered or contracted license examination to their preferred language, provided the applicant meets all other requirements for licensure.

- 8) Requires the above information to be posted in English, Spanish, Farsi, Hindi, Chinese, Cantonese, Mandarin, Korean, Vietnamese, Tagalog, and Arabic.
- 9) Requires boards to include an additional section in a license application that asks an applicant to identify their preferred written, spoken, and signed languages.
- 10) Requires each board to conduct an annual review of applicants' language preferences that are collected from license applications.
- 11) Requires boards to annually report on that data to the Assembly Business and Professions Committee and the Senate Committee on Business, Professions, and Economic Development.

COMMENTS

Department of Consumer Affairs. The DCA consists of 36 boards, bureaus, and other entities responsible for licensing, certifying, or otherwise regulating professionals in California. As of March 2023, there are over 3.4 million licensees overseen by programs under the DCA, including health professionals regulated by healing arts boards under Division 2 of the Business and Professions Code. Each licensing program has its own unique requirements, with the governing acts for each profession providing for various prerequisites within the application process, typically including specified education, training, and examination requirements.

Access to Occupational Licensure for Non-English Speakers. The DCA includes a number of boards that license various professions and occupations. A number of reports in recent years have called for reforms to California's licensure scheme, criticizing the state's regulation of occupations and professions as burdensome and complex. The Little Hoover Commission's *Jobs for Californians: Strategies to Ease Occupational Licensing Barriers* advocated for the state to "review its licensing requirements and determine whether those requirements are overly broad or burdensome to labor market entry or labor mobility." Efforts have been made to increase access to these professions, particularly among representatives of underrepresented communities such as immigrants and minorities.

Efforts have been specifically made to increase access to a state licensing boards for non-English speakers. The State Board of Barbering and Cosmetology (BBC) complies with the Dymally-Alatorre Bilingual Services Act, which requires state agencies to provide information in languages utilized by the public who accesses information from that particular agency. The BBC translates all its informational materials into Korean, Spanish, and Vietnamese, and the BBC advised during its last sunset review that language access continues to be one of its top priorities. The BBC's licensing unit sends examination admission letters in the applicant's preferred language (English, Korean, Spanish, or Vietnamese). Written examinations are offered in English, Spanish, Vietnamese, and Korean.

Similarly, the Contractors State License Board offers several of its license examinations in Spanish. These include the Law and Business exam, which tests knowledge of regulations and business management, and the B – General Building exam, assessing oversight of construction projects. Trade-specific exams available in Spanish include C-8 – Concrete, C-9 – Drywall, C-15 – Flooring and Floor Covering, C-27 – Landscaping, C-33 – Painting and Decorating, C-54 – Ceramic and Mosaic Tile, C-36 – Plumbing, and C-39 – Roofing.

Not all licensing entities are housed within the DCA. In 2023, the Legislature enacted Assembly Bill 451 (Calderon), which requires the California Department of Insurance to offer the examination for licensure as a life agent, accident and health or sickness agent, property broker-agent, and casualty broker-agent to be provided in English, Spanish, Simplified Chinese, Vietnamese, Korean, and Tagalog. Similarly, the Department of Real Estate offers its examinations for real estate salespersons and brokers in Spanish.

This bill would seek to further expand access to licensure by non-English-speaking applicants by requiring certain boards under the DCA to allow for applicants who cannot read, speak, or write in English to utilize an interpreter when taking required examinations. The interpreter would not be allowed to be a student or licensee of the applicable board, and an interpreter would not be allowed to assist applicants on examinations for a license for which English language proficiency is required by law or regulation. In addition, this bill would require all boards to collect data on each applicant's preferred language, which would then be reported to the appropriate policy committees of the Legislature.

According to the Author

"For too long, thousands of Californians have had to compromise on their careers and professional goals due to language barriers. Obtaining a professional license is an important entry point for people to work across a wide spectrum of occupations, from health care providers to accountants and engineers to contractors. Professional licenses not only open the door to further professional development and career growth but also create greater access to higher earning potential and wages, helping individuals achieve economic stability. Efforts to expand access to professional licenses for individuals with limited English proficiency, who disproportionately experience difficult economic conditions, currently exist only in very limited and uneven circumstances."

Arguments in Support

A letter signed by 64 members of the *Economic Mobility for All Coalition*, including the sponsors of this bill, states in support: "California is home to the largest and most diverse immigrant population in the country. Immigrants make up one in three workers in California, paying \$61.8 billion in state and local taxes annually, employing thousands as entrepreneurs, and driving economic growth across industries. However, despite their contributions, many immigrants and individuals with LEP face significant barriers to obtaining professional licenses—an essential step in securing employment in regulated fields such as healthcare, accounting, contracting, and more." The coalition further argues that "California has made strides in expanding language access, but there is still much work to be done. As the state continues to welcome a diverse immigrant and refugee population, including many whose primary language is neither English nor Spanish, it is crucial that we create equitable pathways for career success. Expanding language access in professional licensing examinations is a necessary and overdue step in fostering economic inclusion, strengthening our workforce, and meeting the needs of our communities."

Arguments in Opposition

There is no opposition on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, the Office of Information Services (OIS), within the DCA, estimates a one-time General Fund IT cost of \$358,000, to update

application questions and accommodate a new report; OIS requests a six-month delayed implementation to accomplish these tasks.

VOTES

ASM BUSINESS AND PROFESSIONS: 15-0-3

YES: Berman, Flora, Ahrens, Alanis, Bains, Caloza, Chen, Elhawary, Haney, Jackson, Krell, Lowenthal, Macedo, Nguyen, Pellerin

ABS, ABST OR NV: Bauer-Kahan, Hadwick, Irwin

ASM APPROPRIATIONS: 13-1-1

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

NO: Dixon

ABS, ABST OR NV: Sanchez

UPDATED

VERSION: April 9, 2025

CONSULTANT: Robert Sumner / B. & P. / (916) 319-3301

FN: 0000555

AMENDED IN SENATE JULY 8, 2025

AMENDED IN ASSEMBLY APRIL 9, 2025

AMENDED IN ASSEMBLY APRIL 1, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 667

Introduced by Assembly Member Solache

February 14, 2025

An act to add Section 41 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

AB 667, as amended, Solache. Professions and vocations: license examinations: interpreters.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards that license and regulate various professions.

This bill would, beginning July 1, 2026, require certain boards under the jurisdiction of the Department of Consumer Affairs to permit an applicant who cannot read, speak, or write in English to use an interpreter to interpret the English written and oral portions of the license examination ~~if the applicant meets all other requirements for licensure, as specified.~~ *specified requirements are satisfied.*

This bill would require an interpreter to satisfy specified requirements, including not having the license for which the applicant is taking the examination, and would prohibit the assistance of an interpreter under certain circumstances, including when English language proficiency is required for the license. The bill would also require those boards to post on their internet websites that an applicant may use an interpreter if

they cannot read, speak, or write in English, the examination is not offered in their preferred language, and they meet all other requirements for licensure.

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 41 is added to the Business and
2 Professions Code, to read:
3 41. (a) For purposes of this section:
4 (1) "Board" means any board under the jurisdiction of the
5 Department of Consumer Affairs, as specified in Section 101, with
6 the exception of boards within Division 2 (commencing with
7 Section 500).
8 (2) "Interpreter" means an individual who satisfies all of the
9 following conditions:
10 (A) Is fluent in English and in the applicant's preferred language.
11 (B) Has not acted as an interpreter for the examination within
12 the year preceding the examination date.
13 (C) Is not licensed and has not been issued the license for which
14 the applicant is taking the examination.
15 (D) Is not a current or former student in an educational program
16 for the license for which the applicant is taking the examination.
17 (E) Is not a current or former student in an apprenticeship or
18 training program for the license for which the applicant is taking
19 the examination.
20 (F) Is not a current or former owner or employee of a school
21 for the license for which the applicant is taking the examination.
22 (b) Notwithstanding any other law, beginning July 1, 2026, each
23 board shall do all of the following:
24 (1) Permit an applicant to use an interpreter, if the applicant
25 cannot read, speak, or write in English, to interpret the English
26 written and oral portions of a state-administered *or contracted*
27 license examination to their preferred language, provided the
28 applicant meets all other requirements for ~~licensure~~. *licensure and*
29 *the use of an interpreter is permitted by the terms of the contract*
30 *for administration of the examination.*

1 (A) An interpreter shall not assist the applicant with any
2 examination for a license for which English language proficiency
3 is required by law or regulation.

4 (B) An interpreter shall not assist the applicant if an examination
5 is offered in the applicant's preferred language.

6 (C) The board shall not charge an applicant a fee, penalty, or
7 surcharge for the applicant's use of an interpreter.

8 (2) Post on the board's internet website that an applicant may
9 use an interpreter to interpret a license examination if the applicant
10 cannot read, speak, or write in English and the examination is not
11 offered in their preferred language, provided the applicant meets
12 all other competency requirements for licensure. This notice shall
13 be posted in English, Spanish, Farsi, Hindi, Chinese, Cantonese,
14 Mandarin, Korean, Vietnamese, Tagalog, and Arabic.

15 (3) Include an additional section in a license application that
16 asks an applicant to identify their preferred written, spoken, and
17 signed languages.

18 (c) Beginning July 1, 2027, each board shall conduct an annual
19 review of applicants' language preferences that are collected from
20 license applications.

21 (d) (1) Beginning January 1, 2029, each board shall annually
22 report to the Senate Business, Professions, and Economic
23 Development and the Assembly Business and Professions
24 Committees on language preference data collected from license
25 applications.

26 (2) The report shall be submitted in compliance with Section
27 9795 of the Government Code.

28 (3) Pursuant to Section 10231.5 of the Government Code, this
29 subdivision shall become inoperative on January 1, 2033.

AB 671 (Wicks-D and Co-Authors)
Accelerated restaurant building plan approval

Status/History: 7/09/2025 – Amended by Author and re-referred to Senate Committees on Business, Professions, and Economic Development and Local Government.

Location: 7/14/2025 – Passed Local Government Committee and In BP&ED Committee : Hearing scheduled for 7/14/2025

Introduced: 2/14/2025

Amended: 3/24/2025; 4/24/2025; 5/21/2025; 5/22/2025; 7/02/2025; 7/09/2025

Board Position: 5/29/2025 - Watch

Board Staff Analysis: 7/14/2025

Bill Summary: Existing law, the California Building Standards Law, establishes the California Building Standards Commission within the Department of General Services. Existing law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Existing law authorizes local governments to enact ordinances or regulations that make building standards amendments to the California Building Standards Code, as specified.

This bill would establish a streamlined approval process for a local permit for a tenant improvement, as defined, relating to a restaurant. In this regard, the bill would require a local building department or permitting department, upon the request and at the expense of the permit applicant, to allow a qualified professional certifier, defined as a licensed architect or engineer who meets certain requirements, to certify that the plans and specifications of the tenant improvement comply with applicable building, health, and safety codes, as specified. By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would make qualified professional certifiers subject to certain additional penalties for false statements or willful noncompliance with these provisions, and would make qualified professional certifiers liable for any damages arising from negligent plan review.

Affected Laws: An act to add Sections 66345-66345.4 to Government Code.

Staff Comment: This bill would create a requirement for local public permitting agencies to streamline the building permit process for restaurants to allow for self-certification of building plans prepared by an engineer or architect.

Upon inquiry from the Assembly Business and Professions Committee, staff communicated that it was unclear exactly who was responsible for determining which engineers (or architects) were deemed as a “Qualified professional certifier” or how the Board would be notified that an individual engineer made any false statements during the submission of a certificate related to this process.

7/14/2025 Staff Comment: Senate BP&ED Committee Staff analysis from 7/14/2025 identified that the proposal recognizes that should a licensed professional engineer, serving as a “qualified professional certifier”, make false or misleading statements in a certification, that engineer could be subject to “grounds for disciplinary action” by the Board. However, the proposal did not include any means for the Board to be made aware of such an action or violation nor how the Board would handle the allegations. The analysis suggested language to be added to the PE Act under Section 6775 for this purpose. Board staff is currently working with Committee staff on the best way to address this in the Act, as necessary.

Staff Recommendation:

Staff recommends the Board take a Watch position on AB 671 as amended July 9, 2025.

**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Angelique Ashby, Chair
2025 - 2026 Regular

Bill No:	AB 671	Hearing Date:	July 14, 2025
Author:	Wicks		
Version:	July 9, 2025		
Urgency:	No	Fiscal:	Yes
Consultant:	Yeaphana La Marr		

Subject: Accelerated restaurant building plan approval: California Retail Food Code: tenant improvements

SUMMARY: Requires a local building or permitting department to allow an applicant to have a qualified professional certifier certify that the plans for a tenant improvement relating to a restaurant comply with applicable building, health, and safety codes and approve the plans within specified timelines. Authorizes an architect licensed by the California Architects Board or a professional engineer licensed by the Board for Professional Engineers, Land Surveyors and Geologists to serve as a qualified professional certifier after meeting specified requirements. Subjects a qualified professional certifier to disciplinary action for making false statements on a certification by their respective licensing board.

NOTE: This measure was previously heard in Senate Committee on Local Government on July 9, 2025. The bill passed with a vote of 7-0.

Existing law:

- 1) Establishes the Architects Practice Act to regulate the practice of architecture in California. (Business and Professions Code (BPC) § 5501 et seq.)
- 2) Establishes the California Architects Board (Architects Board) within the Department of Consumer Affairs (DCA) to administer the Architects Practice Act until January 1, 2029. (BPC § 5510)
- 3) Defines “architect” as a person who is licensed to practice architecture in this state. (Business and Professions Code (BPC) § 5500)
- 4) Provides for the regulation of professional engineering in California under the Professional Engineers Act. (BPC § 6700 et seq.)
- 5) Establishes the Board of Professional Engineers, Land Surveyors and Geologists (BPELSG) within the DCA to administer the Professional Engineers Act until January 1, 2029. (BPC §§ 6710 et seq.)
- 6) Defines a “professional engineer” as a person engaged in the professional practice of rendering service or creative work requiring education, training, and experience in engineering sciences and the application of special knowledge of the mathematical, physical, and engineering sciences in such professional or creative work as

consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction to secure compliance with specifications and design for any such work. (BPC § 6701)

- 7) Establishes the Permit Streamlining Act, which among other things, establishes time limits in which state and local government agencies must either approve or disapprove permits authorizing a development. (Government Code §§ 65920-65964.5)
- 8) Establishes the California Building Standards Commission (CBSC) within the Department of General Services and requires the CBSC to administer the processes related to the adoption, approval, publication, and implementation of California's building codes, which serve as the basis for the design and construction of buildings in California. (Health and Safety Code (HSC) §§ 18901 et seq.)
- 9) Allows the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform plan checking functions, as specified. (HSC § 19837)
- 10) Requires a local agency to contract with or employ a private entity or persons on a temporary basis to perform plan checking functions upon the request of an applicant for a nonresidential permit for the remodeling or tenant improvements of a building, as specified, where there is an "excessive delay" in checking the plans and specifications that are submitted as a part of the application. (HSC § 19837)
- 11) Establishes the California Retail Food Code (CRFC) to provide for the regulation of retail food facilities, establish health and sanitation standards at the state level through the CRFC, and assign enforcement to local agencies of the 58 county environmental health departments and four city environmental health departments (Berkeley, Long Beach, Pasadena, and Vernon). (HSC § 113700 et seq.)
- 12) Defines a "food facility" as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level with various exceptions. (HSC §113789)
- 13) Requires a person proposing to build or remodel a food facility to submit complete, easily readable plans drawn to scale, and specifications to the enforcement agency for review, and to receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility (HSC § 114380).
- 14) Requires the enforcement agency to approve or reject the plans to build or remodel a food facility within 20 working days after receipt and to notify the applicant of the decision. Unless the plans are approved or rejected within 20 working days, they are deemed approved. (HSC § 114380)
- 15) Requires the food facility, if a determination is made by the enforcement agency that a structural condition poses a public health hazard, to remedy the deficiency to the satisfaction of the enforcement agency. (HSC § 114380)

This bill:

- 1) Defines “qualified professional certifier,” as a licensed architect or licensed professional engineer who meets both the following conditions:
 - a. Has at least five years of experience in commercial building design or plan review and
 - b. Maintains professional liability insurance in an amount not less than two million dollars (\$2,000,000) per occurrence.
- 2) Defines “restaurant” as a retail food establishment that prepares, serves, and vends food directly to the consumer and is not a fast food restaurant, as defined.
- 3) Defines “tenant improvement” as a change to the interior of an existing building.
- 4) Requires a local building department to allow a qualified professional certifier to certify, at the applicant’s expense, compliance with all applicable building, health, and safety codes, including, but not limited to, building standards approved by the California Building Standards Commission and local building standards and to approve the permit application within 20 days of receiving a completed application for a tenant improvement relating to a restaurant.
- 5) Requires a qualified professional certifier to prepare an affidavit, under penalty of perjury, attesting that the tenant improvement plans and specifications comply with all applicable building, health, and safety codes, including, but not limited to, building standards approved by the California Building Standards Commission and local building standards.
- 6) Deems a certified plan as approved if the local building department fails to approve the application within 20 business days.
- 7) Allows an applicant whose certified plan was denied to resubmit corrected plans addressing the deficiencies. Requires the local building department to approve or deny the resubmission within 10 business days.
- 8) Requires each local building department to conduct a random audit of no less than 20 percent of all tenant improvements submitted per week for certification, initiate the audit within five business days following permit issuance, and include a review of the submitted plans for compliance with all applicable building, health, and safety codes. Requires the local building department shall provide a plan check correction notice within 10 business days of the audit’s initiation if an audit reveals material noncompliance.
- 9) Provides that certification does not exempt a tenant improvement from other mandatory construction inspections or limit the authority of the local health department under the California Retail Food Code. Specifies that this bill does not apply to tenant improvements subject to plan review requirements under the California Retail Food Code (Article 1 (commencing with Section 114380) of Chapter 13 of Part 7 of Division 104 of the Health and Safety Code).

- 10) Subjects a licensed architect who services as a “qualified professional certifier” to disciplinary action by the California Architects Board and subjects a professional engineer to disciplinary action by the Board for Professional Engineers, Land Surveyors and Geologist, as applicable, for making any false statement in a certification submission.
- 11) Authorizes a city or county, to adopt ordinances to require additional qualifications to be met by the qualified professional certifier, including: 1) a requirement to register with the city or county prior to certifying plans; 2) completing required training prior to certifying plans; 3) payment of fees not to exceed the reasonable cost of implementing this bill; and 4) being subject to penalties that may include decertification as a qualified professional certifier in that jurisdiction or reasonable administrative fines for willful noncompliance with the requirements of this bill and when there are two or more instances in which the qualified professional certifier attests to noncompliant plans.
- 12) Specifies that a local building department is not prohibited from charging permit fees for applications using a qualified professional certifier.
- 13) Names the qualified professional certifier liable for any damages arising from negligent plan review, requires the applicant to indemnify the local agency from any property damage or personal injury arising from construction permitted under an affidavit filed by a qualified professional certifier. Exempts from liability a public entity or employee for an injury caused by their discretionary or ministerial acts or omissions relating to issuance or denial of a permit.
- 14) Makes findings and declarations regarding the benefit that small, independent, and family-owned restaurants provide to communities and the hardships that delays cause on these businesses, which result in the need for expedited review process for food service establishments.

FISCAL EFFECT: This bill is keyed as fiscal. According to the Assembly Committee on Appropriations, states there are no costs to the state.

COMMENTS:

1. **Purpose.** This bill is Author-sponsored. The Author states, “California’s restaurants reflect the state’s diversity, agricultural abundance, and tradition of culinary innovation. Often family-owned, they play a critical role in providing first jobs, career advancement opportunities, and pathways to business ownership for immigrant entrepreneurs and historically underserved communities. Restaurants are spaces where we celebrate graduations, birthdays, and anniversaries; they’re where we hold business meetings and catch up with friends. But despite restaurants’ vital role in local economies and communities, frequent and common delays in municipal building plan review processes mean the process of opening a restaurant in California is often time- and cost-prohibitive. AB 671 responsibly reduces barriers to opening a restaurant in California by establishing a professional certification program to streamline the municipal review process. The program allows qualified architects and engineers to certify restaurant retrofits—often completed by small restaurants—that convert an existing facility to a new use. The framework

incorporates randomized audits to ensure compliance and does not exempt restaurants from mandatory construction inspections, such as fire, health, and structural checks. Thus, the legislation facilitates timely restaurant openings while maintaining vital public safety standards, similar to programs in other major cities, such as New York, Washington, D.C., and Chicago. With AB 671, California will similarly simplify the review process for restaurant owners, lessening the burden on many small businesses and community hubs so they can open faster.”

2. **Background.**

California Architects Board and Board for Professional Engineers, Land Surveyors and Geologists. The Architects Board is a program within the DCA charged with administering the Architect Practice Act, including setting licensing standards and taking enforcement action when provisions of the Act are violated. Enforcement action can include discipline against the license that includes suspension, revocation, etc. The Architects Board currently licenses more than 21,000 licensed architects and the mission is to protect consumers by establishing qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act.

The Architects Practice Act defines the practice of architecture as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures (BPC § 5500.1). Those professional services may include: investigation, evaluation, consultation, and advice; planning, schematic and preliminary studies, designs, working drawings, and specifications; coordination of the work of technical and special consultants; compliance with generally applicable codes and regulations, and assistance in the governmental review process; technical assistance in the preparation of bid documents and agreements between clients and contractors; contract administration; and construction observation.

BPELSG is charged with safeguarding life, health, property, and public welfare by providing for the licensure and regulation of professional engineers (in addition to land surveyors and geologists) operating in California. The BPELSG ensures professional engineers have adequate training and competency necessary to perform their duties and enforces violations of the Professional engineers Act. BPELSG licenses more than 83,000 professional engineers.

The Professional Engineers Act states a professional engineer is a person engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work (BPC § 6701).

Permitting process and timelines. California has an extensive and lengthy permitting process for facilities that cook and serve food to customers. Frequent and common delays in municipal building plan review processes often place undue costs and pressure on small-business owners who face cumbersome hurdles to opening restaurants. Meanwhile, their communities are denied access to vital venues for local food and connection.

This bill would fast-track plan review and approval by allowing licensed architects and engineers to certify that restaurant tenant improvements, which are often completed by small restaurants to convert an existing facility to a new use or to make simple modifications, meet all applicable building codes. The cost of the certification would be assumed by the restaurant to avoid subjecting the local jurisdiction from fiscal impact. This bill also incorporates randomized audits and maintains mandatory construction inspections to allow restaurants to open sooner to without diminishing public safety standards.

3. **Related Legislation.** AB 253 (Ward of 2025) would enact the California Residential Private Permitting Review Act, which would allow an applicant for specified residential building permits to employ a private professional provider to check plans and specifications in the event that a building department is unable to complete or estimates being unable to complete the check in 30 days. *This bill is currently pending in the Senate Committee on Housing.*

AB 660 (Wilson of 2025) would expedite plan review for houses by restricting the number of plan check and specification reviews for building permits to two and stipulates that the permit applicant may employ a qualified professional to verify the plans and specifications if the application is not reviewed within a specified time frame. *This bill is currently pending in the Senate Committee on Housing.*

AB 2433 (Quirk-Silva and Ward of 2024) would have enacted the Private Permitting Review and Inspection Act in 2024. This bill would have required a local agency to complete plan-checking services for a building permit within 30 business days of a request from an applicant. If the local agency were unable to complete the plan-checking services in the 30 days, the applicant would have been able to request that the local agency employ a private professional to perform plan-checking services. *The bill was held in Senate Committee on Local Government.*

4. **Arguments in Support.** The California Restaurant Association, Cal Asian Chamber of Commerce, Hiho Cheeseburger, Jon & Vinny's Italian, Matú, Sushi Nozawa Group, and Uovo write in support, "To meet guest expectations, attract new customers, and enhance the dining experience, restaurant owners frequently invest in tenant improvements – such as adding outdoor patios – to create inviting spaces for customers to enjoy California's renowned weather and scenic views. However, restaurant owners currently face months-long delays in the building plan review process, creating significant financial and operational hardships. These prolonged wait times cause employment opportunities to evaporate, disrupt restaurant openings, delay service, and burden small business owners who depend on timely improvements to remain competitive. ...AB 671 simplifies the tenant improvement plan review process for restaurant owners while maintaining safety standards. This will enable restaurants to open more quickly and to employ more people sooner,

which will help support economic growth in their communities.”

The California Travel Association and Cameo Network write, “Cities like New York City, Chicago, and Washington, D.C. have successfully implemented self-certification programs that allow licensed professionals to verify code compliance. The self-certification of plans has successfully reduced wait times while ensuring compliance with building and safety standards. AB 671 similarly expedites the building plan review process for restaurant build-outs without compromising safety. It specifically clarifies that self-certification does not exempt projects from required inspections, including fire, health, and structural evaluations. It also mandates that local building departments conduct random audits of self-certified projects to ensure compliance.”

The City of Ontario writes in support, “By allowing licensed architects and engineers to attest that a project meets all applicable building and safety codes, the bill removes one of the most expensive and time-consuming barriers facing small restauranteurs while preserving public safety. This bill aligns with Ontario’s economic development objectives and complements our existing efforts to streamline licensing and offer technical assistance to small businesses. We are confident AB 671 will accelerate job creation, revitalize dormant commercial spaces, while upholding the safeguards our residents expect.”

The Greater Los Angeles Hospitality Association notes, “We have lost too many restaurants in California since the COVID19 Pandemic and it’s been difficult to recoup these losses simply because of the lengthy and costly process and change of use bureaucracy that an applicant must go through. This bill, AB 671, could simplify this bureaucracy and help the applicant to get their doors open sooner, allowing them to operate and the landlord to collect rent!”

5. **Policy Considerations and Suggested Amendments.**

While each respective board has a broad jurisdiction and authority to pursue disciplinary action, each practice act specifies the violations for which a licensee may be subject to disciplinary action. The Architects Practice Act identifies violations for which the Architects Board may seek disciplinary action against an architect’s license in BPC §§ 5560-5590 and the Professional Engineers Act identifies violations for which BPELSG may seek disciplinary action in BPC §§ 6775-6780. However, neither practice act identifies a violation of the provisions of this bill as cause for disciplinary action.

Granting each board authority to take disciplinary action in its respective practice act when a licensee acting as a qualified professional certifier makes a false statement in a certification submission clarifies the intent. The bill should be amended according to the following:

Add BPC § 5587 as follows:

5587. The fact that the holder of a license who serves as a qualified professional certifier, as defined by Government Code Section 66345.1, makes any false

statement in a certification submission pursuant to Chapter 14 of the Government Code (commencing with Section 66345) constitutes grounds for disciplinary action.

Amend BPC § 6775 as follows:

6775. The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any professional engineer licensed under this chapter and make findings thereon.

By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer licensed under this chapter on any of the following grounds:

- (a) Any conviction of a crime substantially related to the qualifications, functions, and duties of a licensed professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.
- (b) Any deceit, misrepresentation, or fraud in his or her practice.
- (c) Any negligence or incompetence in his or her practice.
- (d) A breach or violation of a contract to provide professional engineering services.
- (e) Any fraud, deceit, or misrepresentation in obtaining his or her certificate as a professional engineer.
- (f) Aiding or abetting any person in the violation of any provision of this chapter or any regulation adopted by the board pursuant to this chapter.
- (g) A violation in the course of the practice of professional engineering of a rule or regulation of unprofessional conduct adopted by the board.

(h) A license who serves as a qualified professional certifier, as defined by Government Code Section 66345.1, makes any false statement in a certification submission pursuant to Chapter 14 of the Government Code (commencing with Section 66345).

~~(h)~~(i) A violation of any provision of this chapter or any other law relating to or involving the practice of professional engineering.

SUPPORT AND OPPOSITION:

Support:

Cal Asian Chamber of Commerce
 California Restaurant Association
 California Travel Association
 Cameo - California Association for Micro Enterprise Opportunity
 Hiho

Jon & Vinny's
Matu
Ontario; City of
Sushi Nozawa
The Greater Los Angeles Hospitality Association
Uovo

Opposition:

None received

-- END --

AMENDED IN SENATE JULY 9, 2025

AMENDED IN SENATE JULY 2, 2025

AMENDED IN ASSEMBLY MAY 22, 2025

AMENDED IN ASSEMBLY APRIL 24, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 671

Introduced by Assembly Members Wicks and Gabriel
(Coauthors: Assembly Members ~~Blanca Rubio~~ Mark González,
***Haney, Blanca Rubio, and Ward*)**

February 14, 2025

An act to add Chapter 14 (commencing with Section 66345) to Division 1 of Title 7 of the Government Code, and to amend Section 114380 of the Health and Safety Code, relating to restaurants.

LEGISLATIVE COUNSEL'S DIGEST

AB 671, as amended, Wicks. Accelerated restaurant building plan approval: California Retail Food Code: tenant improvements.

Existing law, the California Building Standards Law, establishes the California Building Standards Commission within the Department of General Services. Existing law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Existing law authorizes local governments to enact ordinances or regulations that make building standards amendments to the California Building Standards Code, as specified.

This bill would establish a streamlined approval process for a local permit for a tenant improvement, as defined, relating to a restaurant. In this regard, the bill would require a local building department, upon the request and at the expense of the permit applicant, to allow a qualified professional certifier, defined as a licensed architect or engineer who meets certain requirements, to certify that the plans and specifications of the tenant improvement comply with all applicable building, health, and safety codes, as specified. The bill would require a qualified professional certifier, or the applicant, as applicable, to prepare certain affidavits related to the tenant improvement under penalty of perjury. The bill would require the local building department to approve or deny the permit application within 20 business days of receiving a complete application and would deem the plan approved for permitting purposes if the local building department does not approve or deny the application within that timeframe. The bill would also authorize the applicant to resubmit corrected plans addressing the deficiencies identified in the denial, and would require the local building department to approve or deny each subsequent resubmission within 10 business days of receipt. The bill would require each local building department to conduct audits of tenant improvements submitted for certification, as specified. The bill would authorize a city or county to adopt additional qualifications or requirements for qualified professional certifiers, including penalties or reasonable administrative fines for certain actions. The bill would make qualified professional certifiers liable for any damages arising from negligent plan review. The bill would also require the applicant to indemnify the local agency from any property damage or personal injury arising from construction permitted under the above-described provisions.

Existing law, the Government Claims Act, establishes the liability and immunity of a public entity for its acts or omissions that cause harm to persons. Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the act makes the public entity liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

This bill, notwithstanding the above-described liability of a public entity for failure to discharge certain mandatory duties, would provide that a public entity or public employee is not liable for an injury caused

by their discretionary or ministerial acts or omissions relating to the issuance or denial of a permit pursuant to the bill's provisions.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local enforcement agencies to enforce those provisions. The California Retail Food Code requires a person proposing to build or remodel a food facility to submit complete, easily readable plans drawn to scale, and specifications to the enforcement agency for review, and to receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility. The California Retail Food Code requires the plans to be approved or rejected within 20 working days after receipt by the enforcement agency and, unless the plans are approved or rejected within 20 working days, deems those plans approved. A violation of the California Retail Food Code is generally a misdemeanor.

This bill would require that a tenant improvement plan for a restaurant be deemed approved for permitting purposes if the enforcement agency does not approve or deny the application within 20 business days of receiving a complete plan. The bill would also authorize the applicant to resubmit a corrected plan addressing the deficiencies identified in the denial, and would require the enforcement agency to approve or deny each subsequent resubmission within 10 business days.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the approval of ministerial projects.

To the extent that the streamlined, ministerial review processes established by the bill would apply to final, discretionary approval of a tenant improvement, the bill would exempt those projects from CEQA.

This bill would also make related findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the review and approval of tenant improvements for restaurants, and by expanding the scope of various crimes related to these provisions, this bill would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

SECTION 1. Chapter 14 (commencing with Section 66345) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 14. ACCELERATED RESTAURANT BUILDING PLAN
APPROVAL

66345. The Legislature finds and declares all of the following:

(a) Small, independent restaurants are essential to California's identity as a world-renowned culinary ~~destination, reflecting~~ *destination and reflect* the state's diversity, agricultural abundance, and tradition of culinary innovation.

(b) Family-owned restaurants serve as cultural anchors in their communities, preserving and sharing diverse food traditions across generations while creating spaces for community gathering and celebration.

(c) The restaurant industry is one of California's largest small business employers, providing critical first jobs, career advancement opportunities, and pathways to business ownership for immigrant entrepreneurs and historically underserved communities.

(d) California's restaurant sector is a vital component of the state's tourism industry, with food tourism generating substantial economic activity in communities throughout the state.

(e) Local restaurants play a crucial role in supporting California's agricultural sector by sourcing ingredients from local farms and food producers, contributing to the state's farm-to-table movement and sustainable food systems.

(f) Delays in municipal building plan review processes can create significant economic hardship for small business owners.

(g) Qualified licensed architects and engineers can supplement municipal plan review capacity while maintaining public safety standards.

(h) An expedited review process for food service establishments will promote economic development while ensuring compliance with all applicable health and safety requirements.

66345.1. For purposes of this chapter, all of the following definitions apply:

(a) “Qualified professional certifier” means an architect licensed pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code, or a professional engineer licensed pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, who meets both of the following conditions:

(1) Has at least five years of experience in commercial building design or plan review.

(2) Maintains professional liability insurance in an amount not less than two million dollars (\$2,000,000) per occurrence.

(b) “Restaurant” means a retail food establishment that prepares, serves, and vends food directly to the consumer and is not a fast food restaurant, as that term is defined in Section 1474 of the Labor Code.

(c) “Tenant improvement” means a change to the interior of an existing building.

66345.2. (a) (1) A local building department shall allow, upon request from an applicant for a permit for a tenant improvement relating to a restaurant, a qualified professional certifier to certify, at the applicant’s expense, compliance with all applicable building, health, and safety codes, including, but not limited to, building standards approved by the California Building Standards Commission and local building standards, for the tenant improvement.

(2) A tenant improvement relating to a restaurant certified pursuant to this chapter shall comply with all applicable building, health, and safety codes, including, but not limited to, building standards approved by the California Building Standards Commission and local building standards, in effect at the time the application for a permit is submitted.

(b) (1) (A) A qualified professional certifier shall prepare an affidavit, under penalty of perjury, attesting that the tenant

1 improvement plans and specifications comply with all applicable
2 building, health, and safety codes, including, but not limited to,
3 building standards approved by the California Building Standards
4 Commission and local building standards.

5 (B) A qualified professional certifier or the applicant shall
6 prepare an affidavit, under penalty of perjury, attesting that the
7 restaurant for which the tenant improvement is constructed meets
8 the requirements of subdivision (b) of Section 66345.1.

9 (2) The local building department shall approve or deny the
10 application within 20 business days of receiving a complete
11 application, including the affidavits specified in paragraph (1).

12 (3) If the local building department does not approve or deny
13 the application within 20 business days of receiving a complete
14 application, including the affidavits specified in paragraph (1), a
15 certified plan shall be deemed approved for permitting purposes,
16 provided that all fees and required documents have been submitted.

17 (4) If a complete application is denied within the
18 20-business-day period described in paragraph (2), the applicant
19 may resubmit corrected plans addressing the deficiencies identified
20 in the denial. The local building department shall approve or deny
21 each subsequent resubmission within 10 business days of receipt.

22 (c) (1) Each local building department shall conduct a random
23 audit of no less than 20 percent of all tenant improvements
24 submitted per week for certification under this chapter.

25 (2) Audits shall be initiated within five business days following
26 permit issuance and shall include a review of the submitted plans
27 for compliance with all applicable building, health, and safety
28 codes, including, but not limited to, building standards approved
29 by the California Building Standards Commission and local
30 building standards.

31 (3) If an audit reveals material noncompliance, the local building
32 department shall provide a plan check correction notice within 10
33 business days of the audit's initiation.

34 (d) (1) Certification under this chapter does not exempt a tenant
35 improvement from other mandatory construction inspections,
36 including, but not limited to, fire, health, and structural inspections
37 conducted during or after construction.

38 (2) This chapter does not limit the authority of the local health
39 department under the California Retail Food Code (Part 7

(commencing with Section 113700) of Division 104 of the Health and Safety Code).

(3) This chapter shall not apply to tenant improvements subject to plan review requirements under the California Retail Food Code (Article 1 (commencing with Section 114380) of Chapter 13 of Part 7 of Division 104 of the Health and Safety Code).

(e) Any false statement in a certification submission made under this chapter shall be grounds for disciplinary action by the California Architects Board, as described in Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code, or the Board for Professional Engineers, Land Surveyors, and Geologists, as described in Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, as applicable.

(f) A city or county may adopt, by ordinance, additional qualifications or requirements for a qualified professional certifier, including, but not limited to, any of the following:

(1) A requirement to register with the city or county prior to certifying plans pursuant to this chapter.

(2) Training requirements that must be completed prior to certifying plans pursuant to this chapter.

(3) Payment of fees not to exceed the reasonable cost of implementing this chapter.

(4) Penalties that may include decertification as a qualified professional certifier in that jurisdiction or reasonable administrative fines for either of the following:

(A) Willful noncompliance with the requirements of this chapter.

(B) Two or more instances in which the qualified professional certifier attested to certifying noncompliant plans pursuant to this chapter.

66345.3. This chapter does not prohibit a local building department from charging permit fees for applications utilizing a qualified professional certifier.

66345.4. (a) Qualified professional certifiers shall be liable for any damages arising from negligent plan review pursuant to this chapter.

(b) The applicant shall indemnify the local agency from any property damage or personal injury arising from construction permitted pursuant to this chapter.

1 (c) Notwithstanding Section 815.6, a public entity or public
2 employee is not liable for an injury caused by their discretionary
3 or ministerial acts or omissions relating to the issuance or denial
4 of any permit pursuant to this chapter.

5 SEC. 2. Section 114380 of the Health and Safety Code is
6 amended to read:

7 114380. (a) A person proposing to build or remodel a food
8 facility shall submit complete, easily readable plans drawn to scale,
9 and specifications to the enforcement agency for review, and shall
10 receive plan approval before starting any new construction or
11 remodeling of a facility for use as a retail food facility.

12 (b) Plans and specifications may also be required by the
13 enforcement agency if the agency determines that they are
14 necessary to ensure compliance with the requirements of this part,
15 including, but not limited to, a menu change or change in the
16 facility's method of operation.

17 (c) (1) All new school food facilities or school food facilities
18 that undergo modernization or remodeling shall comply with all
19 structural requirements of this part. Upon submission of plans by
20 a public school authority, the Division of the State Architect and
21 the local enforcement agency shall review and approve all new
22 and remodeled school facilities for compliance with all applicable
23 requirements.

24 (2) Notwithstanding subdivision (a), the Office of Statewide
25 Health Planning and Development (OSHDP) shall maintain its
26 primary jurisdiction over licensed skilled nursing facilities, and
27 when new construction, modernization, or remodeling must be
28 undertaken to repair existing systems or to keep up the course of
29 normal or routine maintenance, the facility shall complete a
30 building application and plan check process as required by OSHDP.
31 Approval of the plans by OSHDP shall be deemed compliance
32 with the plan approval process required by the local county
33 enforcement agency described in this section.

34 (3) Except when a determination is made by the enforcement
35 agency that the nonconforming structural conditions pose a public
36 health hazard, existing public and private school cafeterias, limited
37 service charitable feeding operation facilities, and licensed health
38 care facilities shall be deemed to be in compliance with this part
39 pending replacement or renovation.

(d) Except when a determination is made by the enforcement agency that the nonconforming structural conditions pose a public health hazard, existing food facilities that were in compliance with the law in effect on June 30, 2007, shall be deemed to be in compliance with the law pending replacement or renovation. If a determination is made by the enforcement agency that a structural condition poses a public health hazard, the food facility shall remedy the deficiency to the satisfaction of the enforcement agency.

(e) The plans shall be approved or rejected within 20 working days after receipt by the enforcement agency and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 working days, they shall be deemed approved. The building department shall not issue a building permit for a food facility until after it has received plan approval by the enforcement agency. This section does not require that plans or specifications be prepared by someone other than the applicant.

(f) Notwithstanding subdivision (e), a tenant improvement plan for a restaurant, as those terms are defined in Section 66345.1 of the Government Code, shall be subject to the following procedure:

(1) If the enforcement agency does not approve or deny the plan within 20 business days of receiving a complete plan, the plan shall be deemed approved for permitting purposes, provided that all fees and required documents have been submitted.

(2) If a complete plan is denied within the 20-business-day period described in paragraph (1), the applicant may resubmit a corrected plan addressing the deficiencies identified in the denial. The enforcement agency shall approve or deny each subsequent resubmission within 10 business days of receipt.

SEC. 3. The Legislature finds and declares that restaurants' role in the state's tourism and agricultural industries is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Chapter 14 (commencing with Section 66345) to Division 1 of Title 7 of the Government Code applies to all cities, including charter cities.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or

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

O

AB 742 (Elhawary-D and Co-Authors)

Department of Consumer Affairs; licensing: applicants who are descendants of slaves

Status/History: 6/04/2025 – Referred to Senate Judicial Committee and Senate Business, Professions, and Economic Development Committee after passing in Assembly.

Location: 7/07/2025 – In Judicial Committee BP&ED Committee after Author amendments.

Introduced: 2/18/2025

Amended: 3/13/2025; 7/02/2025 (JUD)

Board Position: Watch at April 3, 2025 meeting

Board Staff Analysis: 5/20/2025

Bill Summary: Existing law establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.

This bill would require those boards to prioritize applicants seeking licensure who are descendants of American slaves once a process to certify descendants of American slaves is established. This bill would make those provisions operative when the certification process is established and would repeal those provisions 4 years from the date on which the provisions become operative or on January 1, 2032, whichever is earlier.

This bill would make these provisions operative only if SB 518 of the Regular Session is enacted establishing the Bureau for Descendants of American Slavery, and would make these provisions operative when the certification process is established pursuant to that measure. The bill would repeal these provisions 4 years from the date on which they become operative or on January 1, 2032, whichever is earlier.

Affected Laws: An act to add and repeal Section 115.7 to the Business and Professions Code.

Staff Comment: This bill would create a requirement for the Board to prioritize applicants certified by the Bureau for Descendants of American Slavery. This bill is related to SB 518, addressed separately in the Board’s meeting materials, which is proposing to add and repeal the same section of code.

This bill is related to AB 2862 (Gipson-D) from the 2023-24 Legislative Session which was scheduled to be heard in multiple committees before being withdrawn by the Author. The Board took a position of Watch at its May 9, 2024 board meeting.

Staff and board concerns during the 2023-24 session were primarily related to how both the Board and the applicant would determine and verify whether the applicant was a descendant from an enslaved person, and how the verification process would be so time and labor intensive as to diminish the intent of prioritization. Since SB 518 seeks to establish a specific Bureau to make that certification, if enacted, the establishment of that Bureau could alleviate previously expressed concerns.

5/20/2025 Updated Staff Comment: No revisions have been made to this proposed language since the Board met in April, despite the B&P Committee’s analysis suggesting that the Author(s) consider changing “prioritize” to “expedite” which aligns with terminology used in existing law.

7/14/2025 Updated Staff Comment: 7/02/2025 amendments appear to coincide with amendments to SB 518, which is slated to establish the Bureau, and addresses the previous committee analysis

to change “prioritize” to “expedite applications for” in the language. The staff analyses provided by the Senate BP&ED Committee and Judiciary Committee both delve into issues which are beyond the scope of the Board’s licensing mission while simultaneously identifying that the expedited provision in this bill can only be supported if the Bureau is established through SB 518. And even then, the effort might still not result in an increased number of descendants obtaining licensure as hoped by the Author. It is also indicated that the expedited requirement would only become effective as of the date the proposed Bureau implements a process to certify persons as descendants, and has a sunset clause of four years from implementation of that certification process or January 1, 2032, whichever occurs first. An accompanying analysis for SB 518 is included elsewhere in these meeting materials.

Staff Recommendation: Staff recommends that the Board take a Warch position on AB 742 as amended July 2, 2025.

**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Angelique Ashby, Chair
2025 - 2026 Regular

Bill No:	AB 742	Hearing Date:	July 7, 2025
Author:	Elhawary		
Version:	July 2, 2025		
Urgency:	No	Fiscal:	Yes
Consultant:	Yeaphana La Marr		

Subject: Department of Consumer Affairs: licensing: applicants who are descendants of slaves

SUMMARY: Requires each board within the Department of Consumer Affairs (DCA) to expedite the application of any applicant who is a descendant of an American Slave, effective on the date that a certification process for the descendants of American Slaves is implemented by the Bureau for Descendants of American Slavery (Bureau). Makes this bill operative only upon enactment of Senate Bill 518 (Weber Pierson of 2025), which would create the Bureau, and sets a sunset date for the provisions of this bill at four years after the bill becomes operative or January 1, 2032, whichever comes first.

NOTE: This bill is double-referred to the Senate Committee on Judiciary, second.

Existing law:

- 1) Prohibits including any question relative to an applicant's race, sex, marital status, or religion in any application blank or form required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state. (Government Code (GC) § 8310)
- 2) Establishes the DCA within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) §§ 100 et seq.)
- 3) Establishes various boards, bureaus, and other entities within the jurisdiction of the DCA. (BPC § 101)
- 4) Requires boards within the DCA to expedite, and authorizes boards to assist, the initial licensure process for an applicant who has served as an active duty member of the Armed Forces of the United States and was honorably discharged or who, beginning July 1, 2024, is enrolled in the United States Department of Defense SkillBridge program. (BPC § 115.4)
- 5) Requires boards within the DCA to expedite the licensure process and waive any associated fees for applicants who hold a current license in another state and who are married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders. (BPC § 115.5)

- 6) Requires boards within the DCA to expedite, and authorizes boards to assist, the initial licensure process for applicants who have been admitted to the United States as a refugee, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or have a special immigrant visa. (BPC § 135.4)
- 7) Requires the Medical Board of California (MBC), the Osteopathic Medical Board of California (OMBC), the Board of Registered Nursing (BRN), and the Physician Assistant Board (PAB) to expedite the licensure process for applicants who demonstrate that they intend to provide abortions within the scope of practice of their license. (BPC § 870)
- 8) Requires the MBC to give priority review status to the application of an applicant for a physician's and surgeon's certificate who can demonstrate that they intend to practice in a medically underserved area or serve a medically underserved population. (BPC § 2092)
- 9) Requests that the Regents of the University of California assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and the businesses, including insurance companies and their subsidiaries that received those benefits. (Education Code § 92615)
- 10) Requires the Insurance Commissioner to obtain the names of any slaveholders or slaves described in specified insurance records, and to make the information available to the public and the Legislature. (Insurance Code (IC) § 13811)
- 11) Declares that descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure. (IC § 13813)
- 12) Requires the State Controller's Office and the Department of Human Resources, when collecting demographic data as to the ancestry or ethnic origin of persons hired into state employment, to include collection categories and tabulations for Black or African American groups, including, but not limited to, African Americans who are descendants of persons who were enslaved in the United States. (GC § 8310.6)
- 13) Requires the Board of Registered Nursing (BRN), the Board of Vocational Nursing and Psychiatric Technicians (BVNPT), the Physician Assistant Board (PAB), and the Respiratory Care Board of California (RCB) to collect specified workforce data from their respective licensees and registrants for future workforce planning at least biennially, with data collected at the time of electronic license or registration renewal as applicable. (BPC § 502(a)(1))
- 14) Provides that all other healing arts boards shall request the specified workforce data for future workforce planning at least biennially, with data collected at the time of electronic license or registration renewal as applicable. (BPC § 502(a)(2))

- 15) Specifies the optional information as included within the workforce data collected or requested by healing arts boards, including race. (BPC § 502(b))
- 16) Requires each board to maintain the confidentiality of the information it receives from licensees and registrants and to only release information in an aggregate form that cannot be used to identify an individual. (BPC § 502(c))
- 17) Prohibits boards from requiring a licensee or registrant to provide the workforce data as a condition for license or registration renewal, or from disciplining licensees or registrants for not providing the information. (BPC § 502(f))
- 18) Requires the Dental Board of California (DBC) to collect information, if provided by the licensee at the time of initial licensure or renewal, including the licensee's cultural background and foreign language proficiency. (BPC § 1715.5)
- 19) Requires the Dental Hygienists Board (DHB) to collect information, if provided by an licensee upon initial licensure or renewal, including the licensee's cultural background and foreign language proficiency. (BPC § 1902.2)
- 20) Requires licensed physicians and surgeons to report to the MBC, immediately upon issuance of an initial license and at the time of license renewal, information relating to their cultural background and foreign language proficiency, unless the licensee declines to provide that information. (BPC § 2425.3)
- 21) Requires the OMBC to collect specified information upon initial licensure and renewal, including the licensee's cultural background and foreign language competency, if reported by the licensee. (BPC § 2455.2)
- 22) Authorizes the Bureau of Real Estate Appraisers (BREA) to request a licensee to identify their race and other demographic information; requires BREA to maintain confidentiality of information received; prohibits requiring the information as a condition of licensure or renewal; and authorizes BREA to publish aggregate data to its website. (BPC § 11347)
- 23) Requires the Board of Registered Nursing to incorporate regional forecasts into its biennial analyses of the nursing workforce and to develop a plan to address shortages. (BPC § 2717)
- 24) Authorizes the California Architects Board (CAB) to request a licensee to identify their race, ethnicity, sexual orientation, gender, or gender identity; requires CAB to maintain confidentiality of information received, prohibits requiring the information as a condition of licensure or renewal; and authorizes CAB to publish aggregate data to its website. (BPC § 5552.2)

This bill:

- 1) Requires each board within DCA to expedite the application of any applicant who is a descendant of an American slave.

- 2) States that the section added by this bill becomes effective on the date that the certification process for the descendants of American Slaves is implemented by the Bureau.
- 3) Sets a sunset date for the provisions of this bill at four years after the bill becomes operative or January 1, 2032, whichever comes first, and repeals the section.
- 4) Makes the provisions of this bill operative only if Senate Bill 518 (Weber Pierson of 2025), which would establish the Bureau, is enacted.

FISCAL EFFECT: According to the Assembly Committee on Appropriations, the Board of Barbering and Cosmetology identified non-absorbable costs of \$275,000 in the first year and \$128,000 ongoing to implement this bill, as well as \$25,000 in absorbable costs to promulgate regulations and update eight application forms. The DCA Office of Information Services estimates a one-time IT General Fund costs of \$305,000 in addition to a one-time non-absorbable cost of \$278,000 to contract with a vendor to update all online application forms and an absorbable cost of \$30,000.

COMMENTS:

1. **Purpose.** This bill is sponsored by the California Black Legislative Caucus. The Author states, “By prioritizing descendants of slaves when applying for licenses, we hope to increase the number of applicants and recipients of licensure in various businesses and professions where descendants of slaves have often been overlooked and underrepresented. This is one small step in righting the wrongs of the past.”

2. **Background.**

DCA licensure and regulation of professions. The DCA consists of 36 boards, bureaus, and other entities responsible for licensing, certifying, or otherwise regulating professionals in California, including 16 that issue licenses to healing arts professionals. As of March 2023, there were over 3.4 million active licensees who were issued a license by a program within DCA. Licensure is intended to protect consumers by ensuring applicants have the knowledge, skills, and abilities to engage in regulated activity without creating a negative impact on public health, safety, and welfare.

Each of DCA’s 280 license types has its own unique requirements, with the practice act for each profession providing for various prerequisites including demonstration of prelicensure education, experience, training, passing an examination, and other requirements. Most boards require a background check to ensure the applicant does not have a history of convictions that are substantially related to the scope of the profession (BPC § 144). Boards additionally require the applicant to pay a fee, which is set at an amount reasonable for the board to recover the cost of processing an application. Additionally, business applicants may be required to obtain insurance and/or a bond, demonstrate good standing with the Secretary of State, and appoint a qualified manager or responsible managing employee to oversee the business’ operations within the scope of the license, among other requirements.

Boards typically set internal targets for application processing timelines and seek adequate staffing in an effort to meet those targets. The average processing time between initial application submission and license issuance varies depending on multiple factors, some that are within the programs' control; however, most delays occur based on factors outside the licensing programs' control. These include, but are not limited to, the number of applications received, length of time to obtain an applicant's criminal history, time for the applicant to take and pass a required examination, time for an applicant's school to send transcripts, and application deficiencies that must be resolved by the applicant, among others. License processing timelines are then regularly evaluated through the Legislature's sunset review oversight process.

California Reparations Report. AB 3121 (Weber, Chapter 319, Statutes of 2020) established a task force to study the issue of reparations for African Americans; propose ways to educate the California public about its findings; make recommendations on the forms that reparations might take; and submit a report of its findings to the Legislature. The bill's findings and declarations stated that as "a result of the historic and continued discrimination, African Americans continue to suffer debilitating economic, educational, and health hardships," including, among other hardships, "an unemployment rate more than twice the current white unemployment rate."

The Task Force created by AB 3121 submitted a report to the Legislature on June 29, 2023, the *California Reparations Report*, drafted with staff assistance from the California Department of Justice, that provides a comprehensive history of numerous systemic injustices and discriminatory practices used to "restrict the freedom and prosperity of African Americans." The report also includes recommendations for how the state should formally apologize for slavery, provide compensation and restitution, and address the effects of enslavement and other historical atrocities.

Chapter 10 of the Task Force's report, titled "Stolen Labor and Hindered Opportunity," addresses how African Americans have historically been excluded from occupational licenses. The report describes how the use of licensure to regulate jobs increased beginning in the 1950s and African American workers were excluded from economic opportunity, in large part due to laws disqualifying licenses for applicants with criminal records, which disproportionately impacts African Americans. This specific issue was addressed in California through enactment of AB 2138 (Chiu, Chapter 995, Statutes of 2018), which reduced barriers to licensure for individuals with prior criminal histories by: 1) limiting the discretion of DCA's boards to deny a license to cases where the applicant was convicted of a crime substantially related to the qualifications, functions, or functions of a licensee or to an applicant who has been subjected to discipline by a licensing board, 2) excluding nonviolent substantially related offenses from consideration in licensing decisions if the conviction is seven years or older; and 3) in cases where the applicant could be denied, requires programs to take into consideration evidence of rehabilitation submitted by the applicant to demonstrate their fitness for licensure.

The Task Force report states, "while AB 2138 represents progress, other schemes remain in California which continue to have a racially discriminatory impact." The

Task Force then provides several recommendations on how the Legislature could “expand on AB 2138.” This includes a recommendation in favor of “prioritizing African American applicants seeking occupational licenses, especially those who are descendants [of slavery].”

Current and Proposed Expedited Application Processing Laws. Several mandates already require DCA programs to expedite applications, including applications received from: 1) former members of the military; 2) military spouses, domestic partners, and those in any other legal union with a current member of the military stationed in California; 3) refugees and those granted asylum; 4) active-duty members of a regular component of the Armed Forces who are enrolled in the U.S. Department of Defense SkillBridge program under; and 5) specified healing arts licensees who intend to perform abortions in California.

In addition to AB 2862, two bills were introduced in 2024 to require expedited application processing from DCA healing arts programs. Those bills – SB 1067 (Smallwood-Cuevas of 2024), which would have required expedited licensure for applicants who intend to practice in a medically underserved area, and AB 2442 (Zbur of 2024), which would have required expedited licensure for applicants who demonstrate intent to provide gender-affirming health care or gender-affirming mental health care services – were vetoed. The Governor’s veto message, which follows in relevant part, addresses both bills in one statement in which the number of existing expedite mandates was cited as a reason for veto:

I am returning Senate Bill 1067 and Assembly Bill 2442 without my signature.

These bills would require specified Department of Consumer Affairs boards to create an expedited licensing process for a subset of applicants based on the type of care they intend to provide or the geographic area where they intend to provide care.

I commend the authors' commitment to addressing healthcare gaps in the state, but I am concerned about the aggregate effect of legislation that seeks to expedite licensure. As the number of applicants who qualify for expedited licensure grows through legislation, the benefits of mandated prioritization may start to diminish, at the expense of potential negative impacts to other applicants. Additionally, the increase in staff needed to ensure expedited applications may lead to licensing fee increases...

It is unknown how many additional applicants would be added to the aggregate as a result of this bill; however, whether each program receives one application or many, this bill does not address the concerns in the veto message.

Prior Concerns Addressed by this Bill. On January 31, 2024, the California Legislative Black Caucus introduced the 2024 Reparations Priority Bill Package, consisting of a series of bills introduced by members of the Caucus to implement the recommendations in the Task Force’s report. As part of that package, AB 2862 (Gipson of 2024) was introduced to implement the Task Force’s recommendation by requiring boards to prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United

States. Although there are no existing prioritization laws, there are laws that require expedited licensure.

This Committee and opposition expressed significant policy and implementation concerns about AB 2862 that are addressed by this bill. Specifically, this bill: 1) replaces “prioritize applicants” with “expedite the application,” to clearly state the intent of the bill; 2) replaces an unspecified process to determine eligibility by specifying Bureau (yet to be established) is charged with implementing a certification process; 3) specifies this does not take effect unless the Bureau is created and until the Bureau implements the certification process; and 4) replaces this previous bill’s impact to only descendants of African American slaves to descendants of American slaves, which would include people of all races and ethnicities who were enslaved in America. These amendments address technical concerns as well as policy concerns of the Committee, specifically those related to DCA programs being required to ask about race and to determine eligibility for expedited application processing.

3. **Related Legislation.** ACA 8 (Wilson, Chapter 133, Statutes of 2024) amends the state Constitution to prohibit slavery of any kind, including as punishment for a crime.

ACR 135 (Weber of 2024) would have formally acknowledged the harms and atrocities committed by representatives of the State of California who promoted, facilitated, enforced, and permitted the institution of chattel slavery and the legacy of ongoing badges and incidents of slavery that form the systemic structures of discrimination. *This bill was held in the Senate Committee on Judiciary.*

AB 3089 (Jones-Sawyer, Chapter 624, Statutes of 2024) provides that the State of California recognizes and accepts responsibility for perpetuating the harms and atrocities African Americans faced by having imbued racial prejudice through segregation, public and private discrimination, and unequal disbursement of state and federal funding and declares that such actions shall not be repeated.

AB 2442 (Zbur of 2024) would have required specified healing arts boards under the DCA to expedite the licensure process for applicants who demonstrate intent to provide gender-affirming health care or gender-affirming mental health care services. *This bill was vetoed by the Governor.*

AB 2862 (Gipson of 2024) would have required all licensing boards, bureaus, commissions, and programs within the DCA to prioritize African American applicants seeking licensure, especially those who are descended from an enslaved person in the United States, until January 1, 2029.

SB 1050 (Bradford of 2024) would have established procedures by which a person who lost property because of racially motivated eminent domain, as defined, may apply to the proposed state agency for the return of the property, if still in possession of entity that did the taking, other public property of equal value, or financial compensation. *This bill was vetoed by the Governor.*

SB 1067 (Smallwood-Cuevas of 2024) would have required healing arts boards to expedite the licensure process for applicants who intend to practice in a medically underserved area. *This bill was vetoed by the Governor.*

AB 657 (Cooper, Chapter 560, Statutes of 2022) required specified boards under the DCA to expedite applications from applicants who demonstrate that they intend to provide abortions.

AB 3121 (Weber, Chapter 319, Statutes of 2020) established an eight-member task force to study the issue of reparations for African Americans; propose ways to educate the California public about its findings; make recommendations on the forms that reparations might take; and submit a report of its findings to the Legislature, as specified.

AB 2113 (Low, Chapter 186, Statutes of 2020) required entities under the DCA to expedite applications from refugees, asylees, and special immigrant visa holders.

AB 2138 (Chiu, Chapter 995, Statutes of 2018) reduced barriers to licensure for individuals with prior criminal convictions.

SB 1226 (Correa, Chapter 657, Statutes of 2014) requires entities under the DCA to expedite applications from honorable discharged veterans.

AB 1904 (Block, Chapter 399, Statutes of 2012) requires entities under the DCA to expedite applications from military spouses and partners.

4. **Arguments in Support.** The Board of Behavioral Sciences writes, “This bill would require boards within the Department of Consumer Affairs to prioritize applicants seeking licensure if they are certified by the State Bureau for Descendants of American Slavery as a descendant of American slaves. The Board is supportive of this effort to remedy past discrimination that has led to descendants of slaves being underrepresented in numerous professions.”

The Contractors State License Board (CSLB), writes in support, “CSLB has long supported increased professional licensure by underrepresented populations and recognizes the value in prioritizing licensing applications from descendants of slaves.”

5. **Policy Considerations and Questions.** Although this bill has made several changes to the prior similar efforts in order to address implementation and policy concerns, there are remaining questions.

Should this bill apply to all boards and all license types issued by those boards? Despite statutory attempts to ensure swifter licensing timeframes for specified applicants, factors beyond a program’s control (deficiencies in applications, the length of time fingerprint clearance is provided, delays in receiving transcripts and education program completion verification, time for the applicant to take and pass an examination, and more) can lead to lengthy holdups in the process, regardless of the program’s internal efforts to expedite processing. Sunset review oversight of DCA programs has shown that many are typically processing licenses in shorter

timeframes than even their internal goals and historic averages. *In order to realize a positive impact from expedited licensure, the Author may wish to include this mandate only for programs that have considerable backlogs and programs that have licensing requirements that include minimal factors outside the board's control that contribute to delays.*

Would this bill lead to an increase of descendants of slaves who obtain a professional license and employment? It remains questionable whether a mandate for every program to expedite applications will move the state forward in resolving under-representation of any demographic in professional occupations or disparities in pay and representation in leadership or managerial positions. When a person is at the point of applying for licensure, they are already in the pipeline and have likely already obtained the education, experience, training, etc. necessary to become licensed. *The Author may wish to seek out methods of creating interest in industries within the DCA umbrella from members of under-represented populations at the point they are in school, looking for work, or otherwise considering a career path.*

There is a lack of credible data to forecast this bill's true impact. Because the number of descendants of American Slaves who are also qualified to apply for a license from a program within DCA is unknown, there is not reliable data to determine the true potential impact to the programs. *Collecting data on the barriers to employment that occupational licensure poses, barriers to licensure that exist within DCA boards, as well as in the operations of many other occupational licensing programs like those at the California Department of Public Health and other agencies, could yield helpful information and inform meaningful policy discussions and defined reform proposals moving forward.*

SUPPORT AND OPPOSITION:

Support:

Board of Behavioral Sciences
California Federation of Teachers, California Affiliate of the AFT, AFL-CIO
Contractors State License Board

Opposition:

None received

-- END --

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 742 (Elhawary)
Version: July 2, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Department of Consumer Affairs: licensing: applicants who are descendants of slaves

DIGEST

This bill requires all licensing boards, bureaus, commissions, and programs (boards) within the Department of Consumer Affairs (DCA) to expedite the applications of applicants seeking licensure who are descendants of slaves, as certified by the to-be-created Bureau for Descendants of American Slavery (Bureau).

EXECUTIVE SUMMARY

In 2020, the Legislature passed, and the Governor signed, SB 3121 (Weber, Ch. 319, Stats. 2020), which established the first-in-the nation Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force) to study and develop reparations proposals for California's role in accommodating and facilitating slavery, perpetuating the vestiges of enslavement, enforcing state-sanctioned discrimination, and permitting pervasive, systematic structures of discrimination against African Americans. The Task Force completed its work and issued its final report in 2023. The report contains a number of recommended remedies the state could implement in order to atone for its decades of state-sanctioned white supremacy.

This bill is intended to remediate one of the historical wrongs discussed by the Task Force, relating to discrimination in professional licensing. Specifically, this bill requires professional boards within the DCA to expedite the licensure applications of persons who are certified as descendants of American enslaved persons by the Bureau. The bill's effectiveness is contingent upon two events: the passage of SB 518 (Weber Pierson, 2025), which establishes the Bureau, and the Bureau's implementation of the procedure for certifying persons as descendants of American enslaved persons; boards will then be required to expedite the applications of certified descendants for four years from the

implementation of the certification process, or until January 1, 2032, whichever is earlier.

This bill is sponsored by the author and is supported by the Board of Behavioral Sciences and the Contractors State License Board. The Committee has not received timely opposition to this bill. The Senate Business, Professions and Economic Development Committee passed this bill with a vote of 8-2.

PROPOSED CHANGES TO THE LAW

Existing constitutional law:

- 1) Provides for equal protection under the law as follows:
 - a) Under the United States Constitution, provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const., 14th Amend., § 1.)
 - b) Under the California Constitution, provides that a person may not be denied the equal protection of the laws, and that a citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. (Cal. Const., art. I, § 7.)
- 2) Provides that the State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. (Cal. Const., art. I, § 31.)

Existing law:

- 1) Establishes the DCA, which oversees specified boards, bureaus, and commissions established within the DCA for the purpose of ensuring that the private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. (Bus. & Prof. Code, div. 1, §§ 100 et seq.)
- 2) Sets forth the boards, bureaus, and commissions established within the DCA (DCA boards), which regulate a wide range of professions, including professions relating to medicine and mental health, security and investigative services, automotive repair, pest control, real estate appraisers, and professional fiduciaries. (Bus. & Prof. Code, § 101.)¹
- 3) Requires every DCA board to inquire in every application for licensure whether the individual applying for licensure is serving in, or has previously served in, the military. (Bus. & Prof. Code, § 114.5(a).)

¹ The State Bar of California is not a DCA board. (See Bus. & Prof. Code, § 6001.)

- 4) Requires a DCA board to expedite, and permits the board to assist, the initial licensure process for an applicant who supplies satisfactory evidence that they have served as an active duty member of the Armed Forces of the United States and were honorably discharged, or that they are an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program. (Bus. & Prof. Code, § 115.4.)
- 5) Requires a DCA board to expedite the licensure process for an applicant who meets both of the following requirements:
 - a) Supplies evidence satisfactory to the DCA board that they are married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty system in this state under official active duty military orders.
 - b) Holds a current license in another state, district, or territory of the United States in their profession or vocation for which the applicant seeks a license from the board. (Bus. & Prof. Code, § 115.5.)
- 6) Requires a DCA board to expedite, and permits the board to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee, have been granted asylum, or have a special immigrant visa, under specified federal laws. (Bus. & Prof. Code, § 135.4.)
- 7) Requires the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board to expedite the licensure process for an applicant who demonstrates that they intend to provide abortions, as defined, within the scope of practice of their licensure. (Bus. & Prof. Code, § 870.)
- 8) Requires the Medical Board of California to develop a process to give priority review status to the application of an applicant for a physician and surgeon's certificate who can demonstrate that they intend to practice in a medically underserved area or to serve a medically underserved population, as defined. (Bus. & Prof. Code, § 2092.)
- 9) Prohibits the inclusion of any question relative to an applicant's race, sex, marital status, or religion on any application blank or form required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state is prohibited. (Gov. Code, § 8310.)
- 10) Defines, for purposes of 11) and 12), "licensing board" to include any state board that has the ability to grant licenses or certificates which are prerequisites to employment eligibility or professional status. (Gov. Code, § 12944(f).)

- 11) Prohibits a licensing board to require any examination or establish any other qualification for licensing that has an adverse impact on any class by virtue of its race, creed, color, national origin or ancestry, sex, gender, gender identity, gender expression, age, medical condition, genetic information, physical disability, mental disability, reproductive health decisionmaking, or sexual orientation, unless the practice can be demonstrated to be job-related. (Gov. Code, § 12944(a).)
- 12) Prohibits a licensing board, unless specifically acting in accordance with federal equal employment opportunity guidelines or regulations, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbally or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, sex, gender, gender identity, gender expression, age, reproductive health decisionmaking, or sexual orientation or any intent such limitation, specification, or discrimination. (Gov. Code, § 12944(c).)

Former state law established the Task Force to develop reparations proposals for African Americans, with special consideration for African Americans who are descended from persons enslaved in the United States, and provided that the Task Force statutes would remain in effect until July 1, 2023, and as of that date be repealed. (former Gov. Code, §§ 8301-8301.7, repealed by Gov. Code, § 8301.7.)

This bill:

- 1) Provides, notwithstanding any other law, once the process to certify descendants of American slaves is implemented by the Bureau that confirms an individual's status as a descendant of an American slave, that each DCA board shall expedite applications for applicants seeking licensure who are descendants of American slaves.
- 2) Provides that 1) shall become operative on the date that the Bureau implements the certification process, and shall remain in effect only for four years from the date on which 1) becomes operative, or until January 1, 2032, whichever is earlier.
- 3) Provides that 1)-2) become operative only if SB 518 (Weber Pierson, 2025) is enacted, establishing the Bureau.

COMMENTS

1. Author's comment

According to the author:

By prioritizing descendants of slaves when applying for licenses, we hope to increase the number of applicants and recipients of licensure in various businesses and professions where descendants of slaves have often been overlooked and underrepresented. This is one small step in righting the wrongs of the past.

2. The Task Force's report and recommendations

In 2020, the Legislature enacted AB 3121 (Weber, Ch. 319, Stats. 2020), which created the first-in-the-nation Task Force to explore options for providing reparations to African Americans, and particularly the descendants of enslaved persons, in recognition of California's role in the heinous institution of slavery and the post-abolition perpetuation of racist institutions.² The Task Force released an interim report on June 1, 2022, which provided the Task Force's preliminary findings regarding the ongoing and compounding harms caused by federal, state, and local governments from slavery and the " 'badges and incidents of slavery' " that continued to be imposed on African Americans long after slavery was formally abolished.³ The report notes that, because "the effects of slavery infected every aspect of American society over the last 400 years...it is nearly impossible to identify every 'badge and incident of slavery,' to include every piece of evidence, or describe every harm done to African Americans."⁴

On June 29, 2023, the Task Force issued its final report to the California Legislature, known as the California Reparations Report.⁵ The California Reparations Report incorporates and updates the interim report and recommends appropriate remedies, including compensation, for African Americans as recompense for the State's gross human rights violations against African Americans and their descendants.⁶ The California Reparations Report explains:

[T]he harms inflicted upon African Americans have not been incidental or accidental – they have been by design. They are the result of an all-

² HR 40 (Pressley, 119th Cong., 2025-2026), a federal bill to create a federal commission to study the effects of slavery and discrimination on African Americans and devise reparations proposals, is pending before the House Committee on Judiciary. The bill has been introduced every year since 1989.

³ California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 1, 2022), available at <https://oag.ca.gov/ab3121/reports>. All links in this analysis are current as of July 10, 2025.

⁴ *Id.* at p. 5.

⁵ See generally California Reparations Report (2023), available at <https://oag.ca.gov/ab3121/reports>.

⁶ *Id.* at p. 4.

encompassing web of discriminatory laws, regulations, and policies enacted by government. These laws and policies have enabled government officials and private individuals and entities to perpetuate the legacy of slavery by subjecting African Americans as a group to discrimination, exclusion, neglect, and violence in every facet of American life. And there has been no comprehensive effort to disrupt and dismantle institutionalized racism, stop the harm, and redress the specific injuries caused to descendants and the larger African American community.⁷

The Task Force developed its recommendations for reparations taking into account this willful infliction of harm and applying international standards and principles for the remedy of wrongs and injuries caused by a government.⁸

One of the topics addressed in the final report is the exclusion of Black workers from professions requiring a professional license.⁹ Throughout the nineteenth and well into the twentieth centuries, “[s]tate licensure systems worked in parallel to exclusion by unions and professional societies in a way that has been described by scholars as ‘particularly effective’ in excluding Black workers from skilled, higher paid jobs.”¹⁰ Boards erected barriers to licensing that were not explicitly race-based – such as requiring, as a condition of licensure, a worker to have completed an apprenticeship, even though the apprenticeship excluded Black workers – and personal interview requirements, which allowed racist board members to exclude Black workers for nebulous personal reasons.¹¹

The use of licensure to regulate professions in the U.S. increased dramatically over the second half of the twentieth and the beginning of the twenty-first century – only 5 percent of professions required licensure in the 1950s, but by 2018, that number was up to 21.8 percent.¹² Even in cases where licensing standards were not deliberately crafted to exclude Black workers, the *de facto* effect was often to prevent Black workers from obtaining licenses at higher rates.¹³ For example, licensing restrictions often refuse to grant licenses to individuals with criminal records; given the over-policing of Black communities and disproportionate prosecution of Black individuals for things like low-level drug use, the effect has been to also disproportionately exclude Black workers from obtaining professional licenses.¹⁴ The relative lack of access to professional licensure, in turn, is a contributing factor in the pervasive racial wealth gap.¹⁵

⁷ *Id.* at p. 48.

⁸ *Id.* at p. 512.

⁹ *Id.* at pp. 362-363.

¹⁰ *Id.* at p. 362 (footnote omitted).

¹¹ *Ibid.*

¹² *Id.* at p. 363.

¹³ *Ibid.*

¹⁴ *Id.* at pp. 363, 402-404, 406-408.

¹⁵ *Id.* at pp. 489-490.

3. This bill requires DCA boards to expedite licensure applications for persons certified as descendants of American enslaved persons by the Bureau

This bill requires DCA boards to expedite the licensure applications of persons who are certified by the Bureau as descendants of American enslaved persons. The bill will take effect only if SB 518 (Weber Pierson, 2025), which establishes the Bureau, is enacted, and the requirement to expedite applications will become effective only as of the date that the Bureau implements a process to certify persons as descendants of American slaves. The expedited licensure requirement will then be in effect only for four years from the implementation of the certification process, or until January 1, 2032, whichever is earlier.

The Senate Business, Professions and Economic Development Committee, which passed this bill with a vote of x-y, analyzed this bill from an overall policy standpoint, including the likely effects on the various DCA boards and applicants for licensure. As their analysis notes, California already requires DCA boards to expedite the licenses of certain other types of applicants, including members of the armed forces and their spouses, refugees, and medical practitioners who will provide abortion services.¹⁶

This bill was referred to this Committee to consider the question of whether expediting applications for persons who have been certified as descendants of American enslaved persons violates any constitutional principles. But because this bill delegates the question of who qualifies as a descendant, and how a person can become certified as a descendant, to the Bureau, the viability of this bill's provisions will likely rise and fall with the success of the Bureau. As currently in print, SB 518's definition of "descendant" does not include a race-based classification or a classification that serves as a proxy for all members of a single race, so the strict-scrutiny analysis for race-based classifications should not apply. With respect to whether this particular bill serves a reparatory purpose, licensure regimes were historically used to exclude descendants of American slaves from professions, so this modest measure appears to fit the historical wrong.

Two of the boards to which this bill would apply, the Board of Behavioral Sciences and the Contractors State License Board, are in support of the bill.

SUPPORT

Board of Behavioral Sciences
Contractors State License Board

OPPOSITION

None received

¹⁶ Bus. & Prof. Code, §§ 115.4, 155.5, 135.4, 2092.

RELATED LEGISLATION

Pending legislation:

SB 518 (Weber Pierson, 2025) establishes the Bureau for Descendants of American Slavery within state government, contingent upon an appropriation by the Legislature, and establishes the Bureau's duties, as specified. SB 518 is pending before the Assembly Appropriations Committee.

AB 1522 (Committee on Judiciary, 2025) requires the State Bar, on or before January 1, 2026, to transmit to the Supreme Court a proposal outlining a process for expediting the licensure to practice law in this state of an attorney who meets specified criteria, including being employed by an agency of the federal government on January 20, 2025. AB 1522 is pending before this Committee.

Prior legislation:

SB 1403 (Bradford, 2024) would have established the California Freedmen Affairs Agency which would, among other things, implement and oversee the implementation of the recommendations of the Task Force. SB 1403 died on the Assembly Floor.

AB 2862 (Gipson, 2024) would have required all licensing boards, bureaus, commissions, and programs (boards) within the Department of Consumer Affairs (DCA) to prioritize African American applicants seeking licensure, especially those who are descended from an enslaved person in the United States, until January 1, 2029. AB 2862 died in the Senate Business, Professions and Economic Development Committee.

AB 2442 (Zbur, 2024) would have required specified boards to expedite the licensure process for an applicant who demonstrates that they intend to provide gender-affirming care. Governor Newsom vetoed the bill, stating in his message that he was "concerned about the aggregate effect of legislation that seeks to expedite licensure."

AB 657 (Cooper, Ch. 560, Stats. 2022) required specified DCA boards to expedite licensure applications from applicants who demonstrate that they intend to provide abortion care, as defined.

PRIOR VOTES:

Senate Business, Professions and Economic Development Committee (Ayes 8, Noes 2)

Assembly Floor (Ayes 57, Noes 14)

Assembly Appropriations Committee (Ayes 11, Noes 3)

Assembly Judiciary Committee (Ayes 8, Noes 2)

Assembly Business and Professions Committee (Ayes 12, Noes 2)

AMENDED IN SENATE JULY 2, 2025
AMENDED IN ASSEMBLY MARCH 13, 2025
CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 742

Introduced by Assembly Member Elhawary
(Principal coauthors: Assembly Members Bonta, Bryan, Gipson,
Jackson, McKinnor, Sharp-Collins, and Wilson)
(Principal coauthors: Senators Richardson, Smallwood-Cuevas, and
Weber Pierson)
(Coauthor: Assembly Member Lowenthal)

February 18, 2025

An act to add and repeal Section 115.7 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 742, as amended, Elhawary. Department of Consumer Affairs: licensing: applicants who are descendants of slaves.

Existing law establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions. *Existing law requires those boards to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and supplies evidence that they are married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.*

This bill would require those boards to ~~prioritize applicants~~ *expedite applications for applicants seeking licensure who are descendants of*

American slaves once a process to certify descendants of American slaves is ~~established~~, *implemented*, as specified. ~~The bill would make those provisions operative when the certification process is established and would repeal those provisions 4 years from the date on which the provisions become operative or on January 1, 2032, whichever is earlier.~~

This bill would make these provisions operative only if SB 518 of the 2025–26 Regular Session is enacted establishing the Bureau for Descendants of American Slavery, and would make these provisions operative when the certification process is ~~established~~ *implemented* pursuant to that measure. The bill would repeal these provisions 4 years from the date on which they become operative or on January 1, 2032, whichever is earlier.

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

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

- 1 SECTION 1. Section 115.7 is added to the Business and
- 2 Professions Code, to read:
- 3 115.7. (a) Notwithstanding any other law, once the process to
- 4 certify descendants of American slaves is ~~established~~ *implemented*
- 5 by the Bureau for Descendants of American Slavery pursuant to
- 6 ~~Part 15 Chapter 4~~ (commencing with Section ~~16000~~) 15210) of
- 7 ~~Part 6~~ of Division 3 of Title 2 of the Government Code that
- 8 confirms an individual's status as a descendant of an American
- 9 slave, each board shall ~~prioritize applicants~~ *expedite applications*
- 10 *for applicants* seeking licensure who are descendants of American
- 11 slaves.
- 12 (b) This section shall become operative on the date that the
- 13 certification process for the descendants of American Slaves is
- 14 ~~established~~ *implemented* by the Bureau for Descendants of
- 15 American Slavery pursuant to ~~Part 15 Chapter 4~~ (commencing
- 16 with Section ~~16000~~) 15210) of ~~Part 6~~ of Division 3 of Title 2 of
- 17 the Government Code.
- 18 (c) This section shall remain in effect only for four years from
- 19 the date on which this section became operative, or until January
- 20 1, 2032, whichever is earlier, and as of that date is repealed.

1 (d) This section shall become operative only if Senate Bill 518
2 of the 2025–26 Regular Session is enacted establishing the Bureau
3 for Descendants of American Slavery.

O

AB 1341 (Hoover-R)

Contractors: discipline: unlicensed architecture, engineering, or land surveying

Status/History: 5/28/2025 – Passed Assembly; Referred to Senate Business, Professions, and Economic Development Committee and Appropriations Committee.

Location: 7/01/2025 – Passed Senate BP&ED; referred to Appropriations

Introduced: 2/21/2025

Amended: 3/24/2025; 4/23/2025; 5/07/2025; 7/01/2025; 7/02/2025

Board Position: Support at the May 29, 2025 Board meeting

Board Staff Analysis: 7/15/2025

Bill Summary: Existing law, the Contractors' State License Law, establishes the Contractors' State License Board to license and regulate contractors. Existing law makes the willful or deliberate disregard and violation of the building laws of the state or of specified other provisions of law a cause for disciplinary action against a licensee.

This bill would specify that "building laws of the state" includes certain prohibitions on the unlicensed practice of architecture, engineering, and land surveying, and, therefore, would also make a willful or deliberate disregard and violation of those specified prohibitions a cause for disciplinary action against a licensee.

Affected Laws: An act to amend Section 7110 of the Business and Professions Code.

Staff Comment: This proposed language originated from previous requests presented by professional organizations to the Board during the 2024 Sunset Bill legislation in an effort to help the Board with its enforcement of unlicensed practice, with the original emphasis on unlicensed land surveying. Currently, if a licensed contractor is the subject of a complaint filed with the Board and found to have been practicing a discipline regulated by the Board without an appropriate license or exemption, the Board can communicate that information to the Contractors State License Board (CSLB). However, it is the CSLB's discretion on whether to pursue any disciplinary action against one of their licensees. This proposed language presumably requires the CSLB to investigate noticed violations of the Board's laws by a licensed contractor related to the practice of civil, electrical, and mechanical engineering, and land surveying.

5/20/2025 Updated Staff Comments: As requested by the Board, Staff sent a Support letter to the Author and B&P Committee. Additionally, participated in discussions with the Architect's Board and CSLB. All agreed that the proper sections in our respective Acts needed to be referenced, and those amendments were accepted.

7/15/2025 Updated Staff Comments: 7/02/2025 amendments by the Senate BP&ED committee were primarily related to reorganizing the listing of DCA-related entities under subsection (b). Contractor labor organizations have raised opposition related concerns that their members might be unfairly targeted for use of tools and technology being used in construction operations. Staff has participated in multiple discussions between Author's staff, sponsors, Committee staff, and both the CAB and CSLB board staff. Additionally, staff attended a June 30, 2025 hearing before Senate BP&ED Committee where comments were heard from proponents and opposition. The sponsors and Author continue to express that the language in this bill does not expand, lessen, or otherwise change the scope of practice currently in law for any of the subject license types. At the time of this report, staff is aware that the Author's office and sponsors are continuing to engage with opposition to reach a consensus.

Staff Recommendation:

Staff recommends the Board take a Support position on AB 1341 as amended July 2, 2025



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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June 25, 2025

The Honorable Josh Hoover
Member, California State Assembly
P.O. Box 942849
Sacramento, CA 94249-0007

RE: Assembly Bill 1341, May 7, 2025 Amendments – **SUPPORT**

Dear Assemblymember Hoover:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) voted to **SUPPORT** Assembly Bill 1341, as amended May 7, 2025, at its May 29, 2025 board meeting with the idea that when our Board discovers violations of the “building laws of the state” by regulated licensees, these violations are reported to the Contractors State License Board (CSLB).

Our Board believes that the language in this bill is consistent with prior communications issued by the CSLB to their licensees where they stated “*The Contractors State License Board is reminding licensees that their CSLB-issued license does not allow them to perform land surveying and civil engineering work. Performing this type of work with a licensed issued by the Board for Professional Engineers, Land Surveyors, and Geologists could put your CSLB license at risk.*”

We appreciate consideration of our position. Please feel free to contact me directly at 916-999-3579 or Ric.Moore@dca.ca.gov if we can be of any assistance on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore", is located below the word "Sincerely,".

RICHARD B. MOORE, PLS
Executive Officer

cc Assembly Business and Professions Committee
David Fogt, Registrar for Contractors State License Board
Laura Zuniga, Executive Officer for California Architects Board

**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Angelique Ashby, Chair
2025 - 2026 Regular

Bill No:	AB 1341	Hearing Date:	June 30, 2025
Author:	Hoover		
Version:	May 7, 2025		
Urgency:	No	Fiscal:	Yes
Consultant:	Yeaphana La Marr		

Subject: Contractors: discipline: building law violations

SUMMARY: Authorizes the Contractors State License Board (CSLB) to take disciplinary action against a licensed contractor who is found to have violated license laws pertaining to the practices of architecture, landscape architecture, engineering, geology, geophysics, and land surveying.

Existing law:

- 1) Establishes, until January 1, 2029, the CSLB within the DCA to administer and enforce the Contractors State License Law (License Law), which includes the licensing contractors and home improvement salespersons. (Business and Professions Code (BPC) §§ 7000 et seq.)
- 2) Exempts from the License Law an undertaking or project if the aggregate price for labor, materials, and all other items is less than \$1,000 so long as that work or operation is considered of casual, minor, or inconsequential nature and the work or operation does not require a building permit. (BPC § 7048)
- 3) Specifies that willful or deliberate disregard and violation of the building laws of the state constitutes a cause for disciplinary action against a CSLB licensee. (BPC § 7110)
- 4) Establishes willful or deliberate disregard for license requirements to practice structural pest control is a building law of this state and cause for disciplinary action against a CSLB licensee. (BPC § 7110 (a))
- 5) Specifies that the CSLB may assess a civil penalty up to \$30,000 for specified violations, including willful or deliberate disregard and violation of the building laws of this state, including engaging in the business or practice of structural pest control without a license. (BPC § 7099.2)
- 6) Establishes a California Architects Board (CAB) within DCA to administer and enforce the Architects Practice Act. (BPC § 5510)
- 7) Specifies that it is a misdemeanor, punishable by a fine of not less than \$100 nor more than \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture to practice architecture in this state, to use any term confusingly similar

to the word architect, to use the stamp of a licensed architect, or to advertise or put out any sign, card, or other device that might indicate to the public that the person is an architect, is qualified to engage in the practice of architecture, or is an architectural designer. (BPC § 5536(a))

- 8) Specifies that it is a misdemeanor, punishable by a fine of not less than \$100 nor more than \$5,000, or by imprisonment in a county jail not exceeding one year, or by fine and imprisonment, for any person who is not licensed to practice architecture to practice architecture in this state to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is licensed to prepare plans, specifications, or instruments of service. (BPC § 5536(b))
- 9) Does not prohibit any person, including a licensed contractor, to prepare plans, drawings, or specifications for:
 - a) Single-family dwellings of woodframe construction not more than two stories and basement in height;
 - b) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot;
 - c) Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height; and
 - d) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved. (BPC § 5537)
- 10) Prohibits a licensed contractor from performing design services beyond those described in BPC § 5537, except as specified, unless those services are performed by or under the direct supervision of a licensed architect, or a licensed professional or civil engineer, insofar as the professional or civil engineer practices the profession for which they are licensed. Prohibits a licensed contractor from using the title, "architect" unless he or she holds a license as an architect. (BPC § 5537.2)
- 11) Establishes within the DCA, a Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) to implement and enforce the Professional Engineers Act, Professional Land Surveyors' Act, and the Geologist and Geophysicist Act, which includes licensing electrical, and mechanical engineers, land surveyors, geologists, and geophysicists. (BPC § 6710)
- 12) Specifies that to safeguard life, health, property and public welfare, any person, either in a public or private capacity, except as specifically excepted, who practices, or offers to practice, civil engineering, electrical engineering or mechanical engineering, in any of its branches in this state, including any person employed by

the State of California, or any city, county, or city and county, who practices engineering, must submit evidence that they are qualified to practice, and shall be licensed accordingly as a civil engineer, electrical engineer or mechanical engineer by the BPELSG. (BPC § 6730)

- 13) Requires any person practicing, or offering to practice, land surveying in this state to submit evidence that they are qualified to practice and must be licensed under the Professional Land Surveyors' Act. Specifies that it is unlawful for any person to practice, offer to practice, or represent themselves, as a land surveyor in this state, or to set, reset, replace, or remove any survey monument on land in which they have no legal interest, unless they have been licensed or specifically exempted from licensing Professional Land Surveyors' Act. (BPC § 8725).
- 14) Specifies that any person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying who, either in a public or private capacity, does or offers to do any one or more of the following:
 - a) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering.
 - b) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.
 - c) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.
 - d) Makes any survey for the subdivision or resubdivision of any tract of land.
 - e) By the use of the principles of land surveying determines the position for any monument or reference point that marks a property line, boundary, or corner, or sets, resets, or replaces any monument or reference point.
 - f) Geodetic surveying or cadastral surveying, as specified.
 - g) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in (a) to (f) above.
 - h) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or by any other title or by any other representation that they practice or offer to practice land surveying in any of its branches.
 - i) Procures or offers to procure land surveying work for themselves or others.
 - j) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced.

- k) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.
- l) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in (a) to (f) above.
- m) Creates, prepares, or modifies electronic or computerized data in the performance of specified activities.
- n) Renders a statement regarding the accuracy of maps or measured survey data.

(BPC § 8726(a))

- 15) Requires any program within the Department of Consumer Affairs (DCA) to establish a system for the issuance of a citation through regulation to require on any citation, whenever appropriate, an order of abatement fixing a reasonable time for abatement of the violation. (BPC § 125.9(b)(2))

This bill makes CSLB licensees subject to disciplinary action when found to have violated license laws applicable to land surveyors, professional engineers, geologists, architects, and landscape architects.

FISCAL EFFECT: According to the Assembly Committee on Appropriations, CSLB does not anticipate costs as a result of this bill.

COMMENTS:

1. **Purpose.** This bill is sponsored by the American Council of Engineering Companies, California, American Institute of Architects, California, California & Nevada Civil Engineers and Land Surveyors Association, Inc., and California Land Surveyors Association. The Author states, "It is the responsibility of the state to ensure that those who practice architecture, landscape architecture, engineering, geology or geophysics, or land surveying, have received the appropriate license and training. Industry experts have identified a rise in the unlicensed practice of these disciplines, especially among contractors. Existing law already charges the Contractors' State License Board with disciplining contractors for violations of the state building laws. AB 1341 simply clarifies that the unlicensed practice of architecture, landscape architecture, engineering, geology or geophysics, or land surveying are included as violations of the state building laws. Ensuring the integrity of these disciplines not only protects consumers, but also promotes fairness among each profession."

2. **Background.**

Contractors State License Board. The CSLB is responsible for the implementation and enforcement of the License Law, which governs the licensure, practice, and discipline of contractors in California. A license is required for construction projects valued at \$1,000 or more, including labor and materials under specified conditions

(BPC § 7048). The License Law defines a contractor as, “any person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or herself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, or the cleaning of grounds or structures in connection therewith, or the preparation and removal of roadway construction zones, lane closures, flagging, or traffic diversions, or the installation, repair, maintenance, or calibration of monitoring equipment for underground storage tanks, and whether or not the performance of work herein described involves the addition to, or fabrication into, any structure, project, development or improvement herein described of any material or article of merchandise.” (BPC § 7026)

The CSLB is authorized to take disciplinary action against licensed and unlicensed contractors who have violated the License Law, but not those who violate license laws of other professional practice acts. Violation of other practice acts are under the jurisdiction of the board charged with administering the practice act. However, the License Law identifies violation of the building laws of this state, including unlicensed activity as a structural pest operator, as cause for disciplinary action (BPC § 7011). CSLB is also empowered to issue civil penalties for these violations up to \$30,000 (BPC § 7099.2).

Unlicensed Activity and Consistency with Existing Law. Enforcing unlicensed activity is a priority for most programs with the DCA. Not only is unlicensed activity unfair to law abiding licensees when an individual or business operates without a license, it poses a risk to consumers who cannot be assured that the person with whom they are doing business is qualified to provide the services for which a license is required. Additionally, it has been proven that when licensing laws are ignored, other laws, such as those applicable to wage and hour, workers’ compensation insurance, and workplace safety are likely not being followed.

This bill would provide an additional tool for state regulators to deter unlicensed activity. Specifically, this bill would authorize the CSLB to pursue discipline and/or issue a civil penalty against a licensed contractor for the unlicensed practice of land surveying, and other construction related professions – architecture, landscape architecture, engineering, geology, and geophysics – by including each profession’s license requirements in the definition of building laws of this state.

This bill does not propose a new concept. Consistent with existing law, BPC § 7110 (a), identifies unlicensed activity as a structural pest control operator by a licensed contractor to be cause for disciplinary action against a CSLB licensee. This bill would similarly add unlicensed activity of other relevant building related practice acts with the Business and Professions Code that are administered by programs within the DCA, to the definition of “building laws of this state,” for the purpose of disciplinary or enforcement action by the CSLB.

Unlicensed Practice of Land Surveying. In 2019, the BPELSG reported that it had witnessed a spike in unlicensed activity, largely stemming from the advancement

and democratization of technologies (i.e. Global Positioning System (GPS) and Ground Penetrating Radar (GPR) used to render land surveying and geophysical services. At the time, the BPELSG reported that the concern was not so much that laypersons were utilizing these tools, but that unlicensed individuals were interpreting resulting data and making subsequent recommendations, which constitute the practice of land surveying and geophysics in California. BPELSG reported conducting outreach at industry events and formed a relationship with the California Facilities Safe Excavation Board. However, the BPELSG continues to receive complaints about unlicensed activity and encounter businesses with no knowledge of the state's licensing requirements. Professional stakeholders also contend that certain entities – such as public agencies, developers, and contractors – often perform activities that technically constitute licensed land surveying or civil engineering within their wider scope of work on a project.

In its 2023-24 Sunset Review Report, the BPELSG stated that it is currently seeking ways to enhance the effectiveness of its Enforcement Unit in addressing complaints related to unlicensed practice. While administrative citations are useful for public disclosure, they are often not effective in motivating violators to actually cease activity. The internet is increasingly used for advertising these unlicensed services, further complicating enforcement. Additionally, businesses that may be licensed under other DCA entities, such as CSLB licensees, can often absorb the cost of administrative fines related to unlicensed land surveying or civil engineering activity with otherwise minimal impact on their professional licensure.

Throughout the BPELSG 2024 Sunset Review process, sponsors of this legislation worked with the Assembly Committee on Business and Professions and this Committee to consider additional ways that BPELSG might better combat unlicensed land surveyor activity, including increased and additional fines. These discussions resulted in several substantive reforms that were contained in the AB 3252 (Berman, Chapter 558, Statutes of 2024), including expanding prohibitions related to the impersonation of a licensed engineer, land surveyor or geologist to also include the false use of “in-training” titles, requiring licensees to disclose the existence of professional liability insurance coverage in all client contracts, and additional business disclosure requirements to increase transparency. However, meaningful enforcement against unlicensed activity – particularly by businesses that are otherwise licensed by another state entity – remains challenging.

Opposition Concerns. Contractor labor organizations raised concerns that their members' use of GPS, GPR, drones or other technology may subject licensed contractor employees to BPELSG license requirements and/or enforcement action. This bill would not prevent contractors from using technology (or any tool or instrument for that matter) in the normal course of work as a contractor. These tools are not referenced by the bill and BPELSG only mentions increased availability to the technology as a contributing factor to the increase in unlicensed activity. This bill does not change existing scope of any of the impacted professions and only references existing law. Consequently, for enforcement action to be taken by BPELSG or CAB for unlicensed activity (which would trigger referral to CSLB), the program of jurisdiction would need to prove that the scope requiring a license was being performed without a license, just as it would under current law.

Opposition also voiced concerns that this bill would blur jurisdictional lines that would encourage competing contractors to file reports of unlicensed activity of the other practice acts with the CSLB or that their employees could be targeted for enforcement. This bill does not change jurisdiction of the CSLB, BPELSG, or CAB. In fact, this bill ensures the program of jurisdiction retains authority to determine who is performing the work of a licensee under each program's practice act. For example, current practice is when a complaint of unlicensed land surveying activity were to be submitted to CSLB, that complaint would be referred to the BPELSG because CSLB does not have jurisdiction to enforce the Land Surveyors Act. This bill does not change that.

Concerns that contractors could be targeted by BPELSG are not practical. This bill does not require CSLB to take disciplinary action on every case, only authorizing CSLB to take disciplinary action when a contractor is found to be *willfully and deliberately* in violation of the relevant practice act. To prove a willful and deliberate violation, evidence typically must show the violator had knowledge that a violation is occurring and continued committing the violation. In accordance with BPC § 125.9, BPELSG regulations provide that each citation shall contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement (Title 16 of the California Code of Regulations (16 CCR) § 472(b)(3)). Additionally, BPELSG regulations require the program to inform the cited that he or she may appeal the citation (16 CCR § 472(b)(6) and (7)). During an appeal, a cited person has the opportunity to demonstrate they were not operating within the scope for which they were cited or that they complied with the order of abatement.

Therefore, to comply with this bill, only after willful and deliberate unlicensed activity is found through investigation by the program of jurisdiction, evidence supports a violation, a citation is issued, the cited person does not comply with an order of abatement, and the appeal process is exhausted with the citation affirmed, would BPELSG refer a case to the CSLB. Additionally, any fines assessed by the CSLB would not go to BPELSG so there is no incentive for BPELSG to target contractors. This bill simply provides incentive for contractors to comply with scope limitations that currently exist in law.

Implementation Issues. The Assembly Committee on Business and Professions identified an implementation issue concerning whether the CSLB would need to initiate its own investigation to substantiate such a violation. The Committee recommended that the author consider clarifying how the BPELSG and CAB might collaborate with the CSLB to notify them of known practice violations by CSLB licensees to streamline the investigation and disciplinary processes. All impacted programs are within DCA and have confirmed this issue will be addressed internally. Therefore, a prescriptive process is not needed in statute at this time.

3. **Related Legislation.** SB 779 (Archuleta of 2025) would increase current minimum civil penalties issued by the CSLB and establish minimum civil penalty amounts where they do not currently exist, including for violations of BPC § 7110, a violation of which would result in a minimum fine of \$1,500. *This bill is currently in the Assembly Committee on Business and Professions.*

AB 3253 (Berman, Chapter 588, Statutes of 2024) extended the sunset date for the BPELSG until January 1, 2029, expanded the BPELSG's authority to take enforcement action against certain unlicensed activities, and made various other technical changes in response to issues raised during the sunset review process.

SB 1454 (Ashby, Chapter 485, Statutes of 2024) extended the sunset date for the CSLB until January 1, 2029, and made various other substantive changes in response to issues raised during the sunset review process.

AB 1747 (Quirk, Chapter 757, Statutes of 2022) added state and local laws relating to issuance of building permits to BPC § 7110 and added a violation of BPC § 7110 to the violations for which a fine of \$30,000 could be assessed by the CSLB.

4. **Arguments in Support.** The American Council of Engineering Companies, California, American Institute of Architects, California, California & Nevada Civil Engineers and Land Surveyors Association, Inc., and California Land Surveyors Association (sponsors) write, “The advancement of technologies such as the Global Positions System (GPS) and Ground Penetrating Radar (GPR) are used by laypersons to perform unlicensed land surveying services. While these tools can be used in a variety of productive ways by licensed land surveyors, they are often inconsistent and inaccurate when used by laypersons...AB 1341 will help ensure that consumers large and small are protected from unlicensed practice and ensure appropriate sanctions for those who violate the law.”

The American Society of Civil Engineers, Region 9 (California) (ACSE) writes in support, “ASCE agrees with the sponsors that your AB 1341 would help combat the unlicensed practice of land surveying. The work performed by land surveyors includes the setting of legal property boundaries and locating with high precision the geospatial location of fixed works in the context of construction and engineering design and is therefore critical to the integrity of engineering design and the construction or modification of any building or infrastructure in the state.

The Board for Professional Engineers, Land Surveyors and Geologists writes, “[w]hen our Board discovers violations of the “building laws of the state” by regulated licensees, these violations are reported to the Contractors State License Board (CSLB). Our Board believes that the language in this bill is consistent with prior communications issued by the CSLB to their licensees where they stated ‘The Contractors State License Board is reminding licensees that their CSLB-issued license does not allow them to perform land surveying and civil engineering work. Performing this type of work with a licensed issued by the Board for Professional Engineers, Land Surveyors, and Geologists could put your CSLB license at risk.’”

The Contractors State License Board notes, “AB 1341 will assist in preventing unlicensed practice of other licensed professions and is in line with CSLB’s efforts to combat the underground economy. CSLB understands the grave harm that unlicensed practice in general causes consumers and its inclusion in Contractors Law may help draw attention to the issue.”

5. **Arguments in Opposition.** The California State Council of Laborers writes in opposition, “California Business and Professions Code section 7110 already grants

authority to the Contractors State License Board (CSLB) to take disciplinary action against contractors who violate ‘building laws of the state.’ AB 1341 seems to duplicate these existing enforcement mechanisms. Further, the Laborers’ signatory contractors have been operating ground penetrating radar for at least 20 years and have never needed a survey license. This scope of work is recognized by the Department of Industrial Relations for purposes of prevailing wages. AB 1341 could conflate this work with actual surveying, thus forcing our contractors to obtain surveying licenses.”

The Construction Employers Association, Southern California Contractors Association, and United Contractors write, “[u]nlicensed practice in these specialized professions is already prohibited and enforceable under existing law by the relevant licensing boards. AB 1341 would expand the disciplinary authority of the Contractors State License Board (CSLB) without providing corresponding clarity to contractors regarding the specific scope and boundaries of regulated work. This is particularly problematic given the increasing use of technologies such as drones, GPS, and ground penetrating radar tools that are often used by contractors for project planning, safety, or compliance purposes. Without additional guidance or regulatory clarity, contractors operating in good faith could be subject to CSLB discipline, including license revocation, for inadvertently performing tasks that fall within these professional domains. AB 1341 threatens to upend long-standing statutory exemptions that permit contractors to perform or subcontract specific types of work, such as nonstructural improvements or wood-frame design without needing to hire separately licensed professionals.”

6. Suggested Amendments.

Renumber bill for clarity. BPC § 7110 currently lists a violation of BPC §§ 8550 and 8556, which are unlicensed activity as a structural pest control operator (enforced by the Structural Pest Control Board, a program within DCA) as subdivision (a)(1). As written, this bill would add license requirements of BPELSG and CAB, also programs within the DCA, as subdivision (b). The Committee recommends renumbering this section to contain unlicensed activity for all DCA programs in one subdivision to avoid any implication that the legislative intent is to treat unlicensed activity for BPELGS and CAB practice acts differently than that of the Structural Pest Control Board.

Amend BPC § 7110 as follows:

(a) Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee:

~~(1) Section 8550 or 8556.~~

~~(2)~~(1) Sections 1689.5 to 1689.15, inclusive, of the Civil Code.

~~(3)~~(2) The safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state.

~~(4)~~(3) The Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code).

~~(5)~~(4) Any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells.

~~(6)~~(5) Any provision of Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code.

~~(7)~~(6) Section 374.3 of the Penal Code or any substantially similar law or ordinance that is promulgated by a local government agency as defined in Section 82041 of the Government Code.

~~(8)~~(7) Any state or local law relating to the issuance of building permits.

(b) As used in this section, "building laws of the state" includes, without limitation, all of the following:

(1) Section 5536, subdivision (c) of Section 5536.1, and Section 5536.4.

(2) Section 5640.

(3) Section 6787.

(4) Section 7872.

[\(5\) Section 8550 or 8556.](#)

~~(5)~~(6) Section 8792.

SUPPORT AND OPPOSITION:

Support:

American Council of Engineering Companies, California (sponsor)

American Institute of Architects California (sponsor)

California & Nevada Civil Engineers and Land Surveyors Association, Inc. (sponsor)

California Land Surveyors Association (sponsor)

Board for Professional Engineers, Land Surveyors and Geologists

Contractors State License Board

Opposition:

California State Council of Laborers

Construction Employers' Association

Southern California Contractors Association

United Contractors

-- END --

AMENDED IN ASSEMBLY MAY 7, 2025
AMENDED IN ASSEMBLY APRIL 23, 2025
AMENDED IN ASSEMBLY MARCH 24, 2025
CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1341

Introduced by Assembly Member Hoover

February 21, 2025

An act to amend Section 7110 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

AB 1341, as amended, Hoover. Contractors: discipline: building law violations.

Existing law, the ~~Contractors’~~ *Contractors* State License Law, establishes the ~~Contractors’~~ *Contractors* State License Board to license and regulate contractors. Existing law makes the willful or deliberate disregard and violation of the building laws of the state or of specified other provisions of law a cause for disciplinary action against a licensee.

This bill would specify that “building laws of the state” includes certain prohibitions related to the practice and unlicensed practice of architecture, *landscape architecture*, engineering, geology or geophysics, and land surveying, and, therefore, would also make a willful or deliberate disregard and violation of those specified prohibitions a cause for disciplinary action against a licensee.

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

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

SECTION 1. Section 7110 of the Business and Professions Code is amended to read:

7110. (a) Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee:

(1) Section 8550 or 8556.

(2) Sections 1689.5 to 1689.15, inclusive, of the Civil Code.

(3) The safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state.

(4) The Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code).

(5) Any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells.

(6) Any provision of Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code.

(7) Section 374.3 of the Penal Code or any substantially similar law or ordinance that is promulgated by a local government agency as defined in Section 82041 of the Government Code.

(8) Any state or local law relating to the issuance of building permits.

(b) As used in this section, "building laws of the state" includes, without limitation, all of the following:

(1) Section 5536, subdivision (c) of Section 5536.1, and Section 5536.4.

(2) Section 5640.

~~(2)~~

(3) Section 6787.

~~(3)~~

(4) Section 7872.

~~(4)~~

(5) Section 8792.

SB 470 (Laird-D)
Bagley-Keene Open Meeting Act: teleconferencing

Status/History: 6/03/2025 – Passed Senate; Referred to Assembly Committees on Government Organization and Appropriations

Location: 7/10/2025 – Passed Government Organization and referred to Appropriations

Introduced: 2/19/2025

Amended: 4/10/2025

Board Position: Support at May 29, 2025 Board meeting

Board Staff Analysis: 7/15/2025

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 that all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

The act authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The act authorizes, under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing. The act repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026, repeal date, thereby authorizing the above-described additional, alternative set of teleconferencing provisions indefinitely.

Affected Laws: An act to amend Sections 11123.2 and 11123.5, of the Government Code.

Staff Comment: This bill will seek to remove the sunset date while maintaining the current meeting requirements. Staff believe the current requirements work well, provides for flexibility when necessary, allows more opportunity for public participation, and serves both the Board and the public better than pre-pandemic requirements.

5/20/2025 Updated Staff Comments: This proposed language was amended by Judiciary Committee to include a new sunset date of January 1, 2030.

7/15/2025 Updated Staff Comments: Proceeding through Assembly committees; no amendments.

Staff Recommendation:

No further action is required by the Board at this time.

Date of Hearing: July 9, 2025

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Blanca Rubio, Chair

SB 470 (Laird) – As Amended April 10, 2025

SENATE VOTE: 28-5

SUBJECT: Bagley-Keene Open Meeting Act: teleconferencing

SUMMARY: This bill would extend the January 1, 2026, repeal date for certain provisions in the Bagley-Keene Open Meeting Act (Bagley-Keene or Act) until January 1, 2030, authorizing and specifying conditions under which a state body may hold a meeting by teleconference, as specified. Specifically, **this bill:**

- 1) Extends the January 1, 2026, repeal date on the authorization of an alternative set of provisions under which a state body may hold a meeting by teleconference until January 1, 2030.
- 2) Extends the January 1, 2026, repeal date on the authorization for a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions until January 1, 2030.

Specific details of SB 470:

- 1) Provides, in addition to the authorization to hold a meeting by teleconference pursuant to current Bagley-Keene provisions, a state body may hold an open or closed meeting by teleconference, as described, provided the meeting complies with specified requirements:
 - a) A majority of the members of the state body shall be physically present at the same teleconference location. Additional members of the state body in excess of a majority of the members may attend and participate in the meeting from a remote location. A remote location is not required to be accessible to the public. The notice and agenda shall not disclose information regarding a remote location.
 - b) Authorize a member's remote participation, if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member would be counted toward the majority of members required to be physically present at the same teleconference location.
 - c) If a member of the state body attends the meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
 - d) The members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as provided.
 - e) All votes taken during the teleconferenced meeting shall be by rollcall. The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
 - f) Upon discovering that a means of remote public access and participation required has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting, as defined.

- g) Defines "Teleconference" to mean a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.
- h) Defines "Teleconference location" to mean a physical location that is accessible to the public and from which members of the public may participate in the meeting.
- i) Defines "Remote location" to mean a location from which a member of a state body participates in a meeting other than a teleconference location.
- j) Defines "Participate remotely" to mean participation by a member of the body in a meeting at a remote location other than a teleconference location designated in the notice of the meeting.
- k) These specified requirements, as described, shall remain in effect until January 1, 2030, and as of that date is repealed.

2) Authorizes an additional means of holding a meeting by teleconference by an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body, as prescribed, under specified requirements:

- a) The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public.
- b) Provides the state body shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate.
- c) Provides, at least one staff member of the state body shall be present at the primary physical meeting location during the meeting. The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.
- d) States when a member of a state body participates remotely in a meeting, as defined, the state body shall provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting, including, if available, equal access equivalent to members of the state body participating remotely.
- e) Provides that the applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, shall be in the 24-hour notice, as described.
- f) Provides, the members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.
- g) Defines "Participate remotely" to mean participation in a meeting at a location other than the physical location designated in the agenda of the meeting.
- h) Defines "Remote location" to means a location other than the primary physical location designated in the agenda of a meeting.
- i) Defines "Teleconference" to mean a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.
- j) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its internet website, as specified. A member of a state body who participates in a teleconference meeting from a remote location subject to this section's requirements shall be listed in the minutes of the meeting.
- k) This bill does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of the Act.

- 1) These specified requirements, as described, shall remain in effect until January 1, 2030, and as of that date is repealed.
- 3) Restates current provisions of the Bagley-Keene when the above-described requirements sunset on January 1, 2030.
- 4) Includes related legislative findings and declarations.

EXISTING LAW:

- 1) Affirms that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny. (California Constitution Article I, Section 3(b)(1).)
- 2) Establishes the Bagley-Keene Act, which requires state bodies to conduct their business in open public meetings, except as provided by the Act, and establishes requirements and procedures for such meetings. (California Government Code, Title 2, Division 3, Article 9, Sections 11120 et seq.)
 - a) "State bodies" covered by the Act include every state board, commission or body created by statute or required by law to conduct official meetings, every commission created by executive order, a board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body, any advisory body created by formal action of a state body, anybody supported by public funds and which a member of a state body serves in their official capacity, and the State Bar of California. (California Government Code Section 11121.)
 - b) "State bodies" do not include specified legislative agencies (except the State Bar of California), agencies subject to the Brown Act, and certain educational and health-related agencies. (California Government Code Section 11121.1.)
- 3) Authorizes meetings through teleconference subject to specified requirements, including, among other things, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.
- 4) Authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The Act authorizes, a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the Act prohibits the notice and agenda from disclosing. The Act repeals these provisions on January 1, 2026.

5) Authorizes a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions that specify requirements, including, among others, that the advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate, that at least one staff member of the advisory body be present at the primary physical meeting location during the meeting, and that the members of the advisory body appear on camera during the open portion of a meeting, as specified. Existing law repeals these provisions on January 1, 2026.

6) Repeals, on January 1, 2026, the above-described requirements for the alternative set of teleconferencing provisions for multimember state advisory bodies, and, instead, requires, among other things, that the advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate.

FISCAL EFFECT: This bill is keyed fiscal by Legislative Counsel.

COMMENTS:

Purpose of the bill. According to the author’s office, “when the Bagley-Keene Act was adopted in 1967, no one envisioned the computer age. The Americans with Disabilities Act had not been adopted. The idea that citizens could participate in public meetings remotely was not common. The COVID pandemic demonstrated the need to address those changes. The state conducted meetings remotely to continue the public process, and learned of the benefits and drawbacks of virtual participation.”

Additionally, “Senate Bill 470 builds upon the successful implementation of SB 544 of 2023 by [extending] the January 1, 2026 sunset to enshrine public and disability access in state board and commission meetings, while preserving transparency in the decision-making process. The provisions provide that boards and commissions must have a quorum present in public at one location, require that remote public officials have their camera on, and require remote testimony options for public hearings.”

Background.

The Bagley-Keene Open Meeting Act of 1967. Bagley-Keene originated as a response to growing concerns about transparency and public involvement in the decision-making process of state agencies. Bagley-Keene aims to ensure that state boards, commissions, and agencies conduct their business openly and transparently, allowing the public to be informed and participate in the decision-making process.

Bagley-Keene generally requires state bodies to conduct their meetings openly and make them accessible to the public. The law also requires state bodies to provide advance notice of their meetings and agendas and to allow public comments on matters under consideration. The Act includes certain exceptions, such as closed sessions for discussing personnel issues or pending litigation, to protect the privacy and legal interests of individuals and the state.

The Act applies to state bodies, including: every state board, or commission created by statute or required by law to conduct official meetings and every commission created by executive order; any board, commission, or committee exercising the authority of a state body delegated to it; an

advisory board, advisory commission, advisory committee or subcommittee created by formal action of the state body; and any board, commission, or committee on which a member of a body that is a state body serves in his or her official capacity as a representative of the state body, as specified. The law does not apply to individual officials or the California State Legislature.

COVID-19 and Executive Order N-29-20. On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of what at the time was a novel and rapidly growing COVID-19 pandemic. Despite early efforts, the virus continued to spread. On March 17, 2020, Governor Newsom issued Executive Order (EO) N-29-20 citing the fact that strict compliance with various statutes and regulations on open meetings of state bodies would have prevented, hindered, or delayed appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic. The executive order, among other things, required public meetings be accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body.

Temporary Teleconferencing Extensions in 2022 and 2023. SB 189 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2022), among other things, provided a temporary statutory extension for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings. The law suspended certain requirements that would typically apply to in-person meetings, such as having a physical location for the public to attend and providing access to all remote teleconference locations until July 1, 2023. State bodies were encouraged to exercise discretion when conducting teleconferenced meetings and to make a good-faith effort to adhere to the other provisions of the Bagley-Keene Act as closely as possible. These practices aimed to maintain transparency and public accessibility in remote meetings. This temporary provision was set to expire on July 1, 2023.

SB 544 (Laird, Chapter 216, Statutes of 2023) granted, until January 1, 2026, state bodies an additional option to conduct meetings via teleconference provided that at each teleconference location at least one member of the state body is physically present. In specified circumstances, individual members may participate remotely without being in a public location, such as when a majority of members at a given teleconference site are physically present or if the member has a disability-related need.

Public participation must be ensured: meetings must be visible and audible at each teleconference location, and the public must be able to attend remotely through equivalent audio or video access provided to members. The agenda must list all teleconference locations, internet or telephone access information, and physical addresses, and members of the public must be allowed to provide public comment live (not just in writing beforehand). State bodies must also provide accommodations for individuals with disabilities and prominently advertise those procedures.

SB 544 (2023) sets specific rules for member participation: a majority of members must generally be physically present at a single teleconference location, though exceptions are allowed for members with qualifying disabilities. Members participating remotely must disclose if other adults are present at their location and appear on camera during open meetings unless there are technological barriers. Voting must be conducted by roll call, and all actions taken must be publicly reported. If remote public access fails during a meeting and cannot be restored, the

meeting must be adjourned, and notice must be promptly provided online and via email to interested parties.

SB 544 (2023) also authorized advisory state bodies (like advisory boards, advisory commissions, advisory committees, or advisory subcommittees) to hold meetings by teleconference, allowing members to participate remotely under specific conditions. Members participating remotely must be identified in the meeting minutes, and public notice must be given at least 24 hours in advance, though the remote location of participating members does not have to be disclosed. The notice and agenda must include a designated primary physical meeting location where the public can attend, observe, and participate, with at least one staff member present at that site. Public remote access must also be provided by phone or internet, with the access information included in the 24-hour notice.

During meetings, members of advisory bodies must appear on camera unless doing so is technologically impracticable. In such cases, the reason must be publicly announced. If remote public access fails and cannot be restored, the meeting must be adjourned, with appropriate notice provided both online and via email.

Senate Bill 544 (2023) was intended to supplement—not replace—existing teleconferencing provisions. It preserves the 10-day public posting requirement for agendas under broader open meeting laws. Notably, the remote participation framework established by SB 544 was tailored specifically for advisory bodies, allowing greater flexibility than the teleconferencing rules applicable to general state bodies.

SB 470 of 2025 would extend the January 1, 2026, repeal date on the above discussed teleconferencing authorizations in Bagley-Keene until January 1, 2030.

The Americans with Disabilities Act of 1990 (ADA). The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities in everyday activities. The ADA prohibits discrimination on the basis of disability just as other civil rights laws prohibit discrimination on the basis of race, color, sex, national origin, age, and religion. The ADA guarantees that those with disabilities have equal opportunities to pursue employment, purchase goods and services, and participate in state and local government programs. The ADA contains specific requirements for state and local governments to ensure equal access for people with disabilities.

Report by Little Hoover Commission. In June 2021, The Little Hoover Commission issued a report #261 titled, "The Government of Tomorrow: Online Meetings." In its report, the Commission found that California can make its public meetings more accessible and inclusive by requiring that boards and commissions give the public remote access to every meeting. This change would especially benefit those who traditionally face obstacles in interacting with state government, such as low-income people, rural Californians, or people with physical disabilities.

The report stated that, "Our survey of Bagley-Keene agencies affirms that such meetings offer substantial benefits to the public, including reduced travel costs, a broadening of potential board members and commissioners who are able to serve, and the ability to meet more often and in a timely way. The year of the pandemic has proven that state government can take advantage of modern technology to hold meetings that are more accessible, more affordable, and more efficient. Remote access to all public meetings unquestionably increases the public's ability to monitor state government. The practical ability of board and commission members to participate

remotely from their homes or private offices allows for this important segment of state government to increase efficiency, inclusion and flexibility."

In Support. AARP California writes that, "Limiting participation to those who can attend to in-person only (or to an approved physical location) poses a barrier to equitable participation in public debate and discussion for many older Californians, persons with disabilities, and Californians living in remote areas. AARP views this as an issue of both equity and access, and our policy supports removing unnecessary barriers to participation on boards and commissions for individuals representing under-served communities."

LeadingAge writes in support, "SB 470 is a necessary step in modernizing California's public meetings by extending the alternative teleconferencing provisions initially authorized under SB 544 (Laird, 2023). This bill ensures that advisory bodies can continue leveraging teleconferencing technology to promote inclusivity, enhance diversity among participants, and improve efficiency while maintaining full transparency and public access.

In opposition. A coalition of opponents jointly write, "[t]he stated goal of being able to attract more people to serve in public office is no reason to remove accountability protections. These multi-member bodies, including those that are advisory, wield immense power, influencing policy and priorities in our state. The coalition seeks amendments to align the bill with AB 2449 (B. Rubio, Ch. 285, Stats. 2022), which provided a more narrow framework for teleconferencing by local agencies subject to the Brown Act which tied use of teleconferencing to "specific hardships, such as health issues or caregiving needs, subject to reasonable caps and other modest provisions that serve the public interest."

Related legislation. AB 259 (B. Rubio) of 2025. This bill would extend, until January 1, 2030, the sunset date of January 1, 2026, on provisions of law enacted by AB 2449 (Blanca Rubio), Chapter 285, Statutes of 2022, which allowed members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions. (Senate Committee on Local Government)

AB 409 (Arambula) of 2025. This bill would extend, until January 1, 2030, the sunset date on the provisions of law enacted by AB 1855 (Arambula), Chapter 232, Statutes of 2024, which allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act. (Senate Committee on Local Government)

AB 467 (Fong) of 2025. This bill would extend, until January 1, 2030, the sunset date of January 1, 2026, on provisions of law enacted by SB 411 (Portantino), Chapter 605, Statutes of 2023, which allowed a neighborhood council in the City of Los Angeles to teleconference without meeting all of the teleconferencing requirements of the Brown Act. (Senate Committee on Local Government)

SB 707 (Durazo) of 2025. This bill would, until January 1, 2030, require government bodies, as defined, to comply with additional meeting requirements, including that, except as specified, all open and public meetings include an opportunity for members of the public to attend via a 2-way telephonic service or a 2-way audiovisual platform, as defined, and that the eligible legislative

body take specified actions to encourage residents to participate in public meetings, as specified.
(Assembly Committee on Local Government)

Prior legislation. SB 544 (Laird), Chapter 216 of 2023. Authorized, until January 1, 2026, state bodies to meet via teleconferencing without requiring each teleconference location to be identified in the notice and agenda, agendas be posted at all teleconference locations, and each teleconference location being accessible to the public if certain requirements are met.

AB 557 (Hart), Chapter 534 of 2023. Eliminated the sunset date for allowing local agencies to use teleconferencing without complying with specified teleconferencing requirements during a proclaimed state of emergency.

SB 189 (Committee on Budget and Fiscal Review), Chapter. 48 of 2022. Among other things, provided a temporary statutory extension for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings, as specified.

AB 1733 (Quirk) of 2022. This bill would have updated Bagley-Keene to accommodate teleconferenced meetings as a standard practice, as provided. This bill was never set for a hearing in the Assembly Governmental Organization Committee.

AB 2449 (Rubio), Chapter 285 of 2022. Allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations and making them publicly accessible under certain conditions.

REGISTERED SUPPORT / OPPOSITION:

Support

AARP

Alzheimer's Association

Alzheimer's Greater Los Angeles

Alzheimer's Orange County

Alzheimer's San Diego

Association of California State Employees With Disabilities

Association of Regional Center Agencies

Board of Behavioral Sciences

California Alliance for Retired Americans

California Association of Licensed Investigators

California Board of Psychology

California Coalition on Family Caregiving

California Collaborative for Long-Term Services and Supports (CCLTSS)

California Commission on Aging

California Foundation for Independent Living Centers

California Long Term Care Ombudsman Association (CLTCOA)

California Privacy Protection Agency

California Transportation Commission

Court Reporters Board

Dental Board of California

Dental Hygiene Board of California
 Disability Rights California
 DMS Registered Service Agency Advisory Committee
 Easterseals Northern California
 Family Caregiver Alliance (FCA)
 LeadingAge California
 Little Hoover Commission (org & Economy Comm.)
 Medical Board of California
 Physician Assistant Board
 California State Council on Developmental Disabilities (SCDD)

Support If Amended

Indivisible CA Statestrong

Oppose

ACLU California Action
 California Broadcasters Association
 California Chamber of Commerce
 California Common CAUSE
 California News Publishers Association
 CCNMA: Latino Journalists of California
 First Amendment Coalition
 Freedom of the Press Foundation
 Howard Jarvis Taxpayers Association
 Howard Jarvis Taxpayers Association (HJTA)
 League of Women Voters of California
 Media Guild of the West (NewsGuild-CWA Local 39213)
 National Press Photographers Association
 Orange County Press Club
 Pacific Media Workers Guild (NewsGuild-CWA Local 39521)
 Radio Television Digital News Association
 Society of Professional Journalists, Northern California Chapter

Analysis Prepared by: Eric Johnson / G.O. / (916) 319-2531

AMENDED IN SENATE APRIL 10, 2025

SENATE BILL

No. 470

Introduced by Senator Laird

February 19, 2025

An act to amend ~~Section 11123.2 of, and to amend and repeal Section Sections 11123.2 and 11123.5 of,~~ the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as amended, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

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 meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

The act authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as

specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The act authorizes, under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing. The act repeals these provisions on January 1, 2026.

~~This bill would delete the January 1, 2026 repeal date, thereby authorizing the above-described additional, alternative set of teleconferencing provisions indefinitely.~~ *instead repeal these provisions on January 1, 2030.*

The act authorizes a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions that are in addition to the above-described provisions generally applicable to state bodies. These alternative provisions specify requirements, including, among others, that the multimember state advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate, that at least one staff member of the state body to be present at the primary physical meeting location during the meeting, and that the members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. ~~Existing law~~ *The act* repeals these provisions on January 1, 2026.

~~This bill would delete the January 1, 2026 repeal date, thereby authorizing the above-described alternative set of teleconferencing provisions for multimember state advisory bodies indefinitely.~~ *instead repeal these provisions on January 1, 2030.*

The act, beginning January 1, 2026, removes the above-described requirements for the alternative set of teleconferencing provisions for multimember state advisory bodies, and, instead, requires, among other things, that the multimember state advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate.

~~This bill would repeal those provisions.~~ *instead make these provisions operative on January 1, 2030.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public

officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 11123.2 of the Government Code is
 2 amended to read:
 3 11123.2. (a) For purposes of this section, the following
 4 definitions apply:
 5 (1) "Teleconference" means a meeting of a state body, the
 6 members of which are at different locations, connected by
 7 electronic means, through either audio or both audio and video.
 8 (2) "Teleconference location" means a physical location that is
 9 accessible to the public and from which members of the public
 10 may participate in the meeting.
 11 (3) "Remote location" means a location from which a member
 12 of a state body participates in a meeting other than a teleconference
 13 location.
 14 (4) "Participate remotely" means participation by a member of
 15 the body in a meeting at a remote location other than a
 16 teleconference location designated in the notice of the meeting.
 17 (b) (1) In addition to the authorization to hold a meeting by
 18 teleconference pursuant to subdivision (b) of Section 11123 and
 19 Section 11123.5, a state body may hold an open or closed meeting
 20 by teleconference as described in this section, provided the meeting
 21 complies with all of this section's requirements and, except as set
 22 forth in this section, it also complies with all other applicable
 23 requirements of this article relating to the specific type of meeting.
 24 (2) This section does not limit or affect the ability of a state
 25 body to hold a teleconference meeting under another provision of
 26 this article, including Sections 11123 and 11123.5.
 27 (c) The portion of the teleconferenced meeting that is required
 28 to be open to the public shall be visible and audible to the public
 29 at each teleconference location.
 30 (d) (1) The state body shall provide a means by which the public
 31 may remotely hear audio of the meeting, remotely observe the

1 meeting, remotely address the body, or attend the meeting by
2 providing on the posted agenda a teleconference telephone number,
3 an internet website or other online platform, and a physical address
4 for each teleconference location. The telephonic or online means
5 provided to the public to access the meeting shall be equivalent to
6 the telephonic or online means provided to a member of the state
7 body participating remotely.

8 (2) The applicable teleconference telephone number, internet
9 website or other online platform, and physical address of each
10 teleconference location, as well as any other information indicating
11 how the public can access the meeting remotely and in person,
12 shall be specified in any notice required by this article.

13 (3) If the state body allows members of the public to observe
14 and address the meeting telephonically or otherwise electronically,
15 the state body shall do both of the following:

16 (A) Implement a procedure for receiving and swiftly resolving
17 requests for reasonable modification or accommodation from
18 individuals with disabilities, consistent with the federal Americans
19 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
20 resolving any doubt whatsoever in favor of accessibility.

21 (B) Advertise that procedure each time notice is given of the
22 means by which members of the public may observe the meeting
23 and offer public comment.

24 (e) This section does not prohibit a state body from providing
25 members of the public with additional locations from which the
26 public may observe or address the state body by electronic means,
27 through either audio or both audio and video.

28 (f) (1) The agenda shall provide an opportunity for members
29 of the public to address the state body directly pursuant to Section
30 11125.7.

31 (2) Members of the public shall be entitled to exercise their right
32 to directly address the state body during the teleconferenced
33 meeting without being required to submit public comments before
34 the meeting or in writing.

35 (g) The state body shall post the agenda on its internet website
36 and, on the day of the meeting, at each teleconference location.

37 (h) This section does not affect the requirement prescribed by
38 this article that the state body post an agenda of a meeting in
39 accordance with the applicable notice requirements of this article,
40 including Section 11125, requiring the state body to post an agenda

1 of a meeting at least 10 days in advance of the meeting, Section
2 11125.4, applicable to special meetings, and Sections 11125.5 and
3 11125.6, applicable to emergency meetings.

4 (i) At least one member of the state body shall be physically
5 present at each teleconference location.

6 (j) (1) Except as provided in paragraph (2), a majority of the
7 members of the state body shall be physically present at the same
8 teleconference location. Additional members of the state body in
9 excess of a majority of the members may attend and participate in
10 the meeting from a remote location. A remote location is not
11 required to be accessible to the public. The notice and agenda shall
12 not disclose information regarding a remote location.

13 (2) A member attending and participating from a remote location
14 may count toward the majority required to hold a teleconference
15 if both of the following conditions are met:

16 (A) The member has a need related to a physical or mental
17 disability, as those terms are defined in Sections 12926 and
18 12926.1, that is not otherwise reasonably accommodated pursuant
19 to the federal Americans with Disability Act of 1990 (42 U.S.C.
20 Sec. 12101 et seq.).

21 (B) The member notifies the state body at the earliest
22 opportunity possible, including at the start of a meeting, of their
23 need to participate remotely, including providing a general
24 description of the circumstances relating to their need to participate
25 remotely at the given meeting.

26 (3) If a member notifies the body of the member's need to attend
27 and participate remotely pursuant to paragraph (2), the body shall
28 take action to approve the exception and shall request a general
29 description of the circumstances relating to the member's need to
30 participate remotely at the meeting, for each meeting in which the
31 member seeks to participate remotely. The body shall not require
32 the member to provide a general description that exceeds 20 words
33 or to disclose any medical diagnosis or disability, or any personal
34 medical information that is already exempt under existing law,
35 such as the Confidentiality of Medical Information Act (Part 2.6
36 (commencing with Section 56) of Division 1 of the Civil Code).

37 (4) If a member of the state body attends the meeting by
38 teleconference from a remote location, the member shall disclose
39 whether any other individuals 18 years of age or older are present

1 in the room at the remote location with the member, and the general
2 nature of the member's relationship with any such individuals.

3 (k) (1) Except as provided in paragraph (2), the members of
4 the state body shall visibly appear on camera during the open
5 portion of a meeting that is publicly accessible via the internet or
6 other online platform.

7 (2) The visual appearance of a member of the state body on
8 camera may cease only when the appearance would be
9 technologically impracticable, including, but not limited to, when
10 the member experiences a lack of reliable broadband or internet
11 connectivity that would be remedied by joining without video, or
12 when the visual display of meeting materials, information, or
13 speakers on the internet or other online platform requires the visual
14 appearance of a member of a state body on camera to cease.

15 (3) If a member of the state body does not appear on camera
16 due to challenges with internet connectivity, the member shall
17 announce the reason for their nonappearance when they turn off
18 their camera.

19 (l) All votes taken during the teleconferenced meeting shall be
20 by rollcall.

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

24 (n) The portion of the teleconferenced meeting that is closed to
25 the public shall not include the consideration of any agenda item
26 being heard pursuant to Section 11125.5.

27 (o) Upon discovering that a means of remote public access and
28 participation required by subdivision (d) has failed during a
29 meeting and cannot be restored, the state body shall end or adjourn
30 the meeting in accordance with Section 11128.5. In addition to
31 any other requirements that may apply, the state body shall provide
32 notice of the meeting's end or adjournment on the state body's
33 internet website and by email to any person who has requested
34 notice of meetings of the state body by email under this article. If
35 the meeting will be adjourned and reconvened on the same day,
36 further notice shall be provided by an automated message on a
37 telephone line posted on the state body's agenda, internet website,
38 or by a similar means, that will communicate when the state body
39 intends to reconvene the meeting and how a member of the public
40 may hear audio of the meeting or observe the meeting.

1

(p) *This section shall remain in effect only until January 1, 2030,*
2 *and as of that date is repealed.*

3 SEC. 2. Section 11123.5 of the Government Code, as amended
4 by Section 2 of Chapter 216 of the Statutes of 2023, is amended
5 to read:

6 11123.5. (a) For purposes of this section, the following
7 definitions apply:

8 (1) "Participate remotely" means participation in a meeting at
9 a location other than the physical location designated in the agenda
10 of the meeting.

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

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

14 (b) In addition to the authorization to hold a meeting by
15 teleconference pursuant to subdivision (b) of Section 11123 or
16 Section 11123.2, any state body that is an advisory board, advisory
17 commission, advisory committee, advisory subcommittee, or
18 similar multimember advisory body may hold an open meeting by
19 teleconference as described in this section, provided the meeting
20 complies with all of the section's requirements and, except as set
21 forth in this section, it also complies with all other applicable
22 requirements of this article.

23 (c) A member of a state body as described in subdivision (b)
24 who participates in a teleconference meeting from a remote location
25 subject to this section's requirements shall be listed in the minutes
26 of the meeting.

27 (d) The state body shall provide notice to the public at least 24
28 hours before the meeting that identifies any member who will
29 participate remotely by posting the notice on its internet website
30 and by emailing notice to any person who has requested notice of
31 meetings of the state body under this article. The location of a
32 member of a state body who will participate remotely is not
33 required to be disclosed in the public notice or email and need not
34 be accessible to the public. The notice of the meeting shall also
35 identify the primary physical meeting location designated pursuant
36 to subdivision (f).

37 (e) This section does not affect the requirement prescribed by
38 this article that the state body post an agenda of a meeting at least
39 10 days in advance of the meeting. The agenda shall include
40 information regarding the physical meeting location designated

1 pursuant to subdivision (f), but is not required to disclose
2 information regarding any remote location.

3 (f) A state body described in subdivision (b) shall designate the
4 primary physical meeting location in the notice of the meeting
5 where members of the public may physically attend the meeting,
6 observe and hear the meeting, and participate. At least one staff
7 member of the state body shall be present at the primary physical
8 meeting location during the meeting. The state body shall post the
9 agenda at the primary physical meeting location, but need not post
10 the agenda at a remote location.

11 (g) When a member of a state body described in subdivision
12 (b) participates remotely in a meeting subject to this section's
13 requirements, the state body shall provide a means by which the
14 public may remotely hear audio of the meeting or remotely observe
15 the meeting, including, if available, equal access equivalent to
16 members of the state body participating remotely. The applicable
17 teleconference phone number or internet website, or other
18 information indicating how the public can access the meeting
19 remotely, shall be in the 24-hour notice described in subdivision
20 (b) that is available to the public.

21 (h) (1) Except as provided in paragraph (2), the members of
22 the state body shall visibly appear on camera during the open
23 portion of a meeting that is publicly accessible via the internet or
24 other online platform.

25 (2) The visual appearance of a member of a state body on camera
26 may cease only when the appearance would be technologically
27 impracticable, including, but not limited to, when the member
28 experiences a lack of reliable broadband or internet connectivity
29 that would be remedied by joining without video, or when the
30 visual display of meeting materials, information, or speakers on
31 the internet or other online platform requires the visual appearance
32 of a member of a state body on camera to cease.

33 (3) If a member of the body does not appear on camera due to
34 challenges with internet connectivity, the member shall announce
35 the reason for their nonappearance when they turn off their camera.

36 (i) Upon discovering that a means of remote access required by
37 subdivision (g) has failed during a meeting, the state body
38 described in subdivision (b) shall end or adjourn the meeting in
39 accordance with Section 11128.5. In addition to any other
40 requirements that may apply, the state body shall provide notice

1 of the meeting's end or adjournment on its internet website and
 2 by email to any person who has requested notice of meetings of
 3 the state body under this article. If the meeting will be adjourned
 4 and reconvened on the same day, further notice shall be provided
 5 by an automated message on a telephone line posted on the state
 6 body's agenda, or by a similar means, that will communicate when
 7 the state body intends to reconvene the meeting and how a member
 8 of the public may hear audio of the meeting or observe the meeting.

9 (j) This section does not limit or affect the ability of a state body
 10 to hold a teleconference meeting under another provision of this
 11 article.

12 (k) *This section shall remain in effect only until January 1, 2030,*
 13 *and as of that date is repealed.*

14 ~~SEC. 3. Section 11123.5 of the Government Code, as added~~
 15 ~~by Section 3 of Chapter 216 of the Statutes of 2023, is repealed.~~

16 SEC. 3. *Section 11123.5 of the Government Code, as added*
 17 *by Section 3 of Chapter 216 of the Statutes of 2023, is amended*
 18 *to read:*

19 11123.5. (a) In addition to the authorization to hold a meeting
 20 by teleconference pursuant to subdivision (b) of Section 11123,
 21 any state body that is an advisory board, advisory commission,
 22 advisory committee, advisory subcommittee, or similar
 23 multimember advisory body may hold an open meeting by
 24 teleconference as described in this section, provided the meeting
 25 complies with all of the section's requirements and, except as set
 26 forth in this section, it also complies with all other applicable
 27 requirements of this article.

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

32 (c) The state body shall provide notice to the public at least 24
 33 hours before the meeting that identifies any member who will
 34 participate remotely by posting the notice on its internet website
 35 and by emailing notice to any person who has requested notice of
 36 meetings of the state body under this article. The location of a
 37 member of a state body who will participate remotely is not
 38 required to be disclosed in the public notice or email and need not
 39 be accessible to the public. The notice of the meeting shall also

1 identify the primary physical meeting location designated pursuant
2 to subdivision (e).

3 (d) This section does not affect the requirement prescribed by
4 this article that the state body post an agenda of a meeting at least
5 10 days in advance of the meeting. The agenda shall include
6 information regarding the physical meeting location designated
7 pursuant to subdivision (e), but is not required to disclose
8 information regarding any remote location.

9 (e) A state body described in subdivision (a) shall designate the
10 primary physical meeting location in the notice of the meeting
11 where members of the public may physically attend the meeting
12 and participate. A quorum of the members of the state body shall
13 be in attendance at the primary physical meeting location, and
14 members of the state body participating remotely shall not count
15 towards establishing a quorum. All decisions taken during a
16 meeting by teleconference shall be by rollcall vote. The state body
17 shall post the agenda at the primary physical meeting location, but
18 need not post the agenda at a remote location.

19 (f) When a member of a state body described in subdivision (a)
20 participates remotely in a meeting subject to this section's
21 requirements, the state body shall provide a means by which the
22 public may remotely hear audio of the meeting or remotely observe
23 the meeting, including, if available, equal access equivalent to
24 members of the state body participating remotely. The applicable
25 teleconference phone number or internet website, or other
26 information indicating how the public can access the meeting
27 remotely, shall be in the 24-hour notice described in subdivision
28 (a) that is available to the public.

29 (g) Upon discovering that a means of remote access required
30 by subdivision (f) has failed during a meeting, the state body
31 described in subdivision (a) shall end or adjourn the meeting in
32 accordance with Section 11128.5. In addition to any other
33 requirements that may apply, the state body shall provide notice
34 of the meeting's end or adjournment on its internet website and
35 by email to any person who has requested notice of meetings of
36 the state body under this article. If the meeting will be adjourned
37 and reconvened on the same day, further notice shall be provided
38 by an automated message on a telephone line posted on the state
39 body's agenda, or by a similar means, that will communicate when

1 the state body intends to reconvene the meeting and how a member
2 of the public may hear audio of the meeting or observe the meeting.

3 (h) For purposes of this section:

4 (1) "Participate remotely" means participation in a meeting at
5 a location other than the physical location designated in the agenda
6 of the meeting.

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

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

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

13 (j) This section shall become operative on January 1, ~~2026~~.
14 2030.

15 SEC. 4. The Legislature finds and declares that Section 1 of
16 this act, which amends Section 11123.2 of the Government Code,
17 and Sections 2 and 3 of this act, which amend and repeal Section
18 11123.5 of the Government Code, modify the public's right of
19 access to the meetings of public bodies or the writings of public
20 officials and agencies within the meaning of Section 3 of Article
21 I of the California Constitution. Pursuant to that constitutional
22 provision, the Legislature makes the following findings to
23 demonstrate the interest protected by this limitation and the need
24 for protecting that interest:

25 (a) By continuing to ensure that agendas are not required to be
26 posted at, and that agendas and notices do not disclose information
27 regarding, the location of each public official participating in a
28 public meeting remotely, including from the member's private
29 home or hotel room, this act protects the personal, private
30 information of public officials and their families while preserving
31 the public's right to access information concerning the conduct of
32 the people's business.

33 (b) During the COVID-19 public health emergency, audio and
34 video teleconference were widely used to conduct public meetings
35 in lieu of physical location meetings, and those public meetings
36 have been productive, increased public participation by all
37 members of the public regardless of their location and ability to
38 travel to physical meeting locations, increased the pool of people
39 who are able to serve on these bodies, protected the health and
40 safety of civil servants and the public, and have reduced travel

- 1 costs incurred by members of state bodies and reduced work hours
- 2 spent traveling to and from meetings.
- 3 (c) Conducting audio and video teleconference meetings
- 4 enhances public participation and the public's right of access to
- 5 meetings of the public bodies by improving access for individuals
- 6 who often face barriers to physical attendance.

O

SB 518 (Weber Pierson-D)
Descendants of enslaved persons: reparations

Status/History: 6/03/2025 – Referred to Assembly Judicial Committee

Location: 7/02/2025 – Passed Judicial Committee and referred to Assembly Appropriations

Introduced: 2/19/2025

Amended: 4/07/2025; 4/10/2025; 4/24/2025; 5/23/2025; 6/16/2025; 7/03/2025

Board Position: Watch from May 29, 2025 Board meeting

Board Staff Analysis: 7/14/2025

Bill Summary: This bill would establish the Bureau for Descendants of American Slavery within state government, under the control of the director, who would be appointed by the Governor and confirmed by the Senate. The bill would require the bureau, as part of its duties, to determine how an individual's status as a descendant would be confirmed. The bill would also require proof of an individual's descendant status to be a qualifying criterion for benefits authorized by the state for descendants. To accomplish these goals, the bill would require the bureau to be comprised of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Affairs Division.

Affected Laws: An act to add and repeal Section 115.7 to the Business and Professions Code.

Staff Comment: This bill would create a new Bureau under the Department for the purposes of determining an individual's status as a descendant of an enslaved person. This bill is related to AB 742, addressed separately in the Board's meeting materials, which is proposing to add and repeal the same section of code.

5/20/2025 Updated Staff Comments: Multiple amendments to this proposal occurred while in review by Judiciary Committee which are primarily clarified under which agency the Bureau would be created (Department of Justice) and how the Bureau would perform its many operational functions, which include determining the status of a descendant of an enslaved person for the purposes of applying for a license. The most recent analysis from Appropriations tends towards concerns related to the overall cost to establish and maintain a new regulatory entity.

7/14/2025 Updated Staff Comments: Much of the amendments subsequent to the Board's last position on this bill have focused on the administrative implementation of the Bureau and how certification of descendants will be conducted and does not impact the Board's operations.

Staff Recommendation:

Staff recommends the Board take a Watch position on SB 518 as amended July 3, 2025.

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 518 (Weber Pierson) – As Amended June 16, 2025

As Proposed to be Amended

SENATE VOTE: 28-10

SUBJECT: DESCENDANTS OF ENSLAVED PERSONS: REPARATIONS

KEY ISSUE: SHOULD CALIFORNIA ESTABLISH A BUREAU FOR THE DESCENDANTS OF SLAVERY IN ORDER TO ADVANCE THE RECOMMENDATIONS OF THE REPARATIONS TASK FORCE AND VERIFY AN INDIVIDUAL'S STATUS AS A DESCENDANT OF AMERICAN CHATTEL SLAVERY?

SYNOPSIS

Fifty-seven years ago, the late historian John Hope Franklin, a distinguished pioneer in the field of African American History, wrote the following: "If the house is to be set in order, one cannot begin with the present; he must begin with the past." (John Hope Franklin, "Rediscovering Black America," New York Times, September 8, 1968). With AB 3121 (Chap. 319, Stats. 2020), California belatedly confronted parts of its past and created the Task Force to Study and Develop Reparations Proposals for African Americans (Task Force). AB 3121 required the Task Force to gather and synthesize the documentary evidence of slavery and its ongoing legacy in California, develop ways to educate Californians about its findings, and recommend appropriate remedies in a report to the Legislature. The 1100-page report appeared in June of 2022. The first of the report's several policy recommendations called for the creation of an agency to oversee implementation of any Task Force recommendations that become law.

This bill seeks to realize this threshold Task Force recommendation by establishing a Bureau for Descendants of Slavery within the Department of Justice. The Bureau will consist of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Division. The Genealogy Division will establish a process to certify descendants and create a method for them to submit claims for any benefits that may be authorized by the state. Another important recommendation of the Task Force called for compensation for persons who were dispossessed by racially motivated eminent domain. Under this bill, the Bureau's Property Reclamation Division seeks to further that goal by collecting data on relevant properties and accepting applications from dispossessed owners, or their direct descendants. The Education and Outreach division will implement a public education campaign, while the Legal Affairs Division will provide legal advice and related services to the Bureau.

This bill, a priority measure of the California Black Legislative Caucus, is supported by a large coalition of civil rights groups and reparation advocates. Opponents fall into two camps: those who oppose the principle of reparations on philosophical or constitutional grounds, and those who contend that the bill falls short of the Task Force recommendations. The author will take an amendment in this Committee. The amendment is reflected in the summary below and discussed in the analysis.

SUMMARY: Establishes the Bureau for Descendants of American Slavery to help carry out the recommendations of the Reparations Task Force. Specifically, **this bill:**

- 1) Establishes the Bureau for Descendants of American Slavery (Bureau) within the Department of Justice, under the control of the director, who would be appointed by the Attorney General and confirmed by the Senate. Requires the Bureau to verify an individual's status as a descendant and require proof of an individual's descendant status as a qualifying criterion for benefits that may be authorized by the state. To accomplish these goals, the Bureau shall include the following divisions: a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Affairs Division.
- 2) Requires the Genealogy Division to do the following:
 - a) Establish a process to certify descendants of American slaves.
 - b) Create a method for eligible individuals to submit claims and receive compensation.
 - c) Establish equitable alternative qualifying criterion where an individual's status as a descendant cannot be confirmed or proven.
 - d) Support potential reparations claimants and assist individuals in verifying genealogical lineage by applying established evidence-based methodology to aid in determining eligibility.
- 3) Defines "descendant," for purposes of the above, to mean individuals who can establish direct lineage to a person who, prior to 1900, was subjected to American chattel slavery and meets at least one of the following criteria:
 - a) Was emancipated through legal or extralegal means, as specified.
 - b) Obtained freedom through gradual abolition statutes or constitutional amendments.
 - c) Was classified as a fugitive from bondage under federal or state law.
 - d) Was deemed contraband by military authorities.
 - e) Rendered military or civic service while subject to legal restrictions based on ancestry historically associated with slavery.
- 4) Requires the Property Reclamation Division to research and document California state properties acquired as a result of racially motivated eminent domain, including properties that no longer exist due to state highway construction or other developments, and to create a database identifying such properties. The Division would also review and investigate public complaints from people who claim their property was taken for racially motivated reasons and without just compensation. The bill also sets forth detailed procedures by which a person may seek a determination that they are a "dispossessed owner" and that they seek the return of the taken property, other property of equal value, or financial compensation.
- 5) Defines "dispossessed owner" for purposes of 4) above to mean a person who has had property taken from them as a result of racially motivated eminent domain or is a direct descendant of the person whose property was taken.

- 6) Requires the Education and Outreach Division to develop and implement a public education campaign regarding the cycle of gentrification, displacement, and exclusion; the connection between redlining and gentrification; and the history of discriminatory urban planning in California.
- 7) Requires the Legal Affairs Division to provide legal advice, counsel, and services to the Bureau and its officials; ensure that the Bureau's programs are administered in accordance with applicable legislative authority; serve as an external liaison on legal matters with other state agencies and other entities; and conduct a review of past and current laws, as well as proposed legislation, to determine whether those measures have caused, are causing, or may continue to cause harm.
- 8) Requires any nonpublic personal and genetic information held under the bureau's authority to be collected, held, and disclosed only as relevant and necessary to accomplish the purposes set forth in this bill. Specifies that before asking applicants to provide information, the bureau shall inform the individual about how the collected information will be used, the reason for soliciting the information, and the effects on the individual, if any, of not providing all or part of the information.

EXISTING LAW:

- 1) Prohibits the State from discriminating against, or granting preferential treatment to, any individual or group because of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. (California Constitution Article I, Section 31.)
- 2) Established, under former law, the Task Force To Develop Reparations Proposals for African Americans, with Special Consideration for African Americans Descended from Persons Enslaved in the United States (Task Force), and provided that the Task Force statute would remain in effect until July 1, 2023, and as of that date be repealed. (Former Government Code Sections 8301-8301.7, repealed by Section 8301.7.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: According to the author:

Senate Bill 518 establishes the Bureau for Descendants of American Slavery to address and remedy the lasting harms inflicted on Black Californians. For generations, California upheld discriminatory policies and practices that denied Black residents access to land, wealth, education, and economic opportunity. From exclusionary housing practices to barriers in employment and healthcare, these policies created deep racial disparities that persist today.

Building on the findings and recommendations of the California Reparations Task Force, SB 518 creates a state agency to verify lineage and facilitate access to reparative programs. By ensuring that descendants of enslaved people receive recognition and targeted benefits in housing, education, and economic opportunity, this bill takes a critical step toward dismantling institutional barriers and advancing justice for Black Californians.

Background: Fifty-seven years ago the late historian John Hope Franklin, a distinguished pioneer in the field of African American History, wrote the following: “If the house is to be set in order, one cannot begin with the present; he must begin with the past.” (John Hope Franklin, “Rediscovering Black America,” *New York Times*, September 8, 1968). With AB 3121 (Chap. 319, Stats. 2020), California belatedly confronted parts of its past and created the Task Force to Study and Develop Reparations Proposals for African Americans (Task Force). The legislation required the Task Force to gather and synthesize the documentary evidence of slavery and its ongoing legacy in California, develop ways to educate Californians about its findings, and recommend appropriate remedies in a report to the Legislature. That report appeared in June of 2022. The first of the report’s several policy recommendations called for the creation of an agency to oversee implementation of any Task Force recommendations that become law.

This bill seeks to realize this threshold Task Force recommendation by establishing a Bureau for Descendants of Slavery within the Department of Justice. As detailed below, the Bureau will consist of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Division. The next part of this analysis provides historical context on the long road leading to the creation of the Task Force, as it speaks to the broader purpose and historical significance of SB 518 and related legislation. Some of this material comes from this Committee’s analysis of AB 3121. Those familiar with this background may skip ahead to the more immediate context that begins of page 6 of this analysis.

The Long History of Reparation Proposals. Although a 2014 article by Ta-Nehisi Coates (“The Case for Reparations,” *Atlantic*, June 2014) revived the debate about reparations for the descendants of enslaved Americans, arguments in favor of reparations have a long history, pre-dating even the Civil War and emancipation. As early as 1783, an enslaved women known only as Belinda petitioned the Massachusetts General Court for a “pension” from the estate of her former master, Isaac Royall. A British loyalist, the aptly named Isaac Royall fled the colonies for England at the outbreak of the American Revolution. In 1778 Massachusetts confiscated Royall’s real property (as they did with Loyalists) and manumitted his slaves. Massachusetts granted the manumitted Belinda her request. When the estate failed to make payments as promised, Belinda petitioned the state in 1787 and again in 1790. Unfortunately, we do not know what became of Belinda and her award after that, but as the historian Roy Finkenbine writes, her petition “achieved a life of its own,” as it was reproduced in the early 19th century by abolitionists in the United States and England, who invoked Belinda’s logic: she was owed a part of Royall’s wealth because her unpaid labor had created it. (Roy Finkenbine, “Belinda’s Petition: Reparations for Slavery in Revolutionary Massachusetts,” *William and Mary Quarterly*, 3d Series (2007): 95-104.)

Antebellum religious leaders, abolitionists, and Northern Free Black communities continued to call for compensation. For example, an 1810 sermon by Timothy Dwight, the President of Yale College, advocated for reparations for former slaves. In response to Northerners who might claim that they personally had not been involved with the early slave trade, Dwight had an answer:

It is in vain to allege that *our ancestors* brought them [Africans] hither, and not we . . . We inherit our ample patrimony and all of its encumbrances; and we are bound to pay the debts of our ancestors. *This* debt, particularly, we are bound to discharge; and when the righteous Judge of the Universe comes to reckon with his servants, he will rigidly exact the payment at our hands. To give them liberty, and stop here, is to entail upon

them a curse. (Timothy Dwight, *The Charitable Blessed: A Sermon Preached in the First Church in New Haven, August 8, 1810* (New Haven: 1810), 22-23, as quoted in Finkenbine, *supra*, 104.)

While our secular world may no longer fear the wrath of the Judge of the Universe, the other points in Dwight's sermon are quite relevant to the current debate over reparation. First, Dwight argued that it is no defense to claim that slavery was the work of "our ancestors," because all of us have enjoyed the wealth, or "ample patrimony," produced by slavery. Other antebellum reformers maintained that emancipation by itself was not enough to redress the wrongs of slavery. A Black abolitionist, Hosea Easton, writing in 1837, maintained that any fair plan would need "to restore to [the formerly enslaved] all that slavery has taken away from them. Merely to cease beating the colored people, and leave them to their gore, and call it emancipation, is nonsense." David Walker's radical abolitionist tract, *Appeal to the Colored Citizens of the World* (1829) argued that, in addition to the economic debt owed to the formerly enslaved, African Americans were owed "a national acknowledgement . . . for the wrongs they [whites] have inflicted upon us." (See Lynda Morgan, "Reparations and History," *Journal of African American History* 99 (Fall 2014): 403-426; Finkenbine, *supra*, 103-104.) Today's calls for reparations are similarly about more than an economic reckoning; they are also an acknowledgement for wrongs committed.

From "Forty Acres and Mule" to the Ex-Slave Pension Movements: Perhaps the most significant efforts to compensate formerly enslaved persons for years of unpaid labor were the land reforms proposed in the immediate wake of emancipation, offering "Forty Acres and a Mule" to each freedmen. As the Union Army occupied parts of the South it found itself in possession of plantations that had been abandoned by their owners. The formerly enslaved who were not recruited into the Union Army were sometimes allowed to work plots of land, often forty acres. Most famously, General William T. Sherman's "Special Field Order No. 15" would have provided for the confiscation of abandoned lands in the Sea Islands off South Carolina and elsewhere in South Carolina, Georgia, and Northern Florida. While some freedmen obtained a forty acre plot in this manner, President Andrew Johnson, who took office upon Lincoln's assassination, overturned Sherman's order and restored the lands for their former enslavers. [See Eric Foner, *A Short History of Reconstruction* (New York: 1990), pp. 71-78.]

The failure of land reform and the broken promise of "forty acres and a mule" did not end calls for reparations. In the late 19th century, African Americans formed numerous "mutual benefit" associations to help each other in hard times. Some of these associations also began to lobby Congress to enact "ex-slave pensions" for former slaves and their immediate offspring. The movement appears to have been inspired at least in part by the dramatic expansion of Civil War pensions to widows and children of former Union soldiers. If the federal government could provide pensions to the Union soldiers, and their widows and children, then it seemed just and reasonable to provide pensions to former slaves and their families for the unpaid labor that built a substantial part of the nation's wealth.

The Failure of Litigation as an Argument in Favor of Reparations: While movements for reparations have typically lobbied legislative bodies to provide compensation or establish programs that seek restorative justice, another track has used litigation in an attempt to obtain redress from persons, businesses, corporations, and other institutions that profited from slavery. In some cases, litigants have attempted to obtain damages for specific incidents, identifying specific plaintiffs harmed by specific defendants, such as the lawsuit against local agencies in

Tulsa, Oklahoma, for the Tulsa riot of 1921, in which hundreds of African Americans were killed and homes and businesses destroyed. However, in *Alexander v. Oklahoma* (2004) 382 F.3d 1206, a federal appellate court affirmed a district court ruling dismissing the claims as time-barred. While the lawsuit may have failed legally, it may have succeeded politically. Earlier this year, the Mayor of Tulsa announced a plan to redress the harms. The proposal, known as the “Road to Repair,” establishes Greenwood Trust, named for the Tulsa neighborhood and business district (also known as “Black Wall Street”) targeted in the riots. The trust will manage \$105 million in assets, some of which would also go into a legacy fund to acquire and develop land. (“105 Million Reparations Package for Tulsa Race Massacre Unveiled by Mayor,” *New York Times*, June 1, 2025.)

Unfortunately, not all litigation has produced positive results. Most litigation has failed for many reasons, including the running of statutes of limitation, the inability of descendants to establish legal “standing” to sue, or simply the inability of litigants, after so many years, to establish a causal nexus between the plaintiff’s harm and the defendant’s wrongdoing. What these failures may demonstrate is that litigation is not the most fruitful avenue for seeking reparations, especially when they lead to negative legal precedents. Critics of reparations have made arguments that echo those made by the courts when dismissing actions. For example, they note the difficulty of identifying victims and perpetrators or establishing the requisite causal nexus for events long since passed. However, one could argue that these difficulties are not so much an argument against reparations as they are an argument against using a litigation strategy. Precisely because the injustices are not easily subject to judicial remedies, it might be up to the representative branches of government to take the lead.

The Present Debate and the Task Force: The recent attention to reparations is largely attributable to Ta-Nehisi Coates compelling article, “The Case for Reparations,” in the June, 2014 issue of the *Atlantic*. Although Coates’ article certainly did not ignore the era of slavery and Jim Crow, the bulk of his article focused on Chicago in the years following World War II, when the policies of private lenders, insurance companies, and the federal government frustrated the efforts of African Americans to obtain the primary means of middle class and the inter-generational transfer of wealth: home ownership. In addition, these policies perpetuated the problems of “white flight,” which carried sources of revenue to white suburbs while allowing the increasingly African American cities to suffer from want of municipal services. Coates relates the stories of several African Americans who through hope, faith, hard work, and perseverance managed to become home owners against all odds. Behind the handful of success stories, however, were many more about those who lost their homes, as well as any equity that they would have earned if they had been able to obtain a mortgage. Coates highlights many of themes outlined in the history described above: that the legacy of slavery is not merely a matter of oppression but of “theft;” that the theft did not end with emancipation, but continued well into the 20th century and even into our own times. Therefore, he concludes, it will be difficult to heal the wounds of the past without some form of acknowledgement and restorative justice.

AB 3121 and the Reparations Task Force. With AB 3121 (Chap. 319, Stats. 2020), California belatedly confronted parts of its past and created the Task Force to Study and Develop Reparations Proposals for African Americans (Task Force). The legislation required the Task Force to gather and synthesize the documentary evidence of slavery and its ongoing legacy in California, develop ways to educate Californians about its findings, and recommend appropriate remedies in a report to the Legislature. The more than 1000-page Task Force report details both the past and continuing legacy of California laws and policy designed to prevent African

Americans in California from enjoying the full benefits of their citizenship. (*California Reparations Report (Report)*, “Executive Summary,” p. 48.) The first 13 chapters of the Report identify a breathtaking range of laws and policies that have harmed African Americans: enslavement, racial terror, political disfranchisement, housing segregation, separate and unequal education, employment discrimination, and an unjust legal system that has led to unconscionable rates of incarceration for Black Californians.

After laying out these findings of harm, the middle parts of the Report examine international approaches to reparations and healing, from Germany, Chile, and South Africa, among others. These remedies can take the form of restitution, economic compensation, or programs of “rehabilitation,” which might include an array of legal and social services or educational programs. Reparations is not only a matter of writing checks.

The concluding chapters of the Report set forth a robust set of recommendations, starting with a formal apology and acknowledgment of wrongs done by the state. Because “apologies alone are inadequate reparations for victims,” the Report makes several concrete policy recommendations designed to provide true reparations for the documented harms. As the Report stresses on more than one occasion, the harms inflicted “have not been incidental or accidental,” but were often the intentional result of “an all-encompassing web of discriminatory laws, regulations, and policies enacted by government.” Therefore, addressing these wrongs will require changes in existing laws and the disruption of institutionalized patterns of racism.

In order to oversee the process, the Task Force called for the establishment of a California American Freedmen Affairs Agency (Agency). In the 2023-2024 session, Senator Steven Bradford introduced two bills— SB 490 in 2023, and SB 1403 in 2024 – attempting to create such an agency. While SB 490 never received a hearing in the Assembly, SB 1403 passed out of this Committee as well as the Assembly Appropriations Committee; it died on the Assembly Floor late in the session. SB 1403 would have required the Agency to implement Task Force recommendations, in part, by overseeing and monitoring existing agencies tasked with carrying out specific policies. The Agency was to include, among other things, a Genealogy Office that would “support potential reparations claimants by providing access to expert genealogical research to confirm reparations eligibility and expedited assistance with the reparations claims process.” (*Report*, chapter 18, p. 636.)

Bureau for Descendants of Slavery. SB 518, the bill now before the Committee, similarly seeks to create an agency that will address the harms identified in the Task Force Report and implement its recommendations. It does so by establishing a Bureau for Descendants of Slavery within the Department of Justice. While the legislative intent language indicates that the scope and responsibilities of the Bureau may expand as necessary to fulfill its mission, the bill in print requires the Bureau, as part of its duties, “to verify an individual’s status as a descendant.” This verification will be critical, as this bill makes proof of an individual’s descendant status a qualification for any benefits that may be authorized by the state. The bill requires the Bureau to include four divisions: a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Division. Each division is discussed in turn below.

Genealogy Division. The Bureau’s Genealogy Division will establish a process to certify “descendants,” as defined, and create a method for descendants to submit claims for any benefits that may be authorized by the state. The bill also recognizes the reality of lost or incomplete documentation by requiring the Bureau establish “alternative qualifying criterion” in cases where

a person's status cannot otherwise be proven. Finally, as proposed to be amended in this Committee, the bill requires the Bureau to support potential reparations claimants and assist them in verifying genealogical lineage by applying an established evidence-based methodology.

The process described above hinges to a large extent of the meaning of “descendant,” which the bill defines as an individual who can establish direct lineage to a person who, prior to 1900, was subjected to American chattel slavery, “and where [the ancestor] meets one of the following criteria:”

- Was emancipated through legal or extralegal means, as specified.
- Obtained freedom through gradual abolition statutes or constitutional amendments.
- Was classified as a fugitive from bondage under federal or state law.
- Was deemed contraband by military authorities.
- Rendered military or civic service while subject to legal restrictions based on ancestry historically associated with slavery.

The author may wish to consider whether the “and” in the existing language should be an “or.” That is, if the claimant can establish direct lineage to a person who was subjected to American chattel slavery, why would they also need to meet one of the additional criteria?

Property Reclamation Division. Consistent with the recommendations of the Task Force, the Bureau will also include a Property Reclamation Division to address the injustices of racially discriminatory eminent domain. As documented in several histories cited in the Task Force Report, California has a long and well-documented history of racially discriminatory uses of eminent domain by both state and local government. In California, as throughout the nation, urban renewal and highway construction projects disproportionately impacted African American communities, with one study suggesting that African Americans were five times more likely than any other group to be displaced by eminent domain, as Black homes and businesses were destroyed to build California freeways or achieve so-called “slum clearance.” Earlier this session, this Committee heard and passed AB 62 (McKinnor), which established procedures by which a person who lost property because of racially motivated eminent domain (or their descendant) could apply to an Office of Legal Affairs (within a proposed new state agency) for the return of the property or, if the property were not available, then property of equal value or financial compensation. Although AB 62 did not specify the proposed state agency in which its Office of Legal Affairs might reside, the Bureau created by this bill is a likely candidate.

Education and Outreach Division. Consistent with recommendations of the Task Force, the Bureau will also contain an Education and Outreach Division. This division will develop and implement a public education campaign on relevant topics, including the cycle of gentrification, displacement, exclusion, and discriminatory urban planning in California.

Legal Affairs Division. Finally a Legal Affairs Division – also a prominent recommendation of the Task Force – will provide legal advice, counsel, and services to the Bureau and its officials. Among other things, the Division will ensure that the Bureau's programs are administered in accordance with applicable legislative authority and serve as a liaison on legal matters with other state agencies. The Division will also conduct a review of past and present laws, as well as

proposed legislation, to determine the extent of harm caused by these laws and recommend ways to mitigate those harms.

Proposed Author’s Amendment. As noted above, when the Task Force recommended the creation of California American Freedmen Affairs Agency, it recommended a Genealogy Office that would “support potential reparations claimants by providing access to expert genealogical research to confirm reparations eligibility and expedited assistance with the reparations claims process.” (Report, chapter 18, p. 636.) The Task Force apparently assumed that the Genealogy Office would not just accept claims and establish a certification process, but that it would affirmatively support and assist the claimant in conducting genealogical research. The Genealogy Division in the bill in print does not require this affirmative support and assistance, or at least not expressly. Therefore, the author will take the following amendment in this Committee:

- On page 5 after line 34 insert: *(4) Support potential reparations claimants and assist individuals in verifying genealogical lineage by applying established evidence-based methodology to aid in determining eligibility.*

Opposition’s concerns and potential responses. Opponents fall into two camps: those who oppose the principle of reparations on philosophical or constitutional grounds, and those, on the other end of the spectrum, who contend that the bill falls short of Task Force recommendations and will only result in further delays.

The constitutional argument put forward by the Pacific Legal Foundation (PLF), which has been discussed in prior reparation-related bills before this Committee, is fairly straightforward. PLF cites U.S. Supreme Court case law – including its recent decision in *Students for Fair Admissions v Harvard* (2023) 600 U.S. 181 – to contend that SB 518 is unconstitutional under the Fourteenth Amendment’s equal protection clause. PLF argues that because SB 518 uses a “racial classification” – or at least a proxy for race – that the measure will be subject to strict scrutiny. Strict scrutiny requires California to show that the legislation serves a “compelling government interest” and means that are “narrowly tailored” to serve that interest. PLF contends that SB 518 fails on both prongs. To be sure, a majority of the current U.S. Supreme Court justices may indeed adopt similar reasoning if the bill is challenged and reaches the nation’s high court.

However, the PLF argument is premised on a court finding that the classification in this bill amounts to a “racial classification.” The author and supporters would argue that the classification used in this bill is based not on race, but upon a person’s status as a descendant of an enslaved person. Even Justice Clarence Thomas –who has strenuously argued that race-based affirmative action is unconstitutional – recently suggested that the original Freedmen’s Bureau after the Civil War – which provided relief to “freedmen” – was not necessarily a racial classification. [*Students for Fair Housing*, at 246-248 (Thomas, J., concurring.)] If that is so, it is not beyond the realm of possibility that “descendant of slavery” is not a racial classification. In the final analysis, if this bill is challenged, the opinion of this Committee and the PLF will not matter. The courts will decide.

On the other side of the political spectrum, Black Lives Matter-Los Angeles (BLM-LA) and the Coalition for Justice in California (CJEC) oppose this bill because they claim it does not follow the recommendations of the Reparations Task Force, will delay implementation, and inappropriately place the Bureau within the Department of Justice, instead of establishing it as an independent body. These opponents argue that placing the entity, and the information that it

collects, within a law enforcement entity risks unnecessary exposure to sensitive information and “raises serious concerns about potential misuse, data breaches, or exploitation in criminal or civil investigations.” However, the most recent amendments to this bill (dated June 16, 2025) added a new section providing that any information under the Bureau’s authority shall only be collected, held, and disclosed for the bill’s stated purposes and in a manner consistent with state and federal privacy laws.

The arguments made by BLM-LA and CJEC alleging that SB 518 will only delay the implementation of the Task Force recommendations merge with their criticisms of the author’s SB 437 and will be addressed in the analysis of that bill.

Related Legislation. SB 437 (Weber Pierson) appropriates \$6 million to the California State University (CSU) to conduct research in furtherance of the recommendations of the Reparations Task Force and to explore options to determine how to confirm an individual’s status as a descendant. The bill requires CSU to conclude this research before the start of the 2029-2030 academic year. Although SB 437 and SB 518 are not contingently linked – and the author contends that SB 518 is not dependent upon SB 437 – it appears that they are intended to work together. That is, the research conducted by CSU will presumably establish best practices for confirming eligibility, while the Bureau created by SB 518 could use those best practices in certifying individual claimants. SB 437 is also before the Committee today and will be discussed in more detail in that bill’s analysis.

ARGUMENTS IN SUPPORT: The Alliance for Reparations, Reconciliation, and Truth (ARRT) supports this bill because it is consistent with the recommendations of the Reparations Task Force and will “provide practical and meaningful steps to repair the damage caused by centuries of discrimination and systemic injustice.” ARRT writes further:

ARRT believes that reparations for descendants and non-descendants, should be impactful, transformative, long-lasting, and comprehensive in accordance with the United Nations’ (UN) five principles for reparations.

SB 518 would establish the Bureau for Descendants of American Slavery within the Department of Justice, under the control of the director, who would be appointed by the Attorney General and confirmed by the Senate. This bill is one of many crucial steps toward addressing the long-lasting and ongoing harms inflicted upon descendants of U.S. Chattel Slavery and non-descendants. As a part of its duties, the Bureau would create four specialized divisions to begin the process of redress and repair.

While SB 518 alone is not enough to repair the harm caused by California’s role in U.S. chattel slavery and its vestiges, as detailed in the final Reparations Task Force Report, its passage would be a significant step towards “satisfaction” and “guarantee of non-repetition” as defined under international human rights law. Harm cannot be repaired unless and until one acknowledges that it exists. This bill is an essential component of the broader effort to address the economic, social, and legal inequalities that continue to affect descendants and nondescendants.

Several other civil rights groups and advocates for reparations and restorative justice support this bill for the substantially the same reasons articulated by ARRT.

ARGUMENTS IN OPPOSITION: The Pacific Legal Foundation writes in opposition:

As currently drafted, SB 518's eligibility criteria for receiving benefits from the Bureau would be subject to strict scrutiny and would probably not survive a legal challenge. Limiting eligibility for state benefits on the basis of race is a clear violation of the U.S. Constitution and would not satisfy the rigorous review that courts would apply.

The Supreme Court was clear in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 208 (2023), that the Constitution rarely tolerates race-based state action. And when it does, it is only within the confines of narrow restrictions. . . SB 518 is no exception.

All racial classifications must satisfy strict scrutiny. (*Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995); *Rice v. Cayetano*, 528 U.S. 495, 514 (2000); *Connerly*, 92 Cal. App. 4th at 29–30.) Under strict scrutiny's "daunting two-step examination," (*Students for Fair Admissions*, 600 U.S. at 206), the government has the burden of proving that racial classifications both (1) further a compelling governmental interest, and (2) are narrowly tailored—necessary—to achieve that interest. (*Johnson v. California*, 543 U.S. 499, 505 (2005).) SB 518 would not satisfy strict scrutiny.

Although SB 518 uses ancestry to further narrow the eligible class of recipients (Black individuals are not eligible if they are not descended from enslaved persons or a free black individual living in the U.S. in the 1800's), strict scrutiny is no less applicable. "Ancestry can be a proxy for race," and is used here "as a racial definition and for a racial purpose." (*Rice*, 528 U.S. at 515.) "Simply because a class defined by ancestry does not include all members of the race does not suffice to make the classification race neutral." *Id.*

The Coalition for a Just and Equitable California (CJEC) opposes this bill, albeit for quite different reasons than those given by the Pacific Legal Foundation. Instead, CJEC contends that the bill is inconsistent with recommendations of the Task Force and will only result in delays. CJEC writes:

While the bill claims to advance the cause of Reparations, its provisions are out of step with the recommendations of the California Reparations Task Force and raise significant concerns regarding privacy, scope, and implementation delays. California's first-in-the-nation Reparations Task Force recommended the creation of an independent state Agency to, in part, conduct a genealogy verification process to confirm Reparations eligibility for residents who believe they are descendants of people emancipated from Chattel slavery. . . SB 518, instead, creates a state Bureau that is dependent on (and embedded in) the California Department of Justice. By potentially housing sensitive genealogical data and personal records within the California Department of Justice—a law enforcement entity—this bill risks unnecessary exposure of private information.

The California Reparations Task Force also recommended a lineage-based approach to Reparations eligibility, along with the creation of the aforementioned state agency to help residents confirm their eligibility and process Reparations claims. But SB 518 includes language stating the intent of the Bureau to expand its scope so that it serves "nondescendants", that is, residents who are not descendants of those emancipated from Chattel Slavery in the U.S.

Furthermore, SB 518 could also contribute to serious implementation delays. As written, although the proposed Bureau would be required to create an Office of Genealogy, that office may not be able to conduct any eligibility certification until the completion of research mandated by SB 437 (Weber-Pierson) . . . SB 518 cannot take effect in practice at least until the completion of the research in SB 437. . . Taken together, SB 518 and SB 437 effectively stall Reparative action, leaving impacted communities in limbo, and postponing justice once again for the very community this bill claims to serve.

Several other groups oppose this bill for substantially similar reasons.

REGISTERED SUPPORT / OPPOSITION:

Support

AAPI Force
AAPIS for Civic Empowerment
ACLU California Action
All Home, a Project of Tides Center
Alliance San Diego
Asian Americans and Pacific Islanders for Civic Empowerment
Bay Area Regional Health Inequity Initiative
BLAC (Black Leadership Alliance Coalition)
Black American Political Association of California, Sacramento Chapter
Black American Political Association San Diego
Black Californians United for Early Care and Education
Black Equity Collective
Black Women for Wellness Action Project
Black Women Organized for Political Action
California Black Power Network
California Civil Liberties Advocacy
California Faculty Association
California Reparations Task Force Members Dr. Cheryl Grills, Lisa Holder, and Don Tamaki
California-Hawaii State Conference of the NAACP
Catalyst California
CFT- a Union of Educators & Classified Professionals
Congregations Organized for Prophetic Engagement
Courage California
Debt Free Justice California
Equal Justice Society
Equality California
Greater Los Angeles African American Chamber of Commerce
Greater Sacramento Urban League
Japanese American Citizens League, Berkeley Chapter
Live Free California
Manzanar Committee
Multi-faith Action Coalition
Prevention Institute
San Francisco Bay Area Black & Jewish Unity Coalition

San Francisco Public Defender
Sarah Webster Fabio Center for Social Justice
Western Center on Law & Poverty
Where Is My Land

Support if Amended

ADOS Advocacy Foundation California Chapter

Opposition

American Redress Coalition of California, Sacramento
American Redress Coalition of California, Bay Area
Black Lives Matter - Los Angeles
California Black Lineage Society
California Organizations for Reparations
Californians for Equal Rights Foundation
Coalition for a Just and Equitable California
Emend the Mass Media Group
Lineage Equity and Advancement Project
Pacific Legal Foundation

Analysis Prepared by: Tom Clark / JUD. / (916) 319-2334

AMENDED IN ASSEMBLY JUNE 16, 2025

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE APRIL 24, 2025

AMENDED IN SENATE APRIL 10, 2025

AMENDED IN SENATE APRIL 7, 2025

SENATE BILL

No. 518

Introduced by Senator Weber Pierson

(Coauthors: Senators Richardson and Smallwood-Cuevas)

(Coauthors: Assembly Members Bonta, Bryan, Elhawary, Gipson,
Jackson, McKinnor, Ransom, Sharp-Collins, and Wilson)

February 19, 2025

An act to amend Section 15002.5 of, and to add Chapter 4 (commencing with Section 15210) to Part 6 of Division 3 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as amended, Weber Pierson. Descendants of enslaved persons: reparations.

Former law, *Chapter 319 of the Statutes of 2020*, until July 1, 2023, established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force).

Former law required the Task Force, a task force to, among other things, to identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies, as specified, and to

recommend the form of compensation that should be awarded, the instrumentalities through which it should be awarded, and who should be eligible for this compensation.

This bill would establish the Bureau for Descendants of American Slavery within the Department of Justice, under the control of the director, who would be appointed by the Attorney General and confirmed by the Senate. The bill would require the bureau, as part of its duties, to ~~determine how~~ *verify* an individual's status as a descendant ~~would be confirmed. The bill would also~~ *and would* require proof of an individual's descendant status to be a qualifying criterion for benefits authorized by the state for descendants. To accomplish these goals, the bill would require the bureau to be comprised of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Affairs Division. *The bill would impose various requirements on the bureau relating to the collection, storage, and disclosure of personal and genetic information, as specified.* The bill would impose specified duties on the Property Reclamation Division to accept, review, and investigate applications, to determine whether an applicant is a dispossessed owner, and, if so, to determine whether and what type of property or just compensation is warranted, as defined and specified. In this regard, the bill would require a local entity, upon a determination that issuing property or just compensation is warranted, to recommend publicly held properties suitable as compensation. By imposing new duties on local entities, this bill would impose a state-mandated local program.

This bill would authorize the state or local entity that took the property to provide compensation in accordance with the division's determination. If the state or local entity does not provide compensation, the bill would authorize a dispossessed owner to bring a claim for compensation and to assert any legal claim that would have been available to the property owner at the time of the taking.

This bill would make implementation of its provisions contingent upon appropriation by the Legislature, as specified.

This bill would include findings and declarations relating to a gift of public funds.

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

This bill would make legislative findings to that effect.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 15002.5 of the Government Code is
2 amended to read:

3 15002.5. Except as provided in Chapter 4 (commencing with
4 Section 15210), the Attorney General may arrange and classify
5 the work of the Department of Justice, and consolidate, abolish,
6 or create divisions, bureaus, branches, sections, or units within the
7 department. Any statutory or other reference to the Office of the
8 Attorney General, the State Bureau of Criminal Identification and
9 Investigation, the Division of Law Enforcement, or the Bureau of
10 Gambling Control shall be construed to refer to the division,
11 bureau, branch, section, or unit within the department which is
12 performing the functions referred to; and no such function shall
13 be abolished without express statutory authority.

14 SEC. 2. Chapter 4 (commencing with Section 15210) is added
15 to Part 6 of Division 3 of Title 2 of the Government Code, to read:

16
17 CHAPTER 4. BUREAU FOR DESCENDANTS OF AMERICAN SLAVERY

18
19 Article 1. General
20

21 15210. (a) It is the intent of the Legislature in establishing the
22 bureau to establish an initial framework and it is the intent of the
23 Legislature that the scope and responsibilities of the bureau may
24 expand as necessary to fulfill its mission and address additional
25 harms as identified.

(b) It is the intent of the Legislature that, as the bureau expands its scope in the future, it shall ~~also advise on reparative remedies to address~~ *do both of the following:*

(1) *Address the lasting harms of disenfranchisement, segregation, discrimination, exclusion neglect, violence, and the persistent consequences of this legacy that impacts both descendants and nondescendants. and violence impacting both descendants and communities harmed as described in Chapters 1 to 13, inclusive, of the California Reparations Report.*

(2) *Advise on reparative remedies to target the persistent consequences of this legacy, guided by Chapters 14 to 33, inclusive, of the California Reparations Report.*

(c) Implementation of this chapter shall be contingent upon appropriation of sufficient funding by the Legislature in the annual Budget Act or other statute for that purpose.

15211. For purposes of this chapter:

(a) "Bureau" means the Bureau for Descendants of American Slavery.

(b) "Descendants" means ~~descendants of an African American chattel enslaved person in the United States, or descendants of a free Black person living in the United States prior to the end of the 19th century.~~ *individuals who can establish direct lineage to a person who, prior to 1900, was subjected to American chattel slavery and meets at least one of the following criteria:*

(1) *Was emancipated through legal or extralegal means, including self-purchase, manumission, legislative action, military service, or judicial ruling.*

(2) *Obtained freedom through gradual abolition statutes or constitutional amendments.*

(3) *Was classified as a fugitive from bondage under federal or state law.*

(4) *Was deemed contraband by military authorities.*

(5) *Rendered military or civic service while subject to legal restrictions based on ancestry historically associated with slavery.*

(c) "Director" means the Director of the Bureau for Descendants of American Slavery.

(d) "Racially motivated eminent domain" means when the state, county, city, city and county, district, or other political subdivision of the state acquires private property for public use and does not distribute just compensation to the owner at the time of the

1 acquisition, and the acquisition or the failure to provide just
 2 compensation was due, in whole or in part, to the owner's ethnicity
 3 or race.

4 15212. (a) Notwithstanding Section 15002.5, the Bureau for
 5 Descendants of American Slavery is hereby established within the
 6 Department of Justice. The bureau shall be under the direct control
 7 of a director who shall be responsible to the Attorney General.

8 (b) The director shall be appointed by the Attorney General and
 9 confirmed by the Senate, and shall perform all duties, exercise all
 10 powers, assume and discharge all responsibilities, and carry out
 11 and effect all purposes vested by law in the bureau.

12 (c) The salary of the director shall be fixed pursuant to Section
 13 12502.

14 (d) The bureau shall establish a mission statement consistent
 15 with the recommendations from the former ~~Task Force to Study~~
 16 ~~and Develop Reparation Proposals for African Americans, with a~~
 17 ~~Special Consideration for African Americans Who are Descendants~~
 18 ~~of Persons Enslaved in the United States. reparations task force~~
 19 ~~established pursuant to Chapter 319 of the Statutes of 2020.~~

20 15213. As part of its duties, the bureau shall ~~determine how~~
 21 ~~verify~~ an individual's status as a ~~descendant shall be confirmed.~~
 22 ~~descendant.~~ Proof of an individual's descendent status shall be a
 23 qualifying criterion for benefits authorized by the state for
 24 descendants. To accomplish these goals, the bureau shall include
 25 all of the following divisions:

26 (a) A Genealogy Division to do all of the following:

27 (1) Establish a process to certify descendants of American
 28 slaves.

29 (2) Create a method for eligible individuals to submit claims
 30 and receive compensation or restitution for those particular harms
 31 California inflicted upon the claimant or their family.

32 (3) Establish an equitable alternative qualifying criterion for
 33 benefits for descendants authorized by the state in cases where an
 34 individual's status as a descendant cannot be confirmed or proven.

35 (b) A Property Reclamation Division to do all of the following:

36 (1) Research and document California state properties acquired
 37 as a result of racially-motivated eminent domain, including
 38 properties that no longer exist due to state highway construction
 39 or other development.

1 (2) Create a database of property ownership in the state
2 identifying properties acquired through racially motivated eminent
3 domain or other discriminatory government action.

4 (3) Review and investigate public complaints from people who
5 claim their property was taken without just compensation, pursuant
6 to Article 2 (commencing with Section 15215).

7 (4) Address cases where individuals experienced harm due to
8 the policies and practices of state and local agencies.

9 (c) An Education and Outreach Division to develop and
10 implement a public education campaign regarding the cycle of
11 gentrification, displacement, and exclusion; the connection between
12 redlining and gentrification; and the history of discriminatory urban
13 planning in California.

14 (d) A Legal Affairs Division to do all of the following:

15 (1) Provide legal advice, counsel, and services to the bureau
16 and its officials.

17 (2) Ensure that the bureau's programs are administered in
18 accordance with applicable legislative authority.

19 (3) Advise the head of the bureau on legislative, legal, and
20 regulatory initiatives.

21 (4) Serve as an external liaison on legal matters with other state
22 agencies and other entities.

23 (5) Conduct a review of past and current laws, as well as
24 proposed legislation, to determine whether those measures have
25 caused, are causing, or may continue to cause harm. The division
26 shall provide recommendations to mitigate or eliminate any harm
27 identified in its review.

28 *15214. (a) Nonpublic personal and genetic information held*
29 *under the bureau's authority shall be collected, held, and disclosed*
30 *only as relevant and necessary to accomplish the purposes set*
31 *forth in this chapter and in a manner permitted by and consistent*
32 *with federal and California data privacy laws.*

33 *(b) Before asking individuals to supply information for its system*
34 *of records, the bureau shall inform each individual of all of the*
35 *following:*

36 *(1) The authority which authorizes the solicitation of the*
37 *information and whether disclosure of that information is*
38 *mandatory or voluntary.*

39 *(2) The principal purpose or purposes for which the information*
40 *is intended to be used.*

1 (3) *The routine uses that may be made of the information.*

2 (4) *The effects on the individual, if any, of not providing all or*
 3 *any part of the requested information.*

4 (c) *The bureau shall not disclose any data contained in its*
 5 *system of records by any means of communication to any person*
 6 *except as necessary to fulfill the purposes of this chapter and*
 7 *pursuant to either a written request by, or the written consent of,*
 8 *the individual to whom the record pertains. Intragency,*
 9 *interagency, or public disclosure shall not be permitted without*
 10 *that written authorization.*

11 12 Article 2. Property Reclamation Division

13
14 15215. (a) The Legislature finds and declares that it is in the
 15 public interest to compensate victims of racially motivated eminent
 16 domain, which deprived citizens of just compensation for their
 17 property due to racially discriminatory motives. The unjust taking
 18 of land without fair compensation destroyed communities, forced
 19 many from their historical neighborhoods, deprived those persons
 20 of the fair value of their property, and, in many cases, prevented
 21 the accumulation of generational wealth. Providing compensation
 22 to these victims of racial discrimination will restore the value of
 23 wrongfully taken property to dispossessed owners and hold
 24 government entities responsible for those wrongful discriminatory
 25 acts.

26 (b) This article shall govern the procedure by which dispossessed
 27 owners and their descendants may seek a determination that they
 28 were the victims of racially motivated eminent domain and seek
 29 the return of the taken property, other property of equal value, or
 30 financial compensation.

31 15216. For purposes of this article, the following definitions
 32 apply:

33 (a) "Dispossessed owner" means a person who has had property
 34 taken from them as a result of racially motivated eminent domain
 35 or a direct descendant of the person whose property was taken.

36 (b) "Publicly held property" means property that is owned by
 37 the state or by the local agency that took possession of the property
 38 that is the subject of an application submitted pursuant to this
 39 article.

1 15217. The Property Reclamation Division within the Bureau
2 for Descendants of American Slavery shall do all of the following:

3 (a) Accept applications from persons who claim they are the
4 dispossessed owner.

5 (b) (1) Review and investigate applications submitted under
6 subdivision (a).

7 (2) As part of its review, the division may request submission
8 of additional information supporting the application that is
9 reasonably necessary to verify the application, determine whether
10 the applicant is a dispossessed owner, including determining
11 whether the taking was racially motivated. If the division makes
12 a request for additional documentation, it shall communicate that
13 request to the applicant with a notice of the additional information
14 required. The division shall consider any additional information
15 provided by the applicant within 30 days of receipt.

16 (c) After reviewing all of the relevant materials, determine
17 whether the applicant is a dispossessed owner.

18 (d) If the division determines that an applicant has established
19 that they are a dispossessed owner pursuant to subdivision (c), the
20 division shall determine all of the following:

21 (1) The present day fair market value of the property that was
22 taken as a result of racially motivated eminent domain.

23 (2) The specific state or local public entity that took the property,
24 or its successor.

25 (3) Whether issuing property or just compensation to that
26 dispossessed owner would serve to redress past acts of racial
27 discrimination, prevent future acts of racial discrimination, and
28 benefit the whole of the community and its general welfare.

29 (e) If the division determines that issuing property or just
30 compensation to the dispossessed owner is warranted pursuant to
31 paragraph (3) of subdivision (d), the division shall certify that the
32 dispossessed owner is entitled to compensation, as follows:

33 (1) If the taken property is still in the possession of the public
34 entity that took the property, the division shall determine whether
35 the dispossessed owner should be compensated through the return
36 of the taken property or pursuant to paragraph (2) or (3). In making
37 this determination, the division shall consider whether the
38 property's current use or zoning make it impractical to return the
39 property and whether the condition of the property or its

1 surrounding environment would make the return of the property
2 inequitable.

3 (2) If the taken property is no longer in the possession of the
4 public entity that took the property or the division determines that
5 the dispossessed owner should not be compensated through the
6 return of the taken property pursuant to paragraph (1), the division
7 shall solicit from the state or local entity, as applicable, a list of
8 recommendations of publicly held properties that are suitable as
9 compensation and shall determine whether the dispossessed owner
10 should be compensated through the grant of title to one of the
11 recommended publicly held properties or pursuant to paragraph
12 (3).

13 (3) If the division determines that the dispossessed owner should
14 not be compensated through either the return of the taken property
15 or the grant of title to a publicly held property, the division shall
16 certify that the dispossessed owner is entitled to financial
17 compensation equal to the fair market value determined pursuant
18 to paragraph (1) of subdivision (d) less any amount paid for the
19 property at the time of the taking as adjusted for inflation.

20 (f) If the division determines that an applicant is not a
21 dispossessed owner or that issuing property or just compensation
22 is not warranted, the division shall notify the applicant of its
23 finding. The applicant may appeal the determination within 60
24 days of receiving the notice and provide additional information to
25 support their claim. The division shall consider the appeal and any
26 new information provided and issue a determination on the appeal
27 within 120 days.

28 15218. (a) A person who receives a certification from the
29 division pursuant to Section 15217 may present the certification
30 to the specific state or local public entity identified by the division
31 and the state or local public entity may provide to the person the
32 property or monetary compensation identified in the certification.

33 (b) (1) If the state or local entity that took property by racially
34 motivated eminent domain does not provide compensation in
35 accordance with the division's certification in subdivision (e) of
36 Section 15217, the dispossessed owner may bring a claim for
37 compensation under the Government Claims Act (Division 3.6
38 (commencing with Section 810) of Title 1).

39 (2) The person bringing the claim may assert any legal basis
40 for return of the property or compensation that would have been

1 available to the property owner at the time of the taking. The
 2 determination of the division shall not be binding upon the court.

3 (c) A claim brought pursuant to this section shall not be subject
 4 to the statute of limitations, whether the action is brought before
 5 or after the enactment of this article.

6 15219. (a) This article does not disturb or invalidate the title
 7 of any property taken by racially motivated eminent domain except
 8 against the state or local jurisdiction as set forth in this article.

9 (b) Every finding, decision, determination, or other official act
 10 of the bureau is subject to judicial review in accordance with
 11 existing law.

12 SEC. 3. The Legislature finds and declares that the addition of
 13 Chapter 4 (commencing with Section 15210) to Part 6 of Division
 14 3 of Title 2 of the Government Code by this act serves a public
 15 purpose and does not constitute a gift of public funds within the
 16 meaning of Section 6 of Article XVI of the California Constitution
 17 by redressing past acts of racial discrimination, preventing future
 18 acts of racial discrimination, and benefitting the whole of the
 19 community and its general welfare.

20 *SEC. 4. The Legislature finds and declares that Section 2 of*
 21 *this act, which adds Chapter 4 (commencing with Section 15210)*
 22 *to Part 6 of Division 3 of Title 2 of the Government Code, imposes*
 23 *a limitation on the public's right of access to the meetings of public*
 24 *bodies or the writings of public officials and agencies within the*
 25 *meaning of Section 3 of Article I of the California Constitution.*
 26 *Pursuant to that constitutional provision, the Legislature makes*
 27 *the following findings to demonstrate the interest protected by this*
 28 *limitation and the need for protecting that interest:*

29 *In order to protect the personal and genetic information of*
 30 *individuals, it is necessary to limit disclosure of that information*
 31 *to only the limited purpose for which it is collected.*

32 ~~SEC. 4.~~

33 SEC. 5. If the Commission on State Mandates determines that
 34 this act contains costs mandated by the state, reimbursement to
 35 local agencies and school districts for those costs shall be made
 36 pursuant to Part 7 (commencing with Section 17500) of Division
 37 4 of Title 2 of the Government Code.

SB 641 (Ashby-D)
**Department of Consumer Affairs and Department of Real Estate: states of emergency:
waivers and exemptions.**

Status/History: 6/04/2025 – Passed Senate; Referred to Assembly Business, Professions, and Economic Development Committee and Committee on Appropriations.

Location: 7/08/2025 – Passed BP&ED and referred to Appropriations

Introduced: 2/20/2025

Amended: 4/09/2025

Board Position: Watch at the May 29, 2025 Board meeting

Board Staff Analysis: 7/15/2025

Bill Summary: Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Real Estate to license and regulate real estate licensees, and the Department of Consumer Affairs, which is composed of various boards that license and regulate various businesses and professions..

This bill would authorize the Department of Real Estate and boards under the jurisdiction of the Department of Consumer Affairs to waive the application of certain provisions of the licensure requirements that the board or department is charged with enforcing for licensees and applicants impacted by a declared federal, state, or local emergency or whose home or business is located in a declared disaster area, including certain examination, fee, and continuing education requirements. The bill would exempt impacted licensees of boards from, among other requirements, the payment of duplicate license fees. The bill would require all applicants and licensees of the Department of Real Estate or boards under the Department of Consumer Affairs to provide the board or department with an email address. The bill would prohibit a contractor licensed pursuant to the Contractors State License Law from engaging in private debris removal unless the contractor has one of specified license qualifications or as authorized by the registrar of contractors during a declared state of emergency or for a declared disaster area. The bill would require the Real Estate Commissioner, upon the declaration of a state of emergency, to determine the nature and scope of any unlawful, unfair, or fraudulent practices, as specified, and provide specified notice to the public regarding those practices. The bill would authorize the commissioner to suspend or revoke a real estate license if the licensee makes an unsolicited offer to an owner of real property to purchase or acquire an interest in the real property for an amount less than the fair market value of the property or interest of the property if the property is located in a declared disaster area, and would also make a violation of that provision a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

Affected Laws: An act to amend Sections 122, 136, and 10176 of, and to add Sections 108.1, 136.5, 7058.9, and 70089 to, the Business and Professions Code.

Staff Comment: During the pandemic and recent emergency disasters within California, various Executive Orders from the Governor authorized temporary waivers and exemptions related to the effect those emergencies would have on licensees. Many of these waivers and exemptions were related to temporary postponement or waiver of license renewal fees or continuing education requirements.

Among other provisions, this bill will seek to formalize procedures in statute for when these waivers and exemption will apply during times of declared emergencies. Currently, licensees of the Board who were affected by the recent Los Angeles basin fires and who are required to renew their license between January 1 and June 30, 2025 are authorized to postpone payment of the renewal fee for 12 months.

5/20/2025 Updated Staff Comments: Amendments for this proposed language focus on cleanup activities performed by a contractor appropriately licensed by CSLB and fraudulent activity by individuals licensed under the Department of Real Estate. There are no amendments which directly relate to individuals licensed by the Board.

7/15/2025 Updated Staff Comments: Passed Senate; passed Assembly BP&ED on consent without amendments.

Staff Recommendation:

No further action required by the Board at this time.

Date of Hearing: July 8, 2025

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

SB 641 (Ashby) – As Amended April 9, 2025

SENATE VOTE: 39-0

SUBJECT: Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions

SUMMARY: Authorizes licensing boards under the Department of Consumer Affairs (DCA) and the Department of Real Estate (DRE) to waive the application of specified laws for licensees and applicants who are impacted by a declared federal, state, or local emergency or whose home or business is located in a disaster area; requires licensees and applicants to provide an email address to their licensing agency; requires the DRE to make determinations regarding any unlawful, unfair, or fraudulent practices by individuals in the wake of a declared emergency or disaster area, including unsolicited offers for real property for an amount less than fair market value; and establishes requirements for debris removal.

EXISTING LAW:

- 1) Establishes the DCA within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) § 100)
- 2) Enumerates various boards, bureaus, committees, commissions, and programs within the DCA’s jurisdiction. (BPC § 101)
- 3) Defines “board” as also inclusive of “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” (BPC § 22)
- 4) Provides that each board within the DCA exists as a separate unit, and has the functions of setting standards, holding meetings, conducting examinations, reviewing applications, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following those hearings, insofar as those powers are given by statute to each respective board. (BPC § 108)
- 5) Requires that the Director of Consumer Affairs be formally notified of and be provided a full opportunity to review all notices of proposed, modified, and final rulemaking actions, and provides the director with the authority to disapprove a proposed rule or regulation within 30 days on the ground that it is injurious to the public health, safety, or welfare. (BPC § 313.1)
- 6) Enacts the Pharmacy Law to provide for the regulation of the pharmacy profession. (BPC §§ 4000 *et seq.*)
- 7) Establishes the California State Board of Pharmacy (BOP) within the DCA to administer and enforce the Pharmacy Law. (BPC § 4001)
- 8) Authorizes the BOP to waive application of any provisions of the Pharmacy Law or its own application during a declared federal, state, or local emergency and for up to 90 days following the termination of that declared emergency. (BPC § 4062)

- 9) Enacts the Contractors State License Law to provide for the regulation of 45 contractor license classifications that constitute the construction industry. (BPC §§ 7000 *et seq.*)
- 10) Establishes the Contractors State License Board (CSLB) within the DCA to administer and enforce the Contractors State License Law. (BPC § 7000.5)
- 11) Enacts the Real Estate Law to provide for the regulation of real estate salespersons, real estate brokers, transactions associated with the purchase or lease new homes or subdivided interests, and the sales of timeshare interests to consumers. (BPC §§ 10000 *et seq.*)
- 12) Establishes the DRE within the Business, Consumer Services, and Housing Agency to administer and enforce the Real Estate Law. (BPC § 10004)
- 13) Establishes the California Emergency Services Act (EMS Act) to confer upon the Governor and upon the chief executives and governing bodies of political subdivisions of the state certain emergency powers. (Government Code (GOV) §§ 8550 *et seq.*)
- 14) Authorizes the Governor to make, amend, and rescind regulations necessary to carry out the provisions of the EMS Act, which have the force and effect of law. (GOV § 8567)
- 15) Requires the Department of Resources Recycling and Recovery or another state agency tasked to manage contracts for wildfire debris cleanup and removal by the Governor's Office of Emergency Services to prequalify contractors to enter into contracts in communities impacted by wildfires. (Public Resources Code § 40520)

THIS BILL:

- 1) Declares that it is the intent of the Legislature to provide boards, bureaus, commissions, and regulatory entities within the jurisdiction of the DCA and the DRE with authority to address licensing and enforcement concerns in real time after an emergency is declared, and that the Legislature does not intend for any provision of the bill to require regulations to implement.
- 2) Defines “disaster area” as an area for which a federal, state, or local emergency or disaster has been declared.
- 3) Authorizes the DRE or any board under the DCA to waive the application of any provision of law that the board or department is charged with enforcing for licensees and applicants impacted by a declared federal, state, or local emergency or whose home or business is located in a disaster area, that is related to any of the following:
 - a) Examination eligibility and timing requirements.
 - b) Licensure renewal deadlines.
 - c) Continuing education completion deadlines.
 - d) License display requirements.
 - e) Fee submission timing requirements.
 - f) Delinquency fees.

- 4) Limits the above waiver authority to the duration of a declared federal, state, or local emergency or disaster and up to either one year after the end of the declared emergency or disaster or a longer period of time as determined by the board or the DRE.
- 5) Exempts licensees impacted by a declared emergency or disaster, or whose home or business is located in an area for which an emergency or disaster has been declared, from paying a fee for a duplicate copy of their license or certificate.
- 6) Exempts a licensee whose home or business mailing address is located in an area for which a federal, state, or local emergency or disaster area is declared from the penalty for failing to notify their licensing agency within 30 days of a change in their mailing address.
- 7) Requires every applicant for licensure and every licensee of the DRE or a board under the DCA to provide their licensing agency with an email address.
- 8) Specifies the licenses or classifications that a contractor must have to engage in debris removal, but allows for the CSLB registrar to authorize additional classifications to perform debris removal, including muck out services, during a declared federal, state, or local emergency or for a declared disaster area, provided the contractor has passed an approved hazardous substance certification examination and complies with hazardous waste operations and emergency response requirements.
- 9) Requires the Commissioner of DRE to do both of the following immediately upon the declaration of a federal, state, or local emergency or disaster area:
 - a) Expeditiously, and until one year following the end of the emergency, determine the nature and scope of any unlawful, unfair, or fraudulent practices employed by any individual or entity seeking to take advantage of property owners in the wake of the emergency.
 - b) Provide notice to the public of the nature of these practices, their rights under the law, relevant resources that may be available, and contact information for authorities to whom violations may be reported.
- 10) Authorizes the Commissioner of DRE to suspend or revoke the real estate license of a person who makes an unsolicited offer to an owner of real property, on their own behalf or on behalf of a client, to purchase or otherwise acquire any interest in the real property for an amount less than the fair market value of the property or interest in the property when that property is located in an area included in a declared federal, state, or local emergency or disaster area, for the duration of the declared emergency and for one year thereafter.
- 11) Additionally provides that any person who engages in the above activity, including as an officer, director, agent, or employee of a corporation, is guilty of a misdemeanor punishable by a fine of up to \$10,000, by imprisonment for up to six months, or both.
- 12) Declares that in order to support licensed professionals impacted by the disasters caused by the Palisades and Eaton wildfires, it is necessary that the bill take effect immediately as an urgency measure.

FISCAL EFFECT: According to the Senate Committee on Appropriations, mostly minor and absorbable workload to boards within the DCA, though potentially significant and unabsorbable workload in the event of a state of emergency impacting a large licensing population; indeterminable fiscal impact to the DCA's Office of Information Services; unknown, potentially significant costs to the DRE dependent on the frequency and scope of future disasters; unknown, potentially significant costs to counties in the hundreds of thousands of dollars to low millions of dollars to counties for increased incarceration costs; and unknown, potentially significant cost pressure to the state funded trial court system to adjudicate the crime created by this bill.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author:

Licensing practice laws establish requirements for individuals to meet in order to maintain their livelihood, most especially as they rebuild their lives and climb back up after facing tragedy like so many experienced early this year. When disaster strikes, the last thing someone should have to worry about is submitting the proper fee for a replacement license. It should be automatic that applicants and licensed professionals are provided extended timeframes to meet the many, often onerous, requirements they have to meet just to do their job. By granting the authority for licensing programs to waive certain requirements for individuals in a disaster area and during a state of emergency, SB 641 will provide a small measure of relief as they begin to move forward and successfully back into their profession. SB 641 also builds on lessons learned in other disasters to protect property owners from predatory land grabs. Neighborhoods in the wake of fires have already experienced enough and we should ensure swift action is taken to prohibit this behavior and enforce against those who engage in it. It's also critical that we have baseline measures of quality built into the standards for the companies engaging in private debris removal and cleanup – requiring proper hazardous waste removal training will ensure continued safety in these impacted areas.

Background.

Department of Consumer Affairs. The DCA consists of 36 distinct regulatory entities, including 26 boards, seven bureaus, one committee, one commission, and one program. In total, the DCA oversees more than 3.4 million licensees across 280 license types falling within the respective jurisdiction of each board, bureau, or other licensing entity, ranging from physicians licensed by the Medical Board of California to hairstylists licensed by the California Board of Barbering and Cosmetology. The DCA also administers the Arbitration Certification Program, which certifies and monitors third-party arbitration programs to ensure compliance with vehicle warranty laws.

The DCA primarily exists to provide administrative support services to the various individual boards, bureaus, and other entities that fund the department through a pro rata assessment against revenue received from licensing and regulatory fees. Support services provided by the DCA include human resources, information technology, investigations, communications, professional examinations, training, strategic planning, and fiscal operations. In addition to providing support services to individual licensing entities, statute requires the DCA to receive complaints from consumers and to transmit any valid complaints to the local, state, or federal agency that is appropriate to assist the complainant. The DCA's Consumer Information Center (CIC) includes a Call Center and a Correspondence Unit, which receives and responds to correspondence directly from consumers. DCA also produces guidance to both consumers and licensees.

Department of Real Estate. The DRE is responsible for enforcing the Real Estate Law, the Subdivided Lands Act, and the Vacation Ownership and Timeshare Act of 2004. First enacted in 1917, the Real Estate Law provides for real estate licensing in California. The Real Estate Law requires licensure of persons who represent sellers and buyers of real property or business opportunities; represent tenants and landlords in the rental or leasing of real property or business opportunities; assist persons involved in land transactions with the federal or state government; solicit for, negotiate, or service mortgage loans; or represent buyers and sellers in exchanges of real property sales contracts and provides services to those who are contract holders.

The Subdivided Lands Act protects consumers who purchase or lease new homes or subdivided interests in California. The law requires the developer of subdivided interests to seek and obtain a Subdivision Public Report from the DRE. This report is designed by law to protect the public from fraud and misrepresentation by documenting the developer's commitments to consumers. Correspondingly, the Vacation Ownership and Timeshare Act of 2004 provides parallel consumer protections relating to the sales of timeshare interests to consumers in California.

The DRE has five program-focused divisions in place to satisfy its statutory obligations: Enforcement, Audits, Legal, Licensing, and Subdivisions. Additionally, the DRE participates in the Association of Real Estate License Law Officials, which is an international organization comprised of government agencies and other organizations charged with regulating licensing real estate practice and enforcing real estate law, and the American Association of Residential Mortgage Regulators, which promotes the exchange of information and education concerning the licensing, supervision, and regulation of the residential mortgage industry. The DRE's Enforcement Division staff regularly participates in task force meetings with district attorney offices, local real estate associations, and law enforcement agencies to discuss real estate fraud, mortgage fraud, and financial/economic crimes, including wire fraud.

Waiver of Laws During an Emergency or Disaster. Pursuant to the EMS Act, the Governor is authorized to make, amend, and rescind orders and regulations necessary to carry out the provisions of the Act, which have the force and effect of law. The EMS Act is invoked during a state of emergency, which is defined as follows:

[The] duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, electromagnetic pulse attack, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency," which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the Public Utilities Commission.

Emergencies can be declared at the federal, state, or local level depending on their scope and nature. For example, when COVID-19 was first formally recognized as a serious pandemic, the State of California declared a state emergency on March 4, 2020, followed by a federal declaration of a national emergency on March 13, 2020. Numerous cities and counties additionally declared local emergencies.

On March 30, 2020, Governor Gavin Newsom issued Executive Order N-39-20, which created a new process for the waiver of certain requirements for licensure as authorized under the EMS Act. The order authorized the Director of DCA, “to the extent necessary and only for the duration of the declared emergency,” to waive professional licensing requirements and amend scopes of practice, including “the examination, education, experience, and training requirements necessary to obtain and maintain licensure, and requirements governing the practice and permissible activities for licensees.” These waivers were initially limited to licensed health care professionals. Either members of the public or the boards themselves were able to submit requests for waivers to the Director of Consumer Affairs.

Through the Governor’s waiver process, the Director of Consumer Affairs waived statutes limiting the number of continuing education hours that may be completed through computer-assisted instruction and limiting such instruction to those that allow participants to concurrently interact with instructors or presenters while they observe the courses. The Director additionally waived statutes requiring individuals to complete education or examination requirements as a condition of license renewal. Additionally, the Director issued waivers expanding the scopes of practice for various health professions to administer the COVID-19 vaccine. Overall, approximately 200 waivers related to professional licensing and related regulatory requirements during the COVID-19 state of emergency, many of which were amended or extended.

In addition to the authority granted to the Governor under the EMS Act, statute provides other mechanisms for waiving laws during an emergency. For example, the BOP has its own statutory authority to “waive application of any provisions of [the Pharmacy Law] or the regulations adopted pursuant to it if, in the Board’s opinion, the waiver will aid in the protection of public health or the provision of patient care.” Following the Governor’s emergency declaration, the BOP established its own waiver request process through which licensees and members of the public could request a waiver of law. Between March 2020 and November 2020, the BOP granted approximately 300 site-specific waivers along with 21 broad waivers, which typically included conditions for use and recordkeeping requirements to demonstrate compliance with the conditions.

In addition to the BOP’s actions during the COVID-19 pandemic, the BOP frequently uses its authority to waive provisions of law during natural disasters. For example, during devastating wildfires such as the Tubbs Fire in 2017, the Camp Fire in 2018, and the Dixie Fire in 2021, the BOP issued waivers allowing pharmacists to provide emergency refills, temporary relocation of pharmacies, and mobile pharmacy operations. Similar waivers have been granted during large earthquakes, severe storms and floods, and prolonged power outages. The Pharmacy Law only allows waivers to be granted during a declared emergency; however, the BOP is given discretion to maintain a waiver following the termination of the emergency for up to 90 days “if, in the Board’s opinion, the continued waiver will aid in the protection of the public health or in the provision of patient care.”

This bill would allow every board under the DCA, as well as the DRE, to institute its own waiver process similar to what was established pursuant to the Governor’s executive order during the COVID-19 pandemic and similar to the authority granted to the BOP. The bill would allow licensing agencies to “waive the application of any provision of law that the board or department is charged with enforcing for licensees and applicants impacted by a declared federal, state, or local emergency or whose home or business is located in a disaster area.” Waivers authorized under the bill would be limited to laws related to the following topics:

- 1) Examination eligibility and timing requirements.
- 2) Licensure renewal deadlines.
- 3) Continuing education completion deadlines.
- 4) License display requirements.
- 5) Fee submission timing requirements.
- 6) Delinquency fees.

Waivers granted under this bill would extend through the duration of the declared emergency or disaster until either one year after the end of the declared emergency or disaster or a longer period of time as determined by the board or the Department of Real Estate. Additionally, this bill would specifically exempt licensees impacted by a declared emergency or disaster from laws requiring the payment of a fee to replace a previously issued license or certificate, as well as laws establishing penalties for failing to notify a licensing agency about a change in address. Under the waivers authorized by this bill, the DRE and boards within the DCA would be able to more quickly and specifically act during future emergencies, whether they are public health pandemics or natural disasters.

Predatory Real Estate Activity. During the wildfires that ravaged Southern California in 2025, reports were published describing predatory activity by real estate licensees and other individuals seeking to take advantage of disaster victims. On January 14, 2025, Governor Gavin Newsom signed Executive Order N-7-25, which included statements that the Governor had “personally heard first-hand from homeowners, faith leaders, and business property owners who, while these fires still burn, received unsolicited offers to purchase their property, which in many instances represent their life savings and family legacies, for amounts far less than fair market value prior to this emergency.” The Executive Order further acknowledged that “all those impacted by these fires, and especially property owners who have lost their family home or business, or even their entire neighborhood, may be traumatized, uncertain, and especially vulnerable to exploitative practices of unscrupulous individuals who seek to profit from this disaster.”

Under the authority of the EMS Act, the Governor’s Executive Order provided that to prohibit unsolicited offers to an owner of real property located in the specific areas impacted by the wildfires to purchase or otherwise acquire any interest in the real property for an amount less than the fair market value of the property or interest in the property on January 6, 2025. The Executive Order additionally required the DRE to “expeditiously determine the nature and scope of any unlawful, unfair, or fraudulent practices employed by any individual or entity seeking to take advantage of property owners in the wake of this emergency, and shall provide notice to the public of the nature of these practices, their rights under the law, relevant resources that may be available, and contact information for authorities to whom violations may be reported.” The Executive Order was initially made valid for three months but was subsequently extended.

This bill would codify the substance of the Governor’s Executive Order and make this form of predatory activity professional misconduct for a licensee of the DRE and criminal misconduct for any person. The bill would additionally codify the DRE’s responsibility for determining the nature and scope of any unlawful, unfair, or fraudulent practices. Once codified, these orders would become standard for any future emergency, protecting California disaster victims.

Debris Removal. Pursuant to the Public Resources Code, the Department of Resources Recycling and Recovery is required to prequalify contractors to enter into contracts in communities impacted by wildfires. These contracts may be entered into before the onset of major damage in order to retain the contractor in readiness to respond to incidents as needed. Statute further provides that work performed under the contract must be limited to preparation, removal, transport, and recycling or disposal of metals, ash, debris, concrete foundations and flatwork, potentially dangerous trees, and contaminated soil on residential and public properties included in the structural debris removal function.

In the wake of the 2025 wildfires in Los Angeles, Governor Gavin Newsom signed Executive Order N-5-25, which described “the urgent need to expeditiously develop a comprehensive plan for debris removal and execute the contracts and take other actions necessary to expeditiously implement that plan.” With federal assistance, debris removal teams began work to clean up household hazardous waste, including paint, ammunition, pesticides, propane tanks, and batteries in both conventional and electric vehicles. The Governor’s Executive Order directed state agencies “to develop a comprehensive plan for expeditiously removing debris from impacted properties to allow the rebuilding process to commence as quickly as possible, including the prompt execution of contracts with debris removal vendors with a proven track record of successfully delivering services on a timely and cost-effective basis.”

This bill would clarify which contractors are authorized to engage in debris removal in future emergencies and disasters. Notwithstanding the Public Resources Code, contractors with specified licenses or classifications would be allowed to engage in debris removal, and during a declared federal, state, or local emergency or for a declared disaster area, the CSLB would be allowed to authorize additional classifications to perform debris removal, including muck out services, based on the needs of the declared emergency or disaster. This language is intended to assist the state in establishing a clear debris removal plan during future disasters like the 2025 Southern California wildfires.

Current Related Legislation. AB 529 (Ahrens) would increase the existing statutory duration for which the BOP may extend waivers of pharmacy laws and regulations beyond the termination of a declared emergency from 90 days to 120 days. *This bill is pending on the Senate Floor.*

Prior Related Legislation. SB 569 (Stone), Chapter 705, Statutes of 2019 provided the BOP with additional discretion to authorize pharmacists to fill prescriptions for controlled substances regardless of whether there is a valid prescription form for that drug during a declared emergency.

ARGUMENTS IN SUPPORT:

The *Contractors State License Board* (CSLB) supports this bill, writing: “In the aftermath of a natural disaster, safe debris removal and disposal is critical to avoid additional health and environmental problems. SB 641 designates which licensing classifications have sufficient experience and training to assist with debris removal on a case-by-case basis during a declared federal, state, or local emergency if needed. The bill also allows CSLB to safely waive certain licensing requirements to support applicants and licensees during a state of emergency. SB 641 will enhance CSLB’s ability to quickly navigate recovery needs and provide expedient assistance for applicants, licensees, and consumers.”

ARGUMENTS IN OPPOSITION:

There is no opposition on file.

POLICY ISSUES:

Uncodified language in this bill declares that “the Legislature does not intend for any provision of this bill to require regulations to implement.” While this language can likely be viewed as aspirational and not enforceable as a legal requirement, it may nevertheless be inappropriate to presuppose whether licensing agencies within the DCA or the DRE should engage in rulemaking to effectuate a waiver process. The Assembly Select Committee on Regulatory Authority has been established to engage in relevant discussions. As this bill moves forward, the author should consider removing this intent language to more clearly defer to the existing process for determining the need for formal regulations pursuant to the Administrative Procedures Act.

REGISTERED SUPPORT:

California Association of Licensed Investigators
California Board of Psychology
California State Board of Pharmacy
Contractors State License Board
Osteopathic Medical Board of California

REGISTERED OPPOSITION:

None on file

Analysis Prepared by: Robert Sumner / B. & P. / (916) 319-3301

AMENDED IN SENATE APRIL 9, 2025

SENATE BILL

No. 641

Introduced by Senator Ashby

**(Principal coauthors: Senators Cervantes, Cortese, Gonzalez,
Grayson, Hurtado, and Pérez)**

(Coauthors: Senators Allen, Cabaldon, Padilla, Rubio, and Wahab)

February 20, 2025

An act to amend Sections 122, 136, and 10176 of, and to add Sections 108.1, 136.5, 7058.9, and 10089 to, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 641, as amended, Ashby. Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Real Estate to license and regulate real estate licensees, and the Department of Consumer Affairs, which is composed of various boards that license and regulate various businesses and professions.

This bill would authorize the Department of Real Estate and boards under the jurisdiction of the Department of Consumer Affairs to waive the application of certain provisions of the licensure requirements that the board or department is charged with enforcing for licensees and applicants impacted by a declared federal, state, or local emergency or whose home or business is located in a declared disaster area, including certain examination, fee, and continuing education requirements. The bill would exempt impacted licensees of boards from, among other

requirements, the payment of duplicate license fees. The bill would require all applicants and licensees of the Department of Real Estate or boards under the Department of Consumer Affairs to provide the board or department with an email address. The bill would prohibit a contractor licensed pursuant to the Contractors State License Law from engaging in ~~private~~ debris removal unless the contractor has one of specified license qualifications or as authorized by the registrar of contractors during a declared state of emergency or for a declared disaster ~~area~~. *area, has passed an approved hazardous substance certification examination, and complies with certain occupational safety and health requirements concerning hazardous waste operations and emergency response, as specified.* The bill would require the Real Estate Commissioner, upon the declaration of a state of emergency, to determine the nature and scope of any unlawful, unfair, or fraudulent practices, as specified, and provide specified notice to the public regarding those practices. The bill would authorize the commissioner to suspend or revoke a real estate license if the licensee makes an unsolicited offer to an owner of real property to purchase or acquire an interest in the real property for an amount less than the fair market value of the property or interest of the property if the property is located in a declared disaster area, and would also make a violation of that provision a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

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

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

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: yes.

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

- 1 SECTION 1. It is the intent of the Legislature to provide
- 2 boards, bureaus, commissions, and regulatory entities within the
- 3 jurisdiction of the Department of Consumer Affairs and the
- 4 Department of Real Estate with authority to address licensing and
- 5 enforcement concerns in real time after an emergency is declared.

1 The Legislature does not intend for any provision of this bill to
2 require regulations to implement.

3 SEC. 2. Section 108.1 is added to the Business and Professions
4 Code, to read:

5 108.1. (a) For purposes of this section, “disaster area” means
6 an area for which a federal, state, or local emergency or disaster
7 has been declared.

8 (b) To aid in the protection of the public health, the provision
9 of patient care, the continuity of services, and to support impacted
10 individuals, the Department of Real Estate or any board under the
11 jurisdiction of the Department of Consumer Affairs, as specified
12 in Section 101, may waive the application of any provision of law
13 that the board or department is charged with enforcing for licensees
14 and applicants impacted by a declared federal, state, or local
15 emergency or whose home or business is located in a disaster area,
16 that is related to any of the following:

17 (1) Examination eligibility and timing requirements.

18 (2) Licensure renewal deadlines.

19 (3) Continuing education completion deadlines.

20 (4) License display requirements.

21 (5) Fee submission timing requirements.

22 (6) Delinquency fees.

23 (c) The authority specified in subdivision (b) shall extend
24 through the duration of a declared federal, state, or local emergency
25 or disaster for licensees and applicants located in a disaster area
26 and for either of the following, as determined by the board or the
27 Department of Real Estate and will aid in the protection of the
28 public health, the provision of patient care, the continuity of
29 services, or the support of impacted individuals:

30 (1) One year after the end of the declared emergency or disaster.

31 (2) An additional period of time beyond one year after the end
32 of the declared emergency or disaster, as determined by the board
33 or the Department of Real Estate.

34 SEC. 3. Section 122 of the Business and Professions Code is
35 amended to read:

36 122. (a) Except as specified in subdivision (b) or otherwise
37 provided by law, the department and each of the boards, bureaus,
38 committees, and commissions within the department may charge
39 a fee for the processing and issuance of a duplicate copy of any
40 certificate of licensure or other form evidencing licensure or

1 renewal of licensure. The fee shall be in an amount sufficient to
 2 cover all costs incident to the issuance of the duplicate certificate
 3 or other form but shall not exceed twenty-five dollars (\$25).

4 (b) This section shall not apply to a licensee impacted by a
 5 declared federal, state, or local emergency or disaster or whose
 6 home or business is located in an area for which a federal, state,
 7 or local emergency or disaster has been declared.

8 SEC. 4. Section 136 of the Business and Professions Code is
 9 amended to read:

10 136. (a) Each person holding a license, certificate, registration,
 11 permit, or other authority to engage in a profession or occupation
 12 issued by a board within the department shall notify the issuing
 13 board at its principal office of any change in the person's mailing
 14 address within 30 days after the change, unless the board has
 15 specified by regulations a shorter time period.

16 (b) Except as otherwise provided by law, failure of a licensee
 17 to comply with the requirement in subdivision (a) constitutes
 18 grounds for the issuance of a citation and administrative fine, if
 19 the board has the authority to issue citations and administrative
 20 fines.

21 (c) This section shall not apply to a licensee whose home or
 22 business mailing address is located in an area for which a federal,
 23 state, or local emergency or disaster area is declared.

24 SEC. 5. Section 136.5 is added to the Business and Professions
 25 Code, to read:

26 136.5. Every applicant for licensure and every licensee of the
 27 Department of Real Estate or a board under the jurisdiction of the
 28 Department of Consumer Affairs, as specified in Section 101, shall
 29 provide the Department of Real Estate or the board with an email
 30 address.

31 SEC. 6. Section 7058.9 is added to the Business and Professions
 32 Code, to read:

33 7058.9. (a) ~~A-Notwithstanding Section 40520 of the Public~~
 34 ~~Resources Code, a~~ contractor shall not engage in ~~private~~ debris
 35 removal unless the contractor has one of the following licenses or
 36 classifications:

37 (1) A - General Engineering Contractor.

38 (2) B - General Building Contractor.

39 ~~(3) A-C-61 - Limited Specialty Contractor Classification for~~
 40 ~~Debris Removal and Flood Muck Out. The board may adopt~~

1 ~~regulations to define the scope and requirements of this~~
 2 ~~classification.~~

3 (3) *C-12 Earthwork and Paving and C-21 Building*
 4 *Moving/Demolition.*

5 (b) During a declared federal, state, or local emergency or for
 6 a declared disaster area, the registrar may authorize additional
 7 classifications to perform ~~private debris removal or removal,~~
 8 *including* muck out ~~services services,~~ based on the needs of the
 9 declared emergency or disaster.

10 (1) ~~The registrar may make the determination on a case-by-case~~
 11 ~~basis and without requiring regulations.~~

12 (2) ~~The registrar may require the qualifier for the license to have~~
 13 ~~passed an approved hazardous substance certification examination~~
 14 ~~as the disaster requires.~~

15 (c) *Any licensee authorized to perform debris removal pursuant*
 16 *to this section shall have passed an approved hazardous substance*
 17 *certification examination and shall comply with the hazardous*
 18 *waste operations and emergency response requirements pursuant*
 19 *to Section 5192 of Title 8 of the California Code of Regulations.*

20 SEC. 7. Section 10089 is added to the Business and Professions
 21 Code, to read:

22 10089. Immediately upon the declaration of a federal, state, or
 23 local emergency or disaster area, the commissioner, in consultation
 24 with other agencies and departments, as appropriate, shall do the
 25 following:

26 (a) ~~Expediently,~~ and until ~~90 days~~ *one year* following the end
 27 of the emergency, determine the nature and scope of any unlawful,
 28 unfair, or fraudulent practices employed by any individual or entity
 29 seeking to take advantage of property owners in the wake of the
 30 emergency.

31 (b) Provide notice to the public of the nature of these practices,
 32 their rights under the law, relevant resources that may be available,
 33 and contact information for authorities to whom violations may
 34 be reported.

35 SEC. 8. Section 10176 of the Business and Professions Code
 36 is amended to read:

37 10176. The commissioner may, upon their own motion, and
 38 shall, upon the verified complaint in writing of any person,
 39 investigate the actions of any person engaged in the business or
 40 acting in the capacity of a real estate licensee within this state, and

1 the commissioner may temporarily suspend or permanently revoke
2 a real estate license at any time where the licensee, while a real
3 estate licensee, in performing or attempting to perform any of the
4 acts within the scope of this chapter has been guilty of any of the
5 following:

6 (a) Making any substantial misrepresentation.

7 (b) Making any false promises of a character likely to influence,
8 persuade, or induce.

9 (c) A continued and flagrant course of misrepresentation or
10 making of false promises through licensees.

11 (d) Acting for more than one party in a transaction without the
12 knowledge or consent of all parties thereto.

13 (e) Commingling with their own money or property the money
14 or other property of others that is received and held by the licensee.

15 (f) Claiming, demanding, or receiving a fee, compensation, or
16 commission under any exclusive agreement authorizing a licensee
17 to perform any acts set forth in Section 10131 for compensation
18 or commission where the agreement does not contain a definite,
19 specified date of final and complete termination.

20 (g) The claiming or taking by a licensee of any secret or
21 undisclosed amount of compensation, commission, or profit or the
22 failure of a licensee to reveal to the buyer or seller contracting with
23 the licensee the full amount of the licensee's compensation,
24 commission, or profit under any agreement authorizing the licensee
25 to do any acts for which a license is required under this chapter
26 for compensation or commission prior to or coincident with the
27 signing of an agreement evidencing the meeting of the minds of
28 the contracting parties, regardless of the form of the agreement,
29 whether evidenced by documents in an escrow or by any other or
30 different procedure.

31 (h) The use by a licensee of any provision, which allows the
32 licensee an option to purchase, in an agreement with a buyer or
33 seller that authorizes the licensee to sell, buy, or exchange real
34 estate or a business opportunity for compensation or commission,
35 except when the licensee, prior to or coincident with election to
36 exercise the option to purchase, reveals in writing to the buyer or
37 seller the full amount of the licensee's profit and obtains the written
38 consent of the buyer or seller approving the amount of the profit.

1 (i) Any other conduct, whether of the same or of a different
2 character than specified in this section, which constitutes fraud or
3 dishonest dealing.

4 (j) Obtaining the signature of a prospective buyer to an
5 agreement which provides that the prospective buyer shall either
6 transact the purchasing, leasing, renting, or exchanging of a
7 business opportunity property through the broker obtaining the
8 signature, or pay a compensation to the broker if the property is
9 purchased, leased, rented, or exchanged without the broker first
10 having obtained the written authorization of the owner of the
11 property concerned to offer the property for sale, lease, exchange,
12 or rent.

13 (k) Failing to disburse funds in accordance with a commitment
14 to make a mortgage loan that is accepted by the applicant when
15 the real estate broker represents to the applicant that the broker is
16 either of the following:

17 (1) The lender.

18 (2) Authorized to issue the commitment on behalf of the lender
19 or lenders in the mortgage loan transaction.

20 (l) Intentionally delaying the closing of a mortgage loan for the
21 sole purpose of increasing interest, costs, fees, or charges payable
22 by the borrower.

23 (m) Violating any section, division, or article of law which
24 provides that a violation of that section, division, or article of law
25 by a licensed person is a violation of that person's licensing law,
26 if it occurs within the scope of that person's duties as a licensee.

27 (n) (1) Making an unsolicited offer to an owner of real property,
28 on their own behalf or on behalf of a client, to purchase or
29 otherwise acquire any interest in the real property for an amount
30 less than the fair market value of the property or interest in the
31 property when that property is located in an area included in a
32 declared federal, state, or local emergency or disaster area, for the
33 duration of the declared emergency and for ~~three months~~ *one year*
34 thereafter.

35 (2) Any person, including, but not limited to, an officer, director,
36 agent, or employee of a corporation, who violates this subdivision
37 is guilty of a misdemeanor punishable by a fine of up to ten
38 thousand dollars (\$10,000), by imprisonment for up to six months,
39 or both.

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

10 SEC. 10. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the California Constitution and shall
13 go into immediate effect. The facts constituting the necessity are:
14 In order to support licensed professionals impacted by the
15 disasters caused by the Palisades and Eaton wildfires, it is
16 necessary that this act take effect immediately.

SB 861 (Senate Business, Professions, and Economic Development Committee)
Consumer affairs

Status/History: 5/23/2025 – Passed Senate; Referred to Assembly Business and Professions Committee and Appropriations Committee.

Location: 7/08/2025 – Passed Assembly B&P; referred to Appropriations

Introduced: 3/13/2025

Amended: 5/14/2025; 6/30/2025

Board Position: Pending possible action

Board Staff Analysis: 7/15/2025

Bill Summary: This is the Senate BP&ED Committee’s Omnibus bill and as such is intended to include various non-substantive amendments to Business and Professions code for multiple boards/bureaus under Department of Consumer Affairs.

Among other unrelated amendments, this bill would amend Section 8764.5 of the Professional Land Surveyors’ Act to add a date field to the Surveyor’s Statement for a Record of Survey.

Affected Laws: An act to amend Section 8764.5 of the Business and Professions Code.

Staff Comment: This proposed language originated from industry stakeholder organizations and is intended to provide consistency between section 8764.5 and other sections in the Code and Board Rules which make it mandatory for a licensed land surveyor to include the date when signing/sealing a document for land surveying purposes.

Staff Recommendation:

Staff recommends the Board take a Support position on SB 861 as amended June 30, 2025

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 861 (Committee on Business, Professions and Economic Development) – As Amended June 30, 2025

Policy Committee: Business and Professions

Vote: 17 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill makes numerous technical and clarifying changes to provisions of law in the Business and Professions Code governing the boards, bureaus, and programs within the Department of Consumer Affairs (DCA) and the Department of Cannabis Control (DCC).

Specifically, this bill:

- 1) Updates various outdated references to boards or bureaus within the DCA that have been renamed since those statutes were enacted.
- 2) Adds corresponding references to recently established license categories.
- 3) Makes conforming changes to statutes relating to the composition of board memberships that were recently restructured.
- 4) Corrects erroneous cross-references and typographical errors.
- 5) Repeals unnecessary language referring to previous statutory deadlines.
- 6) Eliminates the use of gendered pronouns.
- 7) Makes various additional technical and noncontroversial changes recommended to enhance or clarify existing law providing for the licensing and oversight of various professions and entities.

For a detailed summary of the changes, see the Assembly Business and Professions Committee analysis and the Senate Floor analysis.

FISCAL EFFECT:

After surveying the impacted boards and bureaus, DCA anticipates negligible costs.

The Office of Information Services (OIS), within DCA, anticipates one-time costs of \$2,000 to separate the application fee and initial fee for Dental Hygiene Board. OIS considers this cost absorbable within existing maintenance resources.

COMMENTS:

- 1) **Purpose.** This bill is the annual omnibus bill authored by the Senate Committee on Business, Professions, and Economic Development to consolidate a number of noncontroversial provisions related to various regulatory programs and professions governed by the Business and Professions Code. Consolidating the provisions in one bill relieves the various licensing boards, bureaus, professions, and other regulatory agencies from the necessity and burden of having separate measures for a number of non-controversial, primarily technical and clarifying, revisions.
- 2) **Prior Legislation.** SB 1526 (Committee on Business, Professions and Economic Development), Chapter 497, Statutes of 2024, last year's omnibus bill made numerous technical and clarifying changes to programs within DCA, and made a conforming change related to fictitious name statements.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081

AMENDED IN ASSEMBLY JUNE 30, 2025

AMENDED IN SENATE MAY 14, 2025

SENATE BILL

No. 861

Introduced by Committee on Business, Professions and Economic Development (Senators Ashby (Chair), Archuleta, Arreguín, Choi, Grayson, Menjivar, Niello, Smallwood-Cuevas, Strickland, Umberg, and Weber Pierson)

March 13, 2025

An act to amend Sections 27, 144, 1602, 1603, 1901, 1903, 1905, 1926.3, 1944, 2125, 2532.2, 2532.3, 2532.4, 2532.6, 2532.7, 2536, 6501, 6584, 7076.5, 7137, 7152, 7524, 8027, 8764.5, 9889.1, 9889.2, 9889.9, 12107, 12211, 12500.8, 12609, 13404.5, 13711, 19094, 26051.5, and 26067 of, and to add and repeal Section 1616.5 of, of the Business and Professions Code, to amend Sections 44831, 94834, 94866, 94897, 94900, 94902, 94909, and 94910 of, and to repeal Sections 94880.1, 94929.9, and 94949 of, the Education Code, and to amend Section 14132.55 of the Welfare and Institutions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 861, as amended, Committee on Business, Professions and Economic Development. Consumer affairs.

(1) Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs, which is composed of various agencies that license and regulate various businesses and professions. Existing law requires certain agencies to disclose information on the status of its licensees on the internet, as specified. In this regard, existing law specifies the licensees on which

the Cemetery and Funeral Bureau is required to disclose information, including, among others, cemetery brokers, salespersons, and managers.

This bill would also specify that the bureau is required to disclose information on licensed hydrolysis facilities and reduction facilities.

(2) Existing law requires designated agencies in the Department of Consumer Affairs to require applicants to furnish a full set of fingerprints to the agency for purposes of conducting criminal history record checks.

This bill would include the State Board of Chiropractic Examiners as one of those designated agencies.

(3) The Dental Practice Act establishes the Dental Board of California to license and regulate the practice of dentistry, and repeals the provision establishing the board on January 1, 2029. Chapter 483 of the Statutes of 2024 revised the membership of the board by, among other things, removing a requirement that the board include a registered dental hygienist, and, instead, requiring the inclusion of a 2nd member who is a registered dental assistant.

This bill would make conforming changes, including deleting obsolete references to a dental hygienist member of the board. ~~The bill would also authorize the board to appoint a person exempt from civil service as an executive officer, and would repeal this provision on January 1, 2029.~~

(4) Existing law establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Chapter 858 of the Statutes of 2018 created the board out of the former Dental Hygiene Committee of California, as specified. Existing law requires the dental hygiene board to make recommendations to the Dental Board of California regarding dental hygiene scope of practice issues. Existing law also requires the Dental Hygiene Board of California to establish the amount of fees relating to the licensing of dental hygienists and imposes limitations on those fees, including prohibiting the application fee for an original license and the fee for issuance of an original license from exceeding \$250.

This bill would remove the requirement for the dental hygiene board to make recommendations to the Dental Board of California, as described above. The bill would instead prohibit an application fee from exceeding \$100 and an initial licensure fee from exceeding \$150. The bill would make technical changes to the provisions regulating dental hygienists by, among other things, correcting references to the dental hygiene board and deleting an obsolete provision affecting the expiration

of terms for members of the former Dental Hygiene Committee of California.

(5) Existing law establishes the Licensed Physicians from Mexico Program under which the Medical Board of California is required to issue a 3-year physician and surgeon's license to each licensed physician from Mexico who, among other requirements, passes a board review course with a score equivalent to that registered by United States applicants when passing a board review course for the United States certification examination in each of the physician's specialty areas.

This bill would delete that requirement.

(6) The ~~Speech-Language Pathologist~~ *Pathologists* and ~~Audiologist~~ *Audiologists* and Hearing Aid Dispensers Licensure Act establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to license and regulate speech-language pathologists, audiologists, and hearing aid dispensers. Existing law establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund to deposit revenue received pursuant to the act and makes moneys in the fund available upon appropriation by the Legislature to carry out the purposes of the act.

This bill would make technical changes to various provisions of the act and other related provisions, including updating references to the names of the board and the fund.

(7) The Professional Fiduciaries Act establishes the Professional Fiduciaries Bureau to license and regulate professional fiduciaries, as defined. Existing law requires a licensee to file a statement with the bureau annually that contains specified information, including whether the licensee has been convicted of a crime. Existing law authorizes the suspension, revocation, denial or other disciplinary action for a failure to notify the bureau of a conviction pursuant to that requirement.

This bill would update the cross-reference to that requirement. The bill would make a nonsubstantive change to the definition of professional fiduciary.

(8) The Contractors State License Law establishes the Contractors State License Board to license and regulate contractors. Existing law exempts an inactive contractor's license from certain requirements during the period that a license is inactive, including specified bonding and qualifier requirements.

This bill would also exempt an inactive license from workers' compensation requirements.

The Contractors State License Law requires a licensee that is subject to a public complaint requiring a professional or expert investigation or inspection and report to pay fees to cover the costs of the investigation or inspection and report if it resulted in the issuance of a letter of admonishment or a citation. Existing law requires the full amount of the assessed fee to be added to the fee for the active or inactive renewal of a licensee.

Under this bill, the licensee would be required to pay those fees only if the letter of admonishment or citation has become a final order of the registrar. The bill would delete the provision requiring the assessed fee to be added to the fee for renewal of a license.

The Contractors State License Law requires a home improvement salesperson to register with the board in order to engage in the business of, or act in the capacity of, a home improvement salesperson. Existing law creates exemptions for certain individuals who, at the time of the sales transaction, are listed as personnel of record for a licensee responsible for soliciting, negotiating, or contracting for a service or improvement that is subject to registration, as specified.

This bill would update a cross-reference to the provisions specifying those exempt individuals.

(9) The Private Investigator Act provides for the licensure and regulation of private investigators by the Director of Consumer Affairs, and requires a licensee to make signed agreements and investigative findings available for inspection by the Bureau of Security and Investigative Services.

This bill would specify that making these records available for inspection by the bureau does not violate rules or laws related to attorney work product and attorney-client privilege, as specified.

(10) Existing law establishes the Court Reporters Board of California to license and regulate shorthand reporters and requires the board to develop standardization of policies on the use and administration of qualifier examinations by schools. Existing law requires the qualifier examination to consist of 4-voice testimony of 10-minute duration at 200 words per minute graded at 97.5 percent accuracy.

This bill would instead require the qualifier examination to be graded at 95 percent accuracy.

(11) The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, and provides that a violation of the

act is a crime. Existing law requires a licensed surveyor or licensed civil engineer, after making a field survey in conformity with the practice of land surveying, to file a record of survey relating to land boundaries or property lines with the county surveyor in the county in which the field survey was made, if the field survey discloses specified information. Existing law requires the record of survey to be a map and to show, among other things, certain signed form statements by the surveyor, the county surveyor, and the county recorder regarding the map's compliance with the Professional Land Surveyors' Act.

This bill would make a date field next to the signature line of the form statement for the land surveyor.

~~(11)~~

(12) The Automotive Repair Act establishes the Bureau of Automotive Repair to license and regulate automotive repair dealers, authorizes the Director of Consumer Affairs to adopt and enforce rules and regulations that are necessary to carry out the purposes of the act. Chapter 372 of the Statutes of 2021 replaced provisions that governed the licensure of lamp and brake adjusting stations and adjusters with provisions that govern the licensure of vehicle safety systems inspection, as specified.

This bill would update cross-references to those provisions of the act.

~~(12)~~

(13) Existing law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law requires the Secretary of Food and Agriculture to adopt by reference certain tolerances, specifications, procedures, requirements, and standards for methods of sale that are recommended or published by the National Conference on Weights and Measures.

This bill would replace references to "National Conference on Weights and Measures" with "National Council on Weights and Measures."

~~(13)~~

(14) Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and

adult-use cannabis activities and requires the Department of Cannabis Control to administer its provisions.

Existing law requires an applicant for a state license to conduct commercial cannabis activity to provide, among other things, specified information to the Department of Cannabis Control and the Department of Justice.

This bill would make nonsubstantive changes to those provisions by updating cross-references.

Existing law requires the department to establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain, as specified. Existing law requires the department, in consultation with the California Department of Tax and Fee Administration, to create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, as specified.

This bill would instead refer to the electronic database as an electronic system.

~~(14)~~

(15) Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary institutions by the Bureau for Private Postsecondary Education. Existing law defines “distance education” for purposes of the act to mean transmission of instruction to students at a location separate from the institution, and defines “teach-out” to mean the arrangements an institution makes for its students to complete their educational programs when the institution ceases to operate. Existing law requires an institution to maintain permanent records, for each student granted a degree or certificate.

This bill would instead define “distance education” to mean transmission of instruction to students at a location separate from the faculty. The bill would revise the definition of “teach-out” to mean the arrangements an institution makes for its students to complete their educational programs when the institution or an educational program ceases to operate. The bill would repeal a provision requiring the bureau to establish a task force no later than March 1, 2015, to review standards for educational and training programs specializing in innovative subjects and instructing students in high-demand technology fields for which there is a shortage of skilled employees. The bill would require the permanent records required to be maintained by the institution to be complete and accurate.

~~(15)~~

(16) Existing law requires a student to enroll in a private postsecondary institution by executing an enrollment agreement and makes the agreement unenforceable unless the student has received the institution's catalog and School Performance Fact Sheet before signing the agreement. Existing law requires an institution to provide a prospective student with a School Performance Fact Sheet prior to enrollment.

This bill would require the student to receive the institution's current catalog and would require the institution to provide a prospective student with a current School Performance Fact Sheet. The bill would repeal a requirement that the bureau consider specified factors, including graduate salary and other outcome data and reporting requirements used by the United States Department of Education and specified other entities, and the reporting requirements of public postsecondary institutions to evaluate the feasibility of adopting these reporting requirements for private postsecondary institutions. The bill would repeal an obsolete reporting requirement relating to the bureau's staffing resources.

~~(16)~~

(17) This bill would make other technical changes, including eliminating gendered pronouns.

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 27 of the Business and Professions Code
2 is amended to read:
3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
4 shall provide on the internet information regarding the status of
5 every license issued by that entity in accordance with the California
6 Public Records Act (Division 10 (commencing with Section
7 7920.000) of Title 1 of the Government Code) and the Information
8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public
10 information to be provided on the internet shall include information
11 on suspensions and revocations of licenses issued by the entity
12 and other related enforcement action, including accusations filed
13 pursuant to the Administrative Procedure Act (Chapter 3.5

(commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

(b) In providing information on the internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including automotive repair dealers, smog check stations, smog check inspectors and repair technicians, and vehicle safety systems inspection stations and technicians.

(3) The Bureau of Household Goods and Services shall disclose information on its licensees, registrants, and permitholders.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, hydrolysis facilities, reduction facilities, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors State License Board shall disclose information on its licensees and registrants in accordance with

Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The Acupuncture Board shall disclose information on its licensees.

(13) The Board of Behavioral Sciences shall disclose information on its licensees and registrants.

(14) The Dental Board of California shall disclose information on its licensees.

(15) The California State Board of Optometry shall disclose information on its licensees and registrants.

(16) The Board of Psychology shall disclose information on its licensees, including psychologists and registered psychological associates.

(17) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permit holders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

1 SEC. 2. Section 144 of the Business and Professions Code is
2 amended to read:

3 144. (a) Notwithstanding any other law, an agency designated
4 in subdivision (b) shall require an applicant to furnish to the agency
5 a full set of fingerprints for purposes of conducting criminal history
6 record checks. Any agency designated in subdivision (b) may
7 obtain and receive, at its discretion, criminal history information
8 from the Department of Justice and the United States Federal
9 Bureau of Investigation.

10 (b) Subdivision (a) applies to the following:

- 11 (1) California Board of Accountancy.
- 12 (2) State Athletic Commission.
- 13 (3) Board of Behavioral Sciences.
- 14 (4) Court Reporters Board of California.
- 15 (5) Dental Board of California.
- 16 (6) California State Board of Pharmacy.
- 17 (7) Board of Registered Nursing.
- 18 (8) California Veterinary Medical Board.
- 19 (9) Board of Vocational Nursing and Psychiatric Technicians
20 of the State of California.
- 21 (10) Respiratory Care Board of California.
- 22 (11) Physical Therapy Board of California.
- 23 (12) Physician Assistant Board.
- 24 (13) Speech-Language Pathology and Audiology and Hearing
25 Aid Dispensers Board.
- 26 (14) Medical Board of California.
- 27 (15) California State Board of Optometry.
- 28 (16) Acupuncture Board.
- 29 (17) Cemetery and Funeral Bureau.
- 30 (18) Bureau of Security and Investigative Services.
- 31 (19) Division of Investigation.
- 32 (20) Board of Psychology.
- 33 (21) California Board of Occupational Therapy.
- 34 (22) Structural Pest Control Board.
- 35 (23) Contractors State License Board.
- 36 (24) California Board of Naturopathic Medicine.
- 37 (25) Professional Fiduciaries Bureau.
- 38 (26) Board for Professional Engineers, Land Surveyors, and
39 Geologists.
- 40 (27) Podiatric Medical Board of California.

1 (28) Osteopathic Medical Board of California.

2 (29) California Architects Board, beginning January 1, 2021.

3 (30) Landscape Architects Technical Committee, beginning
4 January 1, 2022.

5 (31) Bureau of Household Goods and Services with respect to
6 household movers as described in Chapter 3.1 (commencing with
7 Section 19225) of Division 8.

8 (32) State Board of Chiropractic Examiners.

9 (c) For purposes of paragraph (26) of subdivision (b), the term
10 “applicant” shall be limited to an initial applicant who has never
11 been registered or licensed by the board or to an applicant for a
12 new licensure or registration category.

13 SEC. 3. Section 1602 of the Business and Professions Code is
14 amended to read:

15 1602. All of the members of the board, except the public
16 members, shall have been actively and lawfully engaged in the
17 practice of dentistry in the State of California, for at least five years
18 next preceding the date of their appointment. The registered dental
19 assistant members shall have been a registered dental assistant, in
20 the State of California for at least five years next preceding the
21 date of their appointment. The public members shall not be
22 licensees of the board or of any other board under this division or
23 of any board referred to in Sections 1000 and 3600. No more than
24 one member of the board shall be a member of the faculty of any
25 dental college or dental department of any medical college in the
26 State of California. None of the members, including the public
27 members, shall have any financial interest in any such college.

28 SEC. 4. Section 1603 of the Business and Professions Code is
29 amended to read:

30 1603. (a) Except for the initial appointments, members of the
31 board shall be appointed for a term of four years, and each member
32 shall hold office until the appointment and qualification of the
33 member’s successor or until one year shall have elapsed since the
34 expiration of the term for which the member was appointed,
35 whichever first occurs.

36 (b) A vacancy occurring during a term shall be filled by
37 appointment for the unexpired term, within 30 days after it occurs.

38 (c) No person shall serve as a member of the board for more
39 than two terms.

(d) The Governor shall appoint three of the public members, the two registered dental assistant members, and the eight licensed dentist members of the board. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Of the initial appointments, one of the dentist members and one of the public members appointed by the Governor shall serve for a term of one year. Two of the dentist members appointed by the Governor shall each serve for a term of two years. One of the public members and two of the dentist members appointed by the Governor shall each serve a term of three years. The registered dental assistant members and the remaining three dentist members appointed by the Governor shall each serve for a term of four years. The public members appointed by the Senate Committee on Rules and the Speaker of the Assembly shall each serve for a term of four years.

~~SEC. 5. Section 1616.5 is added to the Business and Professions Code, to read:~~

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

~~(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.~~

~~SEC. 6:~~

~~SEC. 5. Section 1901 of the Business and Professions Code is amended to read:~~

~~1901. (a) There is hereby created in the Department of Consumer Affairs a Dental Hygiene Board of California in which the administration of this article is vested.~~

~~(b) Whenever the terms "Dental Hygiene Committee of California" or "committee" are used in this article, they mean the Dental Hygiene Board of California.~~

~~(c) Whenever the term "Dental Hygiene Committee of California" is used in any other law, it means the Dental Hygiene Board of California.~~

~~(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed. Notwithstanding any other law, the~~

1 repeal of this section renders the dental hygiene board subject to
2 review by the appropriate policy committees of the Legislature.

3 ~~SEC. 7.~~

4 SEC. 6. Section 1903 of the Business and Professions Code is
5 amended to read:

6 1903. (a) (1) The dental hygiene board shall consist of nine
7 members as follows:

8 (A) Seven members appointed by the Governor as follows:

9 (i) Two members shall be public members.

10 (ii) One member shall be a practicing general or public health
11 dentist who holds a current license in California.

12 (iii) Four members shall be registered dental hygienists who
13 hold current licenses in California. Of the registered dental
14 hygienist members, one shall be licensed either in alternative
15 practice or in extended functions, one shall be a dental hygiene
16 educator, and two shall be registered dental hygienists. No public
17 member shall have been licensed under this chapter within five
18 years of the date of their appointment or have any current financial
19 interest in a dental-related business.

20 (B) One public member appointed by the Senate Committee on
21 Rules.

22 (C) One public member appointed by the Speaker of the
23 Assembly.

24 (2) The first appointment by the Senate Committee on Rules or
25 the Speaker of the Assembly pursuant to this subdivision shall be
26 made upon the expiration of the term of a public member that is
27 scheduled to occur, or otherwise occurs, on or after January 1,
28 2019.

29 (3) For purposes of this subdivision, a public health dentist is
30 a dentist whose primary employer or place of employment is in
31 any of the following:

32 (A) A primary care clinic licensed under subdivision (a) of
33 Section 1204 of the Health and Safety Code.

34 (B) A primary care clinic exempt from licensure pursuant to
35 subdivision (c) of Section 1206 of the Health and Safety Code.

36 (C) A clinic owned or operated by a public hospital or health
37 system.

38 (D) A clinic owned and operated by a hospital that maintains
39 the primary contract with a county government to fill the county's
40 role under Section 17000 of the Welfare and Institutions Code.

(b) (1) Except as specified in paragraph (2), members of the dental hygiene board shall be appointed for a term of four years. Each member shall hold office until the appointment and qualification of the member's successor or until one year shall have lapsed since the expiration of the term for which the member was appointed, whichever comes first.

(2) For the term commencing on January 1, 2012, two of the public members, the general or public health dentist member, and two of the registered dental hygienist members, other than the dental hygiene educator member or the registered dental hygienist member licensed in alternative practice or in extended functions, shall each serve a term of two years, expiring January 1, 2014.

(c) Notwithstanding any other provision of law and subject to subdivision (e), the Governor may appoint to the dental hygiene board a person who previously served as a member of the former committee or dental hygiene board even if the person's previous term expired.

(d) The dental hygiene board shall elect a president, a vice president, and a secretary from its membership.

(e) No person shall serve as a member of the dental hygiene board for more than two consecutive terms.

(f) A vacancy in the dental hygiene board shall be filled by appointment to the unexpired term.

(g) Each member of the dental hygiene board shall receive a per diem and expenses as provided in Section 103.

(h) Each appointing authority shall have the power to remove from office at any time any member of the dental hygiene board appointed by that authority pursuant to Section 106.

(i) The dental hygiene board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the dental hygiene board and vested in the executive officer by this article.

(j) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

~~SEC. 8.~~

SEC. 7. Section 1905 of the Business and Professions Code is amended to read:

1905. (a) The dental hygiene board shall perform the following functions:

1 (1) Evaluate all registered dental hygienist, registered dental
2 hygienist in alternative practice, and registered dental hygienist in
3 extended functions educational programs that apply for approval
4 and grant or deny approval of those applications in accordance
5 with regulations adopted by the dental hygiene board. Any such
6 educational programs approved by the dental board on or before
7 June 30, 2009, shall be deemed approved by the dental hygiene
8 board. Any dental hygiene program accredited by the Commission
9 on Dental Accreditation may be approved.

10 (2) Withdraw or revoke its prior approval of a registered dental
11 hygienist, registered dental hygienist in alternative practice, or
12 registered dental hygienist in extended functions educational
13 program in accordance with regulations adopted by the dental
14 hygiene board. The dental hygiene board may withdraw or revoke
15 a dental hygiene program approval if the Commission on Dental
16 Accreditation has indicated an intent to withdraw approval or has
17 withdrawn approval.

18 (3) Review and evaluate all registered dental hygienist,
19 registered dental hygienist in alternative practice, and registered
20 dental hygienist in extended functions applications for licensure
21 to ascertain whether the applicant meets the appropriate licensing
22 requirements specified by statute and regulations, maintain
23 application records, cashier application fees, issue and renew
24 licenses, and perform any other tasks that are incidental to the
25 application and licensure processes.

26 (4) Determine the appropriate type of license examination
27 consistent with the provisions of this article, and develop or cause
28 to be developed and administer examinations in accordance with
29 regulations adopted by the dental hygiene board.

30 (5) Determine the amount of fees assessed under this article,
31 not to exceed the actual cost.

32 (6) Determine and enforce the continuing education
33 requirements specified in Section 1936.1.

34 (7) Deny, suspend, or revoke a license under this article, or
35 otherwise enforce the provisions of this article. Any such
36 proceedings shall be conducted in accordance with Chapter 5
37 (commencing with Section 11500) of Part 1 of Division 3 of Title
38 2 of the Government Code, and the dental hygiene board shall
39 have all of the powers granted therein.

(8) Adopt, amend, and revoke rules and regulations to implement the provisions of this article, including the amount of required supervision by a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions of a registered dental assistant.

(b) The dental hygiene board may employ employees and examiners that it deems necessary to carry out its functions and responsibilities under this article.

~~SEC. 9.~~

SEC. 8. Section 1926.3 of the Business and Professions Code is amended to read:

1926.3. (a) Every person who is now or hereafter licensed as a registered dental hygienist in alternative practice in this state shall register with the executive officer, on forms prescribed by the dental hygiene board within 30 calendar days, the physical facility of the registered dental hygienist in alternative practice or, if the registered dental hygienist in alternative practice has more than one physical facility pursuant to Section 1926.4, all of the physical facilities. If the registered dental hygienist in alternative practice does not have a physical facility, the registered dental hygienist in alternative practice shall notify the executive officer.

(b) (1) A registered dental hygienist in alternative practice who utilizes portable equipment to practice dental hygiene shall register with the executive officer, on forms prescribed by the dental hygiene board, the registered dental hygienist in alternative practice's physical facility where the portable equipment is maintained.

(2) The dental hygiene board may conduct announced and unannounced reviews and inspections of a registered dental hygienist in alternative practice's physical facilities and equipment described in paragraph (1) to ensure continued compliance with the requirements for continued approval under this article.

(c) It shall constitute unprofessional conduct if the registered dental hygienist in alternative practice's physical facility or equipment is found to be noncompliant with any requirements necessary for licensure and a registered dental hygienist in alternative practice may be placed on probation with terms, issued a citation and fine, or have the owned physical facility registration withdrawn if compliance is not demonstrated within reasonable timelines, as established by the dental hygiene board.

(d) The dental hygiene board, by itself or through an authorized representative, may issue a citation containing fines and orders of abatement to the registered dental hygienist in alternative practice for any violation of this section, Section 1925, Section 1926.4, or any regulations adopted thereunder. Any fine collected pursuant to this section shall be deposited into the State Dental Hygiene Fund established pursuant to Section 1944.

~~SEC. 10.~~

SEC. 9. Section 1944 of the Business and Professions Code is amended to read:

1944. (a) The dental hygiene board shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by dental hygiene board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the dental hygiene board. The fees are subject to the following limitations:

(1) The application fee shall not exceed one hundred dollars (\$100).

(2) The initial licensure fee shall not exceed one hundred fifty dollars (\$150).

(3) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not exceed five hundred dollars (\$500).

(7) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall

1 not exceed twenty-five dollars (\$25) or one-half of the renewal
2 fee, whichever is greater.

3 (9) The fee for certification of licensure shall not exceed one-half
4 of the renewal fee.

5 (10) The fee for each curriculum review and feasibility study
6 review for educational programs for dental hygienists who are not
7 accredited by a dental hygiene board-approved agency shall not
8 exceed two thousand one hundred dollars (\$2,100).

9 (11) The fee for each review or approval of course requirements
10 for licensure or procedures that require additional training shall
11 not exceed seven hundred fifty dollars (\$750).

12 (12) The initial application and biennial fee for a provider of
13 continuing education shall not exceed five hundred dollars (\$500).

14 (13) The amount of fees payable in connection with permits
15 issued under Section 1962 is as follows:

16 (A) The initial permit fee is an amount equal to the renewal fee
17 for the applicant's license to practice dental hygiene in effect on
18 the last regular renewal date before the date on which the permit
19 is issued.

20 (B) If the permit will expire less than one year after its issuance,
21 then the initial permit fee is an amount equal to 50 percent of the
22 renewal fee in effect on the last regular renewal date before the
23 date on which the permit is issued.

24 (14) The fee for the dental hygiene board to conduct a site visit
25 to educational programs for a registered dental hygienist, a
26 registered dental hygienist in alternative practice, or a registered
27 dental hygienist in extended functions to ensure compliance of
28 educational program requirements shall not exceed the actual cost
29 incurred by the dental hygiene board for cost recovery of site visit
30 expenditures.

31 (15) The fee for a retired license shall not exceed one-half of
32 the current license renewal fee.

33 (b) The renewal and delinquency fees shall be fixed by the dental
34 hygiene board by resolution at not more than the current amount
35 of the renewal fee for a license to practice under this article nor
36 less than five dollars (\$5).

37 (c) Fees fixed by the dental hygiene board by resolution pursuant
38 to this section shall not be subject to the approval of the Office of
39 Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the dental hygiene board and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund, upon appropriation by the Legislature in the annual Budget Act, shall be used to implement this article.

(e) No fees or charges other than those listed in this section shall be levied by the dental hygiene board in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars (\$250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (7) of subdivision (a).

(l) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out this article.

~~SEC. 11.~~

SEC. 10. Section 2125 of the Business and Professions Code is amended to read:

2125. (a) For purposes of this article, the following definitions apply:

(1) "Board" means the Medical Board of California.

(2) "Program" means the Licensed Physicians from Mexico Program.

(b) (1) The Licensed Physicians from Mexico Program is hereby created.

(2) The board shall approve physician candidates from Mexico for program participation.

(c) (1) This program extends the physician component of the Licensed Physicians and Dentists from Mexico Pilot Program, as established in former Section 853, which authorized up to 30

1 licensed physicians specializing in family practice, internal
2 medicine, pediatrics, and obstetrics and gynecology from Mexico
3 to practice medicine in California for a period not to exceed three
4 years.

5 (2) The program shall also maintain an alternate list of program
6 participants.

7 (d) The board shall issue a nonrenewable three-year physician's
8 and surgeon's license to each licensed physician from Mexico who
9 meets the criteria set forth in this section.

10 (e) Each physician from Mexico, to be eligible to participate in
11 this program, shall comply with all of the following:

12 (1) Be licensed, certified or recertified, and in good standing in
13 their medical specialty in Mexico. This certification or
14 recertification shall be performed, as appropriate, by the Consejo
15 Mexicano de Ginecología y Obstetricia, A.C., the Consejo
16 Mexicano de Certificación en Medicina Familiar, A.C., the Consejo
17 Mexicano de Medicina Interna, A.C., the Consejo Mexicano de
18 Certificación en Pediatría, A.C., or the Consejo Mexicano de
19 Psiquiatría, A.C.

20 (2) Before leaving Mexico, have completed all of the following
21 requirements:

22 (A) Passed an interview examination developed by the National
23 Autonomous University of Mexico (UNAM) for each specialty
24 area. Each family practitioner who includes obstetrics and
25 gynecology in their practice ~~and~~ shall not perform deliveries in
26 California unless they have performed 50 live birth deliveries, as
27 required by United States standards, confirmed by written
28 documentation by the supervising department chair, hospital
29 administrator, or hospital chief medical officer. Each obstetrician
30 and gynecologist from Mexico shall be a fellow in good standing
31 of the American College of Obstetricians and Gynecologists.

32 (B) (i) Satisfactorily completed an orientation program approved
33 by the board in connection with the Licensed Physicians and
34 Dentists from Mexico Pilot Program, as established in former
35 Section 853, and that includes medical protocol, community clinic
36 history and operations, medical administration, hospital operations
37 and protocol, medical ethics, the California medical delivery
38 system, health maintenance organizations and managed care
39 practices, medication documentation and reconciliation, the
40 electronic medical records system utilized by federally qualified

1 health centers, and standards for medical record documentation to
2 support medical decisionmaking and quality care. This orientation
3 program may be changed by a committee of at least five chief
4 medical officers at federally qualified health centers employing
5 program licensees to ensure that the orientation program contains
6 the requisite subject matter and meets appropriate California law
7 and medical standards where applicable.

8 (ii) Satisfactorily completed the Test of English as a Foreign
9 Language by scoring a minimum of 85 percent or the Occupational
10 English Test with a minimum score of 350, and provided written
11 documentation of their completion to the board.

12 (C) Representatives from California and the UNAM in Mexico
13 that executed and implemented the provisions of the former
14 *Licensed Physicians and Dentists from Mexico Pilot Program* shall
15 be the points of contact involved in securing required documents,
16 recruiting and vetting candidates, assisting candidates for this
17 program in Mexico to meet all program requirements, selecting
18 appropriate federally qualified health centers throughout California,
19 ensuring compliance with program provisions, developing policy
20 and clinical workshops, monitoring productivity and increased
21 access to medical care, and assessing the necessity of policy and
22 programmatic improvements.

23 (3) Upon satisfactory completion of the requirements in
24 paragraphs (1) and (2), and after having received their
25 nonrenewable three-year physician's and surgeon's license, each
26 licensee shall be required to obtain continuing education pursuant
27 to Section 2190. Each physician shall obtain 25 continuing
28 education units per year for three years of program participation,
29 which shall be subject to random audits by the board to ensure
30 compliance. The board may issue a citation and administrative
31 fine against a licensee who fails to comply with the requirements
32 of this paragraph.

33 (4) The federally qualified health centers employing physicians
34 from Mexico shall continue the peer review protocols and
35 procedures as required by the federal government. The federally
36 qualified health centers shall work with a California medical school
37 approved by the board pursuant to Section 2084 or a residency
38 program approved by the Accreditation Council for Graduate
39 Medical Education to conduct 10 secondary reviews of randomly
40 selected patient encounters with each licensee per six-month period,

1 and the reviews shall be transmitted to the approved medical school
 2 or medical institution with an approved residency program in PDF
 3 format. The secondary reviews shall be undertaken every six
 4 months of each year for the three years that the physicians from
 5 Mexico are employed by federally qualified health centers. The
 6 faculty reviewers in family medicine, pediatrics, internal medicine,
 7 psychiatry, and obstetrics and gynecology from the California
 8 medical school approved by the board pursuant to Section 2084
 9 or the residency program approved by the Accreditation Council
 10 for Graduate Medical Education shall provide feedback to the
 11 federally qualified health centers of the findings of their secondary
 12 reviews. The faculty and federally qualified health center chief
 13 medical officers shall jointly develop no less than two quality
 14 assurance (QA) seminars for all physicians from Mexico to attend
 15 during the six months of secondary reviews conducted. The purpose
 16 of the approved medical school or medical institution with an
 17 approved residency program secondary peer reviews shall be to
 18 provide feedback on compliance with medical standards, protocols,
 19 and procedures required by the federal government and assessed
 20 by the monthly or quarterly peer reviews conducted by federally
 21 qualified health centers. The associated costs for the secondary
 22 reviews and QA seminars shall be the responsibility of the federally
 23 qualified health centers on a pro rata basis.

24 (5) The federally qualified health centers employing physicians
 25 in the program shall be required to have medical quality assurance
 26 protocols and be accredited by The Joint Commission, National
 27 Committee for Quality Assurance, or Accreditation Association
 28 for Ambulatory Health Care.

29 (6) Participating hospitals shall have the authority to establish
 30 criteria necessary to allow individuals participating in this program
 31 to be granted hospital privileges in their facilities, taking into
 32 consideration the need and concerns for access to patient
 33 populations served by federally qualified health centers and
 34 attending doctors from Mexico, especially in rural areas that do
 35 not have hospitals staffed to provide deliveries of newborns.

36 (7) A licensee shall practice only in the nonprofit community
 37 health center that offered the licensee employment and the
 38 corresponding hospital. This three-year physician's and surgeon's
 39 license shall be deemed to be a license in good standing pursuant
 40 to the provisions of this chapter for the purpose of participation

1 and reimbursement in all federal, state, and local health programs.
2 These programs shall include the Medicare Program, the
3 fee-for-service and managed care delivery systems of the Medi-Cal
4 program, and private insurance. A physician from Mexico shall
5 not be denied credentials by a health plan because the physician
6 is a participant in this state program and did not receive their
7 medical education and training in the United States. The
8 nonrenewable three-year physician's and surgeon's license issued
9 pursuant to this program shall be referred to as a Physician's and
10 Surgeon's from Mexico License and shall not include any
11 additional notations beyond the current numerical identifiers that
12 the board applies.

13 (f) (1) Notwithstanding subdivisions (a) to (d), inclusive, of
14 Section 30, the board shall issue a nonrenewable three-year
15 physician's and surgeon's license pursuant to this section to an
16 applicant who has not provided an individual taxpayer
17 identification number or social security number if the board staff
18 determines the applicant is otherwise eligible for a license only
19 under the program pursuant to this section, subject to the following
20 conditions:

21 (A) The applicant shall immediately seek both an appropriate
22 three-year visa and the accompanying social security number from
23 the United States government within 14 days of being issued a
24 medical license under this section.

25 (B) The applicant shall immediately provide to the board a social
26 security number obtained in accordance with subparagraph (A)
27 within 10 days of the federal government issuing the social security
28 card related to the issued visa.

29 (C) The applicant shall not engage in the practice of medicine
30 pursuant to this section until the board determines that the
31 conditions in subparagraphs (A) and (B) have been met.

32 (2) The board, if it determines that an applicant has met the
33 conditions in paragraph (1), shall notify the applicant that the
34 applicant may engage in the practice of medicine under the license
35 in accordance with this section.

36 (g) (1) (A) Between January 1, 2025, and January 1, 2029, the
37 board shall coordinate with the representatives described in
38 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
39 no more than 155 program participants have a current and active
40 license at the same time.

1 (B) During the time period described in subparagraph (A), no
2 more than 30 of the 155 licenses may be issued to physicians whose
3 primary area of practice is psychiatry.

4 (C) During the time period described in subparagraph (A), an
5 applicant shall submit an application to the board between October
6 1, 2025, and December 31, 2025, except that the board may accept
7 up to 15 applications after December 31, 2025, and before January
8 1, 2028.

9 (2) (A) Between January 1, 2029, and January 1, 2033, the
10 board shall coordinate with the representatives described in
11 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
12 no more than 195 program participants have a current and active
13 license at the same time.

14 (B) During the time period described in subparagraph (A), no
15 more than 40 of the 195 licenses may be issued to physicians whose
16 primary area of practice is psychiatry.

17 (C) During the time period described in subparagraph (A), an
18 applicant shall submit an application to the board between October
19 1, 2029, and December 31, 2029, except that the board may accept
20 up to 19 applications after December 31, 2029, and before January
21 1, 2032.

22 (3) (A) Between January 1, 2033, and January 1, 2037, the
23 board shall coordinate with the representatives described in
24 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
25 no more than 225 program participants have a current and active
26 license at the same time.

27 (B) During the time period described in subparagraph (A), no
28 more than 40 of the 225 licenses may be issued to physicians whose
29 primary area of practice is psychiatry.

30 (C) During the time period described in subparagraph (A), an
31 applicant shall submit an application to the board between October
32 1, 2033, and December 31, 2033, except that the board may accept
33 up to 22 applications after December 31, 2033, and before January
34 1, 2036.

35 (4) (A) Between January 1, 2037, and January 1, 2041, the
36 board shall coordinate with the representatives described in
37 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
38 no more than 255 program participants have a current and active
39 license at the same time.

1 (B) During the time period described in subparagraph (A), no
 2 more than 40 of the 255 licenses may be issued to physicians whose
 3 primary area of practice is psychiatry.

4 (C) During the time period described in subparagraph (A), an
 5 applicant shall submit an application to the board between October
 6 1, 2037, and December 31, 2037, except that the board may accept
 7 up to 25 applications after December 31, 2037, and before January
 8 1, 2040.

9 (5) (A) Between January 1, 2041, and January 1, 2045, the
 10 board shall coordinate with the representatives described in
 11 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
 12 no more than 275 program participants have a current and active
 13 license at the same time.

14 (B) During the time period described in subparagraph (A), no
 15 more than 40 of the 275 licenses may be issued to physicians whose
 16 primary area of practice is psychiatry.

17 (C) During the time period described in subparagraph (A), an
 18 applicant shall submit an application to the board between October
 19 1, 2041, and December 31, 2041, except that the board may accept
 20 up to 27 applications after December 31, 2041, and before January
 21 1, 2044.

22 (6) A physician's eligibility pursuant to this subdivision is
 23 subject to the physician complying with all of the requirements
 24 set forth in this section.

25 (h) All applicable employment benefits, salary, and policies
 26 provided by nonprofit community health centers to their current
 27 employees shall be provided to medical practitioners from Mexico
 28 participating in this program. This shall include nonprofit
 29 community health centers providing malpractice insurance
 30 coverage.

31 (i) Each program applicant shall be responsible for working
 32 with the governments of Mexico and the United States in order to
 33 obtain the necessary three-year visa required for program
 34 participation.

35 ~~SEC. 12.~~

36 *SEC. 11.* Section 2532.2 of the Business and Professions Code
 37 is amended to read:

38 2532.2. Except as required by Section 2532.25, to be eligible
 39 for licensure by the board as a speech-language pathologist or

1 audiologist, the applicant shall possess all of the following
2 qualifications:

3 (a) Possess at least a master's degree in speech-language
4 pathology or audiology from an educational institution approved
5 by the board or qualifications deemed equivalent by the board.

6 (b) (1) Submit evidence of the satisfactory completion of
7 supervised clinical practice with individuals representative of a
8 wide spectrum of ages and communication disorders. The board
9 shall establish by regulation the required number of clock hours,
10 not to exceed 375 clock hours, of supervised clinical practice
11 necessary for the applicant.

12 (2) The clinical practice shall be under the direction of an
13 educational institution approved by the board.

14 (c) Submit evidence of no less than 36 weeks of satisfactorily
15 completed supervised professional full-time experience or 72 weeks
16 of professional part-time experience obtained under the supervision
17 of a licensed speech-language pathologist or audiologist or a
18 speech-language pathologist or audiologist having qualifications
19 deemed equivalent by the board. This experience shall be evaluated
20 and approved by the board. The required professional experience
21 shall follow completion of the requirements listed in subdivisions
22 (a) and (b). Full time is defined as at least 36 weeks in a calendar
23 year and a minimum of 30 hours per week. Part time is defined as
24 a minimum of 72 weeks and a minimum of 15 hours per week.

25 (d) (1) Pass an examination or examinations approved by the
26 board. The board shall determine the subject matter and scope of
27 the examinations and may waive the examination upon evidence
28 that the applicant has successfully completed an examination
29 approved by the board. Written examinations may be supplemented
30 by oral examinations as the board shall determine. An applicant
31 who fails their examination may be reexamined at a subsequent
32 examination upon payment of the reexamination fee required by
33 this chapter.

34 (2) A speech-language pathologist or audiologist who holds a
35 license from another state or territory of the United States or who
36 holds equivalent qualifications as determined by the board and
37 who has completed no less than one year of full-time continuous
38 employment as a speech-language pathologist or audiologist within
39 the past three years is exempt from the supervised professional
40 experience in subdivision (c).

1 (e) As applied to licensure as an audiologist, this section shall
2 apply to applicants who graduated from an approved educational
3 institution on or before December 31, 2007.

4 ~~SEC. 13.~~

5 *SEC. 12.* Section 2532.3 of the Business and Professions Code
6 is amended to read:

7 2532.3. (a) Upon approval of an application filed pursuant to
8 Section 2532.1, and upon the payment of the fee prescribed by
9 subdivision (i) of Section 2534.2, the board may issue a temporary
10 license for a period of six months from the date of issuance to a
11 speech-language pathologist or audiologist who holds an
12 unrestricted license from another state or territory of the United
13 States or who holds equivalent qualifications as determined by the
14 board and has made application to the board for a license in this
15 state.

16 (b) A temporary license shall terminate upon notice thereof by
17 certified mail, return receipt requested, if it is issued by mistake
18 or if the application for permanent licensure is denied.

19 (c) Upon written application, the board may reissue a temporary
20 license to any person who has applied for a regular renewable
21 license pursuant to Section 2532.1, and who, in the judgment of
22 the board, has been excusably delayed in completing their
23 application or the minimum requirements for a regular license.
24 The board may not reissue a temporary license more than twice
25 to any one person.

26 ~~SEC. 14.~~

27 *SEC. 13.* Section 2532.4 of the Business and Professions Code
28 is amended to read:

29 2532.4. (a) The board may direct applicants to be examined
30 for knowledge in whatever theoretical or applied fields in
31 speech-language pathology or audiology it deems appropriate. It
32 may examine the applicant with regard to their professional skills
33 and their judgment in the utilization of speech-language pathology
34 or audiology techniques and methods.

35 (b) The examination may be written or oral or both. The
36 examination shall be given at least once a year at the time and
37 place and under such supervision as the board may determine. The
38 board shall determine what shall constitute a passing grade.

39 (c) The board shall keep an accurate recording of any oral
40 examination and keep the recordings as well as any written

1 examination as part of its records for at least two years following
2 the date of examination.

3 ~~SEC. 15.~~

4 *SEC. 14.* Section 2532.6 of the Business and Professions Code
5 is amended to read:

6 2532.6. (a) The Legislature recognizes that the education and
7 experience requirements of this chapter constitute only minimal
8 requirements to assure the public of professional competence. The
9 Legislature encourages all professionals licensed and registered
10 by the board under this chapter to regularly engage in continuing
11 professional development and learning that is related and relevant
12 to the professions of speech-language pathology and audiology.

13 (b) The board shall not renew any license or registration pursuant
14 to this chapter unless the applicant certifies to the board that they
15 have completed in the preceding two years not less than the
16 minimum number of continuing professional development hours
17 established by the board pursuant to subdivision (c) for the
18 professional practice authorized by their license or registration.

19 (c) (1) The board shall prescribe the forms utilized for and the
20 number of hours of required continuing professional development
21 for persons licensed or registered under this chapter.

22 (2) The board shall have the right to audit the records of any
23 applicant to verify the completion of the continuing professional
24 development requirements.

25 (3) Applicants shall maintain records of completion of required
26 continuing professional development coursework for a minimum
27 of two years and shall make these records available to the board
28 for auditing purposes upon request.

29 (d) The board shall establish exceptions from the continuing
30 professional development requirements of this section for good
31 cause as defined by the board.

32 (e) (1) The continuing professional development services shall
33 be obtained from accredited institutions of higher learning,
34 organizations approved as continuing education providers by either
35 the American ~~Speech-Language-Hearing~~
36 *Speech-Language-Hearing* Association or the American Academy
37 of Audiology, the California Medical Association's Institute for
38 Medical Quality Continuing Medical Education Program, or other
39 entities or organizations approved as continuing professional
40 development providers by the board, in its discretion.

(2) No hours shall be credited for any course enrolled in by a licensee that has not first been approved and certified by the board, if the board has sufficient funding and staff resources to implement the approval and certification process.

(3) The continuing professional development services offered by these entities may, but are not required to, utilize pretesting and posttesting or other evaluation techniques to measure and demonstrate improved professional learning and competency.

(4) An accredited institution of higher learning, an organization approved as continuing education providers by either the American Speech-Language-Hearing Association or the American Academy of Audiology, and the California Medical Association's Institute for Medical Quality Continuing Education Program shall be exempt from any application or registration fees that the board may charge for continuing education providers.

(5) Unless a course offered by entities listed in paragraph (4) meets the requirements established by the board, the course may not be credited towards the continuing professional development requirements for license renewal.

(6) The licensee shall be responsible for obtaining the required course completion documents for courses offered by entities specified in paragraph (1).

(f) The board, by regulation, shall fund the administration of this section through professional development services provider and licensing fees to be deposited in the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section.

(g) The continuing professional development requirements adopted by the board shall comply with any guidelines for mandatory continuing education established by the Department of Consumer Affairs.

~~SEC. 16.~~

SEC. 15. Section 2532.7 of the Business and Professions Code is amended to read:

2532.7. (a) Upon approval of an application filed pursuant to Section 2532.1, and upon payment of the fee prescribed by Section 2534.2, the board may issue a required professional experience

(RPE) temporary license for a period to be determined by the board to an applicant who is obtaining the required professional experience specified in subdivision (c) of Section 2532.2 or paragraph (2) of subdivision (b) of Section 2532.25.

(b) Effective July 1, 2003, no person shall obtain the required professional experience for licensure in either an exempt or nonexempt setting, as defined in Section 2530.5, unless they are licensed in accordance with this section or ~~is~~ *are* completing the final clinical externship of a board-approved audiology doctoral training program in accordance with paragraph (2) of subdivision (b) of Section 2532.25 in another state.

(c) A person who obtains an RPE temporary license outside the State of California shall not be required to hold a temporary license issued pursuant to subdivision (a) if the person is completing the final clinical externship of an audiology doctoral training program in accordance with paragraph (2) of subdivision (b) of Section 2532.25.

(d) Any experience obtained in violation of this act shall not be approved by the board.

(e) An RPE temporary license shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(f) Upon written application, the board may reissue an RPE temporary license for a period to be determined by the board to an applicant who is obtaining the required professional experience specified in subdivision (c) of Section 2532.2 or paragraph (2) of subdivision (b) of Section 2532.25.

~~SEC. 17.~~

SEC. 16. Section 2536 of the Business and Professions Code is amended to read:

2536. A speech-language pathology corporation or an audiology corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are speech-language pathologists or audiologists are in compliance with the Moscone-Knox Professional Corporation Act, this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

1 With respect to a speech-language pathology corporation or an
 2 audiology corporation, the governmental agency referred to in the
 3 Moscone-Knox Professional Corporation Act is the
 4 Speech-Language Pathology and Audiology and Hearing Aid
 5 Dispensers Board.

6 ~~SEC. 18.~~

7 *SEC. 17.* Section 6501 of the Business and Professions Code
 8 is amended to read:

9 6501. As used in this chapter, the following terms have the
 10 following meanings:

11 (a) "Act" means this chapter.

12 (b) "Bureau" means the Professional Fiduciaries Bureau within
 13 the Department of Consumer Affairs, established pursuant to
 14 Section 6510.

15 (c) "Client" means an individual who is served by a professional
 16 fiduciary.

17 (d) "Department" means the Department of Consumer Affairs.

18 (e) "Licensee" means a person who is licensed under this chapter
 19 as a professional fiduciary.

20 (f) (1) "Professional fiduciary" means either of the following:

21 (A) A person who acts as a guardian or conservator of the
 22 person, the estate, or the person and estate, for two or more
 23 individuals at the same time who are not related to the professional
 24 fiduciary or to each other.

25 (B) A personal representative of a decedent's estate, as defined
 26 in Section 58 of the Probate Code, for two or more individuals at
 27 the same time who are not related to the professional fiduciary or
 28 to each other.

29 (2) "Professional fiduciary" also means a person who acts as a
 30 trustee, agent under a durable power of attorney for health care,
 31 or agent under a durable power of attorney for finances, for four
 32 or more individuals, at the same time.

33 In counting individuals under this paragraph to determine
 34 whether a person is a professional fiduciary:

35 (A) Individuals who are related to the fiduciary shall not be
 36 counted.

37 (B) All individuals who are related to each other shall be counted
 38 as one individual.

1 (C) All trustors who are related to each other shall be counted
2 as one individual, and neither the number of trusts nor the number
3 of beneficiaries of those trusts shall be counted.

4 (D) "Professional fiduciary" also includes a person acting as a
5 professional fiduciary practice administrator, appointed pursuant
6 to Section 2469 or 9765 of the Probate Code.

7 (3) For purposes of this subdivision, "related" means related by
8 blood, adoption, marriage, or registered domestic partnership.

9 (4) "Professional fiduciary" does not include any of the
10 following:

11 (A) A trust company, as defined in Section 83 of the Probate
12 Code.

13 (B) An FDIC-insured institution, or its holding companies,
14 subsidiaries, or affiliates. For the purposes of this subparagraph,
15 "affiliate" means an entity that shares an ownership interest with,
16 or that is under the common control of, the FDIC-insured
17 institution.

18 (C) A public agency, including the public guardian, public
19 conservator, or other agency of the State of California or of a
20 county of California or a regional center for persons with
21 developmental disabilities, as defined in Section 4620 of the
22 Welfare and Institutions Code.

23 (D) A nonprofit corporation or charitable trust that is described
24 in Section 501(c)(3) of the Internal Revenue Code and that satisfies
25 all of the following requirements:

26 (i) Is an organization described in Section 509(a)(1), Section
27 509(a)(2), or Section 509(a)(3) of the Internal Revenue Code.

28 (ii) Has been in existence for at least five years.

29 (iii) Has total institutional funds as described in subdivision (e)
30 of Section 18502 of the Probate Code according to its most recent
31 audited financial statement with a value of at least two million
32 dollars (\$2,000,000) net of encumbrances.

33 (iv) Is acting as a trustee, incidental to the purposes for which
34 it was organized, of a trust that meets at least one of the following
35 conditions:

36 (I) It is a trust from which annual distributions are limited to
37 income, a sum certain, or a fixed percentage of the net fair market
38 value of the trust assets as described in Section 664(d) of the
39 Internal Revenue Code governing charitable remainder trusts.

(II) It is a trust from which annual distributions are limited to a guaranteed annuity or a fixed percentage of the fair market value of the property as described in Section 2055(e)(2)(B) or Section 2522(c)(2)(B) of the Internal Revenue Code.

(III) It is a trust from which annual distributions are limited to income, including a pooled income fund from which annual distributions are limited to income as described in Section 642(c)(5) of the Internal Revenue Code governing pooled income funds.

(IV) It is a trust as to which the value of the charitable interest was presently ascertainable upon creation of the trust and deductible for federal gift, estate, or income tax purposes under the Internal Revenue Code as in effect prior to enactment of the federal Tax Reform Act of 1969 (Public Law 91-172).

(E) A person employed by, or acting as an agent on behalf of, an entity or agency described in subparagraph (A), (B), (C), or (D) who is acting within the course and scope of that employment or agency, and a public officer of an agency described in subparagraph (C) acting in the course and scope of official duties.

(F) A person whose sole activity as a professional fiduciary is as a broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative registered and regulated under the Corporate Securities Law of 1968 (Division 1 (commencing with Section 25000) of Title 4 of the Corporations Code), the Investment Advisers Act of 1940 (15 U.S.C. Sec. 80b-1 et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78a et seq.), or involves serving as a trustee to a company regulated by the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.).

(g) "Committee" means the Professional Fiduciaries Advisory Committee, as established pursuant to Section 6511.

~~SEC. 19.~~

SEC. 18. Section 6584 of the Business and Professions Code is amended to read:

6584. A license issued under this chapter may be suspended, revoked, denied, or other disciplinary action may be imposed for one or more of the following causes:

(a) Conviction of any felony or any misdemeanor, if the misdemeanor is substantially related to the functions and duties of a professional fiduciary. The record of conviction, or a certified copy thereof, is conclusive evidence of the conviction.

1 (b) Failure to notify the bureau of a conviction as required by
2 paragraph (11) of subdivision (a) of Section 6561.

3 (c) Fraud or misrepresentation in obtaining a license.

4 (d) Fraud, dishonesty, corruption, willful violation of duty, gross
5 negligence or incompetence in practice, or unprofessional conduct
6 in, or related to, the practice of a professional fiduciary. For
7 purposes of this section, unprofessional conduct includes, but is
8 not limited to, acts contrary to professional standards concerning
9 any provision of law substantially related to the duties of a
10 professional fiduciary.

11 (e) Failure to comply with, or to pay a monetary sanction
12 imposed by, a court for failure to provide timely reports. The record
13 of the court order, or a certified copy thereof, is conclusive
14 evidence that the sanction was imposed.

15 (f) Failure to pay a civil penalty relating to the licensee's
16 professional fiduciary duties.

17 (g) The revocation of, suspension of, or other disciplinary action
18 against, any other professional license by the State of California
19 or by another state. A certified copy of the revocation, suspension,
20 or disciplinary action is conclusive evidence of that action.

21 (h) Violation of this chapter or of the applicable provisions of
22 Division 4 (commencing with Section 1400), Division 4.5
23 (commencing with Section 4000), Division 4.7 (commencing with
24 Section 4600), or Division 5 (commencing with Section 5000) of
25 the Probate Code or of any of the statutes, rules, or regulations
26 pertaining to duties or functions of a professional fiduciary.

27 ~~SEC. 20.~~

28 *SEC. 19.* Section 7076.5 of the Business and Professions Code
29 is amended to read:

30 7076.5. (a) A contractor may inactivate their license by
31 submitting a form prescribed by the registrar accompanied by the
32 current active license certificate. When the current license
33 certificate has been lost, the licensee shall pay the fee prescribed
34 by law to replace the license certificate. Upon receipt of an
35 acceptable application to inactivate, the registrar shall issue an
36 inactive license certificate to the contractor. The holder of an
37 inactive license shall not be entitled to practice as a contractor until
38 their license is reactivated.

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

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

6 (d) During the period that an existing license is inactive, no
7 bonding requirement pursuant to Section 7071.6, 7071.8, or 7071.9,
8 qualifier requirement pursuant to Section 7068, or workers'
9 compensation requirements pursuant to Section 7125 shall apply.
10 An applicant for ~~license~~ *licensure* having met the qualifications
11 for issuance may request that the license be issued inactive unless
12 the applicant is subject to the provisions of Section 7071.8.

13 (e) The board shall not refund any of the renewal fee which a
14 licensee may have paid prior to the inactivation of their license.

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

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

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

26 ~~SEC. 21.~~

27 *SEC. 20.* Section 7137 of the Business and Professions Code
28 is amended to read:

29 7137. (a) The board may set fees by regulation. These fees
30 shall be set according to the following schedule:

31 (1) Application fees shall be set as follows:

32 (A) The application fee for an original license in a single
33 classification shall be four hundred fifty dollars (\$450) and may
34 be increased to not more than five hundred sixty-three dollars
35 (\$563).

36 (B) The application fee for each additional classification applied
37 for in connection with an original license shall be one hundred
38 fifty dollars (\$150) and may be increased to not more than one
39 hundred eighty-eight dollars (\$188).

1 (C) The application fee for each additional classification
2 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
3 and may be increased to not more than two hundred eighty-eight
4 dollars (\$288).

5 (D) The application fee to replace a responsible managing
6 officer, responsible managing manager, responsible managing
7 member, or responsible managing employee pursuant to Section
8 7068.2 shall be two hundred thirty dollars (\$230) and may be
9 increased to not more than two hundred eighty-eight dollars (\$288).

10 (E) The application fee to add personnel, other than a qualifying
11 individual, to an existing license shall be one hundred twenty-five
12 dollars (\$125) and may be increased to not more than one hundred
13 fifty-seven dollars (\$157).

14 (F) The application fee for an asbestos certification shall be one
15 hundred twenty-five dollars (\$125) and may be increased to not
16 more than one hundred fifty-seven dollars (\$157).

17 (G) The application fee for a hazardous substance removal or
18 remedial action certification shall be one hundred twenty-five
19 dollars (\$125) and may be increased to not more than one hundred
20 fifty-seven dollars (\$157).

21 (2) The fee to take an examination conducted or administered
22 by a public or private organization pursuant to Section 7065 shall
23 be no greater than the actual cost of the administration of the
24 examination and shall be paid directly to the organization by the
25 applicant.

26 (3) Initial license and registration fees shall be set as follows:

27 (A) The initial license fee for an active or inactive license for
28 an individual owner shall be two hundred dollars (\$200) and may
29 be increased to not more than two hundred fifty dollars (\$250).

30 (B) The initial license fee for an active or inactive license for a
31 partnership, corporation, limited liability company, or joint venture
32 shall be three hundred fifty dollars (\$350) and may be increased
33 to not more than four hundred thirty-eight dollars (\$438).

34 (C) The registration fee for a home improvement salesperson
35 shall be two hundred dollars (\$200) and may be increased to not
36 more than two hundred fifty dollars (\$250).

37 (D) (i) The board shall grant a 50-percent reduction in the fees
38 prescribed by this paragraph to an applicant who is a veteran of
39 the United States Armed Forces, including the National Guard or
40 Reserve components, and was not dishonorably discharged.

1 (ii) To demonstrate discharge grade at the time of the board's
2 request for the initial license or registration fee, the applicant shall
3 provide the board a copy of a current and valid driver's license or
4 identification card issued by this state or another state with the
5 word "Veteran" printed on its face or a copy of their DD214 long
6 form.

7 (4) License and registration renewal fees shall be set as follows:

8 (A) The renewal fee for an active license for an individual owner
9 shall be four hundred fifty dollars (\$450) and may be increased to
10 not more than five hundred sixty-three dollars (\$563).

11 (B) The renewal fee for an inactive license for an individual
12 owner shall be three hundred dollars (\$300) and may be increased
13 to not more than three hundred seventy-five dollars (\$375).

14 (C) The renewal fee for an active license for a partnership,
15 corporation, limited liability company, or joint venture shall be
16 seven hundred dollars (\$700) and may be increased to not more
17 than eight hundred seventy-five dollars (\$875).

18 (D) The renewal fee for an inactive license for a partnership,
19 corporation, limited liability company, or joint venture shall be
20 five hundred dollars (\$500) and may be increased to not more than
21 six hundred twenty-five dollars (\$625).

22 (E) The renewal fee for a home improvement salesperson
23 registration shall be two hundred dollars (\$200) and may be
24 increased to not more than two hundred fifty dollars (\$250).

25 (5) The delinquency fee is an amount equal to 50 percent of the
26 renewal fee, if the license is renewed after its expiration.

27 (6) Miscellaneous fees shall be set as follows:

28 (A) In addition to any other fees charged to C-10 contractors,
29 the board shall charge a fee of twenty dollars (\$20), to be assessed
30 with the renewal fee for an active license, which shall be used by
31 the board to enforce provisions of the Labor Code related to
32 electrician certification.

33 (B) The board shall require a licensee that is subject to a public
34 complaint requiring a professional or expert investigation or
35 inspection and report pursuant to Section 7019 to pay those
36 reasonable fees that are necessary to cover the costs of that
37 investigation or inspection and report, in accordance with the
38 following provisions:

39 (i) Fees shall be fixed in an amount not more than the board's
40 cost of contracting for the investigation or inspection and report,

1 except that the minimum fee shall be one hundred dollars (\$100)
 2 for each investigation or inspection and report and may be
 3 increased to not more than one thousand dollars (\$1,000) for each
 4 investigation or inspection and report.

5 (ii) The fee shall only be assessed for an investigation or
 6 inspection and report that resulted in issuance of a letter of
 7 admonishment or a citation pursuant to Sections 7099 and 7099.9
 8 that has become a final order of the registrar.

9 (iii) A license shall not be renewed without payment of the
 10 renewal fee and all fees for the investigation or inspection and
 11 report pursuant to this subparagraph.

12 (C) The service fee to deposit with the registrar lawful money
 13 or cashier's check pursuant to paragraph (1) of subdivision (a) of
 14 Section 995.710 of the Code of Civil Procedure for purposes of
 15 compliance with any provision of Article 5 (commencing with
 16 Section 7065) shall be one hundred dollars (\$100), which shall be
 17 used by the board only to process each deposit filed with the
 18 registrar, to cover the reasonable costs to the registrar for holding
 19 money or cashier's checks in trust in interest bearing deposit or
 20 share accounts, and to offset the costs of processing payment of
 21 lawful claims against a deposit in a civil action.

22 (D) The fee for the processing and issuance of a duplicate copy
 23 of any certificate of licensure or other form evidencing licensure
 24 or renewal of licensure pursuant to Section 122 shall be twenty-five
 25 dollars (\$25).

26 (E) The fee to change the business name of a license as it is
 27 recorded under this chapter shall be one hundred dollars (\$100)
 28 and may be increased to not more than one hundred twenty-five
 29 dollars (\$125).

30 (F) The service charge for a dishonored check authorized by
 31 Section 6157 of the Government Code shall be twenty-five dollars
 32 (\$25) for each check.

33 (b) The board shall, by regulation, establish criteria for the
 34 approval of expedited processing of applications. Approved
 35 expedited processing of applications for licensure or registration,
 36 as required by other provisions of law, shall not be subject to this
 37 subdivision.

38 ~~SEC. 22:~~

39 *SEC. 21.* Section 7152 of the Business and Professions Code
 40 is amended to read:

1 7152. (a) "Home improvement salesperson" is a person who
2 is registered under this chapter and engaged in the business of
3 soliciting, selling, negotiating, or executing contracts for home
4 improvements, for the sale, ~~installation~~ *installation*, or furnishing
5 of home improvement goods or services, or of swimming pools,
6 spas, or hot tubs on behalf of a home improvement contractor
7 licensed under this chapter.

8 (b) A home improvement salesperson shall register with the
9 board in order to engage in the business of, or act in the capacity
10 of, a home improvement salesperson.

11 (c) Subject to the provisions of Section 7154, a home
12 improvement salesperson may be employed by one, or more than
13 one, home improvement contractor. However, prior to engaging
14 in any activity described in subdivision (a) of this section, a home
15 improvement salesperson shall identify to the owner or tenant the
16 business name and license number of the contractor they are
17 representing for the purposes of that transaction. Failure to do so
18 is a cause of disciplinary action within the meaning of Section
19 7155.

20 (d) The following shall not be required to be registered as home
21 improvement salespersons:

22 (1) An officer of record of a corporation licensed pursuant to
23 this chapter, or a manager, member, or officer of record of a limited
24 liability company licensed pursuant to this chapter.

25 (2) A general partner listed on the license record of a partnership
26 licensed pursuant to this chapter.

27 (3) A qualifying person, as defined in Section 7025.

28 (4) A salesperson whose sales are all made pursuant to
29 negotiations between the parties if the negotiations are initiated
30 by the prospective buyer at or with a general merchandise retail
31 establishment that operates from a fixed location where goods or
32 services are offered for sale.

33 (5) A person who contacts the prospective buyer for the
34 exclusive purpose of scheduling appointments for a registered
35 home improvement salesperson.

36 (6) A bona fide service repairperson who is in the employ of a
37 licensed contractor and whose repair or service call is limited to
38 the service, repair, or emergency repair initially requested by the
39 buyer of the service.

(e) The exemption to registration provided under paragraphs (1), (2), and (3) of subdivision (d) shall apply only to those individuals who, at the time of the sales transaction, are listed as personnel of record for the licensee responsible for soliciting, negotiating, or contracting for a service or improvement that is subject to regulation under this article.

~~SEC. 23.~~

SEC. 22. Section 7524 of the Business and Professions Code is amended to read:

7524. (a) Every agreement to provide a service regulated by this chapter, including, but not limited to, contract agreements and investigative agreements, shall be in writing. An initial client service agreement shall contain, but not be limited to, the following:

(1) The licensed private investigator's name, business address, business telephone number, and license number.

(2) A disclosure that private investigators are licensed and regulated by the Bureau of Security and Investigative Services within the Department of Consumer Affairs.

(3) Approximate start and completion dates of the work to be provided.

(4) A description of the scope of the investigation or services to be provided. An agreement shall indicate whether or not a written report is to be provided to the client and the agreed upon method of delivery of that written report, as applicable.

(5) All labor, services, and materials to be provided for the scope of work conducted by the private investigator.

(6) An explanation of the fees agreed upon by the parties, including a breakdown of how the fees are assessed by the licensee.

(7) Any other matters agreed upon by the parties.

(b) Any amendment, addendum, or other modification to an initial client service agreement shall be in writing and is subject to the requirements of this section. An amendment, addendum, or other modification shall include a description of the changes to the scope of work, start and completion dates, method of delivery, fees to be charged, and other matters agreed upon in the initial client service agreement, as applicable.

(c) (1) The initial client service agreement and any amendment, addendum, or other modification to the agreement shall be legible and clearly indicate any other document incorporated into it.

1 (2) Before any work commences, the client shall receive a signed
2 copy of the written initial client service agreement and any
3 amendment, addendum, or other modification to the agreement
4 that was agreed to before commencement of the work.

5 (3) Services detailed under the scope of work shall not be
6 performed and charges shall not accrue before written authorization
7 to proceed is obtained from the client.

8 (d) Upon completion of the investigation, any written report,
9 as agreed upon by all parties and indicated in the agreement, shall
10 be provided to the client within 30 days from the completion date
11 and in accordance with the agreed upon delivery method.

12 (e) The licensee shall maintain a legible copy of the signed
13 agreement and investigative findings, including any written report,
14 for a minimum of two years. These records shall be made available
15 for inspection by the bureau upon demand. Making these records
16 available for inspection by the bureau shall not violate, waive, or
17 extinguish the lawyer-client privilege under Article 3 (commencing
18 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,
19 the attorney work product doctrine as restated in Chapter 4
20 (commencing with Section 2018.010) of Title 4 of Part 4 of the
21 Code of Civil Procedure, the duty to maintain the confidence and
22 preserve the secrets of an attorney's client under subdivision (e)
23 of Section 6068, or the protections of any other rule or law related
24 to attorney work product or the attorney-client privilege.

25 (f) This section shall become operative on July 1, 2025.

26 ~~SEC. 24.~~

27 *SEC. 23.* Section 8027 of the Business and Professions Code
28 is amended to read:

29 8027. (a) As used in this section, "school" means a court
30 reporter training program or an institution that provides a course
31 of instruction approved by the board and the Bureau for Private
32 Postsecondary Education, is a public school in this state, or is
33 accredited by the Western Association of Schools and Colleges.

34 (b) A court reporting school shall be primarily organized to train
35 students for the practice of shorthand reporting, as defined in
36 Sections 8016 and 8017. Its educational program shall be on the
37 postsecondary or collegiate level. It shall be legally organized and
38 authorized to conduct its program under all applicable laws of the
39 state, and shall conform to and offer all components of the
40 minimum prescribed course of study established by the board. Its

1 records shall be kept and shall be maintained in a manner to render
2 them safe from theft, fire, or other loss. The records shall indicate
3 positive daily and clock-hour attendance of each student for all
4 classes, apprenticeship and graduation reports, high school
5 transcripts or the equivalent or self-certification of high school
6 graduation or the equivalent, transcripts of other education, and
7 student progress to date, including all progress and counseling
8 reports.

9 (c) Any school intending to offer a program in court reporting
10 shall notify the board within 30 days of the date on which it
11 provides notice to, or seeks approval from, the State Department
12 of Education, the Bureau for Private Postsecondary Education, the
13 Office of the Chancellor of the California Community Colleges,
14 or the Western Association of Schools and Colleges, whichever
15 is applicable. The board shall review the proposed curriculum and
16 provide the school tentative approval, or notice of denial, within
17 60 days of receipt of the notice. The school shall apply for
18 provisional recognition pursuant to subdivision (d) within no more
19 than one year from the date it begins offering court reporting
20 classes.

21 (d) The board may grant provisional recognition to a new court
22 reporting school upon satisfactory evidence that it has met all of
23 the provisions of subdivision (b) and this subdivision. Recognition
24 may be granted by the board to a provisionally recognized school
25 after it has been in continuous operation for a period of no less
26 than three consecutive years from the date provisional recognition
27 was granted, during which period the school shall provide
28 satisfactory evidence that at least one person has successfully
29 completed the entire course of study established by the board and
30 complied with the provisions of Section 8020, and has been issued
31 a certificate to practice shorthand reporting as defined in Sections
32 8016 and 8017. The board may, for good cause shown, extend the
33 three-year provisional recognition period for not more than one
34 year. Failure to meet the provisions and terms of this section shall
35 require the board to deny recognition. Once granted, recognition
36 may be withdrawn by the board for failure to comply with all
37 applicable laws and regulations.

38 (e) Application for recognition of a court reporting school shall
39 be made upon a form prescribed by the board and shall be
40 accompanied by all evidence, statements, or documents requested.

1 Each branch, extension center, or off-campus facility requires
2 separate application.

3 (f) All recognized and provisionally recognized court reporting
4 schools shall notify the board of any change in school name,
5 address, telephone number, responsible court reporting program
6 manager, owner of private schools, and the effective date thereof,
7 within 30 days of the change. All of these notifications shall be
8 made in writing.

9 (g) A school shall notify the board in writing immediately of
10 the discontinuance or pending discontinuance of its court reporting
11 program or any of the program's components. Within two years
12 of the date this notice is sent to the board, the school shall
13 discontinue its court reporting program in its entirety. The board
14 may, for good cause shown, grant not more than two one-year
15 extensions of this period to a school. If a student is to be enrolled
16 after this notice is sent to the board, a school shall disclose to the
17 student the fact of the discontinuance or pending discontinuance
18 of its court reporting program or any of its program components.

19 (h) The board shall maintain a roster of currently recognized
20 and provisionally recognized court reporting schools, including,
21 but not limited to, the name, address, telephone number, and the
22 name of the responsible court reporting program manager of each
23 school.

24 (i) The board shall maintain statistics that display the number
25 and passing percentage of all first-time examinees, including, but
26 not limited to, those qualified by each recognized or provisionally
27 recognized school and those first-time examinees qualified by
28 other methods as defined in Section 8020.

29 (j) Inspections and investigations shall be conducted by the
30 board as necessary to carry out this section, including, but not
31 limited to, unannounced site visits.

32 (k) All recognized and provisionally recognized schools shall
33 print in their school or course catalog the name, address, and
34 telephone number of the board. At a minimum, the information
35 shall be in 8-point bold type and include the following statement:
36

37 "IN ORDER FOR A PERSON TO QUALIFY FROM A
38 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,
39 THE PERSON SHALL COMPLETE A PROGRAM AT A
40 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING

1 THE MINIMUM REQUIREMENTS THAT A COURT
2 REPORTING PROGRAM MUST MEET IN ORDER TO BE
3 RECOGNIZED, CONTACT: THE COURT REPORTERS
4 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE
5 NUMBER).”
6

7 (l) Each court reporting school shall file with the board, not
8 later than June 30 of each year, a current school catalog that shows
9 all course offerings and staff, and for private schools, the owner,
10 except that where there have been no changes to the catalog within
11 the previous year, no catalog need be sent. In addition, each school
12 shall also file with the board a statement certifying whether the
13 school is in compliance with all statutes and the rules and
14 regulations of the board, signed by the responsible court reporting
15 program manager.

16 (m) A school offering court reporting shall not make any written
17 or verbal claims of employment opportunities or potential earnings
18 unless those claims are based on verified data and reflect current
19 employment conditions.

20 (n) If a school offers a course of instruction that exceeds the
21 board’s minimum requirements, the school shall disclose orally
22 and in writing the board’s minimum requirements and how the
23 course of instruction differs from those criteria. The school shall
24 make this disclosure before a prospective student executes an
25 agreement obligating that person to pay any money to the school
26 for the course of instruction. The school shall also make this
27 disclosure to all students enrolled on January 1, 2002.

28 (o) Private and public schools shall provide each prospective
29 student with all of the following and have the prospective student
30 sign a document that shall become part of that individual’s
31 permanent record, acknowledging receipt of each item:

32 (1) A student consumer information brochure published by the
33 board.

34 (2) A list of the school’s graduation requirements, including the
35 number of tests, the pass point of each test, the speed of each test,
36 and the type of test, such as jury charge or literary.

37 (3) A list of requirements to qualify for the state-certified
38 shorthand reporter licensing examination, including the number
39 of tests, the pass point of each test, the speed of each test, and the

1 type of test, such as jury charge or literary, if different than those
2 requirements listed in paragraph (2).

3 (4) A copy of the school's board-approved benchmarks for
4 satisfactory progress as identified in subdivision (u).

5 (5) A report showing the number of students from the school
6 who qualified for each of the certified shorthand reporter licensing
7 examinations within the preceding two years, the number of those
8 students that passed each examination, the time, as of the date of
9 qualification, that each student was enrolled in court reporting
10 school, and the placement rate for all students that passed each
11 examination.

12 (6) On and after January 1, 2005, the school shall also provide
13 to prospective students the number of hours each currently enrolled
14 student who has qualified to take the next licensing test, exclusive
15 of transfer students, has attended court reporting classes.

16 (p) All enrolled students shall have the information in
17 subdivisions (n) and (o) on file no later than June 30, 2005.

18 (q) Public schools shall provide the information in subdivisions
19 (n) and (o) to each new student the first day they attend theory or
20 machine speed class, if it was not provided previously.

21 (r) Each enrolled student shall be provided written notification
22 of any change in qualification or graduation requirements that is
23 being implemented due to the requirements of any one of the
24 school's oversight agencies. This notice shall be provided to each
25 affected student at least 30 days before the effective date of the
26 change and shall state the new requirement and the name, address,
27 and telephone number of the agency that is requiring it of the
28 school. Each student shall initial and date a document
29 acknowledging receipt of that information and that document, or
30 a copy thereof, shall be made part of the student's permanent file.

31 (s) Schools shall make available a comprehensive final
32 examination in each academic subject to any student desiring to
33 challenge an academic class in order to obtain credit towards
34 certification for the state licensing examination. The points required
35 to pass a challenge examination shall not be higher than the
36 minimum points required of other students completing the
37 academic class.

38 (t) An individual serving as a teacher, instructor, or reader shall
39 meet the qualifications specified by regulation for their position.

1 (u) Each school shall provide a substitute teacher or instructor
2 for any class for which the teacher or instructor is absent for two
3 consecutive days or more.

4 (v) The board has the authority to approve or disapprove
5 benchmarks for satisfactory progress which each school shall
6 develop for its court reporting program. Schools shall use only
7 board-approved benchmarks to comply with the provisions of
8 paragraph (4) of subdivision (o) and subdivision (u).

9 (w) Each school shall counsel each student a minimum of one
10 time within each 12-month period to identify the level of attendance
11 and progress, and the prognosis for completing the requirements
12 to become eligible to sit for the state licensing examination. If the
13 student has not progressed in accordance with the board-approved
14 benchmarks for that school, the student shall be counseled a
15 minimum of one additional time within that same 12-month period.

16 (x) The school shall provide to the board, for each student
17 qualifying through the school as eligible to sit for the state licensing
18 examination, the number of hours the student attended court
19 reporting classes, both academic and machine speed classes,
20 including theory.

21 (y) The pass rate of first-time examination takers for each school
22 offering court reporting shall meet or exceed the average pass rate
23 of all first-time test takers for a majority of examinations given
24 for the preceding three years. Failure to do so shall require the
25 board to conduct a review of the program. In addition, the board
26 may place the school on probation and may withdraw recognition
27 if the school continues to place below the above-described standard
28 on the two examinations that follow the three-year period.

29 (z) A school shall not require more than one 10-minute
30 qualifying examination, as defined in the regulations of the board,
31 for a student to be eligible to sit for the state certification
32 examination.

33 (aa) A school shall provide the board the actual number of hours
34 of attendance for each applicant the school qualifies for the state
35 licensing examination.

36 (ab) The board shall, by December 1, 2001, do the following
37 by regulation as necessary:

38 (1) Establish the format that shall be used by schools to report
39 tracking of all attendance hours and actual timeframes for
40 completed coursework.

1 (2) Require schools to provide a minimum of 10 hours of live
2 dictation class each school week for every full-time student.

3 (3) Require schools to provide students with the opportunity to
4 read back from their stenographic notes a minimum of one time
5 each day to their instructor.

6 (4) Require schools to provide students with the opportunity to
7 practice with a school-approved speed-building audio recording,
8 or other assigned material, a minimum of one hour per day after
9 school hours as a homework assignment and provide the notes
10 from this audio recording to their instructor the following day for
11 review.

12 (5) Develop standardization of policies on the use and
13 administration of qualifier examinations by schools.

14 (6) Define qualifier examination as follows: the qualifier
15 examination shall consist of 4-voice testimony of 10-minute
16 duration at 200 words per minute, graded at 95 percent accuracy,
17 and in accordance with the guidelines followed by the board.
18 Schools shall be required to date and number each qualifier and
19 announce the date and number to the students at the time of
20 administering the qualifier. All qualifiers shall indicate the actual
21 dictation time of the test and the school shall catalog and maintain
22 the qualifier for a period of not less than three years for the purpose
23 of inspection by the board.

24 (7) Require schools to develop a program to provide students
25 with the opportunity to interact with professional court reporters
26 to provide skill support, mentoring, or counseling that they can
27 document at least quarterly.

28 (8) Define qualifications and educational requirements required
29 of instructors and readers that read test material and qualifiers.

30 (ac) The board shall adopt regulations to implement the
31 requirements of this section not later than September 1, 2002.

32 (ad) The board may recover costs for any additional expenses
33 incurred under the enactment amending this section in the 2001–02
34 Regular Session of the Legislature pursuant to its fee authority in
35 Section 8031.

36 *SEC. 24. Section 8764.5 of the Business and Professions Code*
37 *is amended to read:*

38 8764.5. Statements shall appear on the map as follows:
39
40

Surveyor's Statement

This map correctly represents a survey made by me or under my direction
in conformance with the requirements of the Professional Land Surveyors'
Act

at the request of _____
Name of Person Authorizing Survey
in _____, 20__.

(Signed and sealed) _____(Date) _____
L.S. (or R.C.E.) No. _____

County Surveyor's Statement

This map has been examined in accordance with Section 8766 of the
Professional Land Surveyors' Act this ____ day of ____, 20__.

(Signed and sealed) _____
County Surveyor
L.S. (or R.C.E.) No. _____

Recorder's Statement

Filed this ____ day of ____, 20__, at ____m. in Book ____ of ____ at page
____, at the request of ____.

(Signed) _____
County Recorder

No other statements may appear on the face of the map except
those required or authorized by this article.

SEC. 25. Section 9889.1 of the Business and Professions Code
is amended to read:

9889.1. Any license issued pursuant to Article 6.5 (commencing
with Section 9888.5) may be suspended or revoked by the director.
The director may refuse to issue a license to any applicant for the
reasons set forth in Section 9889.2. The proceedings under this
article shall be conducted in accordance with Chapter 5
(commencing with Section 11500) of Part 1 of Division 3 of Title

1 2 of the Government Code, and the director shall have all the
2 powers granted therein.

3 SEC. 26. Section 9889.2 of the Business and Professions Code
4 is amended to read:

5 9889.2. The director may deny a license if the applicant or any
6 partner, officer, or director thereof:

7 (a) Fails to meet the qualifications established by the bureau
8 pursuant to Article 6.5 (commencing with Section 9888.5) for the
9 issuance of the license applied for.

10 (b) Was previously the holder of a license issued under this
11 chapter which license has been revoked and never reissued or
12 which license was suspended and the terms of the suspension have
13 not been fulfilled.

14 (c) Has committed any act which, if committed by any licensee,
15 would be grounds for the suspension or revocation of a license
16 issued pursuant to this chapter.

17 (d) Has committed any act involving dishonesty, fraud, or deceit
18 whereby another is injured or whereby the applicant has benefited.

19 (e) Has acted in the capacity of a licensed person or firm under
20 this chapter without having a license therefor.

21 (f) Has entered a plea of guilty or nolo contendere to, or been
22 found guilty of, or been convicted of a crime substantially related
23 to the qualifications, functions and duties of the license holder in
24 question, and the time for appeal has elapsed or the judgment of
25 conviction has been affirmed on appeal, irrespective of an order
26 granting probation following such conviction, suspending the
27 imposition of sentence, or of a subsequent order under the
28 provisions of Section 1203.4 of the Penal Code allowing such
29 person to withdraw their plea of guilty and to enter a plea of not
30 guilty, or setting aside the plea or verdict of guilty, or dismissing
31 the accusation or information.

32 SEC. 27. Section 9889.9 of the Business and Professions Code
33 is amended to read:

34 9889.9. When any license has been revoked or suspended
35 following a hearing under the provisions of this article, any
36 additional license issued under Article 6.5 (commencing with
37 Section 9888.5) in the name of the licensee may be likewise
38 revoked or suspended by the director.

39 SEC. 28. Section 12107 of the Business and Professions Code
40 is amended to read:

1 12107. The secretary shall establish tolerances and
2 specifications and other technical requirements for commercial
3 weighing and measuring. In doing so, the secretary shall adopt,
4 by reference, the latest standards as recommended by the National
5 Council on Weights and Measures and published in the National
6 Institute of Standards and Technology Handbook 44
7 “Specifications, Tolerances, and—~~other~~ *Other* Technical
8 Requirements for Weighing and Measuring Devices,” except as
9 specifically modified, amended, or rejected by regulation adopted
10 by the secretary.

11 The secretary may, by regulation, establish tolerances and
12 specifications for commercial weighing and measuring devices
13 not included in Handbook 44.

14 Any regulation shall be adopted, amended, or repealed in
15 conformity with Chapter 3.5 (commencing with Section 11340)
16 of Part 1 of Division 3 of Title 2 of the Government Code.

17 It shall be unlawful for any person to violate any of the rules,
18 regulations, tolerances, specifications, or standards established
19 under this section.

20 SEC. 29. Section 12211 of the Business and Professions Code
21 is amended to read:

22 12211. Each sealer shall, from time to time, weigh or measure
23 packages, containers, or amounts of commodities sold, or in the
24 process of delivery, in order to determine whether they contain
25 the quantity or amount represented and whether they are being
26 sold in accordance with law.

27 The secretary shall adopt necessary regulations governing the
28 procedures to be followed by sealers in connection with the
29 weighing or measuring of amounts of commodities in individual
30 packages, containers, or lots of packages or containers, including
31 the procedures for sampling a lot, and for determining whether
32 any package, container, or a lot of packages or containers complies
33 with this section.

34 In adopting those regulations, the secretary shall adopt by
35 reference the package checking procedures recommended by the
36 National Council on Weights and Measures and published in the
37 current edition of the National Institute of Standards and
38 Technology Handbook 133, “Checking the Net Contents of
39 Packaged Goods,” and any subsequent amendments thereto, except

1 insofar as those requirements are specifically modified, amended,
2 or rejected by a regulation adopted by the secretary.

3 Any lot, package, or container of any commodity that conforms
4 to this section shall be deemed to be in conformity with this
5 division relating to stated net weights or measures.

6 Whenever a lot, package, or container of any commodity is found
7 to contain, through the procedures authorized in this section, a less
8 amount than that represented, the sealer shall order, in writing,
9 that lot, package, or container of commodity off sale and require
10 that an accurate statement of quantity be placed on each package
11 or container before it may be released for sale by the sealer in
12 writing. The sealer may seize as evidence any package or container
13 that is found to contain a less amount than that represented.

14 SEC. 30. Section 12500.8 of the Business and Professions
15 Code is amended to read:

16 12500.8. The secretary may enter into an agreement with the
17 National Type Evaluation Program, a certification program of the
18 National Council on Weights and Measures, and other weights
19 and measures jurisdictions, to accept the certifications of each
20 other for prototype examination purposes.

21 SEC. 31. Section 12609 of the Business and Professions Code
22 is amended to read:

23 12609. The secretary shall adopt necessary regulations to carry
24 out the purpose of this division and for the testing of packages to
25 verify the net quantity statements. In adopting these regulations,
26 the secretary shall adopt by reference the packaging and labeling
27 requirements recommended by the National Council on Weights
28 and Measures and published in the current edition of the National
29 Institute of Standards and Technology Handbook 130, Uniform
30 Packaging and Labeling Regulations, except insofar as those
31 requirements are specifically modified, amended, or rejected by
32 regulation by the secretary. The regulations shall include
33 exemptions from full compliance with this chapter for good and
34 sufficient reasons. Any exemptions affecting consumer
35 commodities shall be in conformance with exemptions permitted
36 by federal regulations. Any regulation, or amendment thereof,
37 shall be adopted by the secretary in conformity with Chapter 3.5
38 (commencing with Section 11340) of Part 1 of Division 3 of Title
39 2 of the Government Code.

1 SEC. 32. Section 13404.5 of the Business and Professions
2 Code is amended to read:

3 13404.5. The secretary shall establish the method of sale of
4 motor vehicle fuels and lubricants sold at retail to the public. In
5 doing so, the secretary shall adopt, by reference, the latest method
6 of sale for motor vehicle fuels and lubricants adopted by the
7 National Council on Weights and Measures and published in the
8 National Institute of Standards and Technology Handbook 130
9 “Uniform Laws and Regulations in the Areas of Legal Metrology
10 and Engine Fuel Quality,” except as specifically provided by the
11 Legislature or modified, amended, or rejected by regulations
12 adopted by the secretary. In the absence of national standards, the
13 secretary may adopt interim standards of method of sale until the
14 time when the standards are adopted by the National Council on
15 Weights and Measures and published by the National Institute of
16 Standards and Technology.

17 SEC. 33. Section 13711 of the Business and Professions Code
18 is amended to read:

19 13711. (a) An engine coolant or antifreeze is mislabeled if
20 any of the following occurs:

21 (1) The container does not bear a label on which is printed the
22 brand name, principal ingredient, intended application of the
23 coolant or antifreeze, name and place of business of the
24 manufacturer, packer, seller, or distributor, and an accurate
25 statement of the quantity of the contents in terms of liquid measure.

26 (2) The container does not bear a chart on the label showing
27 appropriate amounts of engine coolant or antifreeze and water in
28 terms of liquid measure to be used to provide protection from
29 freezing at temperatures to at least 30 degrees below zero
30 Fahrenheit.

31 (3) The container does not bear a statement on the label showing
32 the boiling point of a 50 percent by volume mixture of engine
33 coolant or antifreeze and water in degrees Fahrenheit.

34 (4) The container is one quart or less and does not bear a label
35 on which is printed the words “engine coolant” or “antifreeze” in
36 letters at least $\frac{1}{8}$ inch high on the principal display panel. The
37 container is greater than one quart and does not bear a label on
38 which is printed the words “engine coolant” or “antifreeze” in
39 letters at least $\frac{1}{4}$ inch high on the principal display panel.

1 (5) The principal ingredient is propylene glycol or glycerin and
2 the container does not bear a statement on the label not to use an
3 ethylene glycol hydrometer concentration tester for propylene
4 glycol or glycerin coolants.

5 (6) The container and carton do not bear a lot or batch number
6 on the label identifying the container lot and date of packaging.

7 (b) A prediluted engine coolant or prediluted antifreeze is
8 mislabeled if any of the following occurs:

9 (1) The container does not bear a label on which is printed the
10 brand name, principal ingredient, intended application of the
11 coolant or antifreeze, name and place of business of the
12 manufacturer, packer, seller, or distributor, and an accurate
13 statement of the quantity of the contents in terms of liquid measure.

14 (2) The container does not bear a statement on the label showing
15 the protection from freezing in degrees Fahrenheit.

16 (3) The container does not bear a statement on the label showing
17 the boiling point in degrees Fahrenheit.

18 (4) The container is one quart or less and does not bear a label
19 on which is printed the words "prediluted engine coolant" or
20 "prediluted antifreeze" in letters at least $\frac{1}{8}$ inch high on the
21 principal display panel. The container is greater than one quart
22 and does not bear a label on which is printed the words "prediluted
23 engine coolant" or "prediluted antifreeze" in letters at least $\frac{1}{4}$ inch
24 high on the principal display panel.

25 (5) The container is one quart or less and does not bear a label
26 on which is printed the words "DO NOT ADD WATER" in letters
27 at least $\frac{1}{8}$ inch high. The container is greater than one quart and
28 does not bear a label on which is printed the words "DO NOT
29 ADD WATER" in letters at least $\frac{1}{4}$ inch high.

30 (6) The principal ingredient is propylene glycol or glycerin and
31 the container does not bear a statement on the label not to use an
32 ethylene glycol hydrometer concentration tester for propylene
33 glycol or glycerin coolants.

34 (7) The container and carton do not bear a lot or batch number
35 on the label identifying the container lot and date of packaging.

36 (c) "Transmission fluid" is mislabeled if any of the following
37 occurs:

38 (1) The container does not bear a label on which is printed the
39 brand name, the name and place of business of the manufacturer,

1 packer, seller, or distributor, the words "Transmission Fluid," and
2 the duty type classification.

3 (2) The container does not bear a label on which is printed an
4 accurate statement of the quantity of the contents in terms of liquid
5 measure.

6 (3) The labeling on the container is false or misleading.

7 (4) The container and carton do not bear information that
8 identifies the container lot or batch.

9 (d) Brake fluid is mislabeled if any of the following occurs:

10 (1) The container does not bear a label that conforms to the
11 requirements of the National Highway Traffic Safety
12 Administration, United States Department of Transportation, and
13 upon which is printed the brand name.

14 (2) The container does not bear an accurate statement on the
15 label of the quantity of the contents in terms of liquid measure.

16 (3) The labeling on the container is false or misleading.

17 (e) The secretary shall establish the method of sale of diesel
18 exhaust fluid sold at retail to the public. In doing so, the secretary
19 shall adopt, by reference, the latest method of sale for diesel
20 exhaust fluid adopted by the National Council on Weights and
21 Measures and published in the National Institute of Standards and
22 Technology Handbook 130 "Uniform Laws and Regulations in
23 the Areas of Legal Metrology and ~~Engine~~ Fuel Quality," except
24 as specifically modified, amended, or rejected by regulation
25 adopted by the secretary.

26 (f) If a container or lot of containers of any commodity subject
27 to this chapter is found to contain a commodity not in conformity
28 with this chapter, the sealer may take one or more samples
29 reasonably necessary for enforcement purposes and may, in writing,
30 order the containers off sale. Any lot or container ordered off sale
31 pursuant to this section shall be subject to a disposal order by the
32 enforcing officer and shall not be sold, offered for sale, or
33 transported, except in accordance with that disposal order. Any
34 action pursuant to this section shall not affect any rights of a retailer
35 under a warranty of merchantability or warranty of fitness.

36 SEC. 34. Section 19094 of the Business and Professions Code
37 is amended to read:

38 19094. (a) For the purposes of this section, the following
39 definitions shall apply:

1 (1) “Component” means the separate constituent parts of
2 upholstered furniture sold in California, as identified in Technical
3 Bulletin 117-2013, specifically cover fabrics, barrier materials,
4 resilient filling materials, and decking materials.

5 (2) “Covered products” means any flexible polyurethane foam
6 or upholstered or reupholstered furniture sold in California that is
7 required to meet the test requirements set forth in Technical
8 Bulletin 117-2013, entitled “Requirements, Test Procedure and
9 Apparatus for Testing the Smolder Resistance of Materials Used
10 in Upholstered Furniture.”

11 (3) “Flame-retardant chemical” means any chemical or chemical
12 compound for which a functional use is to resist or inhibit the
13 spread of fire. Flame-retardant chemicals include, but are not
14 limited to, halogenated, phosphorous-based, nitrogen-based, and
15 nanoscale flame retardants, flame-retardant chemicals listed as
16 “designated chemicals” pursuant to Section 105440 of the Health
17 and Safety Code, and any chemical or chemical compound for
18 which “flame retardant” appears on the substance Safety Data
19 Sheet (SDS) pursuant to Section 1910.1200(g) of Title 29 of the
20 Code of Federal Regulations.

21 (4) “Chemical” means either of the following:

22 (A) An organic or inorganic substance of a particular molecular
23 identity, including any combination of those substances occurring,
24 in whole or in part, as a result of a chemical reaction or occurring
25 in nature, and any element, ion, or uncombined radical, and any
26 degradate, metabolite, or reaction product of a substance with a
27 particular molecular identity.

28 (B) A chemical ingredient, which means a substance comprising
29 one or more substances described in subparagraph (A).

30 (5) “Molecular identity” means the substance’s properties listed
31 below:

32 (A) Agglomeration state.

33 (B) Bulk density.

34 (C) Chemical composition, including surface coating.

35 (D) Crystal structure.

36 (E) Dispersibility.

37 (F) Molecular structure.

38 (G) Particle density.

39 (H) Particle size, size distribution, and surface area.

40 (I) Physical form and shape, at room temperature and pressure.

1 (J) Physicochemical properties.

2 (K) Porosity.

3 (L) Solubility in water and biologically relevant fluids.

4 (M) Surface charge.

5 (N) Surface reactivity.

6 (6) "Added flame-retardant chemicals" means flame-retardant
7 chemicals that are present in any covered product or component
8 thereof at levels above 1,000 parts per million.

9 (7) "Department" means the Department of Toxic Substances
10 Control.

11 (8) "Consumer Price Index" means the Consumer Price Index
12 for All Urban Consumers published by the Bureau of Labor
13 Statistics.

14 (b) (1) A manufacturer of covered products shall indicate
15 whether or not the product contains added flame-retardant
16 chemicals by including the following "flame-retardant chemical
17 statement" on the label described in Section 1374.3 of Title 4 of
18 the California Code of Regulations for covered products:

19
20 "The upholstery materials in this product:

21 _____contain added flame-retardant chemicals

22 _____contain NO added flame-retardant chemicals

23 The State of California has updated the flammability standard
24 and determined that the fire safety requirements for this product
25 can be met without adding flame-retardant chemicals. The state
26 has identified many flame-retardant chemicals as being known to,
27 or strongly suspected of, adversely impacting human health or
28 development."

29
30 A manufacturer of covered products shall indicate the absence
31 or presence of added flame-retardant chemicals by placing an "X"
32 in one of the appropriate blanks.

33 (2) This statement shall be included in the label described in
34 Section 1374.3 of Title 4 of the California Code of Regulations in
35 accordance with the bureau's regulations for that label. The
36 statement need not be in all capital letters, and shall follow the
37 statement required by Section 1374.3 of Title 4 of the California
38 Code of Regulations.

39 (c) (1) The bureau shall ensure compliance with the labeling
40 requirements in this section.

(2) (A) The bureau shall provide the Department of Toxic Substances Control with a selection of samples from covered products marked “contain NO added flame-retardant chemicals” for testing for the presence of added flame-retardant chemicals. The samples shall be from the components identified in paragraph (1) of subdivision (a). The bureau shall select samples based on consultation with the department, taking into account a range of manufacturers and types of covered products. The bureau and the department shall consult on the tests to be conducted by the department. The department shall provide the results of any completed test to the bureau. The bureau shall reimburse the department for the cost of testing for the presence of added flame-retardant chemicals in covered products marked “contain NO added flame-retardant chemicals”. *chemicals.*”

(B) No later than August 1 of each fiscal year, the bureau shall assess available resources and determine the number of tests to be conducted in the corresponding fiscal year, pursuant to this subparagraph.

(3) (A) If the department’s testing shows that a covered product labeled as “contain NO added flame-retardant chemicals” is mislabeled because it contains added flame-retardant chemicals, the bureau may assess fines for violations against manufacturers of the covered product and component manufacturers to be held jointly and severally liable for the violation.

(B) A fine for a violation of this subparagraph relating to mislabeling shall be assessed in accordance with the factors described in subdivision (d) and the following schedule:

(i) The fine for the first violation shall be not less than one thousand dollars (\$1,000) but not more than two thousand five hundred dollars (\$2,500).

(ii) The fine for the second violation shall be not less than two thousand five hundred dollars (\$2,500) but not more than five thousand dollars (\$5,000).

(iii) The fine for the third violation shall be not less than five thousand dollars (\$5,000) but not more than seven thousand five hundred dollars (\$7,500).

(iv) The fine for any subsequent violation shall be not less than seven thousand five hundred dollars (\$7,500) but not more than ten thousand dollars (\$10,000).

1 (C) The fines in paragraph (B) shall replace any other fines in
2 this article for a violation of the testing requirements of this section.
3 This clause does not alter or amend any other penalty otherwise
4 imposed by this article.

5 (D) If the department's testing shows that a covered product
6 labeled as "contain NO added flame-retardant chemicals" is
7 mislabeled because it contains added flame-retardant chemicals,
8 in addition to a fine or any other request, the bureau may request
9 that the label required by subdivision (b) for covered products that
10 belong to the same stock keeping unit (SKU) currently produced
11 by the manufacturer be corrected to reflect that flame-retardant
12 chemicals are added to the covered product.

13 (E) If the department's testing shows that a covered product
14 labeled as "contain NO added flame-retardant chemicals" is
15 mislabeled because it contains added flame-retardant chemicals,
16 in addition to a fine or any other request, the bureau may request
17 additional testing of more products belonging to the same stock
18 keeping unit (SKU) at the manufacturer's expense to verify the
19 accuracy of the label required by subdivision (b) for covered
20 products if the manufacturer wishes to retain the "contain NO
21 added flame-retardant chemicals" designation on the label required
22 by subdivision (b).

23 (d) (1) The bureau shall make information about any citation
24 issued pursuant to this section available to the public on its internet
25 website.

26 (2) In determining the amount of the fine for violations of this
27 section, the bureau shall consider the following factors:

28 (A) The nature and severity of the violation.

29 (B) The good or bad faith of the cited person.

30 (C) The history of previous violations.

31 (D) Evidence that the violation was willful.

32 (E) The extent to which the cited person or entity has cooperated
33 with the bureau.

34 (3) (A) The bureau shall adjust all minimum and maximum
35 fines imposed by this section for inflation every five years.

36 (B) The adjustment shall be equivalent to the percentage, if any,
37 that the Consumer Price Index at the time of adjustment exceeds
38 the Consumer Price Index at the time this section goes into effect.
39 Any increase determined under this paragraph shall be rounded as
40 follows:

1 (i) In multiples of ten dollars (\$10) in the case of penalties less
2 than or equal to one hundred dollars (\$100).

3 (ii) In multiples of one hundred dollars (\$100) in the case of
4 penalties greater than one hundred dollars (\$100) but less than or
5 equal to one thousand dollars (\$1,000).

6 (iii) In multiples of one thousand dollars (\$1,000) in the case
7 of penalties greater than one thousand dollars (\$1,000).

8 (4) It shall be the duty of the bureau to receive complaints from
9 consumers concerning covered products sold in California.

10 (e) The bureau may adopt regulations pursuant to the
11 Administrative Procedure Act (Chapter 3.5 (commencing with
12 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
13 Code) to carry out this section.

14 SEC. 35. Section 26051.5 of the Business and Professions
15 Code is amended to read:

16 26051.5. (a) An applicant for a state license issued pursuant
17 to this division to conduct commercial cannabis activity, as defined
18 in Section 26001, shall do all of the following:

19 (1) Except as provided in subparagraph (G), require that each
20 owner, as defined in paragraphs (1) to (3), inclusive, of subdivision
21 (aq) of Section 26001, electronically submit to the Department of
22 Justice fingerprint images and related information required by the
23 Department of Justice for the purpose of obtaining information as
24 to the existence and content of a record of state or federal
25 convictions and state and federal arrests, and also information as
26 to the existence and content of a record of state or federal
27 convictions and arrests for which the Department of Justice
28 establishes that the person is free on bail or on their own
29 recognizance pending trial or appeal.

30 (A) Notwithstanding any other law, the department may obtain
31 criminal history information from the Department of Justice and
32 the Federal Bureau of Investigation for an applicant or its owners,
33 as defined in paragraphs (1) to (3), inclusive, of subdivision (aq)
34 of Section 26001, for any state license, as described in Section
35 26050, under this division pursuant to subdivision (u) of Section
36 11105 of the Penal Code.

37 (B) When received, the Department of Justice shall transmit
38 fingerprint images and related information received pursuant to
39 this section to the Federal Bureau of Investigation for the purpose
40 of obtaining a federal criminal history records check. The

1 Department of Justice shall review the information returned from
2 the Federal Bureau of Investigation and compile and disseminate
3 a response to the licensing authority.

4 (C) The Department of Justice shall provide a response to the
5 licensing authority pursuant to paragraph (1) of subdivision (p) of
6 Section 11105 of the Penal Code.

7 (D) The department shall request from the Department of Justice
8 subsequent notification service, as provided pursuant to Section
9 11105.2 of the Penal Code, for applicants.

10 (E) The Department of Justice shall charge the applicant a fee
11 sufficient to cover the reasonable cost of processing the requests
12 described in this paragraph.

13 (F) Notwithstanding any other law, a licensing authority may
14 request and receive from a local or state agency certified records
15 of all arrests and convictions, certified records regarding probation,
16 and any and all other related documentation needed to complete
17 an applicant or licensee investigation. A local or state agency may
18 provide those records to a licensing authority upon request.

19 (G) If an owner has previously submitted fingerprint images
20 and related information required by the Department of Justice
21 pursuant to this paragraph in connection with a valid state license
22 issued by a licensing authority, all of the following apply:

23 (i) The owner shall not be required to submit additional
24 fingerprint images and related information pursuant to this
25 paragraph in connection with a subsequent application for a state
26 license.

27 (ii) The department shall not consider the owner's criminal
28 history information obtained from the fingerprint images and
29 related information that were previously submitted pursuant to this
30 paragraph when considering whether to issue a subsequent state
31 license.

32 (iii) An owner shall not be required to resubmit owner-related
33 information previously provided to the department.

34 (2) Provide evidence of the legal right to occupy and use the
35 proposed location and provide a statement from the landowner of
36 real property or that landowner's agent where the commercial
37 cannabis activity will occur, as proof to demonstrate the landowner
38 has acknowledged and consented to permit commercial cannabis
39 activities to be conducted on the property by the tenant applicant.

1 (3) Provide evidence that the proposed location is in compliance
2 with subdivision (b) of Section 26054.

3 (4) Provide a statement, signed by the applicant under penalty
4 of perjury, that the information provided is complete, true, and
5 accurate.

6 (5) (A) (i) For an applicant with 20 or more employees, or an
7 applicant with 10 or more employees that submits an application
8 on or after July 1, 2024, provide a notarized statement that the
9 applicant will enter into, or demonstrate that it has already entered
10 into, and will abide by the terms of a labor peace agreement. On
11 and after July 1, 2024, the department shall not renew a license
12 for a licensee with 10 or more employees unless the licensee
13 provides a statement that the licensee has already entered into and
14 will abide by the terms of a labor peace agreement.

15 (ii) For an applicant with 10 or more employees but less than
16 20 employees that has not yet entered into a labor peace agreement,
17 provide a notarized statement as a part of its application indicating
18 that the applicant will enter into and abide by the terms of a labor
19 peace agreement within 60 days of employing its 20th employee,
20 or on or before July 1, 2024, whichever is earlier.

21 (iii) For an applicant with less than 10 employees that has not
22 yet entered into a labor peace agreement, provide a notarized
23 statement as a part of its application indicating that the applicant
24 will enter into and abide by the terms of a labor peace agreement
25 within 60 days of employing its 10th employee, or on or before
26 July 1, 2024, whichever is later.

27 (iv) Nothing in this paragraph shall be construed to limit the
28 authority of the department to revoke or suspend a license for a
29 violation of this paragraph.

30 (B) Compliance with the terms of an applicable labor peace
31 agreement is a condition of licensure. A licensee seeking renewal
32 of any license shall attest to the department that it remains in
33 compliance with the terms of any applicable labor peace agreement.

34 (C) Any labor organization, or any current or former employee
35 of the relevant licensee, may report to the department that a licensee
36 has failed to provide a truthful attestation of compliance with
37 subparagraph (B).

38 (i) The reporting party shall provide documentation, in a form
39 and manner required by the department, to substantiate their
40 allegation before the department considers it. The department shall

1 collaborate with such agencies as it deems relevant to evaluate the
2 report.

3 (ii) If the department substantiates the validity of a report made
4 pursuant to this subparagraph, the department may suspend, revoke,
5 place on probation with terms and conditions, or otherwise
6 discipline the license and fine the licensee.

7 (D) (i) Any labor organization, or any current or former
8 employee of the relevant licensee, may file a complaint with the
9 Agricultural Labor Relations Board that an organization with which
10 a licensee has entered into a labor peace agreement is not a bona
11 fide labor organization.

12 (ii) The Agricultural Labor Relations Board shall consider all
13 relevant evidence provided or obtained in rendering a decision on
14 whether the entity is a bona fide labor organization and issue a
15 report with its findings no later than 90 days from receiving the
16 complaint.

17 (iii) If the Agricultural Labor Relations Board determines that
18 the entity is not a bona fide labor organization, the labor peace
19 agreement shall be null and void. The department shall promptly
20 notify all licensees that have signed labor peace agreements with
21 the entity that the entity was found not to be a bona fide labor
22 organization and offer those licensees a reasonable time period,
23 not to exceed 180 days, to enter into a labor peace agreement with
24 a bona fide labor organization. Failure to enter into a labor peace
25 agreement with a bona fide labor organization after that reasonable
26 time period shall be a violation of this section.

27 (E) For the purposes of this paragraph, all of the following shall
28 apply:

29 (i) "Employee" does not include a supervisor.

30 (ii) "Labor organization" means any organization of any kind,
31 or any agency or employee representation committee or plan, in
32 which employees participate and which exists, in whole or in part,
33 for the purpose of dealing with employers concerning grievances,
34 labor disputes, wages, rates of pay, hours of employment, or
35 conditions of work for employees.

36 (iii) "Supervisor" means an individual having authority, in the
37 interest of the applicant, to hire, transfer, suspend, lay off, recall,
38 promote, discharge, assign, reward, or discipline other employees,
39 or responsibility to direct them or to adjust their grievances, or
40 effectively to recommend such action, if, in connection with the

1 foregoing, the exercise of that authority is not of a merely routine
2 or clerical nature, but requires the use of independent judgment.

3 (6) Provide the applicant's valid seller's permit number issued
4 pursuant to Part 1 (commencing with Section 6001) of Division 2
5 of the Revenue and Taxation Code or indicate that the applicant
6 is currently applying for a seller's permit.

7 (7) Provide any other information required by the department.

8 (8) For an applicant seeking a cultivation license, provide a
9 statement declaring the applicant is an "agricultural employer," as
10 defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural
11 Labor Relations Act of 1975 (Part 3.5 (commencing with Section
12 1140) of Division 2 of the Labor Code), to the extent not prohibited
13 by law.

14 (9) Pay all applicable fees required for licensure by the
15 department.

16 (10) Provide proof of a bond to cover the costs of destruction
17 of cannabis or cannabis products if necessitated by a violation of
18 licensing requirements.

19 (11) (A) Provide a statement, upon initial application and
20 application for renewal, that the applicant employs, or will employ
21 within one year of receiving or renewing a license, one supervisor
22 and one employee who have successfully completed a Division of
23 Occupational Safety and Health 30-hour general industry outreach
24 course offered by a training provider that is authorized by an OSHA
25 Training Institute Education Center to provide the course. This
26 paragraph shall not be construed to alter or amend existing
27 requirements for employers to provide occupational safety and
28 health training to employees.

29 (B) An applicant with only one employee shall not be subject
30 to subparagraph (A).

31 (C) For purposes of this paragraph "employee" has the same
32 meaning as provided in clause (i) of subparagraph (E) of paragraph
33 (5) and "supervisor" has the same meaning as provided in clause
34 (iii) of subparagraph (E) of paragraph (5).

35 (b) An applicant shall also include in the application a detailed
36 description of the applicant's operating procedures for all of the
37 following, as required by the department:

38 (1) Cultivation.

39 (2) Extraction and infusion methods.

40 (3) The transportation process.

1 (4) Inventory procedures.

2 (5) Quality control procedures.

3 (6) Security protocols.

4 (7) For applicants seeking licensure to cultivate, the source or
5 sources of water the applicant will use for cultivation, as provided
6 in subdivisions (a) to (c), inclusive, of Section 26060.1. For
7 purposes of this paragraph, "cultivation" as used in Section 26060.1
8 shall have the same meaning as defined in Section 26001. The
9 department shall consult with the State Water Resources Control
10 Board and the Department of Fish and Wildlife in the
11 implementation of this paragraph.

12 (c) The applicant shall also provide a complete detailed diagram
13 of the proposed premises wherein the license privileges will be
14 exercised, with sufficient particularity to enable ready
15 determination of the bounds of the premises, showing all
16 boundaries, dimensions, entrances and exits, interior partitions,
17 walls, rooms, and common or shared entryways, and include a
18 brief statement or description of the principal activity to be
19 conducted therein, and, for licenses permitting cultivation,
20 measurements of the planned canopy, including aggregate square
21 footage and individual square footage of separate cultivation areas,
22 if any, roads, water crossings, points of diversion, water storage,
23 and all other facilities and infrastructure related to the cultivation.

24 (d) Provide a complete list of every person with a financial
25 interest in the person applying for the license as required by the
26 department. For purposes of this subdivision, "persons with a
27 financial interest" does not include persons whose only interest in
28 a licensee is an interest in a diversified mutual fund, blind trust,
29 or similar instrument.

30 SEC. 36. Section 26067 of the Business and Professions Code
31 is amended to read:

32 26067. (a) The department shall establish a track and trace
33 program for reporting the movement of cannabis and cannabis
34 products throughout the distribution chain that utilizes a unique
35 identifier and is capable of providing information that captures, at
36 a minimum, all of the following:

37 (1) The licensee from which the product originates and the
38 licensee receiving the product.

39 (2) The transaction date.

1 (3) The unique identifier or identifiers for the cannabis or
2 cannabis product.

3 (4) The date of retail sale to a customer and whether the sale is
4 conducted on the retail premises or by delivery.

5 (5) Information relating to cannabis and cannabis products
6 leaving the licensed premises in a delivery vehicle as determined
7 by regulations adopted pursuant to subdivision (d) of Section
8 26068.

9 (b) (1) The department, in consultation with the California
10 Department of Tax and Fee Administration, shall create an
11 electronic system containing the electronic shipping manifests to
12 facilitate the administration of the track and trace program, which
13 shall include, but not be limited to, the following information:

14 (A) The variety and quantity or weight of cannabis or cannabis
15 products shipped.

16 (B) The estimated times of departure and arrival.

17 (C) The variety and quantity or weight of cannabis or cannabis
18 products received.

19 (D) The actual time of departure and arrival.

20 (E) A categorization and the unique identifier of the cannabis
21 or cannabis product.

22 (F) The license number issued by the department for all licensees
23 involved in the shipping process, including, but not limited to,
24 cultivators, manufacturers, distributors, and retailers.

25 (2) The electronic system shall be designed to flag irregularities
26 for the department to investigate.

27 (3) The department and state and local agencies may, at any
28 time, inspect shipments and request documentation for current
29 inventory.

30 (4) The California Department of Tax and Fee Administration
31 shall have read access to the electronic system for the purpose of
32 taxation and regulation of cannabis and cannabis products.

33 (5) Information received and contained in records kept by the
34 department for the purposes of administering this chapter are
35 confidential and shall not be disclosed pursuant to the California
36 Public Records Act (Division 10 (commencing with Section
37 7920.000) of Title 1 of the Government Code), except as necessary
38 for authorized employees of the State of California or any city,
39 county, or city and county to perform official duties pursuant to
40 this division or a local ordinance.

1 (6) Upon the request of a state or local law enforcement agency,
2 the department shall allow access to or provide information
3 contained within the electronic system to assist law enforcement
4 in their duties and responsibilities pursuant to this division.

5 SEC. 37. Section 44831 of the Education Code is amended to
6 read:

7 44831. The governing board of a school district shall employ
8 persons in public school service requiring certification
9 qualifications as provided in this code, except that the governing
10 board or a county office of education may contract with or employ
11 an individual who holds a license issued by the Speech-Language
12 Pathology and Audiology and Hearing Aid Dispensers Board and
13 has earned a master's degree in communication disorders to provide
14 speech and language services if that individual meets the
15 requirements of Section 44332.6 before employment or execution
16 of the contract.

17 SEC. 38. Section 94834 of the Education Code is amended to
18 read:

19 94834. "Distance education" means transmission of instruction
20 to students at a location separate from the faculty.

21 SEC. 39. Section 94866 of the Education Code is amended to
22 read:

23 94866. "Teach-out" means the arrangements an institution
24 makes for its students to complete their educational programs when
25 the institution or an educational program ceases to operate.

26 SEC. 40. Section 94880.1 of the Education Code is repealed.

27 SEC. 41. Section 94897 of the Education Code is amended to
28 read:

29 94897. An institution shall not do any of the following:

30 (a) Use, or allow the use of, any reproduction or facsimile of
31 the Great Seal of the State of California on a diploma.

32 (b) Promise or guarantee employment, or otherwise overstate
33 the availability of jobs upon graduation.

34 (c) Advertise concerning job availability, degree of skill, or
35 length of time required to learn a trade or skill unless the
36 information is accurate and not misleading.

37 (d) Advertise, or indicate in promotional material, without
38 including the fact that the educational programs are delivered by
39 means of distance education if the educational programs are so
40 delivered.

1 (e) Advertise, or indicate in promotional material, that the
2 institution is accredited, unless the institution has been accredited
3 by an accrediting agency.

4 (f) Solicit students for enrollment by causing an advertisement
5 to be published in “help wanted” columns in a magazine,
6 newspaper, or publication, or use “blind” advertising that fails to
7 identify the institution.

8 (g) Offer to compensate a student to act as an agent of the
9 institution with regard to the solicitation, referral, or recruitment
10 of any person for enrollment in the institution, except that an
11 institution may award a token gift to a student for referring an
12 individual, provided that the gift is not in the form of money, no
13 more than one gift is provided annually to a student, and the gift’s
14 cost is not more than one hundred dollars (\$100).

15 (h) Pay any consideration to a person to induce that person to
16 sign an enrollment agreement for an educational program.

17 (i) Use a name in any manner improperly implying any of the
18 following:

19 (1) The institution is affiliated with any government agency,
20 public or private corporation, agency, or association if it is not, in
21 fact, thus affiliated.

22 (2) The institution is a public institution.

23 (3) The institution grants degrees, if the institution does not
24 grant degrees.

25 (j) In any manner make an untrue or misleading change in, or
26 untrue or misleading statement related to: a test score, grade or
27 record of grades, attendance record, record indicating student
28 completion, placement, employment, salaries, or financial
29 information; a financial report filed with the bureau; information
30 or records relating to the student’s eligibility for student financial
31 aid at the institution; or any other record or document required by
32 this chapter or by the bureau.

33 (k) Willfully falsify, destroy, or conceal any document of record
34 while that document of record is required to be maintained by this
35 chapter.

36 (l) Use the terms “approval,” “approved,” “approval to operate,”
37 or “approved to operate” without stating clearly and conspicuously
38 that approval to operate means compliance with state standards as
39 set forth in this chapter. An institution may not state or imply either
40 of the following:

1 (1) The institution or its educational programs are endorsed or
2 recommended by the state or by the bureau.

3 (2) The approval to operate indicates that the institution exceeds
4 minimum state standards as set forth in this chapter.

5 (m) Direct any individual to do any of the following:

6 (1) Perform an act that violates this chapter.

7 (2) Refrain from reporting unlawful conduct to the bureau or
8 another government agency.

9 (3) Engage in any unfair act to persuade a student not to
10 complain to the bureau or another government agency.

11 (n) Compensate an employee involved in recruitment,
12 enrollment, admissions, student attendance, or sales of educational
13 materials to students on the basis of a commission, commission
14 draw, bonus, quota, or other similar method related to the
15 recruitment, enrollment, admissions, student attendance, or sales
16 of educational materials to students, except as provided in
17 paragraph (1) or (2):

18 (1) If the educational program is scheduled to be completed in
19 90 days or less, the institution shall pay compensation related to
20 a particular student only if that student completes the educational
21 program.

22 (2) For institutions participating in the federal student financial
23 aid programs, this subdivision shall not prevent the payment of
24 compensation to those involved in recruitment, admissions, or the
25 award of financial aid if those payments are in conformity with
26 federal regulations governing an institution's participation in the
27 federal student financial aid programs.

28 (o) Require a prospective student to provide personal contact
29 information in order to obtain, from the institution's internet
30 website, educational program information that is required to be
31 contained in the school catalog or any information required
32 pursuant to the consumer information requirements of Title IV of
33 the federal Higher Education Act of 1965, and any amendments
34 thereto.

35 (p) Offer an associate, baccalaureate, master's, or doctoral
36 degree without disclosing to prospective students before enrollment
37 whether the institution or the degree program is unaccredited and
38 any known limitation of the degree, including, but not limited to,
39 all of the following:

(1) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states.

(2) A statement that reads: “A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.”

(3) That a student enrolled in an unaccredited institution is not eligible for federal financial aid programs.

(q) In any manner commit fraud against, or make a material untrue or misleading statement to, a student or prospective student under the institution’s authority or the pretense or appearance of the institution’s authority.

(r) Charge or collect any payment for institutional charges that are not authorized by an executed enrollment agreement.

(s) Violate Section 1788.93 of the Civil Code.

(t) Require a prospective, current, or former student or employee to sign a nondisclosure agreement pertaining to their relationship to, or experience with, the institution, except that an institution may use a nondisclosure agreement to protect the institution’s intellectual property and trade secrets. Any nondisclosure agreement in violation of this section is void and not enforceable at law or in equity.

(u) Fail to maintain policies related to compliance with this chapter or adhere to the institution’s stated policies.

SEC. 42. Section 94900 of the Education Code is amended to read:

94900. (a) An institution shall maintain records of the name, address, e-mail address, and telephone number of each student who is enrolled in an educational program in that institution.

(b) An institution shall maintain, for each student granted a degree or certificate by that institution, complete and accurate permanent records of all of the following:

(1) The degree or certificate granted and the date on which that degree or certificate was granted.

(2) The courses and units on which the certificate or degree was based.

(3) The grades earned by the student in each of those courses.

SEC. 43. Section 94902 of the Education Code is amended to read:

1 94902. (a) A student shall enroll solely by means of executing
2 an enrollment agreement. The enrollment agreement shall be signed
3 by the student and by an authorized employee of the institution.

4 (b) An enrollment agreement is not enforceable unless all of
5 the following requirements are met:

6 (1) The student has received the institution's current catalog
7 and School Performance Fact Sheet prior to signing the enrollment
8 agreement.

9 (2) At the time of the execution of the enrollment agreement,
10 the institution held a valid approval to operate.

11 (3) Prior to the execution of the enrollment agreement, the
12 student and the institution have signed and dated the information
13 required to be disclosed in the School Performance Fact Sheet
14 pursuant to subdivisions (a) to (d), inclusive, of Section 94910.
15 Each of these items in the School Performance Fact Sheet shall
16 include a line for the student to initial and shall be initialed and
17 dated by the student.

18 (c) A student shall receive a copy of the signed enrollment
19 agreement, in writing or electronically, regardless of whether total
20 charges are paid by the student.

21 SEC. 44. Section 94909 of the Education Code is amended to
22 read:

23 94909. (a) Except as provided in subdivision (d), before
24 enrollment, an institution shall provide a prospective student, either
25 in writing or electronically, with a current school catalog
26 containing, at a minimum, all of the following:

27 (1) The name, address, telephone number, and, if applicable,
28 internet website address of the institution.

29 (2) Except as specified in Article 2 (commencing with Section
30 94802), a statement that the institution is a private institution and
31 that it is approved to operate by the bureau.

32 (3) The following statements:

33 (A) "Any questions a student may have regarding this catalog
34 that have not been satisfactorily answered by the institution may
35 be directed to the Bureau for Private Postsecondary Education at
36 (address), Sacramento, CA (ZIP Code), (internet website address),
37 (telephone and fax numbers)."

38 (B) "As a prospective student, you are encouraged to review
39 this catalog before signing an enrollment agreement. You are also

1 encouraged to review the School Performance Fact Sheet, which
2 must be provided to you before signing an enrollment agreement.”

3 (C) “A student or any member of the public may file a complaint
4 about this institution with the Bureau for Private Postsecondary
5 Education by calling (toll-free telephone number) or by completing
6 a complaint form, which can be obtained on the bureau’s internet
7 website (internet website address).”

8 (D) “The Office of Student Assistance and Relief is available
9 to support prospective students, current students, or past students
10 of private postsecondary educational institutions in making
11 informed decisions, understanding their rights, and navigating
12 available services and relief options. The office may be reached
13 by calling (toll-free telephone number) or by visiting (internet
14 website address).”

15 (4) The address or addresses where class sessions will be held.

16 (5) A description of the programs offered and a description of
17 the instruction provided in each of the courses offered by the
18 institution, the requirements for completion of each program,
19 including required courses, any final tests or examinations, any
20 required internships or externships, and the total number of credit
21 hours, clock hours, or other increments required for completion.

22 (6) If the educational program is designed to lead to positions
23 in a profession, occupation, trade, or career field requiring licensure
24 in this state, a notice to that effect and a list of the requirements
25 for eligibility for licensure.

26 (7) Information regarding the faculty and their qualifications.

27 (8) A detailed description of institutional policies in the
28 following areas:

29 (A) Admissions policies, including the institution’s policies
30 regarding the acceptance of credits earned at other institutions or
31 through challenge examinations and achievement tests, and a list
32 describing any transfer or articulation agreements between the
33 institution and any other college or university that provides for the
34 transfer of credits earned in the program of instruction. If the
35 institution has not entered into an articulation or transfer agreement
36 with any other college or university, the institution shall disclose
37 that fact.

38 (B) Cancellation, withdrawal, and refund policies, including an
39 explanation that the student has the right to cancel the enrollment
40 agreement and obtain a refund of charges paid through attendance

1 at the first class session, or the seventh day after enrollment,
2 whichever is later. The text shall also include a description of the
3 procedures that a student is required to follow to cancel the
4 enrollment agreement or withdraw from the institution and obtain
5 a refund consistent with the requirements of Article 13
6 (commencing with Section 94919).

7 (C) Probation and dismissal policies.

8 (D) Attendance policies.

9 (E) Leave-of-absence policies.

10 (9) The schedule of total charges for a period of attendance and
11 an estimated schedule of total charges for the entire educational
12 program.

13 (10) A statement reporting whether the institution participates
14 in federal and state financial aid programs, and if so, all consumer
15 information that is required to be disclosed to the student pursuant
16 to the applicable federal and state financial aid programs.

17 (11) A statement specifying that, if a student obtains a loan to
18 pay for an educational program, the student will have the
19 responsibility to repay the full amount of the loan plus interest,
20 less the amount of any refund, and that, if the student has received
21 federal student financial aid funds, the student is entitled to a refund
22 of the moneys not paid from federal student financial aid program
23 funds.

24 (12) A statement specifying whether the institution has a pending
25 petition in bankruptcy, is operating as a debtor in possession, has
26 filed a petition within the preceding five years, or has had a petition
27 in bankruptcy filed against it within the preceding five years that
28 resulted in reorganization under Chapter 11 of the United States
29 Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).

30 (13) If the institution provides placement services, a description
31 of the nature and extent of the placement services.

32 (14) A description of the student's rights and responsibilities
33 with respect to the Student Tuition Recovery Fund. This statement
34 shall specify that it is a state requirement that a student who pays
35 the student's tuition is required to pay a state-imposed assessment
36 for the Student Tuition Recovery Fund. This statement shall also
37 describe the purpose and operation of the Student Tuition Recovery
38 Fund and the requirements for filing a claim against the Student
39 Tuition Recovery Fund.

40 (15) The following statement:

1
2 “NOTICE CONCERNING TRANSFERABILITY OF
3 CREDITS AND CREDENTIALS EARNED AT OUR
4 INSTITUTION

5 The transferability of credits you earn at (name of institution)
6 is at the complete discretion of an institution to which you
7 may seek to transfer. Acceptance of the (degree, diploma, or
8 certificate) you earn in (name of educational program) is also
9 at the complete discretion of the institution to which you may
10 seek to transfer. If the (credits or degree, diploma, or
11 certificate) that you earn at this institution are not accepted at
12 the institution to which you seek to transfer, you may be
13 required to repeat some or all of your coursework at that
14 institution. For this reason you should make certain that your
15 attendance at this institution will meet your educational goals.
16 This may include contacting an institution to which you may
17 seek to transfer after attending (name of institution) to
18 determine if your (credits or degree, diploma, or certificate)
19 will transfer.”
20

21 (16) A statement specifying whether the institution, or any of
22 its degree programs, are accredited by an accrediting agency
23 recognized by the United States Department of Education. If the
24 institution is unaccredited and offers an associate, baccalaureate,
25 master’s, or doctoral degree, or is accredited and offers an
26 unaccredited program for an associate, baccalaureate, master’s, or
27 doctoral degree, the statement shall disclose the known limitations
28 of the degree program, including, but not limited to, all of the
29 following:

30 (A) Whether a graduate of the degree program will be eligible
31 to sit for the applicable licensure exam in California and other
32 states or become certified or registered as required for the
33 applicable profession, occupation, trade, or career field in
34 California.

35 (B) A degree program that is unaccredited or a degree from an
36 unaccredited institution is not recognized for some employment
37 positions, including, but not limited to, positions with the State of
38 California.

39 (C) That a student enrolled in an unaccredited institution is not
40 eligible for federal financial aid programs.

1 (b) If the institution has a general student brochure, the
2 institution shall provide that brochure to the prospective student
3 before enrollment. In addition, if the institution has a
4 program-specific student brochure for the program in which the
5 prospective student seeks to enroll, the institution shall provide
6 the program-specific student brochure to the prospective student
7 before enrollment.

8 (c) An institution shall provide the school catalog to any person
9 upon request. In addition, if the institution has student brochures,
10 the institution shall disclose the requested brochures to any
11 interested person upon request.

12 (d) An accredited institution is not required to provide a School
13 Performance Fact Sheet to a prospective student who is not a
14 California resident, not residing in California at the time of the
15 student's enrollment, and enrolling in an accredited distance
16 learning degree program offered by the institution, if the institution
17 complies with all federal laws, the applicable laws of the state
18 where the student is located, and other appropriate laws, including,
19 but not limited to, consumer protection and student disclosure
20 requirements.

21 SEC. 45. Section 94910 of the Education Code is amended to
22 read:

23 94910. Except as provided in subdivision (d) of Section 94909
24 and Section 94910.5, prior to enrollment, an institution shall
25 provide a prospective student with a current School Performance
26 Fact Sheet containing, at a minimum, the following information,
27 as it relates to the educational program:

28 (a) Completion rates, as calculated pursuant to Article 16
29 (commencing with Section 94928).

30 (b) Placement rates for each educational program, as calculated
31 pursuant to Article 16 (commencing with Section 94928), if the
32 educational program is designed to lead to, or the institution makes
33 any express or implied claim related to preparing students for, a
34 recognized career, occupation, vocation, job, or job title.

35 (c) License examination passage rates for programs leading to
36 employment for which passage of a state licensing examination is
37 required, as calculated pursuant to Article 16 (commencing with
38 Section 94928).

39 (d) Salary or wage information, as calculated pursuant to Article
40 16 (commencing with Section 94928).

(e) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution, but is not equivalent to actual performance data."

(f) All of the following:

(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where they may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.

(2) A statement informing the reader of where they may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).

(3) A statement informing the reader of where they may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).

(g) The following statements:

(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law."

(2) "Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (internet website), (telephone and fax numbers)."

(h) If the institution participates in federal financial aid programs, the most recent three-year cohort default rate reported by the United States Department of Education for the institution and the percentage of enrolled students receiving federal student loans.

(i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not required to include students who satisfy the qualifications specified in subdivision (d) of Section 94909, but an institution shall disclose whether the data, information, or both provided in its fact sheet excludes students pursuant to this subdivision. An institution shall not actively use data specific to the fact sheet in its recruitment materials or other recruitment efforts of students who are not California residents and do not reside in California at the time of their enrollment.

SEC. 46. Section 94929.9 of the Education Code is repealed.

SEC. 47. Section 94949 of the Education Code is repealed.

SEC. 48. Section 14132.55 of the Welfare and Institutions Code is amended to read:

14132.55. For the purposes of reimbursement under the Medi-Cal program, a speech pathologist or audiologist shall be licensed by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board or similarly licensed by a comparable agency in the state in which they practice. Licensed speech-language pathologists or licensed audiologists are authorized to utilize and shall be reimbursed for the services of those personnel in the process of completing requirements under the provisions of subdivision (c) of Section 2532.2 of the Business and Professions Code.

VIII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Personnel
- C. Association of State Boards of Geology (ASBOG)
- D. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Annual Meeting, August 19-22, 2025 (**Possible Action**)
 - 2. Introduction of Aaron Blaisdell, PLS, NCEES Western Zone Vice President
- E. Update on Outreach Efforts

Rulemaking Status Report

1. Fees (16 CCR sections 407 and 3005)

- Budget office approved the Board's Fee regulatory package on July 14, 2025.
 - Staff working with DCA Legal and Budgets to finalize proposal for Notice in July 2025.
 - Board directed staff to pursue rulemaking proposal on August 22, 2024.

2. Experience requirements—Professional Land Surveyors (Renumbering Paragraphs - Section 100) (16 CCR sections 425)

- Board staff will work on the pre-notice documents.
 - Board directed staff to pursue rulemaking proposal on December 19, 2024.

3. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

- Staff working with Legal to prepare language for Board review.
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - 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. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

- Board staff will work on the pre-notice documents.
 - 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.



AUGUST 19-22, 2025

NEW ORLEANS

104TH
ANNUAL
MEETING

ACTION ITEMS AND CONFERENCE REPORTS



**Action Items and Conference Reports
104th NCEES Annual Meeting
New Orleans, Louisiana
August 19–22, 2025**

Vision

The vision of NCEES is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.

Mission

The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

This mission is supported through its member boards, board of directors, staff, board administrators, and volunteers by:

- Providing outstanding nationally normed examinations for engineers and surveyors
- Providing uniform model laws and model rules for adoption by the member boards
- Promoting professional ethics among all engineers and surveyors
- Coordinating with domestic and international organizations to advance licensure of all engineers and surveyors



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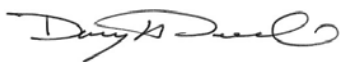
Introduction

This publication includes all officer, committee, and task force reports from the 2024–25 fiscal year, along with the motions that will be presented for Council vote at the annual meeting. The proposed 2025–26 operating and capital budgets are also included. We encourage all member boards to review these reports and motions so that your board can decide on its vote before the annual meeting.

The latest meeting information and resources are posted at nces.org/annual_meeting.

Please contact NCEES if you have questions about any reports or motions so we can respond before the annual meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Davy McDowell", with a stylized flourish at the end.

Davy McDowell, P.E.
NCEES Chief Executive Officer

Annual Meeting Business Agenda

NCEES President Andrew Zoutewelle, P.L.S., presiding

Wednesday, August 20

9:00–10:30 a.m., Business Session 1

- Call to order
- Welcome
- Pledge of Allegiance
- Invocation
- Introduction of NCEES board of directors and past presidents
- Quorum report
- Introduction of guests from other organizations
- Announcements and practice motions
- Officer reports
 - President
 - President-elect
 - Actions taken by board of directors
 - Approval of 2024 annual meeting minutes
 - Approval of consent agenda
 - Treasurer
 - Central Zone vice president
 - Northeast Zone vice president
 - Southern Zone vice president
 - Western Zone vice president
 - Chair of the NCEES Foundation board of directors
 - Chief executive officer
 - Speeches from nominees for 2025–26 president-elect (if election is contested)

Thursday, August 21

9:00–10:00 a.m., Business Session 2

- Call to order
- Introduction of new motions to agenda
- Election of 2025–26 president-elect
- Committee and task force reports with motions
 - Special Committee on Bylaws (21 motions)
 - Advisory Committee on Council Activities (4 motions)

11:30 a.m.–12:15 p.m., Business Session 3

- Call to order
- Committee and task force reports with motions (continued)
 - Committee on Education (3 motions)
 - Committee on Examination Policy and Procedures (12 motions)
 - Committee on Examinations for Professional Surveyors (1 motion)
 - Committee on Finances (7 motions)

2:00–4:00 p.m., Business Session 4

- Call to order
- Committee and task force reports with motions (continued)
 - Committee on Licensure (9 motions)
 - Committee on Member Board Administrators (2 motions)
 - Committee on Uniform Procedures and Legislative Guidelines (9 motions)
- Board of directors motions (2 motions)
- New business
- Unfinished business
 - Approval of budgets

Consent Agenda

The board of directors endorses the following motions as potential consent items. Council delegates will be asked to approve the individual motions on the consent agenda. It is proposed that this ratification be made with a single motion. However, any member board may request that an item be removed from the consent agenda and returned to the non-consent agenda for separate consideration and action by the Council.

- Bylaws Motions 1–21
- ACCA..... Motions 2–4
- Education..... Motion 3
- EPP..... Motions 1–12
- EPS..... Motion 1
- Finance..... Motions 1–3, 6–7
- Licensure..... Motions 1–3, 5–9
- MBA Motions 1–2
- UPLG..... Motions 1–9
- Board of directors Motions 1–2

Board of Directors' Positions on All Motions

Motion number	Topic	Board of directors' position	Consent agenda	Page number
Bylaws 1	Amend <i>Bylaws</i> 1.02	Endorses	Yes	40
Bylaws 2	Amend <i>Bylaws</i> 3.021	Endorses	Yes	40
Bylaws 3	Amend <i>Bylaws</i> 3.022	Endorses	Yes	41
Bylaws 4	Amend <i>Bylaws</i> 3.03	Endorses	Yes	41
Bylaws 5	Amend <i>Bylaws</i> 3.04	Endorses	Yes	42
Bylaws 6	Amend <i>Bylaws</i> 3.05	Endorses	Yes	42
Bylaws 7	Amend <i>Bylaws</i> 3.07	Endorses	Yes	42
Bylaws 8	Amend <i>Bylaws</i> 4.01	Endorses	Yes	43
Bylaws 9	Amend <i>Bylaws</i> 4.05	Endorses	Yes	43
Bylaws 10	Amend <i>Bylaws</i> 4.06	Endorses	Yes	44
Bylaws 11	Amend <i>Bylaws</i> 4.07	Endorses	Yes	45
Bylaws 12	Amend <i>Bylaws</i> 4.08	Endorses	Yes	46
Bylaws 13	Amend <i>Bylaws</i> 5.02	Endorses	Yes	46
Bylaws 14	Amend <i>Bylaws</i> 5.03	Endorses	Yes	46
Bylaws 15	Amend <i>Bylaws</i> 6.02	Endorses	Yes	47
Bylaws 16	Amend <i>Bylaws</i> 6.03	Endorses	Yes	47
Bylaws 17	Amend <i>Bylaws</i> 7.06	Endorses	Yes	48
Bylaws 18	Amend <i>Bylaws</i> 11.02	Endorses	Yes	48
Bylaws 19	Amend <i>Bylaws</i> 12.01	Endorses	Yes	49
Bylaws 20	Amend <i>Bylaws</i> 12.02	Endorses	Yes	49
Bylaws 21	Amend <i>Bylaws</i> 12.021	Endorses	Yes	50

Motion number	Topic	Board of directors' position	Consent agenda	Page number
ACCA 1	Amend AP 8	Does not endorse	No	55
ACCA 2	Charge Bylaws Committee to amend <i>Bylaws 4.06</i>	Endorses	Yes	56
ACCA 3	Charge Bylaws Committee to amend <i>Bylaws 3.07</i>	Endorses	Yes	56
ACCA 4	Charge Bylaws Committee to amend <i>Bylaws 4.04</i>	Endorses	Yes	57
Education 1	Amend <i>NCEES Engineering Education Standard</i>	Endorses	No	60
Education 2	Amend <i>NCEES Surveying Education Standard</i>	Endorses	No	62
Education 3	Reorganize NCEES Surveying Education Award categories	Endorses	Yes	63
EPP 1	Amend EDP 1	Endorses	Yes	70
EPP 2	Amend EDP 2	Endorses	Yes	71
EPP 3	Amend EDP 3	Endorses	Yes	71
EPP 4	Amend EDP 4	Endorses	Yes	73
EPP 5	Amend EDP 5	Endorses	Yes	74
EPP 6	Amend EDP 8	Endorses	Yes	75
EPP 7	Amend EDP 9C	Endorses	Yes	76
EPP 8	Charge Bylaws Committee to amend <i>Bylaws 7.06 and 7.07</i>	Endorses	Yes	76
EPP 9	Amend EAP 1F	Endorses	Yes	77
EPP 10	Amend EAP 2	Endorses	Yes	77
EPP 11	Amend EAP 7	Endorses	Yes	78
EPP 12	Delete EAP 12	Endorses	Yes	79
EPS 1	Charge Bylaws Committee to amend <i>Bylaws 7.07</i>	Endorses	Yes	82
Finance 1	Postpone adoption of operating budget	Endorses	Yes	88
Finance 2	Postpone adoption of capital budget	Endorses	Yes	88
Finance 3	Approve \$100,000 contribution to NCEES Foundation	Endorses	Yes	88
Finance 4	Approve transfer of approximately \$9.4 million to NCEES Foundation	Endorses	No	88
Finance 5	Amend FP 1C	Endorses	No	89
Finance 6	Amend FP 3B	Endorses	Yes	89
Finance 7	Amend FP 3C	Endorses	Yes	90

Motion number	Topic	Board of directors' position	Consent agenda	Page number
Licensure 1	Adopt position statement on experience reporting guidelines and definitions for professional engineering licensure	Endorses	Yes	101
Licensure 2	Charge UPLG Committee to amend <i>Model Rules 230.20 A.6</i>	Endorses	Yes	102
Licensure 3	Charge UPLG Committee to amend <i>Model Rules 230.20 B.4</i>	Endorses	Yes	102
Licensure 4	Charge UPLG Committee to amend <i>Model Rules 230.30 A</i>	Endorses	No	103
Licensure 5	Charge UPLG Committee to amend <i>Model Rules 230.20 A</i>	Endorses	Yes	103
Licensure 6	Charge UPLG Committee to amend <i>Model Rules 230.20 B</i>	Endorses	Yes	104
Licensure 7	Charge UPLG Committee to amend <i>Model Rules 240.30 G.4</i>	Endorses	Yes	104
Licensure 8	Charge UPLG Committee to amend <i>Model Law 110.20 S</i>	Endorses	Yes	105
Licensure 9	Charge UPLG Committee to amend <i>Model Law 130.10 B.2.b</i>	Endorses	Yes	105
MBA 1	Charge UPLG Committee to amend <i>Model Rules 240.30 I</i>	Endorses	Yes	112
MBA 2	Charge Bylaws Committee to amend “MBA” to “MBE” in <i>Bylaws</i>	Endorses	Yes	113
UPLG 1	Amend <i>Model Rules 240.30 D</i>	Endorses	Yes	116
UPLG 2	Amend <i>Model Law 130.10 B</i>	Endorses	Yes	116
UPLG 3	Amend <i>Model Law 130.10 C</i>	Endorses	Yes	118
UPLG 4	Amend <i>Model Rules 230.20 A</i>	Endorses	Yes	120
UPLG 5	Amend <i>Model Rules 230.20 A</i>	Endorses	Yes	120
UPLG 6	Amend <i>Model Law 130.30 B</i>	Endorses	Yes	121
UPLG 7	Amend <i>Model Rules 230.40</i>	Endorses	Yes	121
UPLG 8	Amend <i>Model Law 110.20 E</i>	Endorses	Yes	122
UPLG 9	Amend <i>Model Rules 240.20 D–J</i>	Endorses	Yes	123
BOD 1	Approve UESI/ASCE as POLC member	Endorses	Yes	20
BOD 2	Adopt position statement on responsible use of AI	Endorses	Yes	20

Convention Rules

- In accordance with NCEES *Bylaws* 6.05, Rules of Order, “The Council shall be governed by the most recent edition of *Robert’s Rules of Order, Newly Revised* when not in conflict with the *Bylaws*. The presiding officer shall rule on all questions pertaining to the *Bylaws* and rules of order in the conduct of the meetings. The President may appoint a parliamentarian to assist the presiding officer.”
- Individuals who desire to address the annual meeting delegates shall approach a microphone and wait to be recognized by the chair. When recognized, they will give their name and the name of their member board or organization.
- Any delegate wishing to make additions or changes to the published agenda must email the addition to Chief Executive Officer Davy McDowell at dmcowell@ncees.org or Chief Operating Officer Jason Gamble at jgamble@ncees.org no later than 8:00 a.m. (CDT) on Thursday, August 21.
- All main motions, except those made by a committee, a task force, or the NCEES board of directors, shall be in writing on the official motions form. The official motions form is on page 10 of this publication. It is also available for download at ncees.org/annual_meeting. NCEES staff will place a printed copy at each member board placard and email a copy to all registered meeting attendees prior to the start of business session 2.
- Motions proposed by committees, task forces, zones, and the board of directors do not need a second. Motions and amendments proposed by individuals/member boards do require a second.
- In all cases, the maker of the motion or resolution shall be entitled to speak first. The chair will then ask for those who wish to speak in favor and then those who wish to speak against the motion or resolution in alternating fashion. This procedure will continue until there are no persons desiring to speak on one side of the question, at which time debate will cease and the issue will be voted on.
- A delegate who moves to close debate must do so immediately upon recognition by the presiding officer. A delegate may not first make comments in favor or opposed to the motion on the floor and then move to close debate at the end of those comments.
- For contested offices, each candidate will be permitted to make a five-minute speech during business session 1. Immediately following the speech, each candidate will be given five minutes to answer questions from the floor.
- Where there is only one candidate for election, a ballot vote may be dispensed with and an election by acclamation shall be held. However, upon the request of a single member, a ballot vote will be conducted electronically.
- A consent agenda shall be presented to the delegates for adoption without debate. Upon request of a single member board, any item may be removed from the consent agenda for separate consideration and action by the Council.
- Voting on motions and the election of officers will be conducted using the electronic voting keypads placed at each board’s placard. In accordance with NCEES *Bylaws* 6.02, Quorum and Voting, “Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote.”
- An associate member may serve as a member board delegate for voting purposes only when so designated by the board’s chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For boards that require authorization from the state, such designation may come from the agency director for that board.
- A majority vote of the member boards represented shall be required for affirmative action on all motions except for amendments to the *Bylaws*. An affirmative vote of two-thirds of member boards present and in good standing shall be required to adopt amendments to the *Bylaws*.
- Any *Bylaws* amendment that is adopted shall take effect immediately.
- Should any delegate have an emergency that requires early departure from the meeting, the delegate must notify a member of the NCEES staff before departing.

Provisions of the *Bylaws* Relating to the 2025 Annual Meeting

Section 3.01 Member Boards. A Member Board of NCEES shall be a State Board, as defined in Article 1, Section 1.02, which is a member of the Council. Acceptance of a Member Board shall be by majority vote of the Council. Member Boards shall pay fees as set forth in the *Bylaws*.

Section 3.02 Members. A Member of NCEES shall be a person who is a member of a Member Board.

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Member board administrators shall automatically be designated as Associate Members. Recommendations for other Associate Members shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members shall have the privilege of the floor at meetings of the Council. Associate Members may serve on any committee or task force to which duly appointed under the *Bylaws*.

Section 3.022 Emeritus Members. An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members shall have the privilege of the floor at meetings of the Council. Emeritus Members may serve on any committee or task force to which duly appointed under the *Bylaws*.

Section 3.05 Delegates. A Delegate shall be a Member or an Associate Member designated by a Member Board to represent it at meetings of the Council. A Member Board may have as many Delegates as it has members but may cast only the number of votes prescribed in the *Bylaws*. Any Delegate shall have the privilege of the floor.

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The President-Elect shall serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President. Any Member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

New members of the Board of Directors shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

Section 4.05 Qualifications. Any Member who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate Members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a Member at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired may run for President-Elect if

- They have obtained emeritus standing within the Council; and
- They have the approval of their Member Board; and
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

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

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

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

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be provided to each Member Board, Member, Associate Member, Past President, Emeritus Member, International Affiliate Organization, and Participating Organization not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

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

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. An Associate Member may serve as a Member Board Delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the State, such designation may come from the agency director for that board.

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

Section 6.05 Rules of Order. The Council shall be governed by the most recent edition of *Robert's Rules of Order, Newly Revised* when not in conflict with the *Bylaws*. The presiding officer shall rule on all questions pertaining to the *Bylaws* and rules of order in the conduct of the meetings. The President may appoint a parliamentarian to assist the presiding officer.

The order of business for the Annual Business Meeting shall be established by the President and published as part of the meeting agenda prior to the beginning of the meeting.

Section 9.01 Budget Preparation. The Committee on Finances shall submit a recommended annual budget for review by the Board of Directors. The Committee on Finances will present the budget as part of its committee report for Council approval at the Annual Meeting.

The fiscal year shall begin on October 1 and extend through September 30 of the following calendar year.

Section 10.012 Inactive Status. Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

Section 11.01 Nominations. A nomination for the office of President-Elect shall be presented to the Board of Directors by the respective zone Vice President as voted on by the respective zone at its Zone Interim Meeting. The order of rotation for President-Elect shall be Northeast Zone, Central Zone, Southern Zone, and Western Zone.

Member Boards may submit nominations for qualified Treasurer candidates in the third year of the outgoing Treasurer's term. These nominations shall be filed with the Chief Executive Officer not later than 60 days prior to the opening of the Annual Business Meeting.

Any Delegate shall have the privilege of making nominations for President-Elect and Treasurer from the floor. Such nominees from the floor must meet the requirements set out in Section 4.05 and be seconded by at least four Member Boards.

Section 11.02 Tellers Committee. The Tellers Committee shall consist of five members, including a chair and one representative from each zone. No member of the committee is eligible to serve as a teller for an election in which he or she is a candidate. The Tellers Committee will tabulate the results for all votes taken and report the results to the President.

Section 11.03 Voting. All elections shall be by ballot at the Annual Business Meeting. All elections shall be by a majority of votes cast unless otherwise stipulated by the *Bylaws*.

Section 12.02 Amendments. The *Bylaws* may be amended at any Annual Business Meeting by a two-thirds affirmative vote of the Member Boards present and in good standing. Any amendment proposed shall be sent to a Special Committee on Bylaws by the President at the President's initiative or as requested based on action by the Council. Any amendments recommended by a Special Committee on Bylaws shall be submitted to all Member Boards at least 60 days prior to the date of the earliest zone meeting preceding the next Annual Business Meeting. Voting shall be by sections. All sections shall be considered in their proposed form, including punctuation and verbiage. Changes to the published amendments will not be permitted during the Annual Business Meeting. Copies of the proposed amendments to be voted upon shall be distributed in written form to Delegates at the Annual Business Meeting.

Section 12.021 Effective Date of Amendments. An amendment to the *Bylaws* shall become effective upon certification by the presiding officer at the Annual Business Meeting of a two-thirds affirmative vote of the Member Boards in good standing represented.

2025 NCEES Annual Meeting

- Any delegate wishing to make additions or changes to the published agenda must email the addition to Chief Executive Officer Davy McDowell, P.E., at dmcowell@ncees.org or Chief Operating Officer Jason Gamble, P.E., at jgamble@ncees.org no later than 8:00 a.m. (CDT) on Thursday, August 21.
- All main motions—except those made by a committee, a task force, or the NCEES board of directors—shall be in writing on this official motions form. NCEES staff will place a printed copy at each member board placard and email a copy to all registered meeting attendees prior to the start of business session 2. The electronic version of this form can be downloaded from ncees.org/annual_meeting.

Signature: _____ Date: _____

MOVE THAT:

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Acronyms and Abbreviations

AAEES	American Academy of Environmental Engineers and Scientists
ABET	Accreditation Board for Engineering and Technology, Inc.
ACCA	Advisory Committee on Council Activities
ACEC	American Council of Engineering Companies
ADA	Americans with Disabilities Act
AEI	Architectural Engineering Institute of ASCE
AIA	American Institute of Architects
AIChE	American Institute of Chemical Engineers
AIME	American Institute of Mining, Metallurgical, and Petroleum Engineers
ANS	American Nuclear Society
ANSAC/ABET	Applied and Natural Science Accreditation Commission of ABET
AP	NCEES administrative policy
APEC	Asia-Pacific Economic Cooperation
APEGA	Association of Professional Engineers and Geoscientists of Alberta
APEGBC	Association of Professional Engineers and Geoscientists of British Columbia
APEGM	Association of Professional Engineers and Geoscientists of Manitoba
APEGNB	Association of Professional Engineers and Geoscientists of New Brunswick
APEGS	Association of Professional Engineers and Geoscientists of Saskatchewan
ARPL	Alliance for Responsible Professional Licensing
ASABE	American Society of Agricultural and Biological Engineers
ASCE	American Society of Civil Engineers
ASEE	American Society for Engineering Education
ASHRAE	American Society of Heating, Refrigerating, and Air-Conditioning Engineers
ASME	American Society of Mechanical Engineers
ASPE	American Society of Plumbing Engineers
ASPRS	American Society for Photogrammetry and Remote Sensing
AUC	American University in Cairo
AUS	American University of Sharjah
CBT	Computer-based testing
CEAB	Canadian Engineering Accreditation Board
CESB	Council of Engineering and Scientific Specialty Boards
CIDQ	Council for Interior Design Qualification
CIE	Chinese Institute of Engineers (Taiwan)
CLARB	Council of Landscape Architectural Registration Boards
CLEAR	Council on Licensure, Enforcement, and Regulation
CLSA	California Land Surveyors Association
CPC	Continuing professional competency
CSBSR	Colonial States Boards of Surveyor Registration
E.I.	Engineer intern
E.I.T.	Engineer-in-training
EAC/ABET	Engineering Accreditation Commission of ABET
EAP	NCEES examination administration policy
EDP	NCEES examination development policy
EES	Egyptian Engineers Syndicate
EPE	Committee on Examinations for Professional Engineers
EPP	Committee on Examination Policy and Procedures
EPS	Committee on Examinations for Professional Surveyors
ETAC/ABET	Engineering Technology Accreditation Commission of ABET
EWB-USA	Engineers Without Borders USA
EWeek	DiscoverE Engineers Week
FE exam	Fundamentals of Engineering examination
FP	NCEES financial policy
FS exam	Fundamentals of Surveying examination
ICOR	Interorganizational Council on Regulation
IEA	International Engineering Alliance
IEEE-USA	Institute of Electrical and Electronics Engineers-USA
IISE	Institute of Industrial and Systems Engineers

IPEA	International Professional Engineers Agreement
ISA	International Society of Automation
ITU	Istanbul Technical University
JPEC	Japan PE/FE Examiners Council
KPEA	Korean Professional Engineers Association
L.S.	Land surveyor
L.S.I.	Land surveyor intern
L.S.I.T.	Land-surveyor-in-training
MBA	Member board administrator
MLE	Model Law Engineer
MLS	Model Law Surveyor
MLSE	Model Law Structural Engineer
MSPS	Michigan Society of Professional Surveyors
NAE	National Academy of Engineering
NAFE	National Academy of Forensic Engineers
NCARB	National Council of Architectural Registration Boards
NCEES	National Council of Examiners for Engineering and Surveying
NCSEA	National Council of Structural Engineers Associations
NICET	National Institute for Certification in Engineering Technologies
NIEE	National Institute for Engineering Ethics
NSAE	National Society of Architectural Engineers
NSBE	National Society of Black Engineers
NSPE	National Society of Professional Engineers
NSPS	National Society of Professional Surveyors
PAKS	Professional activities and knowledge study
P.E.	Professional engineer
PE exam	Principles and Practice of Engineering examination
P.L.S.	Professional land surveyor
POLC	Participating Organizations Liaison Council
PP	NCEES professional policy
PS	NCEES position statement
P.S.	Professional surveyor
PS exam	Principles and Practice of Surveying examination
SaGES	Surveying and Geomatics Educators Society
SAME	Society of American Military Engineers
SCE	Saudi Council of Engineers
S.E.	Structural engineer
SELC	Structural Engineering Licensure Coalition
SEI	Structural Engineering Institute of ASCE
SFPE	Society of Fire Protection Engineers
SHPE	Society of Hispanic Professional Engineers
S.I.	Surveyor intern
S.I.T.	Surveyor-in-training
SME	Society for Mining, Metallurgy, and Exploration
SNAME	Society of Naval Architects and Marine Engineers
SPE	Society of Petroleum Engineers
SWE	Society of Women Engineers
TAMUQ	Texas A&M University at Qatar
TMS	The Minerals, Metals, and Materials Society
UESI	Utility Engineering and Surveying Institute of ASCE
UPLG	Committee on Uniform Procedures and Legislative Guidelines

2024–25 NCEES Leadership

BOARD OF DIRECTORS/OFFICERS

President

Andrew Zoutewelle, P.L.S.
North Carolina

President-Elect

Elizabeth Beckett Johnston, P.E.
Alaska

Immediate Past President

Laura Sievers, P.E.
Iowa

Treasurer

Karl Tonander, P.E.
New Mexico

Central Zone Vice President

Jason Suelter, P.E., S.E.
Nebraska

Northeast Zone Vice President

Samuel Wilson, DBA, P.E.
Washington, D.C.

Southern Zone Vice President

James Kelly, P.E.
Virginia

Western Zone Vice President

Aaron Blaisdell, P.L.S.
Washington

Secretary/Chief Executive Officer

Davy McDowell, P.E.
South Carolina

ZONE ASSISTANT VICE PRESIDENTS

Central Zone

James Hollandsworth, P.E., P.S.
Michigan

Northeast Zone

Michael Brinkash, P.L.S.
Pennsylvania

Southern Zone

Chimin (Jimmy) Chao, P.E.
South Carolina

Western Zone

Scott Sayles, P.E.
Arizona

ZONE SECRETARIES

Central Zone

Kevin Skibiski, P.E., S.E., P.L.S.
Missouri

Northeast Zone

Eric Greppo, P.E. (*pro tempore*)
New York

Southern Zone

Linda Bergeron, P.E.
Louisiana

Western Zone

David Peden, P.E., S.E.
Washington



President's Report

Andrew Zoutewelle, P.L.S.

Welcome to New Orleans and to the Southern Zone! Thank you for choosing me to serve as your 2024–25 NCEES president. Working with each of you has been a delightful experience for me. I am fortunate that all volunteer committee members, member boards, related professional councils, participating organizations, NCEES board of directors, and NCEES staff have been so engaged toward our goals. Together we have accomplished a great deal this year to further the purpose and mission of NCEES. I am glad to see each of you at our annual meeting.

It has been a great year for NCEES. It is the first year that all NCEES exams are being administered in computer-based testing (CBT) format. Exam volumes are growing. We have a good relationship Pearson VUE. The finances of your Council are in good order. The NCEES Foundation is awarding its first grants. Your board of directors is active and engaged. NCEES staff is now charged to improve hotel quality and travel experience for you and for the exam development committees. Our new CEO, COO, chief officer of examinations, and other staff have executed smooth and seamless transitions into their new roles this year.

NCEES committee volunteers have worked tirelessly this year. The 2025 *Action Items and Conference Reports* details the work of this year's standing committees and task force. Committee reports and the recommendations that follow will speak for themselves. A few notable highlights include the following:

- The Committee on Finances presents proposed budgets for next year that reflect the priorities of NCEES. Designated reserves are recommended to be reduced, thereby freeing more funds available for mission. The committee is recommending a transfer to the NCEES Foundation based on this reserve reduction, which would increase the Foundation's funding capacity.
- The Committee on Licensure moves to adopt a new position statement regarding experience records of initial engineering licensure applicants and is introducing a new rubric guideline for categorizing experience. The committee also proposes clarifications regarding application references, employment verifications, and mentors.
- The Committee on Examination Policy and Procedures (EPP) proposes amendments to the exam development policies regarding a revised process for entry of engineering and surveying exams into the exam program. EPP is also proposing a requirement that 50 percent of the Committee on Examinations for Professional Engineers and Committee on Examinations for Professional Surveyors members have exam development experience.
- The Committee on Member Board Administrators proposes that the "home rule" be added to Continuing Professional Competency (CPC) requirements, to facilitate more uniformity in CPC, thereby benefitting multi-jurisdictional licensees as they renew their respective licenses.
- The Committee on Uniform Procedures and Legislative Guidelines proposes a number of revisions to the *Model Law* and *Model Rules* to incorporate the successful motions from the 2024 annual meeting, including the Northeast Zone motion to recognize the ETAC/ABET educational pathway to engineering licensure.
- The Special Committee on Bylaws proposes a number of amendments to our *Bylaws* after I asked that the corporate attorney conduct a comprehensive review our bylaws and policies.

Beyond these standing committees and task force, I established informal working groups to address special items of interest, including the following:

- The working group on significant structures recommends that an NCEES definition of significant structures be added to the structural engineering appendices in the *Model Law* and *Model Rules* for the use of jurisdictions that want or need it. Moreover, the working group recommends that *Model Law* make clear that the design and evaluation of significant structures is a licensed activity and is included within the definition of licensed engineering.
- The working group on artificial intelligence recommended a new AI position statement for NCEES.
- The working group on fresh perspectives brainstormed future opportunities for NCEES.

Additionally, the ICOR Steering Committee completed its practice overlap document, providing guidance regarding the boundaries of practice among the design-related professions.

I appreciate the time and commitment you dedicated to our mission this year through these committees, working groups, and membership meetings. Special thanks to CEO Davy McDowell, P.E., and COO Jason Gamble, P.E., for their support this year. Also, thanks to the board of directors for their enthusiasm and time this year. I also appreciate the advice given to me by a number of past presidents, not the least of whom include Immediate Past President Laura Sievers, P.E., and Past President Chris Duhamel, P.E, P.L.S.

Thank you again for providing me with the opportunity to serve as your president this year. Please enjoy your time in New Orleans!



President-Elect's Report

Elizabeth Beckett Johnston, P.E.

As president-elect, my main duties are to listen to the Council, to appoint knowledgeable and dedicated volunteers to committees and task forces, and to develop charges for those groups in the coming year. These are big tasks, and I will need your help ensuring that the work we are focusing on in 2025–26 is meaningful to our professions, to our boards, and to the public. Thank you to the board of directors, including Past President Laura Sievers, P.E.; President Andrew Zoutewelle, P.L.S.; Treasurer Karl Tonander, P.E.; and each of the four zone vice presidents for their dedication and hard work this year, which will enable us to build on in the coming year.

As president-elect, I have had a busy year of travel. I attended each of the zone interim meetings this year and found it interesting how similar our concerns are across the zones. I listened carefully and will have charges to address what I heard. I also attended the Committee on Finances and Investment Advisory Group meetings, led by Finance Committee Chair Andrew Ritter and Chief Financial Officer Joe Scheving, CPA, who managed to lead the groups through some thoughtful deliberations and purposeful budgeting with alacrity. We will be dedicating additional resources to support an enhanced volunteer experience for both exam development volunteers and committee volunteers in the future. We value your work very much.

On behalf of NCEES, I attended several other events. The Interorganizational Council on Regulation (ICOR) meeting this year brought together the National Council of Architectural Registration Boards, the Council of Landscape Architectural Registration Boards, the Council for Interior Design Qualification, and NCEES leadership. The ICOR work on overlapping practice will conclude in 2025, and member boards should be on the lookout for their conclusions. The International Engineering Alliance meeting in Merida, Mexico, had workshops on strengthening international accords and collaboration and defining substantial equivalence across international borders. The Committee on Licensure will be looking at some of these same topics in the coming year.

I received the results of the committee preference survey and am pleased with both the quality and quantity of volunteers that we will work with in the coming year. I have worked with staff, the NCEES board, and key volunteers to develop committee and task force charges that are meaningful and take advantage of these skillful volunteers. I am also going to work with the board of directors and NCEES leadership to undertake a strategic planning process this year that will allow us to break down and hand off efforts between volunteers from year to year to accomplish bigger, multi-year efforts. I look forward to sharing more with you at the 2025 and 2026 annual meetings.

Artificial intelligence

This year, the board of directors took on the task of drafting a position statement on artificial intelligence (AI) that will be voted on at the annual meeting. AI governance is a pressing topic. The responsible application of AI for professions requires that licensed professionals maintain professional oversight of AI. The real power of AI is not in replacing professionals but in pairing AI capabilities with human expertise. The next step is to adopt language in the *Model Rules* and *Model Law* that will give guidance to member boards in this area. This work will continue in 2025–26 and will take input from experts in both AI and board enforcement to craft. The AI Working Group will continue to support these efforts.

NCEES POLC

In 2025–26, I look forward to again meeting with the NCEES Participating Organizations Liaison Council (POLC). Each of our organizations influence the future of engineering and surveying, and there is a lot of work that we can do together to ensure we meet the challenges of promoting the FE/FS and PE/PS exams, recruiting the next generation of engineers and surveyors, protecting against threats to licensure, and ensuring continued professional competency.

Task force to study mission initiatives

The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public. This is at the forefront of everything we do. The NCEES Foundation has a special focus on partnering with other organizations to support their work that aligns with our mission. In 2025–26, a task force on mission initiatives will continue to build on the momentum of the Foundation and look

for ways that NCEES volunteers, including member boards, can move specific projects and ideas along that are aligned with our mission.

Task force to study structural engineering practice

This year, the Structures Working Group made recommendations to develop model language for the definition of “significant structures.” Over the course of my president-elect year, many structural engineers have reached out with their own topics of concern, and in 2025–26, in addition to completing the work of the Structures Working Group, charges will be given to a focused task force on structural engineering practice to holistically examine these topics.

In closing, I thank each of you for your service and for your trust in me to serve you as your president-elect and as your president in the coming year.

Board of Directors Action Items

Action items from the fifth meeting of the 2023–24 board of directors

August 13, 2024, Chicago, Illinois

- Approved minutes of the fourth meeting of the 2023–24 board of directors
- Approved appointment of emeritus and associate members
- Approved dates and locations for the 2026 zone interim meetings
- Approved additional 5 percent contribution to the 401(k) retirement plan for all eligible NCEES staff participants

Action items from the first meeting of the 2024–25 board of directors

August 17, 2024, Chicago, Illinois

- Approved proposed resolution authorizing the CEO to execute contracts and other documents on behalf of the board and to select banks or other thrift institutions for the deposit of Council funds

Action items from the second meeting of the 2024–25 board of directors

October 17–18, 2024, Madison, Wisconsin

- Approved minutes of the fifth meeting of the 2023–24 board of directors
- Approved minutes of the first meeting of the 2024–25 board of directors
- Ratified ABET commission representatives
- Approved appointment of emeritus and associate members
- Approved Participating Organizations Liaison Council dues
- Approved International Affiliate Organizations dues
- Approved exam item replacement costs for 2024–25 as \$4,114 for each computer-based testing item and approved \$7.98 million in designated assets as replacement costs in the event of a total exam breach
- Approved slate of International Engineering Alliance delegates as presented, noting Brian Robertson, P.E.; Marie Nebesky; and Patty Mamola, P.E., as additional attendees, with President Zoutewelle having the option to name one additional attendee
- Approved revisions to the *Zone Meeting and Continuity Guidelines* as presented

Action items from the third meeting of the 2024–25 board of directors

February 20–21, 2025, Napa, California

- Approved minutes of the second meeting of the 2024–25 board of directors
- Approved appointment of emeritus and associate members
- Approved audit report of the 2023–24 NCEES financial records
- Ratified Arizona lobbying agreement
- Reappointed Dale Jans, P.E., and Paul Tyrell, P.E., P.L.S., to a three-year term on the NCEES Foundation board of directors, with the term from October 1, 2025, to September 30, 2028
- Approved \$24,800 budget variance to engage Pearson VUE's Accessibility and Disability Services to process accommodation requests
- Approved proposed dates and location for the 2027 all-zone meeting
- Approved proposed dates and location for the 2027 annual meeting
- Approved request by UESI to join the POLC organization, to be presented as a motion at the annual meeting
- Approved payment of a funding request in the amount of \$25,000 to Engineering Change Labs-USA for participation in their Corporate Partnership program
- Approved request of Patty Mamola to run for office in the International Engineering Alliance Governing Group
- Approved Forvis Mazars as the provider of audit and tax services for fiscal year 2024–25 and subsequent five years

Action items from the fourth meeting of the 2024–25 board of directors

May 18–19, 2025, Santa Fe, New Mexico

- Approved minutes of the third meeting of the 2024–25 board of directors
- Ratified modifications to the NCEES investment portfolio allocation

- Ratified Northeast Zone Vice President Samuel Wilson, DBA, P.E., as a substitute delegate to the 2025 International Engineering Alliance Meeting
- Approved appointment of emeritus and associate members
- Approved NCEES board of directors' providing notice to the NCEES Foundation of up to an additional \$113,880 of funding available to enable a larger Foundation spending limit in the 2024–25 fiscal year. The Foundation will need to make this request to the NCEES board of directors if additional funding is needed.
- Approved taking no action on the PE Nuclear exam
- Approved that NCEES develop a remedial action plan that applies to all low-volume exams that outlines NCEES responsibilities to support and revitalize those exams
- Directed CEO to accelerate the PE Nuclear PAKS process to commence in the fall of 2025
- Approved 2025–26 annual spending limit of the NCEES Foundation in the amount of \$443,000 as recommended by the Committee on Finances
- Approved 2025–26 operating and capital budgets as presented in Appendix A, Appendix B, and Appendix C of the Committee on Finances report
- Approved NCEES Committee on Awards recommendations for the 2025 NCEES national service awards as presented
- Adopted consent agenda as approved for the 2025 annual meeting
- Adopted order of business as noted for the 2025 annual meeting
- Approved application of the Utility Engineering and Surveying Institute of the American Society of Civil Engineers to become a member of the NCEES Participating Organizations Liaison Council
- Approved adoption of the Responsible Use of Artificial Intelligence in Engineering and Surveying position statement
- Approved 2024–25 committee, task force, and officer reports for publication in the annual meeting *Action Items and Conference Reports*

Approval of 2024 Annual Meeting Minutes

The 2024 NCEES annual meeting minutes are posted at ncees.org/annual_meeting.

Approval of 2025 Consent Agenda

Move that the Council approve by general consent the items identified in the consent agenda shown on page 3.

Board of Directors Motions

BoD Motion 1

Move that the application of the Utility Engineering and Surveying Institute of the American Society of Civil Engineers to become a member of the NCEES Participating Organizations Liaison Council be approved.

Financial impact

Less than \$1,000 per year for annual meeting registration (POLC members pay own travel expenses, and POLC dues currently set at \$0)

Rationale

The Utility Engineering and Surveying Institute, an institute of the American Society of Civil Engineers, meets the requirements for admittance to POLC: (from *Bylaws*, Section 3.04) “A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council.”

Board of directors' position

Endorses, consent agenda

BoD Motion 2

Move that a position statement on responsible use of artificial intelligence in engineering and surveying be adopted as follows:

PS 6.10 Responsible Use of Artificial Intelligence in Engineering and Surveying

Artificial intelligence (AI) is a transformative tool for engineering and surveying practice, and NCEES affirms that its use must prioritize public safety, professional responsibility, and ethical standards. While AI-powered tools can automate complex tasks, human interaction and oversight remains essential to ensure proper use, accuracy, reliability, and adherence to industry standards. Engineers and surveyors must maintain competence in their practice, understanding both AI's capabilities and its limitations to make informed judgments. Additionally, ethical considerations, including data privacy, bias mitigation, and accountability, should be prioritized to uphold public trust and professional integrity.

A. Responsible Charge

1. Licensed professionals retain ultimate responsibility for decisions and thus must ensure AI-generated outputs align with public protection, professional standards, and regulatory requirements.
2. Licensed professionals must not use AI to practice outside of their professional competency.
3. AI is a tool to assist, not replace, professional judgment, with licensed professionals overseeing and validating all critical processes.

B. Competence

1. Licensed professionals should stay informed about AI advancements, understanding its use, capabilities, limitations, and appropriate applications in their field.
2. Continuing education and training are essential to ensure licensed professionals can effectively integrate AI while upholding industry best practices.

C. Validation/Transparency

1. Licensed professionals must critically assess AI outputs, performing independent checks to confirm accuracy and reliability before implementation.
2. AI-generated results should be verifiable, with clear documentation of methodologies, data sources, and assumptions used in decision-making.

D. Ethical Considerations

1. Licensed professionals must adhere to all legal and ethical standards in the use of AI applications and recognize that safeguarding data privacy and security is critical.
2. AI models should be monitored for biases, ensuring fair and impartial outcomes that do not compromise public trust or professional integrity.

E. Guidance and Collaboration

1. Member boards should develop specific guidelines or rules addressing the responsible use of AI in engineering and surveying to ensure compliance with professional standards and public safety.
2. NCEES, member boards, and professional societies, along with outside experts should collaborate to establish best practices for AI integration to ensure AI is used effectively and responsibly across the engineering and surveying professions.

Rationale

Because artificial intelligence (AI) is such a transformative tool, the NCEES board of directors feels a position on artificial intelligence is needed to leverage its benefits and address potential risks. A clear position on AI allows NCEES to address ethical concerns and ensure responsible implementation.

Board of directors' position

Endorses, consent agenda

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Treasurer's Report

Karl Tonander, P.E., P.G.

As I round the corner on my second year as treasurer, I find myself grateful that I have been able to catch the organization at a time of strong financial performance. Budgets, which are built to be realistic, are being met and even outperformed. Strong exam delivery is the key element to that, but so too are the support services provided by the organization. What was almost certainly going to be a defining point of my term—an exam fee increase needed this year—is being deferred due to an unanticipated action by Pearson VUE not to follow the contract and instead negotiate a far more modest increase. Sometimes it's better to be lucky than good.

That said, there is hard work from many to make certain that we earn the luck. In particular, NCEES Chief Financial Officer Joe Scheving, CPA, and the Committee on Finances have put effort into providing whatever insight is possible and prepared for any future economic uncertainty and instability. Of course, the efforts of my immediate predecessor as treasurer, Paul Tyrell, P.E., P.L.S., and the Finance Committees of those prior years are still felt and appreciated.

New budget reflects investment in volunteers

This year, one initiative from President Zoutewelle and the board of directors was to review and improve the volunteer experience within NCEES. This investment, which manifests in the fiscal year 2026 budget, is intended to be broad-based, impacting not just the NCEES committees but also the exam development volunteers who serve as the backbone of the organization's core offering. The idea behind this increase is to ensure that volunteers feel valued and have a great experience that makes them want to return while maintaining the best parts of the current experience (including working together and developing lasting connections) and attracting new talent. Accordingly, the new budget reflects an increase to allow latitude on hotel accommodations and meal choices that will support improvement of an already highly regarded volunteer experience.

Another notable budget change reflects the outsourcing of accommodation reviews for examinees. For the past several years, particularly since the changes brought about by the COVID-19 pandemic and our transition to computer-based testing (CBT), more examinees have requested ADA accommodations. These accommodations come in a variety of forms, such as additional time, larger working areas, and exclusive spaces. Each requires individual consideration and evaluation to determine validity and, if appropriate, management and implementation. NCEES staff have handled this task to this point, but this responsibility will now be delegated to our testing partner, Pearson VUE, who is better equipped to manage the process. Aside from freeing NCEES staff for other purposes, this will also provide third-party documentation of these requests and decisions, which should reduce some potential liability for NCEES.

Continued investment in the Foundation

External interest in the NCEES Foundation, as measured by the magnitude of requests for funding, is very high, far exceeding the Foundation's current ability to fulfill. Of course, the spending limit approved for the Foundation (as recommended by the Committee on Finances and affirmed by the board of directors) reflects the spending of only a modest estimate of the gains on investment and not the corpus of the funds transferred to the Foundation. On that basis, the Foundation's spending budget presently reflects only about 30 percent of that recently spent by the board for similar initiatives.

For the Foundation to be able to fully address its envisioned role, it will need to reach at least 100 percent of the former board budget for initiatives. Assuming that the spending limits continue to only allow investment earnings to be used each year, the corpus will need to increase to more than three times its present level. Accordingly, the Finance Committee is recommending further transfer of our unallocated reserve to the Foundation in the coming year. While this transfer is conservative and will not yet achieve 100 percent of past spending, it is another positive step along the path.

Other investments in the future of NCEES

NCEES is a significant organization and has an important—perhaps even critical—role to play with respect to maintaining professional licensure. Through initiatives such as our internal advocacy and the Alliance for Responsible Professional Licensing, NCEES has managed to hold ground in a changing landscape that threatens to weaken and even eliminate professional engineering and surveying licensure.

The time seems right to further invest in these issues to take a proactive posture and become a true voice of leadership nationwide. Beyond advocacy, there are almost endless ways in which NCEES can invest in the future of engineering and surveying, demonstrating the positive impacts these professions make on society. Paraphrasing our CFO, our opportunities to positively contribute are only limited by our vision. To accomplish this, we need to focus on a solid fiscal bottom line.

Avoiding the oncoming train...for at least a couple years

As mentioned earlier, the area of most concern coming into 2025 was the anticipated cost of seat fees for CBT. The NCEES contract had an increase scheduled to take place on January 1, 2025, and based on the terms of that contract, the amount of the increase was tied to the consumer price index for the past four years and hence expected to exceed 20 percent (given the higher inflation experienced post-COVID).

Ultimately, through discussions between NCEES leadership and our testing partner, Pearson VUE, this increase was limited to less than 5 percent. Combined with a higher-than-expected examinee volume, the result was a change from a significant projected budget deficit for fiscal year 2025 and an absolute need to adjust exam prices for fiscal year 2026 to a positive outcome projected for the next three fiscal years, which is when the current testing contract will be rebid. However, everyone should be aware that when that rebid occurs, there will likely be a need to make an adjustment to that new cost basis. Likewise, should the number of examinees decrease unexpectedly, an interim review of exam prices would be necessary.

Revenue, exam fees, and diversification

Despite what is otherwise a glowing financial performance, NCEES does have weakness. Although the Support Services group is contributing solidly, about 79 percent of total revenue still comes directly or indirectly from exam fees. While individual NCEES exam prices are notably lower than our peer professional organizations, the portion of total revenue derived from those fees is higher. Like any private company with a concentration of revenue with one client, this reliance on exam fees means that if there is any unforeseen disruption or decline in testing, NCEES will suffer an immediate and potentially substantial decline in revenue and resulting operating losses. Further, because NCEES operates on a very narrow margin (usually projected as less than 5 percent in a good year), there is little room for error.

To address this issue, NCEES has been looking into other revenue streams as well as existing fees. While no target contribution has been formally established, reducing exam fees to no more than 50 percent of total revenue seems like a reasonable near-term goal. If any of these new revenue streams can also be tied to added services or benefits to registrants or their employers, all the better.

In closing

Fiscal year 2025 looks like another solid operational performance year (notwithstanding investments, given economic volatility), while the budget proposed for fiscal year 2026 includes increased support for the volunteer experience throughout the organization and still retains a positive operational outcome. Most of that positive outcome is based on an unhealthy reliance on exam fees to provide the preponderance of revenue to the organization. To mitigate that reliance, efforts are being made to diversify revenue through providing new beneficial services to members and organizations. However, those efforts are unlikely to preclude an adjustment of exam prices that will need to coincide with the initiation of a new testing contract anticipated in January 2028.



Central Zone Vice President's Report

Jason Suelter, P.E., S.E.

This year, I was honored to serve and represent the member boards of the Central Zone. I have always enjoyed the comradery and excellent working relationships between the engineering and surveying professionals in the Midwest, and this year was no exception. I had the privilege of bringing many of the core values represented by the zone to the meetings and involvements associated with NCEES throughout the year. As in all things, it takes a team to build something, and I had an exceptional leadership team with me this year. Zone Assistant Vice President James Hollandsworth, P.E., P.S. (MI) and Secretary Kevin Skibiski, P.E., S.E., P.L.S. (MO) provided that in their roles. I am extremely grateful for their willingness to share their time with me and the zone.

Committee meetings

As the board of the directors liaison, my work centered around the Committee on Uniform Procedures and Legislative Guidelines (UPLG) as well as the Structures Working Group. UPLG spent the majority of the time working on updates to the *Model Rules* and *Model Law* as directed by the approved motions from the August 2024 annual meeting. The Structures Working Group was formed by President Andrew Zoutewelle, P.L.S. (NC) and tasked with investigating the definition of significant structures and the definition of the practice of engineering as related to *Model Law* and *Model Rules*. Both of these groups were successful in accomplishing their respective tasks.

Exam development committees

This year concluded my 14th year serving on the NCEES Principles and Practice of Engineering (PE) Structural Exam Development Committee. 2024 was the first full year of administering the exam in computer-based testing format. Being involved in exam development provides a unique experience and an opportunity to give your time and knowledge for the greater good of your profession.

Board of directors meetings

I was able to represent the Central Zone by attending all the board of directors meetings this year. The ability to gain a deeper understanding of NCEES and its mission has been a privilege. Guidance from the other board members and NCEES staff has been instrumental to me in communicating the opinions expressed by the member boards of the Central Zone.

2025 Central Zone interim meeting

The member boards were all represented at the combined Central/Western Zone interim meeting in Albuquerque, New Mexico. A special thanks to Perry Valdez (NM) and his team's efforts in hosting this meeting. Each member board representative was heard during the state reports, and several items were discussed, including the following highlights:

1. A motion was made that no action shall be taken by the NCEES board of directors on the PE Nuclear exam until such time as an NCEES remedial plan is adopted that applies to all low-volume exams, one that outlines NCEES' responsibilities to support and revitalize those exams.
2. A straw poll was taken to gauge the opinions and interest of the Central Zone to direct the board of directors to waive the Exam Development Policy 7 requirement of providing the member boards a minimum of one year notice of any change in the exam administration procedures or any change in exam format in order to implement potential changes in October 2025. The changes discussed centered around reducing the number of exam items from 60 to 48 on the depth sections of the PE Structural exam.

The motion and straw poll were presented to the board of directors at our meeting immediately following the zone meeting. The board voted that no action be taken on the PE Nuclear exam and that NCEES develop a remedial action plan for all low-volume exams that outlines NCEES responsibilities to support and revitalize those exams. The board did not adopt a motion to suspend EDP 7 to shorten the October 2025 administration of PE Structural depth sections to 48 questions.

The Awards Committee identified our Central Zone Distinguished Service Award winner as Jan Bostelman, P.E., of the Nebraska engineering board. Her tireless commitment to the zone throughout her years as zone vice president and in service to the NCEES committees is most appreciated. Larry Graham, P.E., P.S. (KS), committee chair, presented this award to her.

Elections were held for the position of Central Zone secretary. Special thanks to Opal Kuhl, P.E. (IN-PE) for her work leading the Nominating Committee during this process. Two incredibly talented professionals were nominated for this position, with the zone deciding in favor of Colleen Scholl, P.E. (WI). We are very fortunate to have Colleen in this role, and we look forward to working with her for the 2025–27 zone cycle. I would also like to thank Kevin Skibiski, P.E., S.E., P.L.S. (MO) for stepping in and serving in this role for the past year. Colleen will be installed at the conclusion of the 2025 annual meeting.

The Central Zone meeting ended with an invitation from Dean Ringle, P.E., P.S. (OH) to the 2026 Central/Northeast Zone joint interim meeting to be held in Columbus, Ohio.

2024–25 zone committees

I would like to thank and recognize our Central Zone committee volunteers and thank them for their service. Their time and efforts allow our zone to operate while providing exceptional direction. A special thanks to our committee chairs as their direction in guiding these committees provides an example for us all.

Awards Committee

Chair—Larry Graham, P.E., P.S. (KS)

Leadership Committee

Chair—James Hollandsworth, P.E., P.S. (MI-PS)

Nominating Committee

Chair—Opal Kuhl, P.E. (IN-PE)

Resolutions Committee

Central Zone member—Deveron Sanders, P.E. (MI-PE)

Site Selection Committee

Chair—Dean Ringle, P.E., P.S. (OH)

Future NCEES and Central Zone meetings

2025 annual meeting—New Orleans, Louisiana

2026 Central/Northeast joint interim meeting—Columbus, Ohio

2026 annual meeting—Henderson, Nevada

2027 combined all-zone meeting—Omaha, Nebraska

In closing, I am extremely grateful to represent each member of the Central Zone as we work toward the common goal of the continuation of our professions, at the highest level. I look forward to seeing and welcoming you to our annual meeting in New Orleans. Travel safe, and God bless!



Northeast Zone Vice President's Report

Samuel Wilson, DBA, P.E.

Serving as the Northeast Zone vice president has been a rewarding experience. The level of support from the boards and members of the zone has made the past two years a pleasure. I would like to thank zone leadership, especially Northeast Zone Assistant Vice President Michael Brinkash, P.L.S., for his hard work and dedication. The work of the zone committee chairs and the committee members has been outstanding and has served as the cornerstone of the zone's success.

Member board visits

I was able to make several member board visits this year. The Delaware engineering board visit was notable in that it coincided with their annual volunteer appreciation dinner. The New York board visit was held in their historic meeting location in the shadow of the state capitol building. Rhode Island engineering and Massachusetts were similar to other boards in considering disciplinary matters and protecting the health, safety, and welfare of the public.

Zone interim meeting

The zone interim meeting was held in Cambridge, Massachusetts, and the efforts of the host board made for an excellent meeting. Of particular note, elections were held, the results of the elections were as follows.

To fill in the remainder of the term for Northeast Zone secretary:

- Jeanne Nebre, P.L.S., L.S. (MD-PS)

The results of the elections were as follows:

- Nominee for NCEES president-elect: Samuel Wilson, DBA, P.E. (DC)
- Northeast Zone vice president: Azuanuka (Azu) Etoniru, P.E., P.L.S. (MA)
- Northeast Zone assistant vice president: Rosaleen (Rosey) Nogle, P.E. (NY)

Zone forums

Engineering: Rosaleen (Rosey) Nogle, P.E. (NY) provided a report on the Engineering Forum. The forum discussed the NCEES PE Nuclear exam, and the proposed artificial intelligence position statement was reviewed and comments collected. The significant structures presentation was provided by Central Zone Vice President Jason Suelter, P.E., S.E. (NE-PE), and required P.E. competencies were discussed.

Surveying: Jeanne Nebre, P.L.S., L.S. (MD-PS) and Assistant Zone Vice President Brinkash provided a report on the Surveying Forum. The forum discussed the proposed artificial intelligence position statement in the context of proposals, deed descriptions, and the responsibility of the licensee to check all artificial intelligence output. The forum further reviewed the EPS Committee charges and outcomes as well as the Public Land Survey System exam and state board updates.

MBA: Jennifer Wootten (DE-PE) provided a report on the MBA Forum. She noted that the forum discussions included continuing professional competency, universal licensure, *Model Law*, MBA participation on the NCEES board of directors, the importance of Enforcement Exchange, and Basecamp communication.

Future zone meetings

Site Selection Committee Chair Barry Lucas, P.E. (DC) presented a report on future zone meetings that included the following schedule:

- 2026: Joint zone interim meeting with Central Zone—Ohio
- 2027: Combined zone interim meeting—Omaha, Nebraska
- 2028: Maryland
- 2029: Pennsylvania

Acknowledgments

Certificates of appreciation were presented to committee chairs who have served over the past two years for their contributions and service: Assistant Vice President Brinkash; Jennifer Wootten (DE-PE); Rosaleen (Rosey)

Nogle, P.E. (NY); Lesley Rosier-Tabor, P.E. (WV-PE); Barry Lucas, P.E. (DC); James Purcell, P.E. (NJ); Azuanuka (Azu) Etoniru, P.E., P.L.S. (MA); Jane Hardy (CT); and Eric Greppo, P.E. (NY).

2024 Northeast Zone award recipient recognition

The Awards Committee chair presented the 2024 Northeast Zone Distinguished Service Award to the following individuals:

- Anthony D’Andrea, P.E., L.S. (CT)
- Joseph Wichert, L.S. (NH-PS)

In closing

Service to the zone has been gratifying over the past two years. Working with the NCEES staff, fellow members of the board of directors, and members of the zone have been informative, and I have learned a lot. I look forward to working with all of you in the future.



Southern Zone Vice President's Report

James Kelly, P.E.

Greetings from the Southern Zone, and welcome to New Orleans, a great city of the South.

I would like to thank my fellow zone officers, Chimin (Jimmy) Chao, P.E., assistant vice president from South Carolina, and Linda Bergeron, P.E., zone secretary from Louisiana, for all of their support and work over the past year. I would also like to thank the chairs and zone committee members listed at the end of this report. They all did great work and made significant contributions to the success of the zone interim meeting and zone operations.

The Southern Zone met in Little Rock, Arkansas, this year with 139 registrants and 39 guests. My thanks to Heather Richardson, the MBA from Arkansas; David Beasley, P.E., the chair of the Arkansas board; and the rest of the Arkansas board for being such tremendous hosts for our zone interim meeting on April 25–26, 2025. Our dinner at the Clinton Presidential Library was enjoyed by everyone who attended, and our luncheon speaker, Ron Lindsey of CRH Americas, was both motivational and thought provoking. During my time in Little Rock, I was able to enjoy a minor league baseball game and visit some sites, including Central High, an important historical site in the integration of public schools in the 1960s.

The Southern Zone recognized Ademola (Peter) Adejokun, P.E., from Texas with the Southern Zone Distinguished Service Award. Congratulations to Ademola and thanks to him for all that he has done for NCEES, the Southern Zone, and the Texas board.

At the zone interim meeting, Jimmy Chao was elected zone vice president, and Steven Twedt, P.E., from Mississippi was elected zone assistant vice president. I look forward to their leadership of the Southern Zone, and I know the Southern Zone will be in good hands.

Thanks to Linda Bergeron, P.E., for leading the Engineering Forum; Pam Nobles, P.S.M., from the Florida surveying board for leading the Surveying Forum; Kate Nosbisch, MBA from Virginia, for leading the MBA Forum; and Bob Herbert from Alabama for leading the Law Enforcement Forum. The forums all had good discussions, and I appreciate all their good work in both preparation for and execution of the forums at the Southern Zone meeting.

While we enjoyed our time in Little Rock, we did remember Asheville, North Carolina, the site of our 2024 Southern Zone meeting, and the devastation western North Carolina and eastern Tennessee faced with the impact of Hurricane Helene last fall. We wish them a speedy recovery.

We look forward to gathering next year in San Juan, Puerto Rico, for our 2026 Southern Zone interim meeting. The Puerto Rico board is looking forward to hosting our zone and showing off the sites and scenes of this beautiful island.

I was able to visit the Tennessee surveying board in Nashville, the North Carolina board in April, and the Florida surveying board in May. I enjoyed meeting the board members, talking about all things NCEES, and watching the good work each of these boards do. Thank you all for your hospitality.

As my time on the NCEES board of directors comes to a close and as my term limit with the Virginia board approaches, I have so many people to thank for the opportunity to serve in these roles. While I have had many incredible experiences, the people I have met and the relationships I have developed are most meaningful to me and will be with me for a long time. It has been an incredible honor for me to serve as the vice president of the Southern Zone and to be a member of the Virginia board. I often reflect on how fortunate I am to have had these opportunities.

I wish you all the best as you continue the good work of protecting the health, safety, and welfare of the public. Fair winds and following seas.

Southern Zone committees

Awards Committee

- Chair—Pankaj (PJ) Shah, P.E. (FL-PE)
- Michael (Blake) Collins, P.S. (MS)

Leadership Committee

- Chair—Chimin (Jimmy) Chao, P.E. (SC)
- Linda Bergeron, P.E. (LA)
- James Collins, P.E. (TN-PE)
- Patricia (Liz) Compton (FL-PS)
- Iarelis (Ia) Hall, P.S.M. (FL-PS)
- Gregory Meredith, P.E. (KY)
- Kathleen (Kate) Nosbisch (VA)

Nominating Committee

- Chair—James (Jay) Caughman III, P.L.S. (TN-PS)
- Joseph Breighner, P.L.S. (AL)
- Ricardo Garcia-Cana, P.S. (PR)
- Brenda Moore, P.E. (NC)
- Kevin Shreiner, L.S. (VA)

Site Selection Committee

- Chair—Kathy Hart (OK)
- Antonio Medina-Delgado, P.E. (PR)
- James (Don) Pedigo II, P.L.S. (KY)
- Heather Richardson (AR)
- Darien Sykes, P.E. (GA)



Western Zone Vice President's Report

Aaron Blaisdell, P.L.S.

Clearly, the 2024–25 year has been exciting. From the 2024 annual meeting in Chicago, Illinois, to the 2025 Central/Western Zone joint interim meeting in Albuquerque, New Mexico, I feel that a more professional team of members, volunteers, and staff does not exist to encourage, promote, and debate the issues before us. They tirelessly spend their days, evenings, and weekends to fulfill their promise to make our processes better and develop a more uniform and consistent pathway for those wishing to become licensed by our member boards.

With our colleagues and fellow professionals from the Central Zone, the New Mexico board welcomed us to the city of Albuquerque, New Mexico, for the joint zone interim meeting. They definitely hit a home run. This meeting was a rare opportunity to meet with other zone members and conduct business in a deliberate and thoughtful way. This meeting also provided us opportunities to debate critical issues and to hear from others outside our zone who share the very same struggles and successes in a forum that is smaller and more focused than the annual meeting. Within the business session of the Western Zone, we had the following actions:

PE Structural exam—motion

It was moved by the Washington board that the board of directors waive the policy for the one-year notification of any change in exam format in order for changes to be made to the PE Structural exam depth sections starting with the October 2025 administration. With the understanding that staff can make changes to an exam, in lieu of adding 60 minutes to the exam time, reduce the number of questions to 48, dropping one scenario.

The California board seconded the motion. After discussion, the motion passed. With its passage, I brought the motion to the board of directors as presented.

MBA position to the board of directors—motion

It was moved by the California board that the Bylaws Committee be charged to add a member board administrator (MBA) to the board of directors. The MBA shall have served as an MBA for a minimum of two years prior to their appointment. The MBA board member shall be selected by the majority vote of the MBA community at the annual meeting.

Idaho seconded the motion. After discussion, the motion failed.

PE Nuclear exam

A discussion occurred regarding the future of the PE Nuclear exam. No motion was presented.

Forums

- Engineering: David Whitman, Ph.D., P.E. (WY) provided a report on the Engineering Forum.
- Surveying: Kayce Keane, P.L.S. (CO) provided a report on the Surveying Forum.
- MBA: John Greenhalge (OH) provided a report on the Member Board Administrators Forum.

Outside of the great work in Albuquerque, a few major efforts during this past year came from the Leadership Development Committee. The committee performed various types of outreach throughout the year. Outreach was generally broken into four activities: new zone introductions, contract list updates, quarterly zone presentations, and finding future leaders. The zone welcomed and contacted 13 new members from the respective boards as a way of providing information about NCEES and how NCEES can help their onboarding process. Hawaii had the largest number of new members welcomed, at four during the month of January. Also, as a continuation of the plans from prior zone leaders, the committee developed and introduced multiple virtual 30-minute meetings that focused on the following:

- Educator resources and the NCEES Engineering and Surveying Education awards
- Online sites providing professional services
- NCEES advocacy resources
- Prospective leaders and committee members

The Awards Committee had an exciting task this past year, and to say their efforts were difficult would be an understatement. From the member boards throughout the zone, they were provided the names of three individuals who have demonstrated and continue to represent the outstanding professionalism and character within the zone or NCEES. On behalf of the committee, it was my great honor at the 2025 Central/Western Zone joint interim meeting to present the Western Zone Distinguished Service Award to the following individuals:

- Brian Robertson II, P.E. (CO)
- Shannon Stanfill (WY)
- Karl Tonander, P.E. (NM)

Each of these honorees has provided distinguished service to their respective state board, the Western Zone, and NCEES. They have demonstrated outstanding leadership and have served as role models both locally and nationally. I hope to rise to their level when called upon.

The Nominating Committee also had an important role this past year, as it sought candidates for the election of our Western Zone secretary. The zone secretary position is for a two-year term, and individuals must meet the qualifications established with the NCEES *Bylaws* Section 3.09. The committee received two nominations before the deadline of March 15, 2025. The first nomination was David Peden, P.E., S.E., from the Washington board. The second nomination was Perry Valdez from the New Mexico board. Both individuals have continuously stepped up to meet the needs of the zone. They exemplify leadership, trust, and professionalism. At the 2025 Central/Western Zone joint interim meeting, the members elected Perry Valdez to be the next secretary of the Western Zone. Welcome, Perry. I wish to personally thank David Peden, P.E., S.E., of the Washington board (my board) for his attention to detail and exhaustive efforts to organize the zone and its members. Thank you, Dave!

The efforts of the newly formed Western Zone Mobility Committee also need to be recognized. I wanted to assemble a team of like-minded volunteers to brainstorm, research, discuss, and implement ways to reduce barriers for licensure and the pursuit to become licensed across our zone. The Western Zone is incredibly unique with its diversity amongst its members but also its terrain. Guam, Montana, and Utah, along with others, have worked toward streamlining the pathways to become licensed through comity or initial application within their local boards and jurisdictions. This committee is being created to take the next step. The committee initially identified common factors currently preventing jurisdictions from accepting the NCEES Record. We will hear from the committee soon on how we can reduce cumbersome processes and capitalize on consistent applications and record gathering by candidates wishing to become licensed.

The Site Selection Committee provided the following Western Zone meeting dates in the future:

- 2026—Bend, Oregon, April 30–May 2
 - Jason Barbee (OR)—Lead
- 2027—Combined all-zone meeting
- 2028—Utah, TBD
 - Ashley Breyer (UT)—Lead

Lastly, I want to dedicate a portion of my report to the efforts made towards informing our zone membership of the great and seemingly relentless approaches to breakdown the public's licensure requirements that each one of us have vowed to protect. I met with NCEES staff with the intent of creating a more informed zone membership, and I believe it begins with the MBA of each member board. MBAs have the unique duty, skillset, and experience to force dialogue and welcome successful ideas. I have asked the zone MBAs to use the Basecamp application to share their thoughts and to use the platform to learn from others. Use it to ask the hard questions. Use it to build advocacy and to promote their successes of legislative challenges. It is a common and useful tool to exchange careful and well-orchestrated strategies to protect the health, safety, and welfare of the public.

2024–25 Western Zone committees

Awards

Chair Kayce Keane, P.L.S. (CO)
Renee Clough, P.E., P.L.S. (OR)
Dave Fehringer, P.E., L.S. (WY)
Judith Stapley (AZ)

Leadership Development

Chair Scott Sayles, P.E. (AZ)
Wendy Amann, P.E. (CO)
Jakki Carter, P.E. (OR)
Shelley Macy, P.E. (WY)
Colin Maynard, P.E., S.E. (AK)
Frank Ruffino (CA)
Shannon Stanfill (WY)
Perry Valdez (NM)

Mobility

Chair Jason Barbee (OR)
Marie (Maily) Cristi, P.E. (GU)
Marjorie Lund, P.E., S.E. (WA)
Richard (Ric) Moore, P.L.S. (CA)
Karen Purcell, P.E. (NV)
Shannon Stanfill (WY)

Nominating

Chair Christina Wong (CA)
Marie (Maily) Cristi, P.E. (GU)
Daniel Garcia (WY)
Matt Gingerich, P.L.S. (NV)

Resolutions

Chair Jeff Fuller, P.E. (WY)
Ken Fuller, P.E. (WA)
Cevin Imus, L.S. (WY)
Sondra Miller, Ph.D., P.E. (ID)
Sean St.Clair, Ph.D., P.E. (OR)



NCEES Foundation Chair's Report

Dale Jans, P.E.

Your NCEES Foundation has been hard at work soliciting and reviewing letters of interest and requests for funding. I am pleased to report that the inaugural year of the NCEES Foundation has been a resounding success. The response to our call for funding proposals was tremendous, and there were many commendable projects under consideration. The Foundation board of directors carefully considered each one and ultimately awarded \$403,618 in funding to 13 organizations.

Process

We invited interested parties to submit letters of inquiry (LOIs) from September 1, 2024, to March 1, 2025. We received 36 LOIs, representing more than \$2 million in funds requested. The Foundation board of directors met on March 18, 2025, and selected 15 organizations to advance to the full application phase.

Those 15 organizations submitted their full applications by May 1, 2025. The Foundation board spent time reviewing the applications and met in Greenville, South Carolina, on June 19–20, 2025, to make the final awards.

A formal announcement of recipients will be made during the August 2025 NCEES annual meeting. Recipients of funds will be required to provide follow-up reporting at the end of their projects.

Spending limit

The 2024–25 Foundation spending limit was \$380,000. This amount was recommended by the Committee on Finances and approved by the NCEES board of directors during its August 2024 meeting. The NCEES board of directors contributed an additional \$23,618 from its discretionary outreach funds to fully fund the approved projects.

Looking to the future

During the June 2025 meeting, the Foundation board spent time discussing strategic planning and improvements for the 2025–26 funding cycle. We are committed to continuous improvement to ensure we are investing our allotted funds in the best possible way.

Individual donations

We initiated a donor portal on the NCEES website (ncees.org/foundation) to allow individuals and groups to make financial donations to the Foundation. The donations received during the previous calendar year will be available to invest in the next funding cycle. To date, we have received over \$6,000 from 12 donors. These donors will be recognized during the 2025 annual meeting and on the NCEES website.

In closing

I would like to thank the members of the Foundation board for their enthusiasm and dedication to ensuring the best use of the funds available:

- Brian Hanson, P.E., Vice Chair
- Iarelis (Ia) Hall, P.S.M., Treasurer
- Sina Nejad, P.E.
- Rita Perea, Ed.S.
- Paul Tyrell, P.E., P.L.S.



Chief Executive Officer's Report

Davy McDowell, P.E.

NCEES staff is committed to supporting the member boards in protecting the public through engineering and surveying licensure. This report highlights some of our efforts in 2024–25 to implement and support various NCEES initiatives. Over the past several years, NCEES officially launched a philanthropic foundation, signed a mutual recognition agreement (MRA) with the United Kingdom, piloted the FE Ambassadors Program at several universities, and introduced other initiatives designed to further the NCEES mission: to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

While those initiatives were launched prior to this fiscal year, 2024–25 was the year of action and getting these programs on their feet. We have successfully concluded our first year of providing funding through the NCEES Foundation; we have had several chartered engineers from the United Kingdom get licensed in a U.S. jurisdiction through the MRA and a small group of professional engineers from participating boards get licensed in the United Kingdom; and we are expanding the FE Ambassadors Program nationwide.

NCEES Foundation

In 2023, the board of directors approved the establishment of the NCEES Foundation, which was created to consolidate and formalize funding requests and financial contributions. The Foundation is committed to supporting programs that further the NCEES mission to advance engineering and surveying licensure to protect the public.

2024–25 marks the first year of the Foundation's funding cycle and funding distributions. In the fall of 2024, NCEES initiated a call for letters of interest. Thirty-six different proposals were presented to the NCEES Foundation board of directors. The requests totaled over \$2 million. The Foundation board asked for full applications from 15 of the groups and will determine which entities will be funded in September 2025. Funding recipients will be announced, and celebrated, at the annual meeting in August.

As I have told others, NCEES has been in the business of developing and scoring exams, facilitating mobility through model documents, and evaluating education for many years. Running a foundation is a first for many of us. Year one has gone well, but we have learned a lot. I expect year two and beyond to be even better.

Working groups

This year, NCEES established several working groups to address current subjects that are affecting the engineering and surveying professions.

Artificial intelligence (AI) has hit the mainstream this year. AI can fundamentally change how we solve problems, make decisions, and interact with the world. NCEES President Andrew Zoutewelle, P.L.S., formed the 2024–25 Artificial Intelligence Working Group to study how AI could impact the engineering and surveying professions and also how AI could be used by NCEES staff to improve processes to aid member boards in the licensing of engineers and surveyors.

More work will continue next year, but the board felt it was important for NCEES to have a position statement related to AI. An AI position statement will clarify our stance on using AI, promote ethical practices, ensure transparency, and guide decision-making. The Council will vote on a proposed position statement at the annual meeting.

President Zoutewelle also formed the 2024–25 Structures Working Group to address the subject of significant structures. The group has concluded that a definition of "significant structures" is needed in the NCEES *Model Law* and *Model Rules* for jurisdictions that would like to restrict the design of significant structures to licensed structural engineers. The board of directors is reviewing the group's recommendations, which will be more formally considered by next year's committees and task forces.

Advocacy

NCEES has always championed licensure and its public protections, and today, that commitment is more important than ever. Unfortunately, we are seeing an uptick in legislation that, in pursuit of removing licensure

barriers, seeks to weaken state licensing board authority and, in some cases, terminate licensing boards altogether.

This legislative session has introduced several bills that have touched on key policy issues that our staff monitors, including licensing board reform—which made up 40 percent of noted priority bills this session—universal licensing, and practitioner scope-of-practice reform. As of May, NCEES has tracked more than 230 bills since January, with 68 of those marked as priority.

We will continue to monitor this trend in state legislation and develop resources for member boards to track relevant bills as well as to educate lawmakers and the public on the importance of engineering and surveying licensure. Current resources are available in the MyNCEES portal of ncees.org under Advocacy Resources. And a workshop will be held at the annual meeting, Advocating for the Boards Amid Deregulatory Trends. If you are interested in hearing more about what is happening in the legislative arena, I suggest attending the workshop.

Mission initiatives

NCEES has focused on a number of mission initiatives this year to promote licensure and reach the next generation of engineers and surveyors. Several of these initiatives were organized in recent years and are moving beyond early stages, so it has been exciting to see their impact this year.

The FE Ambassadors Program, which launched in 2023, recruits current college engineering students to become FE Ambassadors and share the value of licensure and the importance of the FE exam with their peers through on-campus events, activities, and presentations. In 2024–25, the program consisted of seven students from four universities. The program is expanding in 2025–26 to allow FE Ambassadors from any ABET-accredited institution. Applications are now open.

Current engineering and surveying students who pass the FE or FS exam before their graduation from an ABET-accredited program are eligible to receive a free NCEES honor cord to wear at their college graduation ceremony. For 2024–25 graduation ceremonies in August, December, and May/June, NCEES distributed more than 11,500 honor cords to students. The current honor cord distribution list includes 210 participating institutions.

In 2024–25, NCEES continued its support of the BEaSURVEYOR initiative, expanding national and local outreach efforts to promote the surveying profession. In collaboration with the National Society of Professional Surveyors, NCEES worked with an external firm to develop a 360-degree virtual reality (VR) experience showcasing the surveying profession. This immersive VR content is publicly accessible on BEaSURVEYOR.com and is also available in full 360 format through VR headsets included in the Surveying Outreach Fulfillment Portal, which can be checked out for outreach and recruitment events.

Exam volumes

These initiatives and programs are all very important as we look at the future of professional licensure, but we cannot overlook our core purpose as an organization—assisting member boards with the licensure process. One way we do this is by providing exams that test accurately for minimum competence and satisfy a key component of every licensure application.

Our exam volumes have now eclipsed pre-pandemic levels for the FE exam. The PE exam is approaching those pre-pandemic levels (when the largest volume exams, the PE Civil and PE Mechanical, were still in pencil-and-paper format). The FS and PS exams are both on the upswing as well. By the end of the 2024–25 fiscal year, NCEES will have offered over 90,000 exams via computer-based testing.

Staff initiatives

This year, our staff has made strides in updating our systems and services in order to benefit our member boards and make operations more efficient.

By the end of the summer, NCEES will launch its first continuing education course. We are still working on production details, but our first two courses will cover ethics. Licensees who have an NCEES account and take the courses will have the course credits uploaded to their account. We look forward to the release of these courses and more in the future.

One other staff initiative that has been ongoing for several years and is in the pilot stage is our new licensing verification system, known as the Examination and License Verification System (ELVS). ELVS automates license

and exam verifications to minimize manual labor and improve data accuracy for NCEES and state board staff, while enabling faster processing of Records applications for multistate licensees. We are in the process of testing this with two member boards, so more to come.

In closing

As I close my first year as CEO, I want to thank all our member boards and staff for much hard work and support during this transition period. I am encouraged by the accomplishments and advancements we have achieved this year, and I look forward to continuing this work next year and beyond.

Nearly 25 years ago, I joined the NCEES staff not knowing anything about exam development and knowing little about licensure laws, even though I had been licensed as an engineer in South Carolina for several years. A lot has changed since October 1999, but my commitment to this organization and the commitment of our staff to the member boards is still the same—as strong as ever.



Special Committee on Bylaws

David Jackson, Esq., Chair

ABSTRACT

The 2024–25 Special Committee on Bylaws was established to provide revisions to the *Bylaws* based on actions by the Council at the 2024 annual meeting.

The committee was assigned 13 charges. The committee held several meetings virtually and one meeting in-person to accomplish the task of addressing charges. In February 2025, emails were sent to NCEES members, associate members, and board administrators to inform them that the proposed amendments to the *Bylaws* were posted online at MyNCEES Board Resources. This notification was made in accordance with *Bylaws* Section 12.02, which requires member boards to be notified about proposed amendments to the *Bylaws* at least 60 days prior to the zone interim meetings.

Bylaws 12.02 states that voting shall be by sections and that changes to the published amendments are not permitted during the annual meeting. An affirmative vote of two-thirds of boards present and in good standing is required to adopt amendments to the *Bylaws*.

The committee will present 21 motions. **The motions begin on page 40.**

CHARGES

Charge 1

Review revisions to Bylaws 3.05 as presented by the Advisory Committee on Council Activities (ACCA) and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify that only delegates may make motions or propose amendments to motions.

The proposed changes to *Bylaws* Section 3.05 are exactly as approved by the Council at the 2024 annual meeting. The committee will present **Motion 6** as a result of this charge.

Charge 2

Review revisions to Bylaws 3.03 and 3.04 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify that international and participating organizations can be removed by vote of the Council.

The proposed changes to *Bylaws* Sections 3.03 and 3.04 are exactly as approved by the Council at the 2024 annual meeting. The committee will present **Motions 4–5** as a result of this charge.

Charge 3

Review revisions to Bylaws 4.01 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify that the NCEES board of directors must meet no less than four times per year.

The proposed changes to *Bylaws* Section 4.01 are essentially the same as approved by the Council at the 2024 annual meeting, with the exception of minor edits. Charges 4–5 also relate to revisions to Section 4.01; therefore, the full edits for Section 4.01 resulting from Charges 3–5 are shown in **Motion 8**.

Charge 4

Review revisions to Bylaws 4.01 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify how meetings can be called by other members of the board of directors than the President.

See Charge 3 for discussion of committee’s efforts related to Charge 4.

Charge 5

Review revisions to Bylaws 4.01 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify the definition of a quorum for the board of directors.

See Charge 3 for discussion of the committee's efforts related to Charge 5.

Charge 6

Review revisions to Bylaws 6.02 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify voting procedures at the annual meeting.

The proposed changes to *Bylaws* 6.02 are as approved by the Council at the 2024 annual meeting. However, the committee revised the last sentence of the section to be explicit that no proxy voting is allowed. Based on review by NCEES corporate counsel, proxy voting would be in conflict with the South Carolina Nonprofit Corporation Act. The committee will present **Motion 15** as a result of this charge.

Charge 7

Review revisions to Bylaws 4.07 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify the procedures necessary for sanctioning or removing a member of the board of directors.

The proposed changes to *Bylaws* Section 4.07 as shown in **Motion 11** come from two different sources: (1) the ACCA motion approved at the 2024 annual meeting and (2) a legal review by NCEES corporate counsel. The current Section 4.07 and Administrative Policy (AP) 19 detail the process by which a member of the board of directors can be sanctioned or removed from office. Upon legal review, it was found that the process laid out conflicts with the South Carolina Nonprofit Corporation Act. The committee rewrote the *Bylaws* section to align with South Carolina law. The committee recommends that an appropriate committee be charged with reviewing AP 19 to recommend revisions to align the policy with the South Carolina Nonprofit Corporation Act.

Charge 8

Review revisions to Bylaws 6.03 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to clarify procedures for calling a special meeting of the Council.

The proposed changes to *Bylaws* Section 6.03 are essentially the same as approved by the Council at the 2024 annual meeting, with the exception of edits to clarify that when a special meeting of the Council is called, the only actionable items are those stated specifically in the purpose for the meeting. The committee will present **Motion 16** as a result of this charge.

Charge 9

Review revisions to Bylaws 12.01, 12.02, and 12.021 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to remove the phrase "in good standing" and to clarify voting procedures.

The proposed changes to *Bylaws* Sections 12.01, 12.02, and 12.021 are exactly as approved by the Council at the 2024 annual meeting. The committee will present **Motions 19–21** as a result of this charge.

Charge 10

Review revisions to Bylaws 1.02 as presented by ACCA and approved by the Council at the 2024 annual meeting. Propose an amendment to define "privilege of the floor."

The proposed changes to *Bylaws* Section 1.02 are exactly as approved by the Council at the 2024 annual meeting. The committee will present **Motion 1** as a result of this charge.

Charge 11

Review NCEES' corporate attorney comments and recommendations regarding the Bylaws. Make recommendations to the board of directors as appropriate.

NCEES corporate counsel was asked to review the *Bylaws* for any conflicts with the South Carolina Nonprofit Corporation Act. The response from counsel noted an issue with proxy voting under *Bylaws* Section 4.06 and

instructed that proxy voting is not permitted under the Act. The committee will present **Motion 10** to remove proxy voting in Section 4.06 as a result of this charge.

Counsel noted that the procedures for removal of a member of the board of directors under *Bylaws* Section 4.07 were not consistent with the South Carolina Nonprofit Corporation Act. The question of discipline or removal of a member of the board of directors was already raised by ACCA and approved by the Council at the 2024 annual meeting and resulted in a revision of *Bylaws* 4.07, which is presented in Motion 11 under Charge 7.

Counsel raised the question of whether an ex-officio member appointed to a committee is intended to be a voting member (*Bylaws* Sections 5.01, 5.02, 5.03, and 7.09). An ex-officio member normally has all the rights of any other committee member, including the right to vote, unless it is specified otherwise in the bylaws. The committee recommends that this issue be assigned to the appropriate committee to determine whether it is the intent that ex-officio committee members have voting rights and, if necessary, recommend appropriate changes or clarifications to the language of the *Bylaws*.

Charge 12

Review NCEES policies and procedures to determine whether any policy or procedural protocols override the authority of the Council or the board of directors. Make recommendations to the board of directors if appropriate.

The committee reviewed the *Manual of Policy and Position Statements* for issues that appeared to limit the ability of the Council or board of directors to act. Examination Development policies 4F, 5E, and 8D raised questions with respect to the review of applications for new examinations. The language of these sections state that “the board of directors shall either approve or reject the recommendation” of the Committee on Examinations for Professional Engineers (EPE) or the Committee on Examinations for Professional Surveyors (EPS), as appropriate.

In the opinion of this committee, these policy sections limit the authority of the board of directors to a yes or no vote on a recommendation by the EPE or EPS Committee. A strict interpretation of the limits in the policy would not allow the board of directors to

- approve the recommendation in part or modify the recommendation to any degree;
- move forward in the process if the EPE or EPS Committee does not make a recommendation or if the recommendation is not to move forward; or
- take no action or postpone a decision to allow for further study or consideration.

The committee recommends that an appropriate committee be charged with review of these policies to make recommendations for revisions that would authorize the board of directors to take whatever actions may be required with regard to the exam development process.

Charge 13

Review whether changes are needed to the Bylaws regarding the administration of Council votes that are subsequently found to be in conflict with South Carolina law or NCEES bylaws and policy or Council votes. Determine whether NCEES bylaws or policies dictate customary and appropriate processes for addressing any continuing breaches of order. Make recommendations to the board of directors if appropriate.

The committee sought an opinion from NCEES corporate counsel regarding the rights of members, member boards, and the board of directors in making decisions and taking actions as and on behalf of the Council.

The committee is satisfied that the current policies and procedures are adequate to remedy a situation that arises in the event of a Council vote that conflicts with the South Carolina Nonprofit Corporation Act or the NCEES *Bylaws*.

Between annual meetings, the board of directors is currently authorized to take all actions not covered by the *Bylaws* and which do not specifically require member approval under the South Carolina Nonprofit Corporation Act or NCEES *Bylaws*. Any items placed on an agenda of an annual business meeting or of a special meeting for which the board of directors wishes to solicit the approval of the members would be binding, if the board of directors so chooses. The board of directors can also designate a vote to be advisory on any item on the agenda that does not require a vote by the members under the Act or the *Bylaws*.

It has historically been the practice at NCEES that all votes at the annual meeting are binding and not advisory; however, the committee recommends that the board of directors note this stipulation when publishing the agenda for the annual meeting or for any special meeting of the member boards.

Other

As part of the overall review of the *Bylaws* for consistency and clarity, the committee noted several places that revision seemed appropriate. The rationale for the changes can be found with each motion. The committee will present **Motions 2–3, 7, 9, 12–14, and 17–18** to address these issues.

Respectfully submitted, the **Special Committee on Bylaws**:

David Jackson, Esq., Chair

Members

Azuanuka (Azu) Etoniru, P.E., P.L.S.
Nancy Gavlin, P.E., S.E.
John Logsdon, P.L.S.
Maxine McReynolds
Karen Purcell, P.E.
Jon Wilbeck

Board liaison

Karl Tonander, P.E.

Staff liaison

Davy McDowell, P.E.

MOTIONS

Bylaws Motion 1

Move that *Bylaws* Section 1.02 be amended as follows:

Section 1.02 Definitions and Abbreviations. Wherever the word “Council” is used, it shall mean the National Council of Examiners for Engineering and Surveying, for which the official abbreviation shall be NCEES. The words “State Board” shall mean a legally constituted board of any state, territory, or political subdivision of the United States of America that administers an Act regulating the practice of professional engineering, a single branch of professional engineering or surveying, or a combination of professional engineering and surveying; or a board that serves in an advisory capacity to a state agency in the administration of such an Act. Wherever the word “State” is used, it shall mean any state, territory, or political subdivision of the United States of America. The words “privilege of the floor” shall mean the right to speak to the subject or situation being considered.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 1.02 as presented by ACCA and approved by the Council at the 2024 annual meeting. The amendment is to clarify and define the words “privilege of the floor.”

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 2

Move that *Bylaws* Section 3.021 be amended as follows:

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Member board administrators shall automatically be designated as Associate Members. Recommendations for other Associate Members shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members shall have the privilege of the floor at meetings of the Council. ~~Associate Members may serve on any committee or task force to which duly appointed under the *Bylaws*.~~

Rationale

Language is removed because of redundancy. Section 7.01 contains the language allowing associate members to serve on a committee or task force.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 3

Move that *Bylaws* Section 3.022 be amended as follows:

Section 3.022 Emeritus Members. An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members shall have the privilege of the floor at meetings of the Council. ~~Emeritus Members may serve on any committee or task force to which duly appointed under the *Bylaws*.~~

Rationale

Language is removed because of redundancy. Section 7.01 contains the language allowing emeritus members to serve on a committee or task force.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 4

Move that *Bylaws* Section 3.03 be amended as follows:

Section 3.03 International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings and, on approval of the presiding officer, may have the privilege of the floor. Acceptance [or removal](#) of an International Affiliate Organization shall be by majority vote of the Council.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 3.03 as presented by ACCA and approved by the Council at the 2024 annual meeting. The amendment provides for a mechanism for removal of an International Affiliate Organization.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 5

Move that *Bylaws* Section 3.04 be amended as follows:

Section 3.04 Participating Organizations. A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council. Participating Organizations are entitled to representation at meetings of the Council and, on approval of the presiding officer, may have the privilege of the floor. ~~They shall be privileged to communicate with the officers and Board of Directors of the Council on matters of mutual concern.~~ Acceptance ~~or removal~~ of a Participating Organization shall be by majority vote of the Council.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 3.04 as presented by ACCA and approved by the Council at the 2024 annual meeting. The amendment provides for a mechanism for removal of a Participating Organization.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 6

Move that *Bylaws* Section 3.05 be amended as follows:

Section 3.05 Delegates. A Delegate shall be a Member or an Associate Member designated by a Member Board to represent it at meetings of the Council. A Member Board may have as many Delegates as it has members but may cast only the number of votes prescribed in the *Bylaws*. Any Delegate shall have the privilege of the floor. Only Delegates may make motions or propose amendments to motions.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 3.05 as presented by ACCA and approved by the Council at the 2024 annual meeting. The amendment allows for only a delegate to make a motion or propose an amendment to a motion.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 7

Move that *Bylaws* Section 3.07 be amended as follows:

Section 3.07 Past Presidents. Past Presidents of the Council who are not members of Member Boards shall be considered as honorary participants in the Council eligible to serve on the committees, to and have the privilege of the floor at meetings of the Council, ~~to take part in discussions, and to perform all functions of Members except to hold office and vote.~~

Rationale

Language is removed because of redundancy. *Bylaws* Section 7.01 contains the language allowing past presidents to serve on a committee or task force. The remaining edits are suggested because of redundancy. Section 4.04 states that past presidents shall be ineligible for reelection as president-elect.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 8

Move that *Bylaws* Section 4.01 be amended as follows:

Section 4.01 Board of Directors. The Board of Directors shall be the executive board of NCEES. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of the Chief Executive Officer through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action that shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a ~~constituent m~~Member Board.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. A quorum of the Board of Directors shall consist of a majority of Board members, unless otherwise provided in these Bylaws. The President shall call meetings of the Board of Directors no less than four times per year.

A majority of the Board members may submit ~~a~~ written requests to the President to call such additional meetings of the Board of Directors, and the President shall call such meetings within 30 days of receiving such requests. Any written request must include the names of the Board members requesting the meeting and the specific purpose for the meeting. Notice of the date, time, place, and specific purpose of the meeting shall be sent to each member of the Board of Directors at least 15 days prior to the start of the meeting.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 4.01 as presented by ACCA and approved by the Council at the 2024 annual meeting. The amendment defines a quorum of board members and details how an additional meeting of the board can be called.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 9

Move that *Bylaws* Section 4.05 be amended as follows:

Section 4.05 Qualifications. Any Member who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate Members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a Member at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired may run for President-Elect if

- They have obtained emeritus standing within the Council; and
- They have the approval of their Member Board; and
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects ~~him or her~~ them.

Rationale

A minor wording revision is proposed for clarity and to be consistent with all other NCEES documents.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 10

Move that *Bylaws* Section 4.06 be amended as follows:

Section 4.06 Vacancies. If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of that term and subsequently serve the full one-year term that ~~he or she was they were~~ originally elected to serve as President. A vacancy in the office of President-Elect shall remain unfilled until the next NCEES Annual Business Meeting. At that time, the Council will elect a President from the zone of the vacant President-Elect position.

A vacancy in the office of Immediate Past President shall be filled by the most recent available Past President.

A vacancy in the office of Treasurer shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term Treasurer is held at the next Annual Business Meeting.

A vacancy in the office of a Vice President shall be filled by that zone's Assistant Vice President.

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. ~~For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.~~

Rationale

A minor wording revision is proposed for clarity and to be consistent with all other NCEES documents. The removal of the last sentence is to align the *Bylaws* with South Carolina nonprofit law, which prohibits proxy voting.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 11

Move that *Bylaws* Section 4.07 be amended as follows:

Section 4.07 Sanction or Removal. ~~By a majority vote and pursuant to the grievance procedure of the Council's *Manual of Policy and Position Statements*, which shall set forth appropriate due process, the Board of Directors may recommend the removal or sanction of a member of the Board of Directors. Upon a finding of the Board of Directors that the Board member has violated the ethics policy set forth in Section 4.08 of the *Bylaws*, that finding, along with stated grounds therefor, shall be transmitted to the chair of the Advisory Committee on Council Activities.~~

~~A Grievance Committee shall be appointed to address the removal or sanction recommended by the Board of Directors. The Grievance Committee members shall be selected as follows: two members of the Board of Directors, selected by the Board; one member from each zone, selected by the Assistant Vice President of each respective zone; and three members of the Advisory Committee on Council Activities, selected by said committee.~~

~~If by a majority vote of its members, the Grievance Committee concurs with the Board recommended removal or sanction, the Board of Directors shall implement such removal or sanction.~~

~~A sanction may include a period of suspension from Board activities, including attendance at Board of Directors or Council conferences and meetings.~~

~~In the event of removal of a Board member, the vacancy on the Board of Directors shall be filled pursuant to Section 4.06 of the *Bylaws*.~~

~~Prior to sanction or removal of a member of the Board of Directors for cause by a vote of a majority of all Board members in office, the grievance procedure of the Council's *Manual of Policy and Position Statements* shall be followed to ensure due process.~~

~~The Grievance Committee members shall be selected as follows: two members of the Board of Directors selected by the Board; one member from each Zone selected by the Assistant Vice President of each respective Zone; and three members of the Advisory Committee on Council Activities selected by said committee. The Grievance Committee shall select its chair.~~

~~The Grievance Committee shall prepare a written report to the Board of Directors as to whether the Board member has violated the ethics policy set forth in Section 4.08 of the *Bylaws*. The Board of Directors, upon review of the report, shall vote on whether to remove the Board member for cause, to sanction such Board member, or to take no action. A sanction may include a period of suspension from Board activities, including attendance at Board of Directors or Council conferences and meetings. In the event of removal of a Board member, the vacancy on the Board shall be filled pursuant to Section 4.06 of the *Bylaws*.~~

~~A Board member can be removed without cause only by a vote of the Members at a special called meeting or if such Board member was elected by a Zone, then by that respective Zone.~~

Rationale

NCEES corporate counsel was asked to review the *Bylaws* to look for any conflicts with the South Carolina Nonprofit Corporation Act. One of the few findings was Section 4.07. This rewrite of the section uses details from Charge 7, with the addition of language to conform to laws in the state of South Carolina.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 12

Move that *Bylaws* Section 4.08 be amended as follows:

Section 4.08 Ethics Policy. A member of the Board of Directors is in violation of the ethics policy of the Board of Directors if ~~he or she~~ the Board member:

- (1) Commits a criminal act that reflects adversely on the Board member's honesty, trustworthiness, or fitness as a Board member in other respects.
- (2) Engages in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- (3) Engages in conduct involving moral turpitude.
- (4) States or implies an ability to influence improperly the Board of Directors or any committee or officer of the Council.
- (5) Grossly abuses ~~his or her~~ their authority in the discharge of the duties of the Council.
- (6) Engages in any action that harms the public image or professional reputation of the Council.

Rationale

A minor wording revision is proposed for clarity and to be consistent with all other NCEES documents.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 13

Move that *Bylaws* Section 5.02 be amended as follows:

Section 5.02 President-Elect. In the absence of the President or the incapacity of the President, the President-Elect shall exercise the duties of and possess all the powers of the President, including the appointment of committees. ~~The President-Elect shall serve as an ex-officio member of the Committee on Finances.~~

Rationale

Language is removed because of redundancy. *Bylaws* Section 7.09 contains the language that states that the president-elect is an ex-officio member of the Committee on Finances.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 14

Move that *Bylaws* Section 5.03 be amended as follows:

Section 5.03 Treasurer. The Treasurer shall, under the direction of the Board of Directors, oversee the financial operation of the Council and shall obtain an annual audit of Council finances and submit such audit to the Board of Directors. ~~The Treasurer shall serve as an ex-officio member of the Committee on Finances.~~

Rationale

Language is removed because of redundancy. *Bylaws* Section 7.09 contains the language that states that the treasurer is an ex-officio member of the Committee on Finances.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 15

Move that *Bylaws* Section 6.02 be amended as follows:

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

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. An Associate Member may serve as a Member Board Delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the State, such designation may come from the agency director for that board.

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

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 6.02 as presented by ACCA and approved by the Council at the 2024 annual meeting. The committee revised the last sentence of the section to be explicit that no proxy voting is allowed. Proxy voting would be in conflict with the South Carolina Nonprofit Corporation Act.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 16

Move that *Bylaws* Section 6.03 be amended as follows:

Section 6.03 Special Meetings. Special meetings of the Council may be called by the President, ~~or by the Delegates, representatives, or officers of the majority of the Member Boards~~ or shall be called by the President within 60 days of receiving the written request of authorized representatives of the majority of the Member Boards.

The specific purpose of the meeting shall be stated in the written request. Notice of the date, time, place, and specific purpose of the meeting shall be sent to each Member of the Council or published on the Council website at least 15 days prior to the start of the meeting. The Council is limited to the specific purpose stated in the written request.

The same *Bylaws* relative to quorum, voting, procedure and conduct of business at an Annual Business Meeting shall apply to special meetings.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* Section 6.03 as presented by ACCA and approved by the Council at the 2024 annual meeting. The amendment clarifies how a special meeting of the Council can be called.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 17

Move that *Bylaws* Section 7.06 be amended as follows:

Section 7.06 Committee on Examinations for Professional Engineers. The Committee on Examinations for Professional Engineers (EPE) shall consist of a chair and three members from each zone. It shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of engineering.

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

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

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

Rationale

The committee found that *Bylaws* Sections 7.06 and 7.07 were not consistent. The amendment makes the two sections consistent with each other.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 18

Move that *Bylaws* Section 11.02 be amended as follows:

Section 11.02 Tellers Committee. The Tellers Committee shall consist of five members, including a chair and one representative from each zone. No member of the committee is eligible to serve as a teller for an election in which ~~he or she is~~ they are a candidate. The Tellers Committee will tabulate the results for all votes taken and report the results to the President.

Rationale

A minor wording revision is proposed for clarity and to be consistent with all other NCEES documents.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 19

Move that *Bylaws* Section 12.01 be amended as follows:

Section 12.01 Adoption. The *Bylaws* shall become effective upon adoption by the Council at the Annual Business Meeting. For such adoption, a two-thirds affirmative vote of the Member Boards ~~present and in good standing voting~~ shall be required.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 12.01 as presented by ACCA and approved by the Council at the 2024 annual meeting. The following was the rationale from ACCA:

The current *Bylaws* allows adoption of amendments by an affirmative vote of a supermajority of member boards present, not a supermajority of those voting in favor. Under this system of participation, member boards that choose to not vote are considered as negative votes. Considering the procedure for adoption of amendments, whereby a Special Committee is charged with proposing them after they have been agreed to by Council at the recommendation of other committees, it is appropriate that they be adopted by a two-thirds affirmative vote of those member boards voting.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 20

Move that *Bylaws* Section 12.02 be amended as follows:

Section 12.02 Amendments. The *Bylaws* may be amended at any Annual Business Meeting by a two-thirds affirmative vote of the Member Boards ~~present and in good standing voting~~. Any amendment proposed shall be sent to a Special Committee on Bylaws by the President at the President's initiative or as requested based on action by the Council. Any amendments recommended by a Special Committee on Bylaws shall be submitted to all Member Boards at least 60 days prior to the date of the earliest zone meeting preceding the next Annual Business Meeting. Voting shall be by sections. All sections shall be considered in their proposed form, including punctuation and verbiage. Changes to the published amendments will not be permitted during the Annual Business Meeting. Copies of the proposed amendments to be voted upon shall be distributed in written form to Delegates at the Annual Business Meeting.

Rationale

See Motion 19 rationale.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 21

Move that *Bylaws* Section 12.021 be amended as follows:

Section 12.021 Effective Date of Amendments. An amendment to the *Bylaws* shall become effective upon certification by the presiding officer at the Annual Business Meeting of a two-thirds affirmative vote of the Member Boards ~~in good standing represented~~ voting.

Rationale

See Motion 19 rationale.

Board of directors' position

Endorses, consent agenda

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Advisory Committee on Council Activities

Christopher Knotts, P.E., Chair

ABSTRACT

The Advisory Committee on Council Activities (ACCA) provides advice and briefing to the NCEES president and board of directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not yet assigned to a standing committee or involving several existing committees.

ACCA used the Basecamp collaboration website to conduct the preliminary work on charges; held an organizational meeting through Zoom on September 26, 2024; held one virtual meeting through Zoom on December 5, 2024; and met in person in Pensacola Beach, Florida, January 17, 2025, to finalize the work to make recommendations to the Council.

ACCA was assigned eight charges and will present four motions. **The motions begin on page 55.**

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Review all administrative policies, professional policies, and position statements in the Manual of Policy and Position Statements. Determine if each policy and position statement remains relevant and whether any are covered in other NCEES manuals. Propose revisions as necessary.*

All committee members were charged with reviewing these documents and bringing forth any suggested changes. ACCA reviewed Administrative Policy 8 separately under Charge 4. There were no additional policies or position statements with suggested changes after the review.

Charge 2

Review Bylaws 3.03 International Affiliate Organizations to determine how NCEES can promote membership to the Organization.

International Affiliate Organization is defined in *Bylaws* Section 3.03:

An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings and, on approval of the presiding officer, may have the privilege of the floor. Acceptance of an International Affiliate Organization shall be by majority vote of the Council.

In 2015 ACCA put forth a motion to add International Affiliate Organizations into the *Bylaws*, and it was added in 2017. The rationale for that 2015 motion was as follows:

ACCA recognized the increased importance of developing and maintaining relationships with international organizations that are advancing licensure in the engineering and surveying professions. Currently, the NCEES *Bylaws* precludes these organizations from NCEES membership. Therefore, creating this new member category is required to allow formal affiliation of international organizations with NCEES.

This change will allow foreign partners that have been approved to offer NCEES examinations to have formal affiliation with NCEES. ACCA recommends that all new agreements with foreign partners that will offer NCEES examinations stipulate that those partners become International Affiliate Organization members of NCEES. The Council may also choose to approve membership as an International Affiliate Organization for other international stakeholder groups engaged in the engineering or surveying professions.

ACCA determined that there are two main groups who might be eligible:

1. Organizations that are using or are interested in using NCEES exams. In the past, these have included Engineers Canada and the Canadian Engineering Qualifications Board, Japan PE/FE Examiners Council, Saudi Council of Engineers, and Korean Professional Engineers Association. These organizations already are

invited to attend the NCEES annual meeting, but there is no formal collaboration with those groups during the meeting.

2. Professional organizations or global entities that might align with the NCEES mission but do not utilize NCEES exams. Engineering Council UK and the Department for Business and Trade, United Kingdom attended the NCEES annual meeting in 2024. These are organizations that NCEES might collaborate with in the future.

ACCA recommends that NCEES staff determine who NCEES would include as an International Affiliate Organization and define what membership means. Staff would determine the best method for application and recommendation to the NCEES board of directors for submission to the Council for approval. NCEES should then engage with the organizations that it invites to become members. This could mean scheduling time during the annual meeting for the group to meet with NCEES leadership.

Charge 3

Review Bylaws 3.04 Participating Organizations to determine if NCEES should be more proactive in recruiting members and review the criteria for membership. Propose recommendations to the board of directors and revisions to the Bylaws if necessary.

Bylaws Section 3.04 provides the following parameters for Participating Organizations:

A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council.

Participating Organizations are entitled to representation at meetings of the Council and, on approval of the presiding officer, may have the privilege of the floor. They shall be privileged to communicate with the officers and Board of Directors of the Council on matters of mutual concern. Acceptance of a Participating Organization shall be by majority vote of the Council.

The committee reviewed the list of Participating Organizations. It was suggested that the committee look at reviewing and adding industries that have a high volume of licensed engineers. After consideration, it was decided that industry was not the focus of the Participating Organizations.

Because the definition states that a Participating Organization shall be a society, institute, association, or organization of national scope, ACCA determined that there were other national organizations that were not currently included. Some of those are

- Society of Women Engineers (SWE)
- National Society of Black Engineers (NSBE)
- Society of American Military Engineers (SAME)
- SAE International
- Society of Hispanic Professional Engineers (SHPE)
- International Federation of Surveyors (FIG)

The committee recommends that NCEES staff be more proactive in recruiting members and actively reach out to these and other societies that meet the definition to determine if they have an interest in serving as a member of POLC. NCEES staff would then create a process for presentation of those interested societies to the NCEES board of directors to submit for approval by the Council.

It was also determined after review of the current members of POLC, that several do not meet the definition of national scope. ACCA recommends that NCEES staff present those societies to the NCEES board of directors so that their membership can be discussed and suggested for removal from the group.

NCEES staff should also develop a renewal process so that organizations are reviewed regularly to ensure that they continue to meet the definition, that they are actively engaged in work at the professional level, and that their policies include advancement of professional ethics and standards and encouragement of licensure.

Charge 4

Review Administrative Policy (AP) 8 Motions to determine if the motion approval process needs to be modified. Propose revisions as necessary.

ACCA was charged with reviewing AP 8 Motions after work done by the Council in 2024. The committees on Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), and Examination Policy and Procedures (EPP) reviewed the policy in 2024. As a result, the Council voted to amend AP 8 to require that exam policy amendments be referred to the appropriate exam-related committee (EPP, EPE, or EPS) for review and revision to avoid unintended consequences.

ACCA concluded that changes to the *Model Law* or *Model Rules* that are referred to UPLG for incorporation into the documents should be considered as previously approved and not subject to a vote to defeat. ACCA will present **Motion 1** to amend AP 8 to stipulate that motions which have been approved by the Council at the prior meeting and are being presented by UPLG following its review and revision of the language shall be placed on the consent agenda, and that the intent of the original motion should not be subject to debate again. If the UPLG motion is removed from the consent agenda and fails on the floor or is modified to change the original intent, the motion should be returned to appropriate committee to modify the language.

Charge 5

Review Bylaws 4.06 Vacancies to determine if the process for filling a vacancy in the President-elect position is adequately covered. Propose revisions as necessary.

The committee reviewed *Bylaws* Section 4.06 Vacancies and determined that there were several updates needed in the *Bylaws* to address vacancies and when they occur.

ACCA feels that the current process is appropriate for filling vacancies in the president-elect position. If there is a vacancy in the office of president-elect, the president-elect position will remain unfilled until the next NCEES annual business meeting. At that time, the Council will elect a president from the zone of the vacant president-elect position. This could mean that the new president would serve as the leader of the Council without having any prior NCEES board of directors experience, but ACCA does not perceive this to be a deterrent to the process.

ACCA did review the policy to consider what would happen if the president and the president-elect are unable to fulfill the president's term. The committee recommends that if a situation occurs where neither is able to serve, the immediate past president should serve the remainder of the president's term. ACCA recommends that the vacancy in the office of immediate past president be filled by the most-recent receptive past president and will present **Motion 2** to amend *Bylaws* Section 4.06 to address these changes.

Following from this recommendation, Section 3.07 needs to be revised to allow past presidents to be reappointed to the board of directors to fill a vacancy in the office of immediate past president and therefore to hold office and vote to fulfill the provisions of Section 4.06. ACCA will present **Motion 3** to amend *Bylaws* Section 3.07.

Section 4.04 should also be amended to clarify that past presidents are ineligible for reelection for president or president-elect of the Council. ACCA will present **Motion 4** to amend *Bylaws* Section 4.04.

Charge 6

Review Position Statement (PS) 1.7 (equivalency of foreign PEs) and recommend any changes. Evaluate and clarify the practical meaning of "provide consideration." Propose revisions as necessary.

The committee discussed the definition/meaning of "provide consideration," which is a careful thought, typically over a period of time, or the act of thinking about something carefully.

It does not mean an automatic acceptance of non-Model Law Engineers or Surveyors based on credentials. The committee believes that the language is appropriate as written because the member boards are doing their own independent review.

Charge 7

Review Financial Policy 6 and consider if an automatic adjustment to exam prices using the Consumer Price Index (CPI) is a potential principle to be used for exam price changes. Discuss how often an adjustment could be made and how much notice would need to be given to member boards.

The committee determined that the current exam price structure needs to be updated to reflect the current cost to produce the exam. The current cost would be established by the Committee on Finances.

Once this is done, the committee determined that tying future exam increases or decreases in cost to the consumer price index (CPI) would be the most fair and objective way to proceed. ACCA recommends using the general CPI for cost adjustments.

Exam development expenses and seat fees are a substantial portion of the total examination costs. The committee recommends reviewing the exam development costs when exam pricing is reevaluated.

ACCA recommends that exam pricing be reevaluated when any of the following occurs:

- Every three years based on CPI
- When the exam provider is allowed to increase seat fees per the contract
- When a new contract is executed with an exam provider
- When requested by the chief financial officer, treasurer, or Finance Committee

The committee also researched the time needed by member boards to adjust to the new exam cost and decided that announcing the exam cost for the following year in August at the annual meeting to become effective in January would not cause any imposition to the member boards. This should be reported to the Finance Committee for further action.

Rationale: Exam fee revenue is currently 72 percent of the NCEES revenue budget, and 36 percent of all budgeted expenses are seat fees. Because the seat fee contract has historically been linked to CPI, correlating CPI with future exam price considerations seems prudent.

Exam fees are evaluated by NCEES staff and the Committee on Finances, and increases are determined on an as-needed basis. It has always been a controversial subject, often resulting in reactive adjustments after budget impacts are felt. Tying the yearly increase or decrease to the CPI is fair and impartial.

Charge 8

Review Bylaws 4.05 and 11.01 regarding qualifications for the board of directors and nominations for President-Elect from the floor of the Council. Determine if the requirement listed under the current board of directors section should include that the nominee must have been nominated by the zone. Recommend revisions as appropriate to a Special Committee on Bylaws.

The committee reviewed *Bylaws* 4.05 and 11.01 regarding qualifications for board of directors and nominations for president-elect from the floor of the Council. Section 4.05 states that a member of the current board of directors whose term has expired may run for president-elect if nominated by their zone. This prohibits current board members from being nominated for president-elect from the floor.

The committee discussed this aspect and felt the *Bylaws* process functioned as desired, with no changes proposed.

Rationale: A sitting board member has many opportunities to interact with the zone and exhibit their qualifications for president-elect. If the zone chooses to nominate someone other than the current board member, the full Council should not override the zone's decision.

Respectfully submitted, the **Advisory Committee on Council Activities:**

Christopher Knotts, P.E., Chair

Members

Doyle Allen, L.S.
Scott Bishop, P.S.
Coby King
Sina Nejad, P.E.
Sam Reed, P.E.
Lesley Rosier-Tabor, P.E.
Christy VanBuskirk, P.E.
David Widmer, P.L.S.

Board liaison

Andrew Zoutewelle, P.L.S.

Staff liaison

Donna Moss, SHRM-CP, PHR

MOTIONS

ACCA Motion 1

Move that Administrative Policy 8 be amended as follows:

AP 8 Motions

- A. Motions before the Council at the annual business meeting shall not be voted upon at the same business session in which they are introduced and initially discussed or prior to zone meetings. This policy shall not apply to privileged or subsidiary motions and may be suspended for other motions upon approval by a two-thirds majority vote.
- B. Any motion to amend the *Model Law* or *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall be referred to the UPLG Committee for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.
Such motions that have been approved by the Council at the prior meeting and presented by the UPLG Committee following its review and revision of the language as per this section shall be placed on the consent agenda, and the intent of the original motion should not be subject to debate again. If the UPLG motion is removed from the consent agenda and fails on the floor or is modified to change the original intent, the motion should be returned to the appropriate committee to modify the language.
- C. Any motion to amend exam prices in Financial Policy 6 that is presented at an annual business meeting by an entity other than the Committee on Finances shall be referred to the Committee on Finances for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.
- D. Any motion to amend examination policies presented at an annual business meeting by an entity other than the Committee on Examination Policy and Procedures (EPP), the Committee on Examinations for Professional Engineers (EPE), or the Committee on Examinations for Professional Surveyors (EPS) shall be referred to the EPP Committee for review and revision of the language in consultation with any other appropriate committee before it is presented for Council vote at the next scheduled annual business meeting.

Rationale

Actions approved by the Council at a prior annual meeting should stand after motions are passed to the UPLG Committee for review. If the motion from UPLG is to simply approve the original motion that was approved the prior year, the motion should not be able to be defeated on the floor. If there are significant changes to the original motion or the wording, the defeated motion should return to the appropriate committee for review.

Board of directors' position

Does not endorse, non-consent agenda

Board of directors' rationale

While the board of directors supports the spirit of the revisions to AP 8, it has concerns about the process. First, "shall be placed on consent agenda" would force the board to do something that it may not agree with. Second, if a motion were removed from the consent agenda and amended from the floor, who would determine whether the revision changed the original intent? Is it the presiding officer, the board of directors, the UPLG chair, the parliamentarian? The board feels like the process needs more specificity or can remain as is.

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 4.06:

A vacancy in the office of Immediate Past President shall be filled by the most recent ~~available~~ receptive Past President.

A vacancy in the office of a Vice President shall be filled by that zone's Assistant Vice President.

Rationale

Board of directors' position

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 3.07:

315

Past presidents should not be allowed to hold office and vote, unless fulfilling the term of immediate past president due to a vacancy in the office of president.

Endorses, consent agenda

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 4.04:

Past presidents should not be allowed to serve on the board of directors as president or president-elect of the Council. ACCA's motion to allow the past presidents to serve again as immediate past president would be allowed with this revision.

Endorses, consent agenda

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Committee on Education

Bruce Dvorak, Ph.D., P.E., Chair

ABSTRACT

The Committee on Education serves in an advisory role for education issues related to ABET, requirements prior to initial licensure, continuing professional competency (CPC), and foreign degree or unaccredited program evaluation.

The committee was assigned six charges related to the NCEES Engineering and Surveying Education awards, several NCEES education-related documents, continuing education, and other engineering and surveying education-related issues. The committee met three times virtually and in person on February 7–8, 2025, in Greenville, South Carolina, to discuss and address its charges.

The 2024–25 committee will present three motions. **The motions begin on page 60.**

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Review the NCEES Engineering Education Standard and Surveying Education Standard. Propose revisions as necessary.*
- *Review the Continuing Professional Competency Guidelines. Propose revisions as necessary.*

All committee members were charged with reviewing these documents and bringing forth any suggested changes. The committee determined that the general education credits should be evaluated and listed in the credentials evaluation but that there should be no set general education requirement. The general education requirement would be left to the discretion of the member board. This change to general education would apply to both the *NCEES Engineering Education Standard* and the *NCEES Surveying Education Standard*.

The committee recommends two modifications to the NCEES Credentials Evaluations Policies for the *NCEES Engineering Education Standard* to clarify what degrees are eligible for credentials evaluation.

The committee recommends a revision to the *NCEES Surveying Education Standard* to edit item C by adding “hydrographic surveying” to the list of examples of surveying courses and replacing “global positioning systems” with “global navigation satellite systems (GNSS).” Additionally, the acronym “GIS” should follow “geographic information systems.”

The committee recommends an edit to the NCEES Credentials Evaluations Policies for the *NCEES Surveying Education Standard* to clarify what degrees are eligible for credentials evaluation and an edit to the bullet describing possible credit for advanced courses prior to college enrollment to remove the examples, which would make the description identical to the *NCEES Engineering Education Standard*.

The committee reviewed the *CPC Guidelines* document. Proposed changes to it are addressed in the discussion of Charge 3.

The committee will present **Motions 1–2** as a result of this charge.

Charge 2

Study how NCEES can strengthen relationships with faculty in engineering and surveying at university programs. Work with NCEES staff to develop a plan for developing an educator’s workshop, summit, etc.

The committee recommends that it work with NCEES staff to create a brochure concerning the value and steps of becoming a P.E. for engineering faculty members who do not plan to practice. This flyer can be shared with department heads nationally and can help these faculty members navigate the licensure process, given the particular challenges they face.

Likewise, the committee recommends that it work with NCEES staff to create a brochure concerning the value and steps of becoming a P.S. for surveying faculty members. This flyer can be shared with department heads

nationally and can help these faculty members navigate the licensure process, given the particular challenges they face.

The committee recommends that it work with NCEES staff to develop and host an engineering and surveying educators' summit in 2025–26. The meeting goal is to provide resources and to allow faculty to share best practice for the promotion of licensure. A compendium of best practices should be established and future workshops developed to share with other faculty members. Another aim of the summit is to explore reconfiguration of the NCEES Engineering and Surveying Education awards to include additional facets such as educator recognitions.

The committee recommends that next year's committee study how NCEES can improve the Engineering and Surveying Education awards.

Charge 3

Review the Continuing Professional Competency Guidelines, Position Statement 2.8, and Model Rules 240.30 to find any potential discrepancies. Propose revisions as necessary.

The committee reviewed the three documents and determined that revisions are needed. The recommendations are to move existing Section 5 of the *CPC Guidelines* to before the current Section 3, thereby becoming Section 3, and renumbering the subsequent sections.

The committee concluded that an edit is needed to Section 5 of the *CPC Guidelines* to remove a reference to the *Model Rules* because the *Model Rules* does not include any reference to a licensee's jurisdictional CPC options:

SECTION 5: NCEES CPC Standard

The NCEES CPC Standard is simply 15 PDHs per calendar year and includes no carryover of PDHs from one year to the next. This strengthens CPC requirements through annual compliance. However, [according to Model Rules](#) a licensee could always choose to meet a jurisdiction's specific requirements, including carryover.

The committee requests that NCEES staff make these edits to the *CPC Guidelines* following the annual meeting.

Charge 4

Study the need for an education standard for engineering technology. If a need is determined, in consultation with NCEES Credentials Evaluations staff, develop a standard for approval by the Council.

The committee discussed and determined that an education standard for engineering technology could be useful. But the Council has not explicitly included consideration of non-ABET-accredited engineering technology degrees. The committee prepared a draft Engineering Technology Education Standard for potential adoption in the future if the Council recommends creation of such a standard. The draft standard is included in **Appendix A**. Multiple sources, including NCEES Credentials Evaluations staff, leadership of the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), engineering technology master's program faculty, and society representatives, were asked to provide input for the development of the draft standard.

Charge 5

Review the Squared publication for content. Make any suggestions for additional information that may be beneficial for public consumption. Determine if ETAC/ABET data should be provided as a separate field regarding exam volumes and pass rates. If so, provide volume threshold recommendations.

The committee thoughtfully considered the exam volumes and pass rates information represented and recommends that NCEES staff publish a table in *Squared* for the FE and PE exam data that breaks out by EAC/ABET degrees, ETAC/ABET degrees, and Others. The committee also recommends including in *Squared* a table that incorporates data of those licensed through the mutual recognition agreement with the United Kingdom.

Charge 6

Research and develop a plan for contacting 2-year surveying programs that are eligible for the newly developed Surveying Education Award program.

As approved by the Council at the 2024 annual meeting, the current Surveying Education Award consists of two award categories: one for two-year schools with an articulation agreement with a four-year school and one for all other surveying/geomatics programs (including bachelor's programs and two-year programs without articulation agreements).

Committee members developed and executed a plan to identify award-eligible two-year surveying programs with articulation agreements with four-year surveying degree programs. A list was compiled and shared with NCEES staff.

The committee recommends modifying the criteria for the Surveying Education Award associate's degree category to apply to associate's programs with a minimum of 15 semester credit hours related to surveying and with articulation agreements, transfer agreements, or partnering agreements with a bachelor's degree program in surveying and geomatics.

The committee recommends modifying the other Surveying Education Award category to apply to bachelor's surveying and geomatics programs.

The number of awards and the amount of prize money within each category would not change.

The committee will present **Motion 3** as a result of this charge. **Appendix B** shows the committee's proposed edits to the Surveying Education Award criteria.

Respectfully submitted, the **Committee on Education**:

Bruce Dvorak, Ph.D., P.E., Chair

Members

Manar Alsharaa, P.E.
Marie Elizabeth (Maily) Cristi, P.E.
Ahmed Elaksher, Ph.D., P.E., P.L.S.
Vijaya (VJ) Gopu, Ph.D., P.E.
Larry Graham, P.E., P.S.
Brenda Moore, P.E.
Sallye Perrin, P.E.
Timothy Platz, P.S.

Consultants

George Murgel, Ph.D., P.E.
Zana Raybon
Gary Thompson, P.L.S.
Marlon Vogt, P.E.
Marlee Walton, P.E., P.L.S.

Board liaison

Samuel Wilson, DBA, P.E.

Staff liaison

Marie Nebesky

MOTIONS

Education Motion 1

Move that the *NCEES Engineering Education Standard* be amended as follows:

NCEES Engineering Education Standard

Applicants having engineering degrees from programs that are not accredited by the Engineering Accreditation Commission (EAC) of ABET must demonstrate the following:

- A. 32 college semester credit hours of higher mathematics, basic sciences, and additional sciences
 1. Credits in higher mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

2. Credits must include at least two courses in basic sciences. These courses must be in general chemistry, general calculus-based physics, or general biological sciences; the two courses may not be in the same area.
3. Courses in additional sciences may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice.

~~B. —12 college semester credit hours in general education that complements the technical content of the curriculum~~

- ~~1. Examples of traditional humanities/social sciences courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, and social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law.~~
- ~~2. No more than 6 credit hours may come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, systems engineering/ analysis, production, and industrial engineering/management will not be counted. Language courses in the applicant's native language are not acceptable for credit; no more than 6 credit hours of foreign language courses are acceptable for credit. Native language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not.~~

~~CB.~~ 48 college semester credit hours of engineering science and/or engineering design courses

1. Courses in engineering science must be taught within the college/faculty of engineering or approved for engineering credit by an EAC/ABET-accredited program on a publicly listed course equivalency list. The courses must have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills).
2. Courses in engineering design must stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate-level engineering courses may be included to fulfill curricular requirements in this area.

Engineering technology courses cannot be considered to meet engineering topic requirements.

C. 0 college semester credit hours of general education courses

1. While general education courses are not required to meet the NCEES standard, general education credits will be listed in the credentials evaluation for use at the discretion of the member board.
2. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, and social responsibility. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not.

NCEES Credentials Evaluations Policies

The NCEES Engineering Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether or not the Engineering Education Standard has been met.

NCEES Credentials Evaluations will adhere to the following in conducting evaluations.

- Evaluations will be conducted on the following:
 1. Non-EAC/ABET-accredited ~~B~~bachelor's degree in engineering from a non-U.S.-based program
 2. Non-EAC/ABET-accredited bachelor's degree programs in engineering, engineering technology, related science, or mathematics only when coupled with a master's degree or doctorate in engineering

Evaluations may be conducted on programs that do not meet these criteria if specifically requested by an NCEES member board. Such requests must come directly from the member board to the NCEES Manager of Credentials Evaluations.

[. . .]

Rationale

ABET leaves it to the universities to set the general education requirements, so NCEES would reflect this reality by making this change. The other proposed changes reflect edits for clarity.

Board of directors' position

Endorses, non-consent agenda

Education Motion 2

Move that the *NCEES Surveying Education Standard* be amended as follows:

NCEES Surveying Education Standard

Applicants who hold surveying degrees from programs that are not accredited by ABET and applicants who hold B.S./B.A. degrees in states that also require a “core program” in surveying must demonstrate the following:

- A. 18 college semester credit hours of mathematics and basic sciences
1. A minimum of 12 credits in mathematics must be beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.
 2. A minimum of 6 credits must be in basic sciences. These courses must cover one or more of the following topics: general chemistry, advanced chemistry, life sciences (biology), earth sciences (geology, ecology), general physics, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements.

~~B. —12 college semester credit hours in a general education component that complements the technical content of the curriculum~~

~~Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, and social responsibility. No more than 6 credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not.~~

~~B.~~ 30 college semester credit hours of surveying science and surveying practice

Courses shall be taught by qualified surveying faculty. Examples of surveying courses are basic surveying, route surveying, [hydrographic surveying](#), geodesy, geographic information systems ([GIS](#)), land development design and planning, global [positioning navigation satellite](#) systems ([GNSS](#)), photogrammetry, mapping, legal principles of land surveying, boundary law, professional surveying and mapping, and remote sensing. Graduate-level surveying courses can be included to fulfill curricular requirements in this area.

C. [0 college semester credit hours of general education courses](#)

1. [While general education courses are not required to meet the NCEES standard, general education credits will be listed in the credentials evaluation for use at the discretion of the member board.](#)
2. [Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics \(micro and macro\), professional ethics, and social responsibility. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not.](#)

NCEES Credentials Evaluations Policies

The NCEES Surveying Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether the Surveying Education Standard has been met. NCEES Credentials Evaluations will adhere to the following in conducting evaluations.

- Evaluations will be conducted on the following:
 1. ~~Foreign Non-ABET-accredited bachelor's degree in~~ surveying ~~degree from a non-U.S.-based~~ programs
 2. U.S.-based, non-ABET-accredited degree programs in surveying
 3. U.S.-based B.S./B.A. programs for applicants that have met the “surveying core” program requirementsEvaluations may be conducted on programs that do not meet these criteria if specifically requested by an NCEES member board. Such requests must come directly from the member board to the NCEES Manager of Credentials Evaluations.
- NCEES will evaluate all programs against the NCEES standard. NCEES will no longer determine substantial equivalence to an ABET-accredited program.
- In conducting the evaluation, NCEES will consider the breadth of the applicant’s education, to include bachelor’s degree coursework, master’s degree coursework, and doctorate coursework in determining satisfaction of the NCEES standard.
- NCEES will provide credit for any advanced coursework earned prior to college enrollment that is deemed appropriate for college-level academic credit ~~(such as Advanced Placement, A-levels, Abitur, French Baccalaureate, International Baccalaureate, Lebanese Baccalaureate, etc.).~~

[. . .]

Rationale

ABET leaves it to the universities to set the general education requirements, so NCEES would reflect this reality by making this change. The proposed changes are to make the *NCEES Engineering Education Standard* and the *NCEES Surveying Education Standard* consistent and reflect the evolution of surveying curricula.

Board of directors’ position

Endorses, non-consent agenda

Education Motion 3

Move to reorganize the NCEES Surveying Education Award to offer two categories for surveying and geomatics programs: one for associate’s degree programs and one for bachelor’s degree programs.

Rationale

There are currently two distinct Surveying Education Awards: one for two-year schools with an articulation agreement with a four-year school and one for all other surveying/geomatics programs (including bachelor’s programs and two-year programs without articulation agreements). The number of schools with articulation agreements is small; this change would provide a better balance for entries (one category for associate’s degree programs and one for bachelor’s degree programs) and simplify the entry requirements for each category. The prize money and number of winners within each category would not change.

Board of directors’ position

Endorses, consent agenda

Appendix A: Draft NCEES Engineering Technology Education Standard

[DRAFT] NCEES Engineering Technology Education Standard

Applicants having engineering technology bachelor's degrees from programs that are not accredited by the Engineering Technology Accreditation Commission (ETAC) of ABET must demonstrate the following:

- A. 24 college semester credit hours of higher mathematics and basic sciences
 1. A minimum of 9 semester hours of higher mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus.
 2. A minimum of 12 semester hours in basic sciences, which must include at least three courses. These courses must be in general chemistry, general calculus-based physics, general biological sciences, or earth sciences (geology, ecology, or oceanography); no more than two of the three courses may be in the same area.
 3. Additional courses towards the requisite 24 semester hours of higher mathematics and basic sciences may include physical science, natural science, and/or advanced science. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice.
- B. 40 college semester credit hours of engineering technology, engineering science, and/or engineering design courses
 1. Courses in engineering technology or engineering science must be taught within the college/faculty of engineering technology or approved for engineering technology credit by an ETAC/ABET-accredited program on a publicly listed course equivalency list. Examples of approved engineering technology courses are applications of mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, and transport phenomena. In addition, courses in engineering economics and computer science (other than computer programming skills) are approved.
 2. Courses in engineering technology should focus on applying engineering techniques to real-world situations. Engineering technology coursework should incorporate laboratory work and shall contain a sufficiently designed engineering technology program to provide minimal competency in applying engineering algorithms and procedures. Graduate-level engineering or engineering technology courses may be included to fulfill curricular requirements in this area.
- C. 0 college semester credit hours of general education courses
 1. While general education courses are not required to meet the NCEES standard, general education credits will be listed in the credentials evaluation for use at the discretion of the member board.
 2. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, and social responsibility. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not.

NCEES Credentials Evaluations Policies

The NCEES Engineering Technology Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether or not the Engineering Technology Education Standard has been met.

NCEES Credentials Evaluations will adhere to the following in conducting evaluations.

- Evaluations will be conducted on the following:
 1. Non-ETAC/ABET-accredited bachelor's degree in engineering technology from a non-U.S.-based program
 2. U.S.-based, non-ETAC/ABET-accredited bachelor's degree program in engineering technology
 3. Non-ETAC/ABET-accredited bachelor's degree programs in a related science or mathematics only when coupled with a master's degree in engineering technology

Evaluations may be conducted on programs that do not meet these criteria if specifically requested by an NCEES member board. Such requests must come directly from the member board to the NCEES Manager of Credentials Evaluations.

- NCEES will evaluate all programs against the NCEES Engineering Technology Education Standard. NCEES does not determine substantial equivalence to an ETAC/ABET-accredited program.
- For the evaluation, the bachelor's degree coursework, master's degree coursework, and doctorate coursework will be considered in determining satisfaction of the NCEES standard.
- NCEES will provide credit for any advanced coursework earned prior to college enrollment that is deemed appropriate for college-level academic credit.
- A maximum of 6 hours' credit will be granted for thesis, special topics, and independent study at any level.
- Cooperative training, practicums, internships, and continuing education activities will not receive educational credits to satisfy the NCEES standard.
- NCEES will note any deficiencies in the applicant's educational history compared to the NCEES standard.

For applicants whose educational record indicates satisfaction of the NCEES standard, NCEES will report that the applicant possesses the education required in order to be considered by a member board for entry into the professional practice of engineering.

For applicants whose education record indicates deficiencies relative to the NCEES standard, NCEES will note those deficiencies for any action deemed appropriate by a member board. NCEES will also provide any relevant information concerning the educational requirements and/or any prerequisites for entry into engineering programs in the applicant's country for consideration and overall qualification by a member board.

APPENDIX B: PROPOSED EDITS TO SURVEYING EDUCATION AWARD CRITERIA

2025 NCEES Surveying Education Award (two-year programs)

The jury will use the following criteria when scoring applications:

Program ~~(35%)~~

- Provide the name of the program (e.g., surveying, geomatics). What surveying courses are offered/required in the program?
- What is unique and innovative about the program?
- What are the qualifications of the instructors? How many are full-time? Adjunct?
- Is the program accredited or in the process of seeking accreditation? If so, by what commission or association?
- What surveying tools, equipment, and technologies are used to teach students?
- How does the program remain current with surveying technology?
- What articulation [or transfer](#) agreements are in place?
- [How many and what percentage of students continue their education in a surveying/geomatics bachelor's program? Provide data if available.](#)
- [How do you track if students continue their education in a surveying/geomatics bachelor's program?](#)
- How are students encouraged to continue their education [in a surveying/geomatics bachelor's program?](#)

Student Outcomes/Student Involvement ~~(15%)~~

- What is the primary learning objective for the program?
- Are students engaged in assignments or projects that involve real-world application?
- Are students active in surveying clubs and professional associations? What activities do they do?

Outreach/Recruitment ~~(15%—emphasis)~~

- What is special? Are there best practices that could be used by other programs?
- How, and from where, does the program recruit students?
- What are the enrollment numbers for the program for the past three years? Describe trends.
- Does the program seek assistance or support from external associations, societies, or firms?
- What efforts have been made to grow the program? What efforts are planned for the future?
- Does your program have marketing materials for outreach/recruitment purposes? If so, please include with the submittal.

Licensure

- How is professional licensure promoted to students?
- [Are external licensed surveyors involved in the program? If so, how?](#)

Summary/Benefits/Merits (Essay Format, ~~20%~~)

- Why should the program receive this award?
- How would this award, if received, benefit the program?
- How will this award, if received, advance professional licensure for surveyors and promote the surveying profession?

2025 NCEES Surveying Education Award (four-year programs)

The jury will use the following criteria when scoring applications:

Program ~~(35%)~~

- Describe the program type (e.g., ~~certification, two-year, four-year~~ BS, BA) and provide the name of the program (e.g., surveying, geomatics). What surveying courses are offered/required in the program?
- What is unique and innovative about the program?
- What are the qualifications of the instructors? How many are full-time? Adjunct?
- Is the program accredited? If so, by what commission or association?
- What surveying tools, equipment, and technologies are used to teach students?
- How does the program remain current with surveying technology?

Student Outcomes/Student Involvement ~~(15%—emphasis)~~

- What is the primary learning objective for the program?
- What are the student outcomes, and how are they assessed? Are surveying internships incorporated into your program?
- Are students engaged in assignments or projects that involve real-world application?
- Are instructors and/or students involved in research and development activities? Provide brief examples.
- Are students active in surveying clubs and professional associations? What activities do they do?
- Have students participated in any surveying competitions in the last two academic years?
- Are students engaged in community service projects? If so, briefly describe them, differentiating nontechnical humanitarian projects from those that are tied to the curriculum or that required the use of surveying skills.

Outreach/Recruitment ~~(15%—emphasis)~~

- What is special? Are there best practices that could be used by other programs?
- How, and from where, does the program recruit students?
- What are the enrollment numbers for the program for the past three years? Describe trends.
- Does the program seek assistance or support from external associations, societies, or firms?
- What efforts have been made to grow the program? What efforts are planned for the future?
- Does your program have marketing materials for outreach/recruitment purposes? If so, please include with the submittal.

Licensure ~~(15%)~~

- How is professional licensure promoted to students?
- Are students encouraged or required to take the Fundamentals of Surveying (FS) exam before graduation or just after? What support is given to them?
- How many and what percentage of students take and pass the FS exam before graduation?
- How do you track if students attain licensure post-graduation? Provide data if available.
- Are external-licensed surveyors involved in the program? If so, how?

Summary/Benefits/Merits (Essay Format, ~~20%~~)

- Why should the program receive this award?
- How would this award, if received, benefit the program?
- How will this award, if received, advance professional licensure for surveyors and promote the surveying profession?



Committee on Examination Policy and Procedures

George Murgel, Ph.D., P.E., Chair

ABSTRACT

The Committee on Examination Policy and Procedures (EPP) is responsible for reviewing the effectiveness of NCEES examinations and recommending policies, specifications, and procedures consistent with trends in the engineering and surveying professions. The first introductory meeting was held on October 4, 2024, as a virtual meeting via Zoom. At that meeting, EPP Committee members were briefed on the charges and asked about their interest on the specific charges.

At the first working meeting, held virtually on December 2, 2024, via Zoom, the committee split into subgroups to begin discussions about the charges given to the committee this year. These discussions continued into the new year on the Basecamp collaboration website. The third meeting was held in person on January 17–18, 2025, at the Renaissance Hotel Saint Elm in Dallas, Texas, where the subcommittees concluded their discussions and developed recommendations related to the charges.

The committee addressed three charges for 2024–25. It has two recommendations for the board of directors and 12 motions for Council action. **The motions begin on page 70.**

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Review all examination development policies (EDPs) and examination administration policies (EAPs) in the Manual of Policy and Position Statements for redundancy and clarity. Recommend revisions as appropriate.*
- *Review exam volumes regarding EDP 6 and provide recommendations to the board of directors.*

EDP and EAP review

The committee reviewed the EDPs and EAPs for clarity and consistency and proposed minor editorial changes in several policies, as reflected in **Motions 1, 7, 9, and 11**. The committee proposes amendments to EDPs 2–6 and EAP 2. These changes are reflected in **Motions 2–6 and 10**. The committee also proposes the removal of EAP 12, which is reflected in **Motion 12**. The review of EDP 12 was considered separately under Charge 3.

Exam volumes

The committee reviewed all exam volumes per EDP 6. The low number of first-time exam takers for the Principles and Practice of Engineering (PE) Nuclear examination was of particular interest. The PE Agricultural and Biological Engineering exam was being monitored since it did not meet the EDP 6 requirements for the October 2023 administration. However, the 2024 administration did meet the EDP 6 requirements, and further monitoring was not considered.

The PE Nuclear exam has been on probation for the past two years and suffers from low first-time takers. Over the past five administrations, the average number of takers has only been 16 first-time test takers, with declining numbers over the past three administrations. The chair of the PE Nuclear exam development committee attended the EPP Committee meeting virtually, and the committee asked questions to try and understand what difficulties were causing the low number of first-time examinees.

The American Nuclear Society (ANS) submitted an update to its 2022 remedial action plan in 2024 and again in 2025 detailing its ideas to encourage more candidates to take the PE Nuclear exam. The 2022 plan's actions did not increase the number of first-time examinees. The 2025 update from ANS appears to have similar actions as those identified in the 2024 update and in the original 2022 action plan, with the plan seeming to focus primarily on college students to encourage them to seek licensure. Encouraging college students to take the exam lags by several years in the actual administration of a PE exam, which will not be completed until graduation and successful completion of the Fundamentals of Engineering (FE) examination. Also, it is important to note that many people who could take the PE Nuclear exam work in areas or fields that neither require nor encourage employees to become licensed.

The PE Nuclear exam is at the end of a two-year probationary period, and the professional activities and knowledge study (PAKS) is scheduled to begin in 2026. No decision was made for a recommendation to the board of directors, per EDP 6, at the January meeting. A virtual meeting was held on February 24, 2025, to consider this situation further after the meeting of the PE Nuclear exam development committee, ANS representatives, and the Committee on Examinations for Professional Engineers (EPE) on February 6–7, 2025.

During the virtual EPP Zoom meeting on February 24, 2025, the results of the EPE discussions were discussed. The committee did not accept the recommendations of the 2025 update to the PE Nuclear Examination Remedial Action Plan. A motion was made to discontinue the development and administration of the PE Nuclear exam, which was adopted.

Recommendation

The EPP Committee recommends to the board of directors that the PE Nuclear examination be discontinued.

Rationale

The PE Nuclear exam development committee and the supporting technical society's remedial action plan failed to provide evidence that the examination in its current form will attract a larger number of candidates, as it is heavily weighted toward power production, which is viewed as only a small portion of the potential population.

Upon request, NCEES staff provided data indicating that most candidates with a nuclear engineering degree take the PE Nuclear exam even with the option of taking the PE Mechanical: Thermal and Fluid Systems exam, which is offered year-round. Staff also reported that providing the exam on Monday has logistical challenges for the potential scheduling of candidates who need a two-day accommodation because the day before, which would be Sunday, is when the accommodation starts and test centers are typically closed on Sunday.

Charge 2

With input from the Committee on Examinations for Professional Engineers (EPE), the Committee on Examinations for Professional Surveyors (EPS), and psychometric consultants, review exam procedures regarding the multilingual examinee population. Consider whether additional accommodations are needed to address ESL examinees, including but not limited to a translation dictionary app, extra time, etc. Propose a recommendation as appropriate.

Much time was spent discussing accommodations for English as a Second Language (ESL) candidates. ESL is not identified as a disability in the Americans with Disabilities Act (ADA), so it does not require an accommodation. ESL is more accurately described as an "exception" with which an organization has no mandate to comply.

The National Council of Architectural Registration Boards (NCARB) and the Council of Landscape Architectural Registration Boards (CLARB) have computer-based exams and exceptions for ESL. NCARB allows either 20 percent extra time or a word-to-word dictionary, while CLARB offers only a word-to-word dictionary. It should be noted that ESL is often self-identified and there are no objective criteria for determining ESL status or the need for exception. Discussions with NCARB revealed that the overwhelming exception selected by candidates has been the additional time consideration, and the EPP Committee posited that this may be an alternative to allow examinees additional time in lieu of an ADA accommodation.

Recommendation

The EPP Committee does not recommend making any exceptions for ESL candidates at this time. However, NCEES staff should monitor requests and track data to determine whether this should be reconsidered at some point in the future.

Rationale

If an exception were to be given to ESL candidates, several challenges would be experienced by NCEES, including providing additional time for candidates who do not meet that need under ADA requirements, exam security (information written in the reference on the way in and exam items on the way out), context with word-to-word dictionary translation of words in different orders, and technical terms not necessarily found in typical translation dictionaries. It was also noted that available translation dictionaries used by other organizations could number in the hundreds, and many are difficult to procure. The number of requests for an exception as recorded to date by NCEES staff is numbered in the tens of requests compared to exam volume in the tens of thousands of examinations.

Charge 3

Review EDP 12 and determine if the language regarding EPS and EPE members having exam experience should be included in Bylaws as opposed to policy. Make recommendations as appropriate.

EDP 12 stipulates, “The EPE and EPS Committees should include members of their current or past respective exam development committees.”

During the meeting, the discussion centered on whether the EDP 12 language should be moved into the *Bylaws*. More specifically, the discussion focused on what is defined as exam experience for a qualified person to be on the committees.

The definition of experience is noted in NCEES *Bylaws*, Section 7.01. “Experience” is defined for the chairs of EPE and EPS as “involvement in at least two of the following activities: item writing or review, participation on a cut score panel, involvement in a Professional Activities and Knowledge Study (PAKS) committee or on examination specification committees, or participation on an examination development committee.”

The committee agreed unanimously that the requirement should be moved from EDP 12 in the *Manual of Policy and Position Statements* and to the *Bylaws* as part of Sections 7.06 and 7.07. This change is reflected in **Motion 8** to refer the *Bylaws* changes to a Special Committee on Bylaws. If Motion 8 is adopted, the EPP Committee will present a motion next year to delete EDP 12 when the Bylaws Committee is presenting its motions to amend the *Bylaws*.

Respectfully submitted, the **Committee on Examination Policy and Procedures**:

George Murgel, P.E., Ph.D., Chair

Members

Linda Bergeron, P.E.
Ryan Callaghan, P.E.
James Collins, P.E.
Pastor Farinas, P.E.
Douglas Hendrickson, P.E.
Cevin Imus, L.S.
Jennifer Kuether, P.E.
Ronald Willey, Ph.D., P.E.

Consultants

Todde Folkerts, P.E., P.L.S.
Rosaleen (Rosey) Nogle, P.E.
Shannon Stanfill

Board liaison

James Kelly, P.E.

Staff liaison

Jason Gamble, P.E.

MOTIONS

EPP Motion 1

Move that Exam Development Policy 1 be amended as follows:

EDP 1 Examinations

Examination shall be defined as a computer-based testing (CBT) assessment tool that produces a score/result on which a decision is being based.

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

- A. Fundamentals of Engineering (FE) examination
- B. Principles and Practice of Engineering (PE) examination, which includes the PE Structural examination
- C. Fundamentals of Surveying (FS) examination
- D. Principles and Practice of Surveying (PS) examination
- E. Public Land Survey System (PLSS) examination

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

Member boards reserve the right to administer, score, and report state-specific examinations.

Rationale

These changes align with a revision in the definition of “computer-based testing (CBT)” as the type of examination currently being produced by NCEES for administering at Pearson VUE test centers. Inserting the phrase in this definition will eliminate needing to mention it in several other EDPs and will be more consistent across all policies. The committee also provided language to denote that state-specific examinations typically given to applicants in both engineering and surveying are done solely by the member boards and not NCEES.

Board of directors’ position

Endorses, consent agenda

EPP Motion 2

Move that Exam Development Policy 2 be amended as follows:

EDP 2 Examination Development Standards

The goal of the NCEES examinations program shall be for the development, use, and scoring of examinations prepared by, or under control of, NCEES to comply with the current edition of *Standards for Educational and Psychological Testing*—~~as published jointly by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education~~—or other nationally accepted standards. The *Standards for Educational and Psychological Testing* is published jointly by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

Rationale

The policy was broken into two separate sentences to make it easier to read.

Board of directors’ position

Endorses, consent agenda

EPP Motion 3

Move that Exam Development Policy 3 be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

A. Fundamentals of Engineering Examination

The Fundamentals of Engineering (FE) examination shall be ~~administered via computer-based testing (CBT)~~ offered in the following practice areas and have supplied references:-

1. Chemical
2. Civil
3. Electrical and Computer
4. Environmental
5. Industrial
6. Mechanical
7. Other Disciplines

B. Principles and Practice of Engineering Examinations

The Principles and Practice of Engineering (PE) examinations shall be offered in the following practice areas and ~~shall be administered in CBT format and~~ have supplied references:

1. Agricultural and Biological
2. Architectural
3. Chemical
4. Civil—Construction
5. Civil—Geotechnical
6. Civil—Structural

7. Civil—Transportation
8. Civil—Water Resources and Environmental
9. Control Systems
10. Electrical and Computer—Computer Engineering
11. Electrical and Computer— Electronics, Controls, and Communications
12. Electrical and Computer—Power
13. Environmental
14. Fire Protection
15. Industrial and Systems
16. Mechanical—HVAC and Refrigeration
17. Mechanical—Machine Design and Materials
18. Mechanical—Thermal and Fluid Systems
19. Metallurgical and Materials
20. Mining and Mineral Processing
21. Naval Architecture and Marine
22. Nuclear
23. Petroleum
24. Structural

The PE Structural examination shall consist of four sections and shall be considered and referred to as one examination.

C. Fundamentals of Surveying Examinations

~~The surveying examinations shall be available as follows:~~

1. The Fundamentals of Surveying (FS), ~~Principles and Practice of Surveying (PS), and Public Land Survey System (PLSS)~~ examinations shall be administered ~~in CBT format~~ and have supplied references.
2. ~~Member boards reserve the right to administer, score, and report state-specific examinations.~~

D. Principles and Practice of Surveying and Public Land Survey System Examinations

The Principles and Practice of Surveying (PS), and Public Land Survey System (PLSS) examinations shall be administered and have supplied references.

~~D~~E. Examination Item Banks

Examination items for all examinations shall be maintained either at NCEES headquarters or at an offsite testing service that is able to demonstrate insurance, bond, or reserve to cover the pecuniary liability for the items should the items be compromised, lost, or damaged by the testing service. Exam types below are defined in the Exam Development Procedures Manual.

1. At the time an exam development committee releases a linear fixed-form (LFF) exam to be published, the exam item bank shall contain sufficient operational items to create three times the number of exam forms available to examinees in a testing window.
2. At the time an exam development committee releases a pool of items to be published for linear-on-the-fly testing (LOFT), the pool shall contain, at a minimum, the number of operational items required to create three unique, non-overlapping exam forms. At the time of publishing, the exam item bank shall have sufficient operational items to create two additional pools of similar composition. Pool size shall be determined by the psychometric consultant per the criteria listed in the NCEES *Exam Development Procedures Manual*.

~~E~~F. Exam Contingency Plans

The chief executive officer shall have contingency plans available in the event of any irregularity that impacts the security of an exam or the ability to administer an exam per NCEES exam policies or prescribed schedules.

~~F~~G. Exam Preparation Material Development

Exam preparation material shall be developed for each NCEES examination. This material shall include a supplied reference handbook and a practice exam on each major topic area sufficient to provide candidates with a sense of the structure, scope, and difficulty of the examination. The supplied reference handbook and practice exam shall be made available to candidates six months prior to the exam administration ~~during~~ when an exam ~~re-specification year is changed~~ and a minimum of three months prior to the exam administration during a standard exam administration year.

Rationale

The wording of this policy was inconsistent between sections and was updated to list all seven types of FE examinations to be consistent with the listing of the PE examinations. The surveying examination portion was expanded to account for the new PLSS examination that is in development, and portions of several paragraphs

were struck to prevent redundant restating of the same phrases across multiple policies since the definition of “examination” in EDP 1 was expanded.

Board of directors’ position

Endorses, consent agenda

EPP Motion 4

Move that Exam Development Policy 4 be amended as follows:

EDP 4 Entry Addition of a New PE Examination or Reinstatement of a PE Examination

A. Accreditation Requirement

No examination shall be added or reinstated to the examination program unless there is an EAC/ABET-accredited program in the discipline that offers an undergraduate degree program or a graduate degree program focused on the examination topic area.

B. Professional or Technical Society Requirement

No examination shall be added or reinstated unless a national professional or technical society agrees to support the examination. All professional or technical societies that support examinations shall sign an agreement with NCEES delineating the responsibilities of both parties.

C. Member Board Requirement

Requests for examinations shall be supported in writing by no fewer than 10 member boards who can each demonstrate a need for the examination in their jurisdiction by each providing a letter of support for the new examination in accordance with paragraph DC.2 herein. A request older than four years must be resubmitted by the member boards.

~~D. Letters of Support~~

~~All requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public.~~

~~E1. Proof of Need and Estimate of Usage~~

~~Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination and that additional knowledge areas and skills required are sufficient to support a new examination.~~ No examination shall be added or reinstated to the examination program unless the estimate of usage conforms to NCEES policies and procedures. The estimate of usage shall include the methodology used to derive the estimate. ~~Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination and that additional knowledge areas and skills required are sufficient to support a new examination.~~

~~2. Letters of Support~~

~~All requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public.~~

FD. Application Review

If the Committee on Examinations for Professional Engineers (EPE) determines that the proposed application meets the requirements, then it ~~will~~shall recommend to the board of directors that the process continues with a professional activities and knowledge study (PAKS). The board of directors shall either approve or reject the recommendation.

~~G. Exam Format~~

~~The new exam or reinstatement request shall be developed in CBT format.~~

HE. Notification to Member Boards

Member boards shall be notified one year in advance of the addition or reinstatement of any examination to the exam program.

~~IF.~~ Requests to Divide an Existing Examination

Requests to divide an existing examination into multiple examinations shall be made to the EPE Committee. Requests shall include proof of such need in accordance with sections A–EC herein.

Rationale

The description of how to seek the addition of a new PE examination is expanded to clarify the process and make the requirements more explicit due to the ambiguities that recently occurred while considering adding a

Plumbing module for the PE Mechanical examination. The revised process will be more consistent with what actually happens during the evaluation process.

Board of directors' position

Endorses, consent agenda

EPP Motion 5

Move that Exam Development Policy 5 be amended as follows:

EDP 5 Entry Addition of a New FE Examination

A. Accreditation Requirement

No new FE examination shall be added to the examination program unless there is an EAC/ABET-accredited program in the examination topic area.

B. Member Board Requirement

Requests for examinations shall be supported in writing by no fewer than 10 member boards who can each demonstrate a need for the examination in their jurisdiction by each providing a letter of support for the new examination in accordance with paragraph CB.2 herein. A request older than four years must be resubmitted by the member boards.

~~C. —Letters of Support~~

~~All requests shall include proof of such need, an estimate of usage, and the impact of safeguarding the health, safety, and welfare of the public.~~

~~D.1. Proof of Need and Estimate of Usage~~

~~Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination and that additional knowledge areas and skills required are sufficient to support a new examination. No examination shall be added or reinstated to the examination program unless the estimate of usage conforms to NCEES policies and procedures. The estimate of usage shall include the methodology used to derive that estimate. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination and that additional knowledge areas and skills required are sufficient to support a new examination.~~

~~2. Letters of Support~~

~~All requests shall include proof of such need, an estimate of usage, and the impact of safeguarding the health, safety, and welfare of the public.~~

~~EC. Application Review~~

~~If the EPE Committee determines that the proposed application meets the requirements, then it will recommend to the board of directors that the process continues with a professional activities and knowledge study (PAKS). The board of directors shall either approve or reject the recommendation.~~

~~F. —Exam Format~~

~~The new exam or reinstatement request shall be developed in CBT format.~~

~~GD. Notification to Member Boards~~

~~Member boards shall be notified at least one year in advance of the addition of any new FE examination.~~

Rationale

The description of how to seek the addition of a new FE exam module was expanded to clarify the process and make the requirements more explicit and consistent with the process for a new PE examination as a consequence of the ambiguities that recently occurred during the consideration of adding a Plumbing option for the PE Mechanical examination. The revised process will be more consistent with what actually happens during the evaluation process.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

Move that Exam Development Policy 8 be renumbered and amended as follows:

EDP ~~86~~ **Entry Addition** of a New Surveying Examination

A. Member Board Requirement

Requests for examinations shall be made by no fewer than 10 member boards who can each demonstrate a need for the examination in their jurisdiction by each providing a letter of support for the new examination in accordance with paragraph ~~BA.2~~ herein. A request older than four years must be resubmitted by the member boards.

B. ~~Letters of Support~~

~~All requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public.~~

~~G1. Proof of Need and~~ Estimate of Usage

~~Proof of need shall include evidence that knowledge areas and skills required are sufficient to support a new examination.~~ No examination shall be added or reinstated to the examination program unless the estimate of usage conforms to the NCEES policies and procedures. The estimate of usage shall include the methodology used to derive that estimate. ~~Proof of need shall include evidence that knowledge areas and skills required are sufficient to support a new examination.~~

~~2. Letters of Support~~

~~All requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public.~~

~~DB.~~ Application Review

If the EPS Committee determines that the proposed application meets the requirements, then it will recommend to the board of directors that the process continues with a professional activities and knowledge study (PAKS). The board of directors shall either approve or reject the recommendation.

E. ~~Exam Format~~

~~The new examination or reinstatement request shall include a plan to develop the exam in CBT format.~~

~~FC.~~ Notification to Member Boards

Member boards shall be notified one year in advance of the addition of any surveying examination.

~~GD.~~ Requests to Divide an Existing Examination

Requests to divide an existing examination into multiple examinations shall be made to the EPS Committee. Requests shall include proof of such need in accordance with paragraphs A–~~D~~ of this policy.

Rationale

The description of how to seek the addition of a new surveying examination was expanded to clarify the process and make the requirements more explicit due to the recent ambiguities while considering adding a Plumbing option for the PE Mechanical examination. The revised process will be more consistent with what needs to happen during the evaluation process. The renumbering will allow the processes for all three types of examinations to be grouped together in the policy statements, with the same requirements for all three types of examinations.

If the Council approves the renumbering of this policy, EDPs 6 and 7 will be renumbered EDP 7 and EDP 8, respectively.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that Exam Development Policy 9 C be amended as follows:

EDP 9 Requirements for Item Writers, Pass-Point Evaluators, and Reviewers

C. Restriction on Teaching Exam Refresher Courses

Any person serving on an NCEES examination development committee or involved in a pass-point evaluation panel shall not teach an exam refresher course related to the preparation for that examination within three years [of serving following service](#) on the committee or panel.

Rationale

This policy clarifies the wording regarding who is able to teach exam refresher courses if they are working on the exam development committee and makes it more explicit about the time lag between exiting an exam development committee and teaching refresher courses in the area that they had been writing exam questions in.

Board of directors' position

Endorses, consent agenda

EPP Motion 8

Move to charge a Special Committee on Bylaws with incorporating the following amendments into *Bylaws* Sections 7.06 and 7.07:

Section 7.06 Committee on Examinations for Professional Engineers. The Committee on Examinations for Professional Engineers (EPE) shall consist of a chair and three members from each zone. It shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of engineering.

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

At least 50 percent of the committee members should be carryover members to provide continuity of the program. [Additionally, at least 50 percent of the committee members should have exam experience as defined in Section 7.01 of the Bylaws.](#)

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

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

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

At least 50 percent of the committee members should be carryover members to provide continuity of the program. [Additionally, at least 50 percent of the committee members should have exam experience as defined in Section 7.01 of the Bylaws.](#)

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

Rationale

Including this language in the *Bylaws* better aligns with the definition of experience while providing more clarity and consistency to the process for selecting members of the EPE and EPS committees. If this motion is adopted,

the EPP Committee will present a motion next year to delete EDP 12 when the Special Committee on Bylaws is presenting motions to amend the *Bylaws*.

Board of directors' position
Endorses, consent agenda

EPP Motion 9

Move that Exam Administration Policy 1 F be amended as follows:

EAP 1 Administration of Examinations

- F. Examination Scheduling Restriction
A candidate for an exam may take the [same](#) examination only one time per [defined](#) exam window and no more than three times in a 12-month period.

Rationale
Wording is added to clarify the frequency with which an examinee can retake a failed exam in the same discipline over the course of a calendar year.

Board of directors' position
Endorses, consent agenda

EPP Motion 10

Move that Exam Administration Policy 2 be amended as follows:

EAP 2 Examination Schedules

NCEES will administer examinations in the published timeframes or on the published dates as noted in the [Security and Administrative Procedures Manual NCEES Examinee Guide](#). The schedule shall be updated annually by NCEES staff. The examination dates should avoid conflicts with public and religious holidays.

~~Any request for a deviation from this policy must be submitted within the prescribed lead time to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.~~

Rationale
The policy is amended to reflect that the published timeframes are now part of the *NCEES Examinee Guide* and are no longer in the *Security and Administrative Procedures Manual*. The second paragraph is removed from the policy because it no longer applies to the exam schedules.

Board of directors' position
Endorses, consent agenda

EPP Motion 11

Move that Exam Administration Policy 7 be amended as follows:

EAP 7 Release and Use of Examination Results

A. Results Reporting

Examination results for examinees shall be released only to the respective member board and the examinee. Examination results for examinees suspected of an exam irregularity shall not be released until the irregularity has been resolved per the *Security and Administrative Procedures Manual*. ~~Reporting of~~ ~~e~~Examination results for examinees ~~will-shall~~ be reported only as pass or fail. All failing examinees ~~will-shall~~ be provided with a diagnostic report to indicate performance on those attempted examinations.

B. Validity and Integrity

NCEES shall strive to ensure that the validity and integrity of the examinations are preserved and examinees are treated in a fair and equitable manner. NCEES reserves the right to treat exam scores as final and not subject to change after one year has passed from the date of release from NCEES to the member boards. If there is a change in the exam scores within a year of the date NCEES releases the examination results roster to the member boards, then NCEES ~~will-shall~~ notify the member board only if the change in the exam scores alters an examinee's status from fail to pass.

NCEES reserves the right to notify the member boards at any time if it learns that an examinee engaged in any improper conduct relating to the exam on which the score was obtained or took any action that jeopardized the security of any other NCEES exam or exam administration.

C. Exam Irregularities

All NCEES exam irregularities ~~should-shall~~ be evaluated by NCEES with regards to invalidation of exam results. If an examinee fails to comply with the conditions stated in the *NCEES Examinee Guide*, NCEES shall have the authority to invalidate exam results and, furthermore, shall have the authority to suspend an examinee's ability to take an NCEES examination for up to three years. If deemed appropriate, NCEES shall also have the right to pursue additional restrictions on future testing, civil remedies, ~~and/or~~ criminal remedies.

NCEES ~~will~~ ~~shall~~ notify the member board selected by the examinee of the specific terms and reasons for the invalidation or ban. NCEES ~~will-shall~~ update the examinee's account to make this information available to all member boards.

If a member board objects to NCEES' decision to ban an examinee's registration, NCEES ~~will~~ ~~shall~~ update the examinee's account to allow the examinee to select that member board and register for an examination in accordance with the terms set forth by that member board.

D. Structural Engineering Examinations

A section results notice ~~will-shall~~ be transmitted to the member board for each administration in which an examinee takes a section. Passing only one section shall not be sufficient for any licensure purposes. After an examinee has passed all sections, an examination pass notice will be transmitted to the member board to indicate that the examinee has passed the PE Structural examination.

E. Release to Universities and Colleges

NCEES may provide institutional reports containing FE or FS examination data directly to a university or college that may help measure learning outcomes of the total engineering or surveying education.

Rationale

The language in the policy has been revised to use the term "shall" rather than "will" or "should" to be more consistent with language in other policies and to reflect a more forceful action that must be accomplished.

Board of directors' position

Endorses, consent agenda

EPP Motion 12

Move that Exam Administration Policy 12 be deleted.

EAP 12 Proctors for Administration of Examinations

~~Any person who teaches a refresher course or is actively involved in preparation of non NCEES sponsored review material for an NCEES examination shall not serve as a proctor for any NCEES examination.~~

Rationale

This policy should be removed from the examination administration policies since all exams are now administered at Pearson VUE test centers. The callout of proctors is a holdover from the older pencil-and-paper exam administrations and is no longer applicable in the current testing practice.

Board of directors' position

Endorses, consent agenda

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There are no vertical margin lines, text, or other markings on the page.



Committee on Examinations for Professional Surveyors

Todde Folkerts, P.E., P.L.S., Chair

ABSTRACT

The Committee on Examinations for Professional Surveyors (EPS) supervises the preparation of exam specifications (blueprints), reviews item performance, monitors the training of exam development volunteers and recommends changes to exam policies and procedures for the Fundamentals of Surveying (FS) and Principles and Practice of Surveying (PS) exams.

The committee held three virtual meetings via Zoom and one in-person meeting at NCEES headquarters in Greenville, South Carolina, and performed additional work through the Basecamp collaboration website. Chair Todde Folkerts, P.E., P.L.S., served as a consultant to the Committee on Examination Policy and Procedures (EPP) and attended the EPP virtual meeting and its in-person meeting held in Dallas, Texas.

The EPS Committee was assigned five charges and will present one motion. **The motion begins on page 82.**

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Oversee the development and maintenance of necessary exam items for future FS and PS examinations in accordance with existing exam development policies.*
- *Review and evaluate exam administrations for conformity of results; prepare, review, and refine future examinations.*
- *Review the pass rates and item performance for recent exam administrations.*
- *Review the Committee on Examination Audit recommendations and implement any changes approved by the board of directors.*
- *Annually review exam development committee member data. Compare them with benchmarks as established by the Committee on Examinations for Professional Surveyors as part of the NCEES Exam Development Volunteer Diversity Monitoring plan.*
 - *Annually review progress on data collection from target populations.*
 - *Conduct a review of the NCEES Exam Development Volunteer Diversity Monitoring plan on a periodic basis. The time between reviews shall not exceed six years.*
 - *Establish exam development committee membership benchmarks. Review and modify them as needed every five calendar years, in years that end in zero or five (e.g., 2025, 2030, 2035).*
- *Review the exam development procedures and recommend revisions as necessary to NCEES staff.*

Exam development and performance

The FS and PS exams are statistically strong in performance, reliability, and volume. The volume of test takers for both FS and PS exams is maintaining a high level and is currently continuing to climb upward. The passing rate for first-time takers for the FS has been averaging near 61 percent since 2020. The passing rate for first-time takers for the PS has been averaging near 68 percent since 2021.

For the pools published in July 2023, the FS Pretest item survival rate was 70 percent, and the PS Pretest item survival rate was 69.5 percent.

The future PS exam, with updated specifications from the latest professional activities and knowledge study (PAKS), will be administered no sooner than July 2027. It will continue to be delivered in a linear-on-the-fly (LOFT) format with 85 operational items and 15 pretest items. Notifications to member boards will be sent one year prior to the first administration of the updated exam. The exam fee is \$375.

The new Public Land Survey System (PLSS) exam will be a linear fixed-form (LFF) format with 60 operational items and 15 pretest items. The exam time will be 4.5 hours, with a seat time of 5 hours. Exam development meetings for the PLSS exam were conducted in March, July, and December 2024 and in March and May 2025. Additional exam development meetings are scheduled for August and November 2025. The PLSS exam will be administered no sooner than October 2027. Notifications to member boards will be sent one year prior to the exam being administered. The exam fee is \$325.

Exam audit

In the 2023–24 audit, there were six PS exam findings. The 2024–25 Committee on Examination Audit identified one finding that was still unresolved (items missing/insufficient rationale). Originally a request for three items to be reviewed, the exam committee reviewed the entire item bank for similar issues and identified over 170 items, for which backup documentation is being improved. One of the original three has not yet been completed. As explained in the 2024–25 audit response, additional time will be afforded the PS exam development committee to resolve all the remaining items by the June 2025 meeting.

Committee diversity

During 2023–24, EPS set diversity benchmarks for its development committees. Data was obtained from 4,517 passers of the FS exam, with 1,045 candidates responding to the survey. Diversity for each of the FS, PS, and PLSS exam development committees is sufficiently comparable to the respondent diversity. The benchmarks will be reviewed for potential updates in 2030.

PLSS exam

NCEES *Bylaws* Section 7.07 needs to be updated to add the PLSS exam to the EPS Committee's scope of responsibility. The committee will present **Motion 1** to charge a Special Committee on Bylaws to incorporate the necessary amendments.

The PLSS exam development committee has been working with over 49 members identified as PLSS subject-matter experts from diverse jurisdictions, with considerations given for gender and ethnic diversity. The PLSS exam development committee conducted four meetings in 2024 and is scheduled to have four meetings in 2025.

Exam development for the PLSS exam is currently on schedule, with 149 items written in the first three meetings, averaging 4.5 items/person/meeting. Two hundred seventy-six items still need to be written by March 2026 (need to average 3.7 items/person/meeting).

Charge 2

Work with Pearson VUE to review the PAKS process and determine if 200 responses to the survey is reasonable for all exams. Consult with the Committee on Examinations for Professional Engineers (EPE). Make recommendations to update the Examination Development Procedures Manual (EDPM) as necessary.

Pearson VUE was requested to recommend updated EDPM language to help address this charge. In consultation with EPE, the EPS Committee edited the recommendation and approved final language to incorporate into the EDPM. The updated language, which both committees approved, provides some flexibility for exams with smaller examinee volumes.

Charge 3

Review the EDPM to address procedures no longer applicable in computer-based testing.

Staff assembled a list of suggested EDPM changes. In consultation with EPE, the EPS Committee suggested additional edits and concurred on the final changes.

Charge 4

Discuss why business practice/communications topics are included on the PS examinations and whether future PAKS should include non-technical elements.

The EPS Committee agrees that these topics are vital to our respective practices. With this in mind, after thorough discussion the committee determined that these topics should not be surveyed on the next PS exam PAKS. Below is rationale for this decision:

- This material is covered in the FS exam. Removing it from the PS exam mimics the FE/PE content structure (these types of topics are covered on the FE exam, not on the PE exam).
- These topics have been included on PS exam specifications for decades, yet most complaints to our respective boards pertain to these matters. EPS therefore believes the PS exam is not making an impact on licensee's professional practices in these areas.
- Items testing these content areas typically do not discriminate from a statistical perspective, so they do not effectively differentiate between examinees who demonstrate minimum competence and those who do not.
- Removing this content would free up real estate in the exam for technical items that more effectively measure minimum competence.

- It is difficult to write exam questions in these content areas due to a lack of reference materials.
- Not all professional surveyors operate in the business world.
- State statutes vary regarding these matters.
- EPS believes that these skills are best learned through the experience leg of the three-legged stool.

Charge 5

Discuss whether the FS and PS exams will be impacted by the NAD 1983 datum currently in effect moving to the new reference frame of 2022. Review reference materials and provide feedback to the exam committees.

The National Spatial Reference System (NSRS) is a key component of our nation's infrastructure, supplying defined latitude, longitude, and height as well as other authoritative geospatial values throughout the United States. In 2007, National Geodetic Survey (NGS) began planning for the modernized NSRS.

As part of a *Federal Register Notice* in October 2024, NGS released the following key details for the transition to the new datums in the modernized NSRS to help users and interested parties prepare for the coming change:

1. NGS will roll out components of the modernized NSRS over time (2024 to 2026).
2. While the modernized NSRS is being rolled out and tested, the current NSRS will remain the official NSRS of the United States (currently NAD 83, NAVD 88, etc.).
3. Once enough testing is done and all modernized NSRS components seem stable and correct, the Federal Geodetic Control Subcommittee (FGCS) will be asked to vote to approve the modernized NSRS and new datums.

Exam committees cannot begin writing items to the new reference frame until it is approved (planned 2026). The FS and PS exam development committees should begin flagging NGVD 29 items for review. Due to manufacturers not supporting NGVD 29, these items may need to be modified when the 2022 datum comes online. The rationale behind this is that widespread adoption of the new 2022 datum will roll out slowly in the public sector.

Respectfully submitted, the **Committee on Examinations for Professional Surveyors:**

Todde Folkerts, P.E., P.L.S., Chair

Members

Kayce Keane, P.L.S., Vice Chair
 Toynia Gibbs, P.L.S.
 Joyce Hastings, P.L.S.
 Jeffrey Jones, P.L.S.
 John Mettee III, P.L.S.
 Ginger Michalski-Wallace, P.S.
 Pamela Nobles, P.S.M.
 Lisa Peterson, P.E., P.L.S.
 Paul Santos, P.L.S.
 Shane Terhune, P.L.S.
 Paul Vogel, L.S.
 Ryan Wisehart, P.L.S.

Board liaison

James Kelly, P.E.

Staff liaison

Lehmon Dekle, P.E.

MOTIONS

EPS Motion 1

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 7.07:

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

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

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

Rationale

The current *Bylaws* does not include language about the PLSS exam, which is currently in the development phase. The EPS Committee is the appropriate entity to oversee and assist the PLSS exam development committee with this task.

Board of directors' position

Endorses, consent agenda

[illegible]



Committee on Finances

Andrew Ritter, Chair

ABSTRACT

The Committee on Finances was established under the NCEES *Bylaws* to study the financial needs of NCEES, to recommend sources of income, to recommend ways and means of securing adequate funds for the proper operation of NCEES, and to assist the board of directors in financial matters. The committee reviews the previous year's budget performance and recommends the next year's budgets, including the NCEES Foundation budget.

The committee met throughout the year virtually, utilizing three subcommittees, and met in person on March 7, 2025, in Nashville, Tennessee.

The Committee on Finances was assigned four charges, with one charge including six sub-charges to be performed annually. The committee will present seven motions. **The motions begin on page 88.**

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Review the results of the 2023–24 financial audit and the current financial condition of the Council.*
- *Recommend NCEES 2025–26 operating and capital budgets for the NCEES board of directors to approve before they are presented to the Council for final approval at the annual meeting. In addition, using five-year operational projections, recommend any potential transfers and/or contributions to the NCEES Foundation for NCEES board of director approval before presentation to the Council for final approval.*
- *Recommend an NCEES Foundation 2025–26 operating budget to the NCEES board of directors to approve before presenting to the Council for final approval at the annual meeting.*
- *Study the financial needs of the Council, recommend sources of income and ways and means of securing adequate funds for the proper operation of the Council, assist the board of directors in assessing the financial year's budget performance, and report these findings to the Council.*
- *Review all financial policies. Determine if all are necessary or if changes are needed. Propose revisions as necessary.*
- *Calculate an annual spending limit for the foundation. Provide a recommendation to the NCEES board of directors for action at the May board of directors meeting.*

2023–24 audit review

The committee reviewed and discussed the independent auditor's report and financial statements for the 2023–24 fiscal year. The committee noted that the auditors issued an unmodified opinion, with no errors or irregularities, audit adjustments, or material weaknesses identified in the audit report. In addition, all financial statement disclosures were neutral, consistent, and clear, with full management cooperation. The Audit Committee recommended and the board of directors approved Forvis Mazars LLP to perform the audit and tax engagements for NCEES and the NCEES Foundation for the fiscal year 2024–25 and subsequent years.

The committee also reviewed the January 2025 financial statements and noted that the year-to-date (YTD) results are favorable to budget. This positive variance is primarily due to greater-than-budgeted exam delivery volumes, specifically for the Fundamentals of Engineering (FE) and Principles and Practice of Engineering (PE) exams. In addition, Records and Credentials revenue is more than the YTD budget. In reviewing the January 2025 balance sheet, the committee noted that the Customer Prepayments account balance of nearly \$13.8 million is larger than typical, predicting strong future exam deliveries.

NCEES 2025–26 budgets

The committee reviewed and discussed the proposed operating and capital budgets for the 2025–26 fiscal year. The committee noted that the proposed operating budget—after mission initiatives—projects a gain of approximately \$1 million, or 2.5 percent of total operational revenue. There were two primary discussions related to the budget: First, there continues to be gains in exam delivery volumes throughout the exam types. Second, our exam delivery contractor has amended its contract, substantially reducing the exam-delivery seat fee increase per the original contract. This reduction results in an annual \$2 million expense decrease over the

term of the contract (January 1, 2025, to December 31, 2027). The committee did not recommend any changes to the proposed 2025–26 operating budget. The committee also discussed the capital budget and recommended no changes.

The NCEES operating budget and capital budget are included in **Appendices B–C** of this report. The committee will present **Motions 1–2** as a result of this charge.

NCEES Foundation transfers and contributions

A direct contribution to the Foundation is eligible to be spent. NCEES continues to receive \$100,000 per year as part of a copyright infringement settlement; the annual payments will be received until 2026. The committee is presenting **Motion 3** to approve a \$100,000 contribution to the Foundation.

A transfer to the NCEES Foundation is considered an addition to the investment corpus and is not spent directly. Instead, the addition to the corpus balance is to elevate the investment earnings and, in turn, the funding capacity of the Foundation.

In evaluating a potential transfer to the Foundation, the committee studied two results: First, a multiyear financial projection was created to ascertain if a transfer was financially prudent. As part of building the projection, the work of Charge 4—reviewing exam volume trends—was instrumental in establishing projected exam volumes and revenue. Based on the work performed, the financial results of the projection were sufficient to ensure the Council’s financial health with a transfer to the Foundation. Second, the committee reviewed the calculation of the Reserves Available for Mission Initiatives/Capital Projects, per Financial Policy (FP) 1C. Per that review, the committee felt there were sufficient funds to recommend a transfer. In determining the amount of the transfer, the committee discussed the importance of transferring corpus funds to the Foundation in order to create sufficient investment income to fund mission advancement opportunities. The committee also discussed the significance of transferring those funds—funds available for mission initiatives—to an entity and board that is specifically focused on mission initiatives. After a review of the reserve provisions within FP 1C and after a recommendation that the percentage used in point 1 of FP 1C be lowered to 50 percent, the committee is presenting **Motion 4** to approve a transfer of 50 percent of the Reserves Available for Mission Initiatives/Capital Projects to the NCEES Foundation. This amount will equal approximately \$9.4 million. The remaining balance will be managed in accordance with FP 1.

The proposed NCEES Foundation contribution and transfer are included in **Appendix B** of this report.

NCEES Foundation 2025–26 budget

The committee reviewed the 2025–26 NCEES Foundation budget prepared by staff. This budget is included within the NCEES operating budget. As per an expense agreement signed by both entities, NCEES will fund the Foundation’s annual expenses up to \$75,000 during a five-year term. The purpose of this agreement is to increase the Foundation’s funds available for mission advancement. The total budget amount for 2025–26 is \$42,221, consisting primarily of travel and systems costs.

Financial needs study

The committee reviewed the current financial condition of the Council through a review of the following:

- 2023–24 audited financial statements and report, along with the January 31, 2025, financial statements
- 2025–26 proposed budgets—NCEES operating and capital, NCEES Foundation operating
- NCEES Reserves Statement, with the Reserves Available for Mission Initiatives/Capital Projects calculation
- Multiyear financial projection used for exam price determination and transfer to the NCEES Foundation
- Exam volume trends

Through these reviews, the committee concluded that the overall financial condition of NCEES remains strong. FE exam volumes have increased beyond pre-pandemic levels, and PE volumes have transitioned well to computer-based testing (CBT), specifically the PE Civil exam, which transitioned in 2022. In addition, expenses continue to be well-monitored. Like many organizations, NCEES experienced a significant unrealized gain to the investment reserves balance on September 30, 2024, due to growth in the market.

Exam revenue is approximately 72 percent of all revenue for NCEES and must generate enough positive income to ensure that short- and long-term resources are available to the Council. This income is used to fund programs and services that support the NCEES mission and provide value to the member boards.

As stated, the committee also reviewed the NCEES reserve funds and concluded that the Council currently has adequate reserve funds to satisfy the various requirements of FP 1C. These requirements were discussed further, as part of the financial policy review.

Financial policy review

The committee reviewed the financial policies and recommends amendments to three of them.

The four provisions within FP 1C were evaluated to determine their sufficiency. In assessing the 75 percent-of-annual-operating-budget reserve, the committee felt that the total of the four reserve provisions was more than sufficient. On January 31, 2025, the four provisions totaled approximately \$44 million, on a \$53 million reserve balance; the provision total was 83 percent of the reserve balance. In addition, prior committees had adjusted the percentage from 100 percent to 75 percent to reduce the total reserve provisions; however, the data breach and building provisions were added, bringing the total reserve provision balance to over 100 percent of the annual operating expenses. The committee felt that the 75 percent could be reduced to 50 percent, which would reduce the provisioned total to approximately \$34 million, or 65 percent of the reserve balance. This change would maintain the long-term financial health of the organization.

The second financial policy recommendation relates to point 6 of FP 3B, which currently states that the registration fees shall be waived for a guest of NCEES service award recipients. The committee is recommending the waiving of all travel costs for those guests, as that is the current practice.

The final financial policy recommendation is a reconciliation between point 1 of FP 3C and the *Zone Meeting and Continuity Guidelines*. Point 1 of FP 3C currently states that members of the current NCEES board of directors and NCEES past presidents will be funded to zone interim meetings; however, the zone guidelines differentiate past president funding between a host and non-host zone meeting. The committee is recommending policy language that provides for the funding of NCEES past presidents to their respective zone meetings only, coordinating with the language in the guidelines.

The committee will present **Motions 5–7** as a result of this charge.

NCEES Foundation spending limit

The 2023–24 Finance Committee calculated the 2024–25 annual spending limit for the Foundation and developed the process for that calculation. That committee used resources from two investment institutions that NCEES currently uses, as well as foundation experiences from committee members. The committee calculated the annual NCEES Foundation spending limit by multiplying the average investment market balance, over a 12-quarter period, by 4 percent. This rate is an industry standard. From that, any contributions/donations received during the previous calendar year were added. The committee felt that using a 4-percent rate would both provide funding for the Foundation while preserving and accelerating the growth of the market balance.

Using the process developed, the 2024–25 Finance Committee calculated a 2025–26 annual spending limit of \$443,000. The annual spending limit recommendation will not result in a motion, as it will be presented to the NCEES board of directors for approval, per the *NCEES Foundation Policy Manual*.

Charge 2

Evaluate the financial adequacy of the current CBT exam pricing models, assessing the current costs associated with each exam type, to ensure appropriate future financial sustainability.

As previously mentioned, exams are the primary source of revenue for NCEES and must generate a nominal amount of positive income to ensure that sufficient resources are available to fund programs and services that support the Council’s mission, while providing value to the member boards and the general public.

In accomplishing this charge, the committee compiled direct and indirect exam costs, as well as the revenue and expenses related to publications, Records and Credentials, and overhead support. Using the exam volume trend data from Charge 4, a cost-per-exam was calculated. Those individual per-exam costs were compared to the current exam prices. In addition, projected exam volumes—at current exam pricing—were used to build a multiyear financial projection; this allowed the committee to see the projected future financial results in evaluating the financial adequacy of the current exam pricing models. Based on this work, while there is not an immediate need for exam price changes, there will be a need for an exam price increase within three years. Additionally, without the previously mentioned exam delivery contract amendment, an exam price increase

would have been needed immediately, effective January 1, 2026. As mentioned, exam delivery costs were reduced by \$2 million annually with the contract amendment. Lastly, during 2024–25, the Advisory Committee on Council Activities (ACCA) considered if an automatic adjustment to exam prices using the Consumer Price Index (CPI)—or some other mechanism—could be used for future exam price evaluations. The 2025–26 Finance Committee will be charged with reviewing and further developing this charge.

The committee recommends that no adjustments be made to the current exam pricing model. However, the committee recommends that the 2025–26 Finance Committee further develop the 2024–25 ACCA charge.

The committee has no motions as a result of this charge.

Charge 3

Review ancillary fee rates and make recommendations to the NCEES board of directors.

The ancillary fee rates apply to exam cancellations and rescheduled exams. In reviewing the ancillary fee rates, the committee considered the exam-delivery costs associated with the type of revenue, as the exam-delivery contractor charges a fee for these two activities. In addition, the committee wanted to ensure that the staff procedures associated with the fee rates is fair to the examinee.

The committee recommends that staff review all procedures associated with these fees before there is any consideration of changing the current ancillary fee rates.

The committee has no motions as a result of this charge.

Charge 4

Monitor the revenue and cost trends throughout the transition of all examinations to CBT, monitoring both exam volumes and exam recovery rates.

This has been a charge for several years, as it has typically taken five to seven years after the exam transitions to CBT for it to return to the original pencil-and-paper exam volume. Additionally, the COVID-19 pandemic altered the transition recovery of multiple exams. With that, it is important to understand the individual exam recovery rates, as those rates assist in projecting the future exam volumes, which in turn, assist in projecting the exam revenue.

The committee noted that the FE exam is currently delivering higher than pre-pandemic volume; whether this is sustainable or is the result of lower deliveries during the pandemic requires additional monitoring. The PE exams—specifically the PE Civil exam—are transitioning well. Both the Fundamentals of Surveying (FS) exam and the Principles and Practice of Surveying (PS) exam have experienced tremendous growth over the past four to five years.

The committee recommends continued monitoring of the exam volumes and recovery trends.

The committee has no motions as a result of this charge.

Respectfully submitted, the **Committee on Finances:**

Andrew Ritter, Chair

Members

Chimin (Jimmy) Chao, P.E.
Kelly Fedeles, P.E., P.S.
Edward Hubner, P.E.
Joseph Jakubowski III, P.E.
Michael Kidd, P.L.S.
Deveron Sanders, P.E.
Dennis Truax, Ph.D., P.E.
Christina Wong

Consultant

Marguerite McClinton Stoglin, Ph.D.

Ex-officio member

Elizabeth Beckett Johnston, P.E.

Board liaison

Karl Tonander, P.E.

Staff liaison

Joe Scheving, CPA

MOTIONS

Finance Motion 1

Move that the adoption of the 2025–26 operating budget as shown in **Appendix B** be postponed to the end of the last business session.

Rationale

The committee proposes postponing consideration of the motion in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2025–26 capital budget as shown in **Appendix C** be postponed to the end of the last business session.

Rationale

The committee proposes postponing consideration of the motion in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 3

Move to approve a \$100,000 contribution to the NCEES Foundation.

Rationale

Based on the financial condition and needs of the organization, the \$100,000 copyright infringement award is available as a contribution to the NCEES Foundation. These funds could be spent by the Foundation in 2026–27.

Board of directors' position

Endorses, consent agenda

Finance Motion 4

Move to approve a transfer to the NCEES Foundation equal to 50 percent of the Reserves Available for Mission Initiatives/Capital Project balance, which is approximately \$9.4 million.

Rationale

Based on both the current Reserves Available for Mission Initiatives/Capital Projects balance and the results of a multiyear NCEES operational financial projection, the transfer is available without negatively impacting the long-term financial health of NCEES. These funds would become part of the investment corpus of the Foundation and are not available to be directly spent. Instead, they would be used to create investment income for the Foundation, which can be spent on mission advancement opportunities.

Board of directors' position

Endorses, non-consent agenda

Finance Motion 5

Move that Financial Policy 1C be amended as follows:

FP 1 Council Funds

C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a level sufficient for each of the following:

1. A designated reserve equal to a minimum amount of ~~75~~50 percent of the annual operating budget
2. A designated exam breach reserve equal to the computed cost of a probable or potential exam breach based on the current approved item replacement costs
3. A data breach reserve equal to the anticipated costs of such an incident, including lost revenue during recovery, less insurance provisions
4. A building reserve for long-range capital improvements and building system and/or component replacements

Reserve funds in excess of the reserves stated above may be designated by the board of directors for other NCEES mission advancement initiatives or capital projects. If the reserve funds fall below the reserve levels stated above, the Council shall strive to correct the situation. All reserves shall be reviewed annually by NCEES staff and presented to the board of directors and the Committee on Finances.

Rationale

The current total of the four reserve provisions is over 100 percent of the annual operating expenses and is more than sufficient. The change maintains the long-term financial health of NCEES.

Board of directors' position

Endorses, non-consent agenda

Finance Motion 6

Move that Financial Policy 3B be amended as follows:

FP 3 Travel Expenses

B. NCEES annual business meetings

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

7. Zone assistant vice presidents and zone secretaries
8. The NCEES representative to the ABET board of delegates, the alternate NCEES ABET representative, and the commissioners on the Engineering Accreditation Commission of ABET, the Engineering Technology Accreditation Commission of ABET, and the Applied and Natural Science Accreditation Commission of ABET
9. NCEES Foundation board of directors members

Rationale

Current practice is to waive the travel costs for a guest of an NCEES service award recipient.

Board of directors' position

Endorses, consent agenda

Finance Motion 7

Move that Financial Policy 3C be amended as follows:

FP 3 Travel Expenses

C. Zone interim meetings

1. Members of the current NCEES board of directors ~~and~~
2. NCEES past presidents [to their respective zone meeting](#)
- ~~3.~~ Zone assistant vice presidents and zone secretaries to their respective zone meeting
- ~~4.~~ A minimum of three funded delegates from each member board as specified by the respective member board. The delegates must be members of the member board or associate members. Boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
- ~~5.~~ The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
- ~~6.~~ Zone service award recipients to their respective zone meeting

Rationale

The amendment reconciles the policy with the *Zone Meeting and Continuity Guidelines*.

Board of directors' position

Endorses, consent agenda

APPENDIX A: OPERATING BUDGET SUMMARY

	2025–26 Proposed Budget	2024–25 Approved Budget
INCOME		
Support Services Revenue	571,993	557,425
Examination Services Revenue	32,482,734	30,606,122
Member Services Revenue	<u>8,339,462</u>	<u>7,520,740</u>
Total Income	<u>41,394,189</u>	<u>38,684,287</u>
EXPENSES		
General and Administrative	8,800,082	8,522,029
Meetings and Outreach Services	5,355,068	4,752,770
Examination Services	24,000,830	23,142,661
Member Services	<u>1,607,557</u>	<u>1,499,385</u>
Total Expenses	<u>39,763,537</u>	<u>37,916,845</u>
NET OPERATING INCOME (LOSS)	1,630,652	767,442
Mission Initiatives	<u>605,000</u>	<u>905,000</u>
Subtotal	1,025,652	(137,558)
NONOPERATING ITEMS		
Interest and Investment Income	1,591,676	1,695,145
Other Income	<u>0</u>	<u>0</u>
NET INCOME	<u>2,617,328</u>	<u>1,557,587</u>
TRANSFER		
Transfer to NCEES Foundation	<u>9,400,000</u>	<u>3,000,000</u>
CONTRIBUTION		
Contribution to NCEES Foundation	<u>100,000</u>	<u>100,000</u>

APPENDIX B: 2025–26 PROPOSED OPERATING BUDGET

SUPPORT SERVICES REVENUE

Member Board Fees	425,838
Participating Organizations Liaison Council (POLC) Fees	0
Annual Meeting Fees	61,250
Other Meeting Fees	64,105
Miscellaneous Income	20,800
Total Support Services Revenue	571,993

SUPPORT SERVICES OPERATING EXPENSES

Officer/Staff Travel

President	41,500
Past President	21,500
President-Elect	33,000
Central Zone Vice President	21,000
Northeast Zone Vice President	21,000
Southern Zone Vice President	21,000
Western Zone Vice President	21,000
Treasurer	21,000
Chief Executive Officer	34,000
Staff	31,271
International	122,500
Subtotal	388,771

Committee Travel and Expenses

Advisory Committee on Council Activities	23,000
Bylaws Committee	11,000
Committee on Licensure	41,000
Finance Committee	26,000
Member Board Administrators (MBA) Committee	21,000
Law Enforcement Committee	22,000
POLC	18,000
Education Committee	29,000
Uniform Procedures and Legislative Guidelines Committee	20,000
Ad Hoc Committees	60,000
Subtotal	271,000

Annual Meeting

Staff Travel	42,755
Expenses	856,555
Publications	50,000
Award Recipient Travel	9,460
Awards and Presentations	12,510
Funded Delegate Travel	498,654
Subtotal	1,469,934

Board Presidents/MBA Assembly	0
MBA Meeting and Board Attendee	5,900
Zone Meeting Expenses	754,569
Meeting Registration Expenses	13,944

Promotion and Outreach

Engineering Education Award	101,450
Surveying Education Award	155,700
Discretionary Outreach	500,000

APPENDIX B: 2025–26 PROPOSED OPERATING BUDGET

Licensure Outreach	755,800
Marketing	938,000
Subtotal	2,450,950

Total Meetings and Outreach	5,355,068

GENERAL AND ADMINISTRATIVE**Personnel and Human Resources**

Salaries	4,377,914
Payroll Taxes (FICA)	301,924
Payroll Insurance (State)	2,500
Group Insurance	582,421
Employee Retirement Fund	463,600
Recruiting	7,334
Employee Development	150,897
Subtotal	5,886,590

Office

Rent and Property Tax	5,100
Electricity	123,405
Water	8,061
Building Security	19,260
Building Maintenance	76,589
Cleaning and Ground Maintenance	178,091
Subtotal	410,506

Administrative

Postage	3,321
Supplies	32,426
Credit Card/Bank Fees	13,383
Excise Tax	15,375
Foundation Operating Expenses	42,221
Administrative Printing	22,000
Strategic Planning	31,000
Noncapitalized Purchases	6,000
Subtotal	165,726

Technology Services

Communications	224,353
Equipment Lease/Rental	53,504
Software	369,770
Noncapitalized Purchases	75,300
Hardware Maintenance	49,400
Subtotal	772,327

Insurance and Bond

Travel	5,431
Building and Liability	12,772
Directors and Officers	24,968
Professional Liability	38,313
Workers' Compensation	13,366
Subtotal	94,850

APPENDIX B: 2025–26 PROPOSED OPERATING BUDGET

Dues and Professional Fees	
ABET Dues and Meetings	23,040
Federations of Associations of Regulatory Boards	12,700
Alliance for Responsible Professional Licensing	53,300
Other Memberships and Dues	11,210
Legal Fees	97,500
Audit and Payroll Fees	83,078
Lobbying	28,000
Other Professional and Consulting Fees	170,440
Subtotal	479,268
Depreciation and Interest	
Interest Expense	9,500
Amortization Expense	258,915
Equipment and Furniture Depreciation	309,356
Building Depreciation	413,044
Subtotal	990,815
Total General and Administrative Expenses	8,800,082
TOTAL SUPPORT SERVICES OPERATING EXPENSES	14,155,150
GAIN/(LOSS) FROM SUPPORT SERVICES	(13,583,157)
EXAMINATION SERVICES OPERATING REVENUE	
EXAMINATIONS	
Fundamentals of Engineering	14,878,725
Principles and Practice of Engineering	12,810,750
Structural Engineering	789,600
Fundamentals of Surveying	616,300
Principles and Practice of Surveying	633,000
Subtotal	29,728,375
STUDY MATERIALS	
Publication Sales	2,754,359
Subtotal	2,754,359
TOTAL EXAMINATION SERVICES OPERATING REVENUE	32,482,734
EXAMINATION SERVICES OPERATING EXPENSES	
EXAMINATIONS	
Fundamentals of Engineering	
Computer-Based Testing (CBT) Seat Fees	8,603,532
Contracted Services	500
Psychometric Consulting Services	260,625
Travel	454,032
Subtotal	9,318,689
Principles and Practice of Engineering	
CBT Seat Fees	5,182,663
Contracted Services	26,842
Psychometric Consulting Services	877,575
Travel	1,260,494
Subtotal	7,347,574

APPENDIX B: 2025–26 PROPOSED OPERATING BUDGET

Structural

CBT Seat Fees	306,414
Contracted Services	0
Psychometric Consulting Services	0
Travel	444,507
Subtotal	750,921

Fundamentals of Surveying

CBT Seat Fees	354,700
Contracted Services	500
Psychometric Consulting Services	36,475
Travel	47,626
Subtotal	439,301

Principles and Practice of Surveying

CBT Seat Fees	261,703
Contracted Services	1,000
Psychometric Consulting Services	56,875
Travel	142,877
Subtotal	462,455

Committee Travel and Expenses

Examination Audit Committee Travel	14,345
Examination Audit Psychometric Services	16,088
Committee on Examination Policy and Procedures (EPP) Travel	26,402
Committee on Examinations for Professional Engineers (EPE) Travel	51,983
EPE Psychometric Services	15,238
Committee on Examinations for Professional Surveyors (EPS) Travel	28,633
EPS Psychometric Services	3,600
Subtotal	156,289

Examination Materials and Shipping

Freight and Shipping	1,000
ADA Consulting Expense	416,849
Meeting Registration Fees	9,296
Subtotal	427,145

Examination Development

Principles and Practice of Engineering Development—Cut Scores	160,464
Principles and Practice of Engineering Task Analysis	80,913
Fundamentals of Engineering Task Analysis	365,750
Fundamentals of Surveying Task Analysis	80,913
Subtotal	688,040

Total Examination Expenses

19,590,414

STUDY MATERIALS

Publication Printing Expense	19,875
Digital Product Expense	195,800
Postage and Shipping Expense	10,000
Total Study Materials Expenses	225,675

APPENDIX B: 2025–26 PROPOSED OPERATING BUDGET**OTHER DIRECT EXPENSES**

Salaries (Direct)	2,486,215
Payroll Taxes (Direct)	190,195
Benefits and Retirement (Direct)	709,733
Credit Card Processing (Revenue Ratio Allocation)	740,768
Compliance and Security	57,830
Total Other Direct Expenses	4,184,741

TOTAL EXAMINATION SERVICES OPERATING EXPENSES**24,000,830****GAIN/(LOSS) FROM EXAMINATION SERVICES****8,481,904****MEMBER SERVICES OPERATING REVENUE**

Application Fees—Records	1,917,587
Transmittal Fees—Records	4,810,675
Application Fees—Credentials	1,582,800
Reevaluation Fees—Credentials	28,400

TOTAL MEMBER SERVICES OPERATING REVENUE**8,339,462****MEMBER SERVICES OPERATING EXPENSES****NCEES RECORDS/CREDENTIALS EVALUATIONS SERVICES EXPENSES**

Postage and Shipping	100
Travel/Audit—Credentials	3,270
Electronic Transcript Services	13,560
Total Records/Credentials Expenses	16,930

OTHER DIRECT EXPENSES

Salaries (Direct)	1,072,723
Payroll Taxes (Direct)	81,537
Benefits and Retirement (Direct)	244,559
Credit Card Processing (Revenue Ratio Allocation)	191,808
Total Other Direct Expenses	1,590,627

TOTAL MEMBER SERVICES OPERATING EXPENSES**1,607,557****GAIN/(LOSS) FROM MEMBER SERVICES****6,731,905****OPERATION TOTALS****TOTAL REVENUE 41,394,189****TOTAL EXPENSES 39,763,537****GAIN/(LOSS) FROM OPERATIONS****1,630,652**

Mission Initiatives 605,000

GAIN/(LOSS) BEFORE NONOPERATING ITEMS**1,025,652****NONOPERATING ITEMS**

Interest and Investment Income 1,591,676

GRAND TOTALS**2,617,328****TRANSFER**

Transfer to NCEES Foundation 9,400,000

CONTRIBUTION

Contribution to NCEES Foundation 100,000

APPENDIX C: 2025–26 PROPOSED CAPITAL BUDGET

CAPITAL PURCHASES/LEASES

Equipment

Computer Replacements for Computer Labs	120,000
Generator Additions (fencing, UPS backup, etc.)	<u>205,515</u>
	<u>325,515</u>

TOTAL	<u>325,515</u>



Committee on Licensure

David Beasley, Ph.D., P.E., Chair

ABSTRACT

The Committee on Licensure is a newly formed committee approved by the Council at the 2024 annual meeting. The committee is focused on the licensure process as a whole, not just the individual components of licensure, such as examinations or education. It provides an ongoing holistic review of the engineering and surveying licensure systems. It responds to licensure issues and concerns as they arise by developing and recommending licensure processes and amendments to position statements, the *Model Law*, and the *Model Rules* as necessary.

In its inaugural year, the Committee on Licensure continued the work of the two task forces that preceded it. The first two charges directly resulted from the earlier work of the task forces. For more information on the task forces' efforts, see the 2023 and 2024 *Action Items and Conference Reports*.

The committee met twice in person—once at NCEES headquarters in Greenville, South Carolina, and then in Tampa, Florida. The in-person meetings were augmented with virtual meetings via Zoom and Basecamp discussions.

The committee was assigned seven charges and will present nine motions. **The motions begin on page 101.**

CHARGES

Charge 1

Continue the review of the NCEES engineering licensure model.

- *Continue to define and develop a rubric to track and identify key skills and competencies from graduation to first license.*
- *Define the initial experience rubrics and “stacking boxes” approach to minimum qualifications. Include engineering technology and related science degree paths.*
- *Develop a framework for standing committees and key stakeholders to work with in future years.*

Charge 1 was a continuation of the work of the previous licensure task forces and the development of the rubric concept for reporting and evaluating engineering experience. The committee spent a significant portion of each meeting discussing this charge and reviewing and discussing the rubric purpose, design, and implementation.

The rubric model is intended to provide additional structure in the application process related to reporting and evaluating engineering experience. Currently, each jurisdiction has its own reporting format that may have unique content requirements, verification procedures, review and evaluation procedures, documentation requirements, etc. In many cases, the jurisdictional formats may differ from the NCEES Record experience reporting requirements. This can cause comity or reciprocal licensure issues. Additionally, the current experience reporting formats may not provide sufficient structure or guidance for applicants, reviewers, or employers, making it unclear as to what to include or describe in the experience reports. The goal of a standardized rubric, therefore, is to have a unified format for experience reporting that has sufficient depth and detail to demonstrate competency and be acceptable to jurisdictions.

Multiple goals were considered when developing the rubric and experience evaluation process:

- Develop a detailed framework for applicants to report their work, highlighting both technical and professional (i.e., “soft skills”) experience. This will help when organizing the applicant’s experience and make sure that important areas of knowledge are addressed.
- Develop a standard framework for evaluators to use when reviewing experience. This will help reviewers focus on depth and breadth of knowledge as well as progressive engineering experience. It will also help in determining and communicating any specific gaps in experience.
- Set expectations and requirements for mentors and employers to use when providing experience and work opportunities for applicants. Currently, not all applicants are given broad opportunities for experience or depth of knowledge appropriate for licensure.
- Provide a method to address potential knowledge area gaps for applicants with degrees from programs accredited by either EAC/ABET or ETAC/ABET. All applicants are expected to reach a level of technical and professional competence to become licensed to practice engineering. Competency and knowledge are usually

demonstrated through a combination of formal education and experiential education. NCEES has determined that applicants with different educational backgrounds may require a different number of years of engineering experience to demonstrate minimum competency. The rubric framework allows an applicant to describe the additional tasks, projects, and activities undertaken during the experience phase to reach the final level of competency needed for licensure and professional practice.

- Provide a framework for reporting specific experience requirements by engineering disciplines as needed. The committee determined that there may be specific activities or areas of knowledge that a particular engineering discipline may require an applicant to demonstrate. The rubric allows for this option if necessary.
- Ensure that the rubric framework can be integrated into the NCEES Record process for engineering experience reporting and evaluation. The rubric framework will support and enhance the current NCEES Record and will provide more information for reviewers. A common structure allows for more trust and confidence in experience evaluation for comity applications.
- Provide a simple but useful structure to accomplish these goals that is not burdensome or a barrier to licensure but will provide benefits to applicants, reviewers, and employers.

The Texas Board of Professional Engineers and Land Surveyors has undertaken a pilot project to develop a framework for reporting experience in its jurisdiction. This project was helpful to the committee's development of the rubric reported here. In addition, the committee shared its rubric concept with the Committee on Member Board Administrators for feedback and input.

The Licensure Committee will present **Motion 1** as a result of this charge. It will also present the publication *Experience Record for Initial Licensure as a Professional Engineer* to the board of directors for approval at its May 2025 meeting. This publication is shown as **Appendix A** at the end of this report. The committee believes that the proposed experience reporting guidelines and rubric will provide a common framework for engineering experience reporting across jurisdictions and the NCEES Record. This additional structure will provide clarity to applicants, member boards, and employers regarding what is expected for experience needed to meet competency requirements for licensure. The new guidelines will facilitate mobility and cross-jurisdictional trust in experience evaluations with a common format and definitions. The new framework is also robust enough to allow for the evaluation of experience for applicants with varying educational backgrounds or engineering disciplines.

The committee acknowledges that this initial version of the rubric was focused on experience reporting for engineering licensure applicants. A future version will be developed for surveying applicants.

In addition to the motion creating a position statement to address experience reporting guidelines and definitions, the committee also recommends that the NCEES communications and marketing staff work with the committee to emphasize the importance of experience in the licensure process. Currently, much of NCEES communications is related to examinations and licensure in general. The experience portion is a significant part of the licensure process and should be communicated to applicants and employers. With decoupling of the exams and experience, applicants are focusing on exams while gaining experience and often have issues with documenting their experience and getting reference providers at the end of the process. Raising visibility for the experience requirements during the process would be a worthwhile undertaking to assist applicants in successfully navigating the licensure process.

Charge 2

Discuss a model(s) for licensing new/emerging technologies. Consider alternatives to the current licensure model of education, exams, experience. Review current exam development policy and options to expedite the examination development process. Provide recommendations as appropriate.

The committee discussed the current movement to blend engineering disciplines and the emergence of new areas of engineering and surveying. While there is obviously an ongoing need to address these areas that affect the broad and changing landscapes of engineering and surveying, a number of issues (including the development of new examinations) impact how or even if these areas can be addressed expeditiously. Although the committee did not develop any specific recommendations relative to this charge, it believes this should remain a charge for the Licensure Committee in the future.

Charge 3

Review the Model Law and Model Rules and policies to determine if amendments are needed to define acceptable experience when gaining of qualifying experience in workplace situations where P.E. supervisors are not available.

The committee noted a similarity between Charges 3 and 5. While Charge 3 focuses on the lack of direct supervision by a professional engineer (P.E.), Charge 5 goes further and covers mentoring, where the mentor (who also might be signing off on experience) could be a P.E. in another company or in a professional society. In each of these instances, *Model Rules* allow for these situations, but the language could be clearer.

To address the specific situation noted in Charge 3, the committee believes that P.E. mentors—either in the candidate’s organization or from outside the candidate’s organization—should be explicitly noted in *Model Rules*. **Motion 2** addresses engineering candidates in *Model Rules* 230.20 A.6, and **Motion 3** addresses surveying candidates in *Model Rules* 230.20 B.4.

Charge 4

Consider whether licensed professional engineers who serve as emergency response specialists should be allowed to provide these services on a temporary basis within jurisdictions in which they are not currently licensed, if needed. If so, consider whether changes are needed to Model Law or Model Rules.

The committee discussed Charge 4 and reached the conclusion that each jurisdiction will need to determine how such a situation would be handled based on its local laws and regulations. The committee determined that there is no need to modify *Model Law* or *Model Rules*. There are examples of jurisdictions that have developed and implemented procedures to address the need for temporary P.E. licenses during emergency situations. Highlighting these emergency programs in *Licensure Exchange* or in an NCEES white paper could provide a better resource than modifying model documents.

Charge 5

Consider whether a process should be available to allow for “mentors” to serve as oversight to job experience for applicants who do not report to licensed engineers.

As noted in Charge 3, the committee felt that there were similar issues at play in Charges 3 and 5. While the *Model Rules* allows for licensed individuals other than the direct supervisor to certify experience, the language could be clearer. The motions resulting from Charge 3 relate to specifically adding mentors as individuals who can certify experience for engineers and surveyors. To provide explicit guidance on certifying a candidate’s experience, the committee determined that both *Model Rules* 230.20 and 230.30 need clarification. **Motion 4** provides clarity regarding who may serve as references for engineering and surveying licensure candidates and spells out expectations for individuals who serve as references. **Motions 5–6** provide additional clarification in *Model Rules* 230.20 regarding the experience record for a candidate.

Charge 6

Review Model Rules 240.30 G.4 regarding the need for the phrase “receiving any remuneration from providing,” since engineering and surveying services could be given in kind.

The committee believes that *Model Rules* 240.30 G.4 should be modified because it creates an incorrect picture of inactive or retired status. Basically, it should not matter whether or not a licensee is receiving remuneration or providing pro bono services. Any person providing professional engineering or professional surveying services should be current on continuing professional competency (CPC) requirements. Failure to comply with CPC requirements precludes a person from providing engineering or surveying services. *Model Law* 110.20 A.1, 110.20 B.1, and 110.20 S define retired status and inactive status for engineers and surveyors. In each or those cases, professional engineering or surveying services—whether for remuneration or pro bono—are not allowed.

The committee will present **Motion 7** to clarify *Model Rules* 240.30 G.4. The committee will also present **Motion 8** to clarify *Model Law* 110.20 S, since surveying is not noted in the final sentence.

Charge 7

Review Model Law 130.10 B.2.b and 130.10 C.2.b. Determine if international applicants that come through a mutual recognition agreement are covered appropriately. Propose revisions as necessary.

The committee reviewed *Model Law* 130.10 B.2.b and C.2.b with respect to applicants who might come through a mutual recognition agreement (MRA). Since the only such agreement that NCEES currently has is with the United Kingdom and since it only impacts engineers, the committee felt that there was no need to modify *Model Law* 130.10 C.2.b with respect to surveying. However, since the U.K. MRA does impact comity for engineers, the committee believes that additional language needs to be added to *Model Law* 130.10 B.2.b to provide a comity pathway for individuals who are on the International Registry of a member of the International Engineering Alliance's International Professional Engineer Agreement or APEC Engineer Agreement. **Motion 9** adds a third path for comity.

Respectfully submitted, the **Committee on Licensure**:

David Beasley, Ph.D., P.E., Chair

Members

Lance Kinney, Ph.D., P.E., Vice Chair
Wendy Amann, P.E.
Michael Conzett, P.E.
Michael Dahlberg, L.S.
Rossana D'Antonio, P.E.
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Board liaison

Andrew Zoutewelle, P.L.S.

Staff liaison

Stef Goodenow

Staff consultant

Jason Gamble, P.E.

MOTIONS

Licensure Motion 1

Move that a position statement on experience reporting guidelines and definitions for professional engineering licensure be adopted as follows:

PS 4.2 NCEES-Recommended Experience Reporting Guidelines and Definitions for P.E. Licensing

NCEES supports focused and guided experience prior to licensure with a clear and common method for reporting and evaluation. The guidelines and associated definitions in the NCEES publication *Experience Record for Initial Licensure as a Professional Engineer* provide a common format for reporting that allows an applicant to demonstrate progressive engineering experience and a depth of knowledge across multiple categories. The format supports various educational and experiential backgrounds as well as areas of engineering practice. The rubric format provides applicants, reviewers, and employers with a better understanding of the requirements for licensure and standards to determine competency.

Rationale

The Committee on Licensure is proposing this position statement to establish support for member board use of the guidance publication *Experience Record for Initial Licensure as a Professional Engineer* developed this year by the committee.

Board of directors' position

Endorses, consent agenda

Licensure Motion 2

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 230.20 A.6*:

230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

6. Experience should be gained under the supervision or mentorship of a licensed professional engineer; if it is not, an explanation must be made showing why the experience should be considered acceptable. ~~Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.~~

Rationale

This modification provides a pathway for certifying acceptable experience for certain individuals who are gaining qualifying experience in workplace situations where P.E. supervisors are not available.

Board of directors' position

Endorses, consent agenda

Licensure Motion 3

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 230.20 B.4*:

230.20 Experience

B. As a Professional Surveyor

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

4. Experience should be gained under the supervision or mentorship of a licensed professional surveyor; ~~or if it is~~ not, an explanation must be made showing why the experience should be considered acceptable. ~~Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.~~

Rationale

This modification provides a pathway for certifying acceptable experience for certain individuals who are gaining qualifying experience in workplace situations where P.S. supervisors are not available.

Board of directors' position

Endorses, consent agenda

Licensure Motion 4

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 230.30 A*:

230.30 References

References are individuals who have personal knowledge of an applicant and are able to assess an applicant's experience, ability, character, or reputation.

- A. For licensure as a professional engineer ~~or professional surveyor~~, an applicant must submit a minimum of five references, three of whom shall be professional engineers, professional surveyors, or other individuals deemed acceptable to the board, who have personal knowledge of the applicant's engineering ~~or surveying~~ experience. ~~In addition, for each employment period, individuals familiar with the applicant's experience for that period must be identified. Engineering applicants must have professional engineer references, and surveying applicants must have professional surveyor references. A minimum of three of the references shall be professional engineers. For licensure as a professional surveyor, an applicant must submit a minimum of five references who have personal knowledge of the applicant's surveying experience. A minimum of three of the references shall be professional surveyors.~~

Rationale

This language more clearly states the expectations for and qualifications of references for engineers and surveyors.

Board of directors' position

Endorses, non-consent agenda

Licensure Motion 5

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 230.20 A*:

230.20 Experience

- A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

[. . .]

16. For each employment period, at least one individual familiar with the applicant's experience for that period must be identified.

Rationale

This addition makes it clear that the experience record requires the identity of a person or persons with direct knowledge of what occurred during each employment period.

Board of directors' position

Endorses, consent agenda

Licensure Motion 6

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules* 230.20 B:

230.20 Experience

B. As a Professional Surveyor

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

[. . .]

13. For each employment period, at least one individual familiar with the applicant's experience for that period must be identified.

Rationale

This addition makes it clear that the experience record requires the identity of a person or persons with direct knowledge of what occurred during each employment period.

Board of directors' position

Endorses, consent agenda

Licensure Motion 7

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules* 240.30 G.4:

240.30 Continuing Professional Competency (CPC)

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

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

4. Licensees who list their occupation as "Retired" or "Inactive" on the board-approved renewal form ~~and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services~~ shall be exempt from the PDHs required.

Rationale

Model Law 110.20 A.1 and 110.20 B.1 define "Professional Engineer, Retired" and "Professional Surveyor, Retired," respectively. Individuals having this designation choose to relinquish or choose to not renew their license. Furthermore, *Model Law* 110.20 S defines "Inactive Status." If one is granted inactive status, that individual may not practice or offer to practice engineering/surveying, unless otherwise exempted. Therefore, it should not matter whether a "retired" or "inactive" individual is receiving remuneration for providing services. They are not allowed to provide professional engineering/surveying services, regardless. Licensing laws and rules would not apply; thus the fulfillment of professional development hours, or PDHs, would not be required.

Board of directors' position

Endorses, consent agenda

Licensure Motion 8

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 110.20 S*:

110.20 Definitions

- S. Inactive Status—Licensees who are not engaged in engineering or surveying practice that require licensure in this jurisdiction may be granted inactive status. No licensee granted inactive status may practice or offer to practice engineering [or surveying](#) in this jurisdiction unless otherwise exempted in this Act.

Rationale

This modification corrects the omission of surveying in the second sentence.

Board of directors' position

Endorses, consent agenda

Licensure Motion 9

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10 B.2.b*:

130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

b. Licensure by Comity for a Professional Engineer^{3,4}

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- (1) An individual holding a license to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such license was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction~~;~~ [or](#)
- (3) [An individual listed on the International Registry of an authorized member of the International Professional Engineer Agreement or the APEC Engineer Agreement may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.](#)

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify competency.

Rationale

This change to *Model Law* recognizes the mutual recognition agreement with the United Kingdom and any future agreements. The individual requesting licensure by comity must be on the International Registry of a member of the International Engineering Alliance's International Professional Engineer Agreement or APEC Engineer Agreement.

Board of directors' position

Endorses, consent agenda

APPENDIX A: EXPERIENCE RECORD FOR INITIAL LICENSURE AS A PROFESSIONAL ENGINEER

NCEES Publication

Experience Record for Initial Licensure as a Professional Engineer

Applicant's Name: _____

Part 1: Summary of Engineering Work by Engagement

List and describe the individual engineering work engagements and a brief description (1–2 pages) of the general type of work you performed. This section is similar to a specific job description, including the type of projects or engineering work you personally performed. Repeat sections (adding additional pages as needed) to cover all engagements you wish to include.

For the purposes of this section, an “engagement” is a job position that you held at each individual employer or at a single employer if the job positions are significantly different.

Engagement no.:
From (date):
To (date):
Name of employer:
Location:
Supervisor's name:
Brief description of engineering work performed:

[REPEAT THIS SECTION AS MANY TIMES AS NEEDED TO COVER REQUIRED EXPERIENCE]

Experience Record for Professional Engineer Applicants

Part 2: Summary of Engineering Work by Competency

Provide a detailed description of your overall engineering experience as it pertains to each competency. This section is not a summary per job or engagement as in Part 1—it is a description of your overall engineering experience across all engagements for each competency section. You will need to complete this section only once, regardless of many engagements you have in Part 1. If you do not have any experience for a particular competency section, describe why not (for example, a competency section was not part of any of your job descriptions or assigned job tasks.) Please keep each competency summary to no longer than 1–2 pages.

Competency Section Definitions

Competency 1: Knowledge

Demonstrate a comprehensive understanding of the natural and physical sciences, the engineering fundamentals, and the mathematics, numerical analysis, statistics, and computer and information sciences that apply to your engineering discipline.

- 1.1 General: Describe the fundamental science, technology, mathematics, or other relevant principles in your work and how you apply them.
- 1.2 Technical: Describe in detail how you apply fundamental technical engineering concepts in your work.

Competency 2: Engineering Application and Technical Ability

Apply established engineering methods and models in engineering analysis and design.

- 2.1 Analysis: Describe how you define, investigate, and analyze complex engineering problems. Examples include operating conditions, performance assessment, feasibility studies, constructability, safety, risk assessment, reliability, use of codes and standards, and use of data and technology.
- 2.2 Design: Describe how you design or develop solutions to complex engineering problems considering a variety of perspectives and options. Examples include construction plan or specification preparation, component design and selection, evaluation of alternatives, maintenance implications, use of codes and standards, and use of data and technology.

Competency 3: Professional Practice and Management

Apply systematic approaches to the conduct and management of engineering projects, including planning, scheduling, budgeting and contracts, project control, teamwork, and risk management.

- 3.1 Planning: Describe how you have been involved in planning engineering projects. Describe what tools and strategies you employ. Examples include developing concepts and evaluating alternative methods.
- 3.2 Scheduling: Describe how you schedule your projects and tasks, including what tools and strategies you employ. Examples include preparing task breakdowns and schedules.
- 3.3 Budgets and Contracts: Describe how you have been involved in budgeting and contracting for engineering projects. Describe what tools and strategies you employ. Examples include contract development and cost estimating and control.
- 3.4 Project Control: Describe how you employ strategies to manage your projects. Describe what tools and strategies you employ. Examples include meeting scheduling and planning and project tracking.
- 3.5 Teamwork: Describe your experience and strategies in working on teams, both as a team member and as a team or workgroup leader. Describe your specific individual actions and accomplishments.
- 3.6 Risk Management: Describe how you identify, assess, manage, mitigate, and document project or system risks. Examples include assessment of risk associated with progression of a project and strategies to mitigate risks.

Competency 4: Communication

Communicate effectively both orally and in writing in professional and lay domains.

- 4.1 Verbal: Describe how you communicate and collaborate clearly with a broad range of stakeholders in the course of engineering activities. Describe your experience in public speaking or speaking/presenting to a group.
- 4.2 Written: Describe how you communicate and collaborate clearly in writing with a broad range of stakeholders in the course of engineering activities.

Competency 5: Professional and Personal Attributes

Know and follow a code of ethics that promotes a high degree of integrity in the practice of professional engineering and safeguards the health, safety, and welfare of the public.

- 5.1 Ethics: Describe how you apply professional and engineering ethical principles in engineering work. Describe how you appraise and respond appropriately to ethical dilemmas in your practice area, recognize unethical situations, and take appropriate action.
- 5.2 Legal and Regulatory: Describe how you apply legal and regulatory requirements in engineering work. Describe how you appraise and respond appropriately to legal or regulatory issues in your practice area and your familiarity with and implementation of U.S., state, and local codes, standards, or regulations.
- 5.3 Continuing Education: Describe continuing education activities you have completed to maintain and extend competencies and to enhance your ability to adapt to new areas of knowledge and technologies.

Competency 6: Other Pertinent Information (optional)

- 6.1 Provide any other information that you believe is relevant to the attainment of competencies necessary for professional practice.

Competency 7: Discipline-Specific Competencies (if required)



Committee on Member Board Administrators

John Greenhalge, Chair

ABSTRACT

The Committee on Member Board Administrators (MBA) was established to provide close cooperation between administrators and to facilitate and assist any efforts by the member boards in addressing licensure processes and practices and provide input on Council activities. The committee consists of at least two MBAs from each zone and two current members or emeritus members of member boards. The committee arranges the conference of administrators at the annual and zone interim meetings.

Members of the committee were assigned to subcommittees to work on individual charges and conducted several virtual meetings via Zoom prior to the committee's meeting on January 13, 2025, in Greenville, South Carolina.

The MBA Committee was assigned six charges and will present two motions. **The motions begin on page 112.**

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Mentor new MBAs. Review the new-MBA orientation process.*
- *Coordinate, develop agendas for, and provide leaders for all MBA meetings (annual meeting, MBA meetings, and zone meetings).*
- *Submit articles for inclusion in Licensure Exchange.*
- *Assist NCEES staff in developing programs for in-person MBA meetings as well as virtual webinars.*

The committee discussed how NCEES engages with new MBAs and discussed several ways to identify and engage with new MBAs. One of the recent challenges is the turnover of MBAs and that new MBAs and member boards do not always contact NCEES when a new MBA is appointed. This makes it difficult to maintain a current roster of MBAs.

To increase engagement with new MBAs and member boards, the committee recommends the following:

- *Increase outreach to new MBAs—The MBA Committee should have a standing charge to prepare a roster of all MBAs and their contact information by zone at the beginning of each term. The committee should reach out to all new MBAs appointed since the last committee term and introduce them to NCEES and provide a point of contact to serve as a mentor or liaison. During this outreach, the committee should work with NCEES to educate and inform new MBAs and their boards about NCEES.*
- *Set up a reserved or dedicated table during breakfast or lunch during zone interim and annual meetings for MBAs so that MBAs can network.*
- *Assign MBAs a different colored name tag at zone interim and annual meetings so that new MBAs can identify other MBAs, and include a first-time attendee badge on new MBAs name tags identifying them as a new MBA.*

The committee will develop agenda items for discussion at MBA forums at the 2025 zone interim meetings and annual meeting. Typically, the committee sends out a request for topics to the MBAs several weeks before the meetings and also coordinates with NCEES staff and other committees to see if there are important issues that should be shared during the forums with the MBAs.

The committee has prepared articles for *Licensure Exchange* in 2024–25.

Charge 2

Review the topic of digital signatures/electronic submittals and what can be done to help prevent fraud. Review NCEES policies and Model Rules 240.20 Seal on Documents and the NCEES Building Information Modeling (BIM) Guidelines to see if security of electronic seals is adequately covered. Identify any potential issues or problems. With assistance from the Committee on Law Enforcement, recommend potential solutions and revisions to policy, guidelines, or model documents as appropriate.

The MBA Committee reviewed NCEES *Model Rules 240.20 Seal on Documents* and the NCEES BIM Guidelines with the Committee on Law Enforcement. The MBA and Law Enforcement committees met virtually on December 5, 2024, to discuss this charge.

The MBA Committee believes that *Model Rules 240.20* sufficiently addresses the use of electronic seals and signatures. The rule requires that electronic/digital seals and signatures have an authentication process that is verifiable and that it is unique to the person using it and is invalidated if the documents are altered. The MBA and Law Enforcement committees were concerned about making the authentication requirements too restrictive or difficult for licensees to comply with and did not want to recommend specific software. The committees were also concerned about making changes that may conflict with individual jurisdiction's laws and rules.

The MBA Committee discussed whether there was a need to develop guidelines for third-party authentication when transmitting engineering and surveying work product to ensure that plans are being provided and received from the appropriate sources.

The committee recommends that NCEES investigate if there is a need for third-party authentication when transmitting electronic documents, and if so, that the development of these guidelines be assigned to the appropriate committee.

The MBA Committee also reviewed the NCEES BIM Guidelines in consultation with the Law Enforcement Committee and attended a presentation by the California Department of Transportation covering California's transition to the use of BIM.

The committee makes the following recommendations to the NCEES BIM Guidelines, titled *Suggested Guidelines for Building Information Modeling Use on Projects*:

- Update the National BIM Standard referenced in the document: The current National BIM Standard has been updated to version 4 (2023), replacing version 3 (2019).
- Have NCEES publications staff edit the document to ensure that defined terms are consistently capitalized throughout the document as appropriate.

The committee did not feel that it had the requisite knowledge or expertise to address the following issues that may or may not need to be modified in the guidelines. Since the committee had no knowledge of the original author(s)' intent for the use of the references cited below, particularly the terms "referenced planning guide" and "execution plan," the committee recommends that these items be addressed by a committee with expertise in the use of BIM:

- Consider moving the Model Manager responsibilities (currently in the Definitions section) to the Guidelines and References section, Paragraph B, Topic 4.
- Consider moving the Lead Design Professional's responsibilities from the Guidelines and References section, Paragraph B, Topic 4 ("Model Manager's role") to Topic 3 ("Lead Design Professional's role").
- Clarify what the "referenced planning guide" is as cited in Paragraph A of the Guidelines and References section.
- Assure consistency of defined terms throughout the document (e.g., "Execution Plan" is defined and yet non-capitalized and referred to in multiple different ways throughout the Guidelines, including "Project Execution," "specific execution plan," "project-specific execution plan," "execution plan").

Charge 3

Continue to study ways to standardize continuing professional competency (CPC) for engineers and surveyors across jurisdictions—including the use of home rule and/or NCEES CPC Standard. Study other ways so that licensees in multiple jurisdictions can meet CPC requirements without having to meet each individual jurisdiction's requirements. Make recommendations as appropriate. If appropriate, recommend revisions to Model Rules 240.30 to incorporate the idea of the home rule.

The committee has reviewed ways to standardize CPC for a number of years and has identified numerous challenges that make it difficult for licensees registered in several jurisdictions to comply in all the jurisdictions in which they maintain a license. These challenges include

- Varying renewal periods among member boards based on annual, biennial, or triennial renewal periods and varying start dates for renewal periods
- Requirements to take jurisdiction-specific courses or activities

- Requirements to take courses or activities from pre-approved providers
- The number of CPC hours required during the preceding renewal period

The committee recognized that it is extremely difficult in some cases for licensees who hold licenses in multiple jurisdictions to navigate the CPC requirements of each jurisdiction. The issues cited above make it very difficult to standardize CPC until the member boards are more aligned in their requirements. A major obstacle to standardizing CPC requirements is that member boards will need to change laws and rules. The committee believes that these issues should be addressed first before changing the CPC requirements in the NCEES *Model Rules*.

The committee recommends that member boards accept the NCEES Continuing Professional Competency Standard in order to promote consistency and mobility of licensure. The committee discussed the possibility of member boards only conducting audits of licensees that reside in their jurisdiction; however, the committee felt that this approach would penalize resident licensees while exempting licensees from the audit if their home state does not require CPC. As an alternative, the committee recommends that when member boards conduct CPC audits and come across out-of-state licensees who do not meet the auditing jurisdiction's requirements due to varying renewal cycles, requirements for specific courses, the use of pre-approved providers, etc., the member board should default to the NCEES Continuing Professional Competency Standard and accept that as compliance or—as an alternative—recognize the licensee as meeting the CPC requirement if the licensee has met the CPC requirement in their jurisdiction of residence.

The committee will present **Motion 1** to amend *Model Rules* 240.30 I as a result of this charge.

CPC course providers

The committee also discussed the CPC courses and activities that are available to professional engineers and professional surveyors. While the technical and professional associations and societies representing engineers and surveyors appear to do a good job providing relevant and meaningful CPC courses and activities, the committee discussed concerns with CPC offered by online for-profit providers. Some of the concerns discussed related to online for-profit providers include

- Poor quality of the courses
- Lack of monitoring or tracking attendance
- Inability or lack of desire to verify course hours
- Disparities in the time required to complete a course versus the amount of credit awarded
- Failure to provide proper documentation of completion

Managing and administering CPC requirements take considerable time and resources for member boards. Because of this, it is important that the requirement is advancing member boards' missions to protect the public.

The committee recommends that NCEES assign a committee to study whether CPC requirements provide effective educational value in protecting the public and whether member boards should require CPC.

Charge 4

Identify ways to encourage member boards that are not active in NCEES to participate in NCEES activities (committees, zone committees, meetings, MBA Basecamp, MBA meetings, etc.)

The committee reviewed this charge with Charge 1. The committee feels that the key to getting member boards active in NCEES is to make sure that the MBA is aware of the services provided by NCEES and is engaged in Council activities. The committee believes that implementing the recommendations in Charge 1 to engage with and mentor new MBAs will promote member boards involvement with NCEES.

Charge 5

Study how member boards address minor violations of the registration act by licensees and determine if it would be appropriate to expunge or seal the disciplinary action after some period of time has passed without further violations of the registration act by the licensee. Develop best practices for boards and how Enforcement Exchange should handle these situations.

The committee studied a related charge during 2023–24. The 2023–24 committee recommended motions in 2024 related to sealing and expunging disciplinary actions and potentially reinstating Model Law status for NCEES Record holders who were subject to minor disciplinary actions that prevent them from being designated

a Model Law Engineer, Model Law Surveyor, or Model Law Structural Engineer. After discussions during the plenary session and the forums, the committee withdrew the motions based on concerns expressed about the motions by member boards.

After the 2024 annual meeting, the committee discussed the concerns with member boards. The following feedback was received:

- Member boards had reservations about reinstating Model Law status for Record holders who have had disciplinary actions expunged or sealed.
- Minor violations should be clearly defined and any ambiguity removed regarding what would qualify for expungement or sealing of a disciplinary action.
- Review the use of the term “expungement” and replace it with a more appropriate term. Expungement and sealing are legal procedures and may not be appropriate for use in NCEES processes.
- Review the time period that must elapse to seal/remove a disciplinary action. Possibly remove specific references to the number of years that must elapse and change the time period to renewal periods. This would prevent licensees from having a record expunged or sealed during the renewal cycle in which the disciplinary action occurred.
- Make clear which disciplinary actions are eligible to be expunged/sealed/removed. Disciplinary actions involving negligence, immoral character, or willful attempts to violate or circumvent the registration act should not be eligible.
- Do not remove a sealed/expunged record from NCEES Enforcement Exchange. Leave the disciplinary action in the record but include a note that the disciplinary action was sealed/expunged. Each member board can determine how to proceed based on their policies and procedures.

Few boards have the authority to seal and/or expunge records. After reviewing the input from the last annual meeting, the committee does not feel that it is appropriate at this time to make changes to NCEES *Model Law* or *Model Rules* that would address sealing or expunging disciplinary actions.

The committee does not support removing disciplinary actions, even if sealed or expunged, from the NCEES Enforcement Exchange database. These disciplinary actions should remain in Enforcement Exchange and be available for member boards to determine how they want to treat the disciplinary action.

The committee recommends that the Committee on Law Enforcement be charged with reviewing if it is appropriate to incorporate guidance in the *Investigation and Enforcement Guidelines* concerning how member boards should treat and report sealed and/or expunged records.

The committee developed draft language for consideration:

The board may consider the removal of disciplinary action from a licensee’s public record (website, board database, rosters, license lookup) for disciplinary actions that did not involve immoral character, a willful attempt to violate the board’s laws or rules, or an attempt to circumvent the registration act. Removal of the disciplinary action should be limited to licensees who have had no prior disciplinary actions with the board.

Licensees may still be required to report the disciplinary action to other boards during the application or renewal process, based on the boards’ requirements.

Charge 6

Consider whether the term Member Board Executive is a better descriptive term than Member Board Administrator to describe the role and responsibilities of member board staff directors. Recommend any changes to this term as used in NCEES Bylaws and communications.

The committee reviewed the terms used by other national organizations representing professional licensees to describe member board staff directors, including the National Council of Architectural Registration Boards (NCARB) and the Council of Landscape Architectural Registration Boards (CLARB). The committee thought these two organizations would be appropriate to look at since many NCEES member board staff directors also work at member boards that are members of these two organizations. The committee also studied which term more accurately describes the responsibilities of member board staff directors. After discussing this charge at the January 13, 2025, committee meeting, the committee was able to discuss the issue and poll the MBAs at the MBA Meeting on January 14, 2025. The MBAs overwhelmingly supported changing the term used

to describe member board staff directors to “member board executive” (MBE) since it more accurately describes the role and responsibilities of the member board staff directors.

The committee will present **Motion 2** as a result of this charge.

Respectfully submitted, the **Committee on Member Board Administrators:**

John Greenhalge, Chair

Members

Jason Barbee
Tashana Branch
Kyle Elliott, P.L.S.
Amy Hall
Kyle Lazell
Kathleen Nosbisch
Kiran Shah
Pankaj Shah, P.E.
Perry Valdez
Jennifer Wootten

Board liaison

Elizabeth Beckett Johnston, P.E.

Staff liaison

Stef Goodenow

MOTIONS

MBA Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 240.30* I:

240.30 Continuing Professional Competency (CPC)

- I. Requirements for Renewal [and Audit of the CPC Requirement](#)
To renew a license, an applicant must meet ~~either one~~ of the following:
1. The requirements of the NCEES *CPC Standard*
 2. The requirements of *[insert jurisdiction name]*
 3. [The requirements of the licensee’s jurisdiction of residence, if that jurisdiction’s CPC requirements are substantially equivalent to the NCEES CPC Standard.](#)

[If the licensee meets one of these three requirements, the board may consider the CPC requirement completed.](#)

Rationale

The committee recognized that it is extremely difficult in some cases for licensees who hold licenses in multiple jurisdictions to navigate the CPC requirements of each jurisdiction for the reasons identified in the report. This proposed language would give member boards the flexibility to accept a licensee’s CPC credits if the licensee meets their home state’s CPC requirement and those requirements are substantially equivalent to the NCEES CPC Standard.

Board of directors’ position

Endorses, consent agenda

MBA Motion 2

Move that a Special Committee on Bylaws be charged with changing references to Member Board Administrators to Member Board Executives throughout the *Bylaws* and that NCEES staff make revisions to the *Manual of Policy and Position Statements, Model Law, Model Rules*, and all other NCEES publications after adoption in the *Bylaws*, for approval by the board of directors.

Rationale

The term “member board executive” more accurately describes the role and responsibilities of member board staff directors and is consistent with titles used by similar national organizations.

Board of directors' position

Endorses, consent agenda

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Committee on Uniform Procedures and Legislative Guidelines

James Purcell, P.E., Chair

ABSTRACT

The Committee on Uniform Procedures and Legislative Guidelines (UPLG) consists of a chair and members from each zone, with at least one member who is a surveyor. The committee promotes effective procedures for uniform comity by maintaining the *Model Law* and *Model Rules*. The committee incorporates revisions to *Model Law* and *Model Rules* language as result of motions, suggestions, and comments from other NCEES committees, task forces, and member boards. The committee is empowered to recommend amendments that it feels may be necessary. It comprehensively reviews the *Model Law* and *Model Rules*, with the view of possible revision, at least once every five years.

UPLG was assigned 10 charges and will present nine motions. **The motions begin on page 116.**

CHARGES

Charge 1

Review revisions to Model Rules 240.30 D as presented by the Committee on Education and approved by the Council at the 2024 annual meeting. Propose amendments as appropriate.

The committee reviewed the proposed changes to *Model Rules* 240.30 D and determined that “active participation in an accreditation visit as a program evaluator or evaluation team chair” is similar to “active participation in professional or technical society” as described in point 7 of the paragraph. Incorporating the new language into point 7 provides uniformity and satisfies the rationale of the Committee on Education. The Committee on Education was consulted and concurred.

The committee will present **Motion 1** as a result of this charge.

Charges 2, 4, 8, 9

The committee determined that Charges 2–4 and 8–9 all relate to *Model Law* 130.10 and the corresponding provisions of *Model Rules* 230.20 and, therefore, should be considered together to ensure uniformity in language and application.

- *Charge 2: Review revisions to Model Law 130.10 and Model Rules 230.20 as presented by the Committee on Education and approved by the Council at the 2024 annual meeting. Propose amendments as appropriate.*
- *Charge 3: Review revisions to Model Law 130.10 C. 2.a.(1).(d). as presented by the Surveying and Mapping Sciences Licensure Task Force and approved by the Council at the 2024 annual meeting. Propose amendments as appropriate.*
- *Charge 4: Review revisions to Model Law 130.10 C.2.a.(3) as presented by the Surveying and Mapping Sciences Licensure Task Force and approved by the Council at the 2024 annual meeting. Propose amendments as appropriate.*
- *Charge 8: Review revisions to Model Law 130.10 concerning engineering technology degrees as presented by the Northeast Zone and approved at the 2024 annual meeting. Propose amendments as appropriate.*
- *Charge 9: Review revisions to Model Law 130.10 as presented by the Engineering Licensure Task Force and approved by the Council at the 2024 annual meeting. Propose amendments as appropriate.*

The committee reviewed the proposed changes to *Model Law* 130.10 B as presented by the 2023–24 Committee on Education, the Northeast Zone, and the Engineering Licensure Task Force and approved by the Council at the 2024 annual meeting. The committee will present **Motion 2** to amend *Model Law* 130.10 B to incorporate the revisions as approved, with only minor edits.

The committee reviewed the proposed changes to *Model Law* 130.10 C as presented by the 2023–24 Committee on Education and by the Surveying and Mapping Sciences Licensure Task Force and approved by the Council at the 2024 annual meeting. The committee will present **Motion 3** to amend *Model Law* 130.10 C to incorporate the revisions as approved.

The committee reviewed the proposed changes to *Model Rules* 230.20 A as presented by the 2023–24 Committee on Education and approved by the Council at the 2024 annual meeting. In light of the changes

required by the Northeast Zone motion regarding engineering technology degrees, the committee recommends that *Model Rules* 230.20 A be amended beyond the changes approved through the Committee on Education motion in order to include reference to engineering technology degrees. The committee will present **Motion 4** to incorporate the changes related to the Committee on Education motion and **Motion 5** to incorporate the changes related to the Northeast Zone motion.

Charge 5

Review Model Law and Model Rules to determine any inconsistencies with the upcoming Public Land Survey System (PLSS) exam. Propose amendments as appropriate.

The committee reviewed the *Model Law* and *Model Rules* and determined that reference to the PLSS exam is required to be included in *Model Law* 130.30 and *Model Rules* 230.40.

The committee will present **Motions 6–7** as a result of this charge. If Motion 6 is adopted, NCEES staff will need to add a notation in *Model Law* Appendix A and *Model Rules* Appendix C that *Model Law* 130.30 B.5 cross-refers to *Model Rules* 230.40 C.2.b.

Charge 6

Review Model Rules 240.20 E which addresses responsible charge of a licensee. Determine if Model Rules 240.20 E may be more appropriately placed in the rules of professional conduct section of the Model Rules. Propose amendments as appropriate.

The committee reviewed *Model Rules* 240.20 E and determined that the definition of responsible charge is more appropriately placed in the *Model Law* and not in the Rules of Professional Conduct, within *Model Rules*. The term “responsible charge” is used throughout the *Model Rules*, and a definition in the *Model Law* would apply for all instances.

The committee will present **Motions 8–9** as a result of this charge.

Charge 7

Review Model Rules 240.30 G.2 to determine if exemptions for military personnel should also apply to family members. Propose amendments as appropriate.

The committee reviewed *Model Rules* 240.30 G.2 and concluded that a family member of a licensee who is on active duty should not be exempt from continuing education requirements. A family member who is themselves a licensee and is not on active duty is not restricted in either time or access to continuing education opportunities in the same manner that a licensee on active duty is restricted.

Charge 10

Perform a complete review of the Model Law and Model Rules to determine if the revisions to Model Law through either the Northeast Zone motion or the Engineering Licensure Task Force cause other needed revisions. Propose amendments as appropriate.

The committee reviewed the *Model Law* and *Model Rules* and recommends that the Committee on Education be charged with reviewing *Model Law* 130.10 B.3 (in *Model Law* Appendix D) to determine if the education requirements for licensure as a structural engineer should include ETAC/ABET-accredited programs. The committee makes no other recommendations for revisions.

Respectfully submitted, the **Committee on Uniform Procedures and Legislative Guidelines:**

James Purcell, P.E., Chair

Members

Steven Bishop, S.E.
Sondra Miller, Ph.D., P.E.
Richard (Ric) Moore, P.L.S.
Karl Rickert, P.E.
Samuel (Wes) Tripp III, Esq.
Steven Twedt, P.E.

Consultant

David Beasley, Ph.D., P.E.

Board liaison

Jason Suelter, P.E., S.E.

Staff liaison

Nina Norris

MOTIONS

UPLG Motion 1

Move that *Model Rules* 240.30 D be amended as follows:

240.30 Continuing Professional Competency (CPC)

D. Units

[. . .]

7. Active participation in [a](#) professional and technical society (each organization) [or in an accreditation visit as a program evaluator or evaluation team chair](#).....2 PDHs

[. . .]

Rationale

The Committee on Education motion adopted by the Council at the 2024 annual meeting added active participation in an accreditation visit as a program evaluator or evaluation team chair as acceptable for continuing education credit. The UPLG Committee reviewed the proposed changes and determined that “active participation in an accreditation visit as a program evaluator or evaluation team chair” is similar to “active participation in professional or technical society.” Incorporating that into point 7 provides uniformity and satisfies the rationale of the Committee on Education. The Committee on Education was consulted and concurred.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 2

Move that *Model Law* 130.10 B be amended as follows:

130.10 General Requirements for Licensure

B. Engineering

- ± Certification or Enrollment as an Engineer Intern

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

- a. Graduating from an engineering [bachelor’s](#) program ~~of four years or more~~ accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master’s program accredited by EAC/ABET, [graduating from an engineering technology bachelor’s program accredited by the Engineering Technology Accreditation Commission of ABET \(ETAC/ABET\)](#), or meeting the requirements of the NCEES *Engineering Education Standard*
- b. Passing the NCEES Fundamentals of Engineering (FE) examination

2. Licensure as a Professional Engineer

The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering, signifying the area in which the engineer has demonstrated competence.

a. Initial Licensure as a Professional Engineer

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

(1) Education Requirements

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

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

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

(c) A degree in engineering technology from an ETAC/ABET-accredited bachelor's program

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

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination, and any jurisdiction-specific examination.

(3) Experience Requirements

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

(a) An individual with a master's degree in engineering acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) or a(1)(ed) above

(b) An individual with a master's degree in engineering acceptable to the board: five years of experience after the qualifying bachelor's degree is conferred as described in a(1)(c) above

(bc) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: two years of experience

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

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

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

b. Licensure by Comity for a Professional Engineer^{3,4}

The following shall be considered as minimum evidence satisfactory to the board being applied to that the applicant is qualified for licensure by comity as a professional engineer:

- (1) An individual holding a license to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such license was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed

without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction: or

- (3) An individual (not applying for licensure in the structural discipline) who holds a license to engage in the practice of engineering issued by another state, the District of Columbia, or a territory of the United States may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if the applicant meets all of the following criteria:
- (a) The professional engineering qualifications of the applicant include a minimum of seven years of continuous and verifiable experience as a professional engineer that is acceptable to the board being applied to;
 - (b) Applicant has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to this jurisdiction;
 - (c) Applicant's professional license has not been suspended or revoked at any time from any jurisdiction; and
 - (d) Applicant has passed the Principles and Practice of Engineering examination administered by the National Council of Examiners for Engineering and Surveying relevant to the discipline in which the applicant is seeking licensure.

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify competency.

Rationale

The Committee on Education, Engineering Licensure Task Force, and Northeast Zone motions adopted by the Council at the 2024 annual meeting directed UPLG to incorporate amendments to *Model Law* 130.10 B. The committee reviewed the motions and determined that there were no conflicts between them and that the amendments could be incorporated essentially as passed, with edits to include engineering technology degrees in 2.a.(1)(d) and to include the word “above” in 2.a.(3). The committee also changed the term “certificate of licensure” to “license” in 2.b.(3) for consistency with 2.b.(1).

Board of directors' position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Law* 130.10 C be amended as follows:

130.10 General Requirements for Licensure

C. Surveying

- ± Certification or Enrollment as a Surveying Intern

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

- a. Graduating from a surveying bachelor's program ~~of four years or more~~ accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET); graduating from a bachelor's program ~~of four or more years~~ related to surveying with 30 or more semester course hours in core surveying topics; or meeting the requirements of the NCEES *Surveying Education Standard*
- b. Passing the NCEES Fundamentals of Surveying (FS) examination

2. Licensure as a Professional Surveyor

a. Initial Licensure as a Professional Surveyor

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

(1) Education Requirements

An individual seeking licensure as a professional surveyor shall possess one or more of the following education qualifications (a degree in surveying includes surveying, surveying engineering, mapping, geodesy, and geomatics):

- (a) A ~~bachelor's~~ degree in surveying ~~of four years or more~~ accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
- (b) A ~~bachelor's~~ degree in surveying ~~of four years or more~~ accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
- (c) A ~~bachelor's~~ degree in surveying ~~of four years or more~~ accredited by the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET)
- (d) A ~~bachelor's~~ degree ~~related to surveying of four years or more~~ with 30 or more semester course hours in core surveying topics
- (e) A bachelor's, master's, or doctoral degree from a non-accredited program related to surveying. This individual's education must be shown to meet the NCEES *Surveying Education Standard*

[. . .]

(3) Experience Requirements

An individual seeking licensure as a professional surveyor shall present evidence of a specific record of four years of progressive surveying experience ~~after a qualifying degree is conferred as described in 2.a.(1) above~~. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice surveying. The following educational criteria may apply as a substitute to the length of experience set forth above:

- (a) An individual with a master's degree in surveying acceptable to the board: three years of experience ~~after the qualifying bachelor's degree is conferred as described in 2.a.(1) above~~
- (b) An individual with an earned doctoral degree in surveying acceptable to the board and who has passed the FS exam: two years of experience
- (c) An individual with an earned doctoral degree in surveying acceptable to the board and who has elected not to take the FS exam: four years of experience

[. . .]

Rationale

The Committee on Education motion and the Surveying and Mapping Sciences Licensure Task Force motion adopted by the Council at the 2024 annual meeting directed UPLG to incorporate amendments to *Model Law* 130.10 C. The committee reviewed the motions and, confirming that there was no conflicting language with the amendments adopted through other motions from the Committee on Education and the Northeast Zone, determined that the amendments could be incorporated as adopted with no revision.

Board of directors' position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Rules* 230.20 A be amended as follows:

230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

[. . .]

8. Teaching experience must be in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering program ~~of four years or more~~ that is approved by the board.

[. . .]

Rationale

The Committee on Education motion adopted by the Council at the 2024 annual meeting directed UPLG to incorporate amendments to point 8 of *Model Rules* 230.20 A to provide consistency with the changes in *Model Law* 130.30. The committee reviewed the proposed amendment and determined that there is no conflict with other sections and that the amendments could be incorporated as adopted with no revision.

Board of directors' position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Rules* 230.20 A be amended as follows:

230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

[. . .]

8. Teaching experience must be in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering or engineering technology program of four years or more that is approved by the board.

[. . .]

Rationale

The Northeast Zone motion adopted by the Council at the 2024 annual meeting provided for a licensure pathway that includes engineering technology degrees accredited by ETAC/ABET. In reviewing the *Model Law* and *Model Rules* to determine if there were other changes that were required as a result of the adoption of that motion, the committee determined that point 8 of *Model Rules* 230.20 A should allow for teaching in both engineering and engineering technology bachelor's programs to be considered. The term "bachelor's" is unnecessary in this instance because the definition of teaching experience that will be considered must be at junior, senior, or graduate level.

Board of directors' position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Law* 130.30 B be amended as follows:

130.30 Examinations

B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:

1. NCEES Fundamentals of Engineering (FE) examination
2. NCEES Principles and Practice of Engineering (PE) examination
3. NCEES Fundamentals of Surveying (FS) examination
4. NCEES Principles and Practice of Surveying (PS) examination
5. [NCEES Public Land Survey System \(PLSS\) examination](#)

Rationale

The committee reviewed *Model Law* and *Model Rules* to determine if the implementation of the upcoming PLSS examination needs to be addressed. This review resulted in a recommendation to amend *Model Law* Section 130.30 by adding the PLSS examination to the current list of examinations that the member board may choose to offer in its jurisdiction to applicants.

Board of directors' position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Rules* 230.40 be amended as follows:

230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction ~~or its designee will~~ [shall](#) provide the following examinations:

[. . .]

C. Classification of Surveying Examinations

1. This jurisdiction shall require the following:

- a. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying.
- b. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, which may be divided in separate parts as determined by the board.

2. This jurisdiction may require the following:

- a. Jurisdictional examination(s)—The examination(s) may include jurisdiction laws, procedures, and standards for the practice of surveying.
- b. NCEES Public Land Survey System (PLSS) examination—The examination consists of subject matters related to the Public Land Survey System.

D. Approval of Applicant for Surveying Examinations

1. NCEES Fundamentals of Surveying (FS) Examination

- a. An individual applying to take the FS examination may register with NCEES directly to take the FS examination or, if required, apply to the board for admission to the FS examination.

2. NCEES Principles and Practice of Surveying (PS) Examination

- a. An individual will be permitted to take the PS examination upon satisfactorily fulfilling all requirements of the jurisdiction, [which may include additional exams referenced in Section 230.40 C.2.](#)
- b. Surveying doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science

Accreditation Commission of ABET (ANSAC/ABET) and with a doctorate degree in surveying and with experience that meets the qualifications defined by the board may sit for the PS examination without having taken or passed the FS examination.

[. . .]

L. Examination for Record Purposes

1. Any individual licensed by this board may take for Record purposes the FE/FS examination and/or a PE/PS/[PLSS](#) examination in a chosen discipline offered by NCEES upon payment of *[insert fee set by board regulation and/or NCEES]*.
2. Failure to pass either or both examinations will in no way affect current licensure.

Rationale

The committee reviewed *Model Law* and *Model Rules* to determine if the implementation of the upcoming PLSS examination needs to be addressed. This review resulted in a recommendation to amend *Model Rules* Section 230.40 by adding a reference to the PLSS examination in paragraph L, which would allow current Record holders to sit for the PLSS examination for the purposes of obtaining a license in a jurisdiction that requires the PLSS examination for comity licensure.

The amendment to 230.40 A provides consistency with the language in 230.40 C related to a jurisdiction to offer the requisite examinations. The amendment to 230.40 D provides for jurisdiction-specific exams, including the PLSS examination, to be required as a prerequisite to approval.

Board of directors' position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Law* 110.20 E be amended as follows:

110.20 Definitions

- E. Responsible Charge—The term “Responsible Charge,” as used in this Act, shall mean ~~direct control and personal supervision of engineering or surveying work, as the case may be, to exercise full professional knowledge of and control over work. A licensee in responsible charge of engineering or surveying work must:~~
1. [Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through examination, evaluation, communication, and direction throughout the development of the work;](#)
 2. [Be personally aware of the project’s scope, needs, parameters, limitations, and special requirements;](#)
 3. [Be capable of answering questions relevant to the engineering or surveying decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and](#)
 4. [Accept full responsibility for the work.](#)

Rationale

The 2023–24 Committee on Law Enforcement recommended that the UPLG Committee review *Model Rules* 240.20 E to determine if it may be more appropriately placed in the Rules of Professional Conduct section of the *Model Rules*.

Responsible charge is used in three sections of the *Model Rules*, and either leaving the definition in *Model Rules* 240.20 or placing it in *Model Rules* 240.15 would not provide for consistency of interpretation of the definition where the term appears in other sections. *Model Rules* 210.20 states, “The NCEES *Model Law*, Section 110.20, Definitions, provides definitions that also apply to these *Model Rules*.” The UPLG Committee reviewed *Model Rules* 240.20 E and determined that the language used in this rule should be placed in *Model Law* 110.20 and that *Model Rules* 240.20 should be amended to remove the detailed description of responsible charge and to revise the requirements for sealing documents.

Board of directors' position
Endorses, consent agenda

UPLG Motion 9

Move that *Model Rules* 240.20 D–J be amended as follows:

240.20 Seal on Documents

- D. The seal and signature shall be placed on work only when it was under the licensee's responsible charge. The licensee shall sign and seal only work within the licensee's areas of competence. The board has final authority regarding the determination of whether work was actually prepared under the responsible charge of a licensee. The licensee is responsible for meeting all of the requirements for responsible charge whether the work is being performed remotely or locally.
- E. ~~In order to exercise full professional knowledge of and control over work, a licensee in responsible charge of engineering or surveying work must:~~
- ~~1. Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through examination, evaluation, communication, and direction throughout the development of the work;~~
 - ~~2. Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;~~
 - ~~3. Be capable of answering questions relevant to the engineering or surveying decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and~~
 - ~~4. Accept full responsibility for the work.~~
- ~~The board has final authority regarding the determination of whether work was actually prepared under the responsible charge of a licensee. The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.~~
- FE. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.
- GF. In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.
- HG. When a licensee is required to seal and sign engineering/surveying documents, one of the following methods must be used:
1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the licensee
 2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the licensee
 3. Digital placement of a seal and a digital signature containing the name of the licensee

1. Unique to the individual using it
2. Capable of verification
3. Under the sole control of the individual using it
4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in Section [HG](#) and [HI](#) above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

The 2023–24 Committee on Law Enforcement recommended that the UPLG Committee review *Model Rules* 240.20 E to determine if it may be more appropriately placed in the Rules of Professional Conduct section of the *Model Rules*.

Responsible charge is used in three sections of the *Model Rules*, and either leaving the definition in *Model Rules* 240.20 or placing it in *Model Rules* 240.15 would not provide for consistency of interpretation of the definition where the term appears in other sections. *Model Rules* 210.20 states, “The NCEES *Model Law*, Section 110.20, Definitions, provides definitions that also apply to these *Model Rules*.” The UPLG Committee reviewed *Model Rules* 240.20 E and determined that the language used in this rule should be placed in *Model Law* 110.20 and that *Model Rules* 240.20 should be amended to remove the detailed description of responsible charge and to revise the requirements for sealing documents. Motion 9 is to remove the wording that is to be added to *Model Law* 110.20 by Motion 8 and to enhance the description of sealing documents by amending this Section D with the last two sentences from Section E.

Endorses, consent agenda

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Committee on Awards

Marlon Vogt, P.E., Chair

ABSTRACT

The Committee on Awards is charged with canvassing member boards for nominations for the service awards to be given at the annual meeting. These awards are the Distinguished Service Award, the Distinguished Service Award with Special Commendation, the Meritorious Service Award, the Meritorious Service Award with Special Commendation, and the Distinguished Examination Service Award. The committee is guided by NCEES Administrative Policy 12.

Meetings were held virtually via Zoom on September 30, 2024; December 16, 2024; and March 19, 2025.

The Committee on Awards was assigned two charges. The committee has no motions for Council action.

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Canvass member boards by October 1, 2024, for nominations for awards to be presented at the 2025 annual meeting. Nominations should be received no later than January 31, 2025.*
- *Provide recommendations to the board of directors for awards to be presented at the 2025 annual meeting.*

In accordance with Charge 1, nominations for awards were solicited by October 1, 2024, and were received by January 31, 2025.

Nominations were as follows:

- 6 nominees—Distinguished Service Award
- 0 nominees—Distinguished Service Award with Special Commendation
- 3 nominees—Meritorious Service Award
- 3 nominees—Meritorious Service Award with Special Commendation (new for 2025)
- 5 nominees—Distinguished Examination Service Award

The committee made individual ratings of the nominees, and these were forwarded to the chair for tabulation. The combined ratings were returned to the members for review. The committee held a virtual meeting on March 19, 2025, and reached agreement on the award recipients.

Recommendations to the board of directors were as follows:

- 3 nominees—Distinguished Service Award
- 0 nominees—Distinguished Service Award with Special Commendation
- 1 nominees—Meritorious Service Award
- 3 nominees—Meritorious Service Award with Special Commendation
- 5 nominees—Distinguished Examination Service Award

Charge 2

Determine if there is a more meaningful way to recognize Exam Services Award winners—potentially at exam committee meetings instead of at the NCEES annual meeting. Make recommendations to the board of directors.

The committee surveyed previous Distinguished Examination Service Award winners to get feedback on the current award process to determine if a change in the presentation of the awards is needed. The committee met virtually on December 16, 2024, to review the feedback.

It is the recommendation of the committee to continue recognizing Distinguished Examination Service Award winners at the annual meeting. The committee also recommends adding a second recognition event during a regularly scheduled exam committee meeting for which the award recipient is already scheduled to attend as

soon after the annual meeting as is practical. This recognition event could include sharing the video that was played during the annual meeting and providing the recipient the opportunity to speak.

Respectfully submitted, the **Committee on Awards:**

Marlon Vogt, P.E., Chair

Members

Robert Dorko, P.E.
Michael Drewyor, P.E., P.S.
Denn Manglona, P.E.
Sarah Tracy, P.E.

Board liaison

Laura Sievers, P.E.

Staff liaison

Patricia Sheppard



Committee on Examination Audit

Nicole Galavotti, P.E., Chair

ABSTRACT

The Committee on Examination Audit is responsible for an independent audit annually of the NCEES examination program.

The committee met in Greenville, South Carolina, on October 24–25, 2024, to conduct the annual independent audit of the NCEES exam program. The committee members, consultants, board liaison, and independent psychometric consultant addressed the committee charges as detailed in this summary report.

The Exam Audit Committee had four charges. It has no motions for Council action.

CHARGES

Charge 1

Review all aspects of the NCEES exam development process for the examinations being audited to ensure that recognized and accepted psychometric standards for licensing purposes continue to be used and met.

This is a general recurring charge that is addressed by completing the other charges required by the committee. There were several comments made by the independent psychometric consultant that were discussed and clarified with Pearson VUE. There were no significant findings of anything problematic with the exams or processes, and discussion resulted in some clarifying language being added to statistical reporting tables.

Charge 2

Review the exam audit findings from the 2023–24 audit cycle to ensure findings were appropriately addressed.

The committee found that all prior exam audit findings have been appropriately addressed except for three. One was a general psychometric finding related to the language Pearson VUE used in exam technical reports. The second was related to typographical errors concerning exam numbers in a Pearson VUE technical report. The third found distractor rationale had not been provided for two professional surveying items of the three identified in the previous finding. All three items will be carried over for the 2025–26 Exam Audit Committee to review. The committee recommends there be follow-up to ensure the findings have been closed in the audit cycle identified due to the number of unresolved findings identified in this audit.

Charge 3

Audit the most recent administration of the following examinations for which sufficient performance data and analyses have been completed:

- *PE Agricultural and Biological Engineering (exam administered October 2023, professional activities and knowledge study [PAKS], and standard setting)*
- *PE Control Systems (exam administered October 2023)*
- *PE Industrial and Systems (exam administered October 2023)*
- *PE Mining and Mineral Processing (exam administered October 2023)*
- *PE Naval Architecture and Marine (exam administered October 2023)*
- *PE Nuclear (exam administered October 2023)*
- *PE Petroleum (exam administered October 2023, PAKS, and standard setting)*

Audits of the seven exams listed were completed at the October 25–26, 2024, meeting. Findings were provided to the exam development committees and Pearson VUE for review and response. A virtual Zoom meeting was held November 22, 2024, to review the audit findings.

At the time of the virtual meeting, there were a number of unresolved findings to be addressed by the PE Industrial and Systems, PE Mining and Mineral Processing, PE Naval Architecture and Marine Engineering, and PE Petroleum exam committees at upcoming meetings in early 2025. The final status of the findings will be updated at that time.

Charge 4

Observe and/or receive reports from the following exam standard-setting studies in accordance with Exam Development Procedures Manual 1.5.7:

- *PE Electrical and Computer: three exams (exams administered October 2025 and April 2026)*
- *PE Mechanical: three exams (exams administered Oct 2025)*
- *PE Naval Architecture and Marine (exam administered Oct 2025)*
- *PE Mining and Mineral Processing (exam administered Oct 2025)*

The 2024–25 Exam Audit Committee observed these standard-setting meetings after its committee meeting. The 2025–26 Exam Audit Committee will review these observation reports.

In summary, the committee had a total of 30 findings across the seven exams audited for Charge 3 during the 2024–25 audit. There were no significant deficiencies or exceptions to the exam requirements as the committee understands them to be detailed in the audit checklist. The necessary data and resources were well organized and available from the staff, who were also immensely helpful and knowledgeable of the audit process. This committee appreciates the efforts of all participants as well as the exam development committees and their diligent work and conformance to the standards outlined in the *Exam Development Procedures Manual* and the *Manual of Policy and Position Statements*.

Respectfully submitted, the **Committee on Examination Audit:**

Nicole Galavotti, P.E., Chair

Members

William Atkinson, P.E.
Jason Dixon, P.E.
Denise Ramsey, P.E.
Mathew Weeks, P.L.S.

Consultants

Rosaleen (Rosey) Nogle, P.E.
Todd Folkerts, P.E., P.L.S.

Board liaison

Aaron Blaisdell, P.L.S.

Staff liaison

Donovan Colman, P.E.



Committee on Examinations for Professional Engineers

Rosaleen (Rosey) Nogle, P.E., Chair

ABSTRACT

The Committee on Examinations for Professional Engineers (EPE) supervises the preparation of exam specifications and is responsible for the content and scoring of all exams in the fundamentals and principles and practice of engineering. The committee, in the interest of uniformity and efficiency, may prepare exam development procedures and reviews exam scores and makes recommendations of minimum passing grades for exams.

The EPE Committee held one virtual meeting on November 9, 2024, and an in-person meeting at NCEES headquarters in Greenville, South Carolina, on February 7–8, 2025. Chair Rosaleen (Rosey) Nogle, P.E., served as a consultant to the Committee on Examination Policy and Procedures (EPP) and attended EPP virtual meetings and its in-person meeting held in Dallas, Texas, on February 17–18, 2025. EPE then held another virtual meeting on March 3, 2025.

EPE was assigned four charges and is not presenting any motions.

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Oversee the development and maintenance of necessary exam items for future Fundamentals of Engineering (FE) and Principles and Practice of Engineering (PE) examinations in accordance with current exam development policies, to include monitoring the preparation and submission of all examinations in a timely manner as set forth by NCEES guidelines.*
- *Conduct professional activities and knowledge studies (PAKS) as appropriate to update exam specifications.*
- *Review the Committee on Examination Audit recommendations and ensure implementation of any changes approved by the board of directors.*
- *Monitor training of the exam development subcommittee members to ensure that they understand the concepts of scaling, equating, setting cut scores, and constructing examinations.*
- *Annually review exam development committee member data. Compare them with benchmarks as established by the Committee on Examinations for Professional Engineers as part of the NCEES Exam Development Volunteer Diversity Monitoring plan.*
- *Annually review progress on data collection from target populations.*
- *Conduct a review of the NCEES Exam Development Volunteer Diversity Monitoring plan on a periodic basis. The time between reviews shall not exceed six years.*
- *Establish exam development committee membership benchmarks. Review and modify them as needed every five calendar years, in years that end in zero or five (e.g., 2025, 2030, 2035).*

All recurring committee activities were completed by the EPE Committee.

At its March virtual meeting, the EPE Committee, acting in its role under paragraph B of EDP 6, discussed the EPP Committee's recommendation to the NCEES board of directors that the PE Nuclear exam be discontinued. The EPE Committee adopted a motion to recommend to the NCEES board of directors that the PE Nuclear exam not be discontinued but rather be suspended, with conditions of suspension to be determined by the NCEES board of directors.

Charge 2

Review the exam development procedures and recommend revisions as necessary to NCEES staff.

This charge was combined with Charge 4 since both related to the *Exam Development Procedures Manual* (EDPM). Refer to the Charge 4 section below for further information.

Charge 3

Work with Pearson VUE to review the PAKS process and determine if 200 responses to the survey is reasonable for all exams. Consult with the Committee on Examinations for Professions Surveyors. Make recommendations to update the EDPM as necessary.

The committee determined in consultation with the psychometric consultant that if less than 200 PAKS survey responses are received but there are at least as many responses as the total number of exam passers from the previous five years, then the PAKS process may proceed. The EDPM is being updated to reflect this change.

Charge 4

Review the EDPM to address procedures no longer applicable in computer-based testing.

Charges 2 and 4 were combined during committee deliberation. EDPM procedures and referenced documents that applied only to pencil-and-paper exams were deleted. References to exam development committees were made consistent. Procedures regarding virtual exam development meetings and appropriate security measures were clarified. References to the PLSS exam were added. Language regarding the psychometric consultant was clarified for consistency. These changes will be incorporated into the next EDPM version.

Respectfully submitted, the **Committee on Examinations for Professional Engineers:**

Rosaleen (Rosey) Nogle, P.E., Chair

Members

David Whitman, Ph.D., P.E., Vice Chair
Jan Bostelman, P.E.
Christopher Duhamel, P.E., P.L.S.
Vincent Fazio, P.E.
Vinod (Vinnie) Goel, Ph.D., P.E.
Dennis Hoyle, P.E., P.L.S.
Kimberly Kramer, Ph.D., P.E., S.E.
Marjorie Lund, P.E., S.E.
Colleen Scholl, P.E.
Sean St.Clair, Ph.D., P.E.
Garth Thomas Jr., P.E.
Richard Willoughby, P.E.

Board liaison

Elizabeth Beckett Johnston, P.E.

Staff liaison

Lehmon Dekle, P.E.



Committee on Law Enforcement

Bob Herbert, Chair

ABSTRACT

The Committee on Law Enforcement was established under NCEES *Bylaws* 7.10. The committee considers and recommends methods for member boards to achieve more efficient and uniform enforcement of licensing acts necessary for greater interstate coordination.

This year's committee addressed seven charges and prepared recommendations for each charge using its NCEES Basecamp project, virtual meetings, and an in-person meeting. The committee has no motions for Council action.

CHARGES

Charge 1

Accomplish all recurring committee activities:

- *Review the 2024 Law Enforcement Program. Organize similar activities for the 2025 annual meeting.*
- *Submit articles for inclusion in Licensure Exchange related to law enforcement issues.*
- *Review the Investigation and Enforcement Guidelines. Revise as appropriate.*
- *Review the Enforcement Exchange Instruction Manual. Revise as appropriate.*

Review the 2024 Law Enforcement Program. Organize similar activities for the 2025 annual meeting.

The 2024 Law Enforcement Program included a forum and workshop and was part of the NCEES annual meeting in Chicago, Illinois.

The 2024 Law Enforcement Forum consisted of an interactive program that included a discussion of “work-for-hire” websites that offer engineering and surveying services, NCEES enforcement resources, and an Enforcement Exchange update. Ninety-five individuals attended the forum. Participants then took part in roundtable discussions of current law enforcement topics.

The 2024 Law Enforcement Workshop was a success. The program, Applying Investigation Tools and Techniques to a Regulatory Investigation, was presented by Tim Randall of the Public Agency Training Council (PATC), who has a distinguished background as a criminal investigator, a role he performed for 21 years. The workshop covered criminal investigations and the applied sciences that could be used in civil or regulatory investigations. Ninety-six individuals attended the workshop.

The 2025 Law Enforcement Forum will be held Thursday, August 21, 2:00–4:30 p.m., as part of the annual meeting schedule of events. An interactive program is planned for board investigators, attorneys, members, and member board administrators. The forum will begin with discussion of current law enforcement issues affecting member boards, including an update on “work-for-hire” websites and Enforcement Exchange. Participants will then take part in roundtable discussions of law enforcement topics provided during registration.

The Law Enforcement Workshop will be held Friday, August 22, 9:00 a.m.–4:00 p.m., as part of the annual meeting schedule of events. A representative from the Code Enforcement Officer Safety Foundation will conduct safety awareness training that will include understanding the threat, basic investigator safety, and high-risk case management.

Submit articles for inclusion in *Licensure Exchange* related to law enforcement issues.

The following articles were published in *Licensure Exchange* in 2024–25:

- October 2024: “Takeaways from the 2024 annual Law Enforcement forum and training” (Bob Herbert)
- December 2024: “Member boards share how they address enforcement challenges” (Bob Herbert and Roy Cepero)
- February 2025: “Member boards share how they address enforcement challenges” (Michael Clendaniel, P.E., Tiffany Criswell, and Jill Short)
- April 2025: “More than ‘just plan stamping’” (Jason McLean)
- June 2025: “Investigative procedures—It’s in there” (Rick Huett)

Review the Investigation and Enforcement Guidelines. Revise as appropriate.

The committee reviewed the *Investigation and Enforcement Guidelines* and recommended no changes. See Charge 6 for recommended changes specifically related to that charge.

Review the Enforcement Exchange Instruction Manual. Revise as appropriate.

The committee reviewed the *Enforcement Exchange Instruction Manual* and updated the manual to address two recent changes to Enforcement Exchange:

- Increased data privacy concerns and address information entry for violators—If member board rules do not allow a board to enter a violator's address information, that board may contact NCEES to opt out of providing this information.
- An Update Notes section was added to allow member boards to provide new information (additional sanctions, amendments, court order findings, expungements, individual met requirements, etc.) about a violation.

Charge 2

Assist the Committee on Member Board Administrators with a review of NCEES policies and models surrounding building information modeling (BIM) and electronic seals security. Identify any potential issues or problems. Recommend potential solutions and revisions to policy, guidelines, or model documents to the MBA Committee.

The Law Enforcement Committee reviewed this charge and, after discussion, does not feel that any recommendations are needed, as the current *Model Law* addresses BIM and electronic sealing security. Some points that were noted during the discussion: There are four to five states that have laws/mandates accepting 3D models for projects. A few other jurisdictions are in pilot programs. A presentation was provided by the California Department of Transportation to a few members of the committee on how they are moving forward after being mandated by their state government to accept these models. The committee recommends updating the NCEES BIM Guidelines dated June 2019 to change the last sentence under "National BIM standard—United States" to include "or as amended."

Sealing security was also discussed and reviewed by the Law Enforcement Committee. The committee feels it is the responsibility of the professional signing and sealing to protect their seal. However, the committee still believes this matter is worth further review by a committee, as document sealing continues to progress digitally.

Charge 3

Develop a topic and/or presentation for one virtual webinar during the 2024–25 fiscal year.

The committee will present a virtual webinar on June 5, 2:00–3:30 p.m. ET. There will be a presentation of enforcement cases to highlight various procedures and ethical issues encountered during the course of an investigation.

Charge 4

Study typical disciplinary actions applied by member boards. Develop recommendations and/or guidelines that member boards may use to consistently apply disciplinary actions.

The committee contacted several member boards. Disciplinary actions ranged from a warning to a minor fine starting at \$1,000. Major penalties ranged from \$1,000–5,000 per charge to a discontinuation of the licensee's license. Typical actions were reeducation and/or a \$1,000 fine.

The *Investigation and Enforcement Guidelines* includes a section on disciplinary penalties and an appendix, "Guide to Disciplinary Sanctions," that includes penalty and sanction guidelines.

Charge 5

Study how member boards deal with self-reporting disciplinary actions when individuals apply for licensure or renew their license and then develop recommendations and/or guidelines that member boards could use.

The committee surveyed the member boards to obtain insights into current practices regarding self-reporting disciplinary actions; 20 member boards responded. The following is a summary of the survey findings:

- Self-reporting requirements
 - 95 percent of boards require self-reporting during initial licensure and renewal.
 - 100 percent require reporting of disciplinary actions from other jurisdictions.
 - 90 percent require reporting of criminal convictions.
 - 40 percent require reporting of civil lawsuits related to professional practice.
- Verification and enforcement
 - 95 percent of boards verify the accuracy of self-reported disciplinary actions.
 - 45 percent take reciprocal action for out-of-state disciplinary actions.
 - 65 percent differentiate between technical violations (e.g., PDH shortages) and serious misconduct (e.g., negligence, fraud).
 - 60 percent have formal review guidelines.
- Handling of self-reports
 - Most boards review on a case-by-case basis.
 - Some have committees or enforcement units for reviewing reports.
 - A few jurisdictions determine whether the violation would be considered an offense under their own laws before taking action.

Based on the survey responses, the committee developed the following recommendations that member boards should consider as they deal with self-reporting disciplinary actions.

A. Reporting requirements

- What must be reported?
 - Any prior disciplinary action from another licensing board, including reprimands, probations, suspensions, fines, or revocations
 - Any denial of licensure in another jurisdiction
 - Any criminal conviction (felony or misdemeanor)
 - Any pending disciplinary actions or investigations by another licensing board
- Timeframe for reporting
 - Licensees must report new disciplinary actions within 30–60 days of occurrence.
 - Disciplinary actions must be disclosed at the time of license renewal if not previously reported.
- Required documentation
 - Official board orders or court records
 - Copies of denial letters from licensing agencies
 - A written explanation from the licensee regarding the circumstances

B. Verification process

- Initial review
 - Confirm completeness of submitted documentation.
 - Request additional information if necessary.
- Verification steps
 - Contact the originating board or legal authority for validation.
 - Cross-check with national disciplinary databases.
 - Review public records when applicable.
- Assessment criteria
 - Technical violations (e.g., late renewal, PDH deficiencies): Minimal action required
 - Moderate infractions (e.g., probation, monetary penalties): Reviewed based on severity and risk
 - Serious infractions (e.g., fraud, negligence, criminal acts, revocations): Referred to board for formal review

C. Disciplinary review and reciprocal action

- Case evaluation
 - Determine if the reported action would have been a violation under local laws.
 - Consider whether the applicant/licensee has fulfilled all penalties imposed by the originating board.
 - Assess whether the individual remains licensed in the jurisdiction where the discipline occurred.
- Reciprocal action considerations
 - Boards should differentiate between minor and serious violations when deciding on reciprocal action.
 - Public safety risks, unethical behavior, or a license revocation may warrant reciprocal discipline.

D. Failure to report and false statements

- Consequences of non-disclosure
 - Failure to report required disciplinary actions may result in:
 - Immediate denial of licensure or renewal
 - Investigation and possible suspension or revocation of license
 - Additional fines or penalties imposed by the board
 - Intentional misrepresentation
 - Providing false or misleading information will be treated as an ethics violation and may result in disciplinary action, including license revocation.

The committee concluded that standardizing self-reporting and enforcement guidelines across member boards will

- Ensure fairness and transparency
- Reduce administrative inconsistencies
- Improve public safety and professional accountability

Charge 6

Review and evaluate reciprocal disciplinary actions. Develop recommendations to determine appropriate reciprocal disciplinary actions.

The committee reviewed reciprocal disciplinary actions with various member boards. The committee recommends the following changes to Chapter 8 of the *Investigation and Enforcement Guidelines*:

- Addition: “The point of a disciplinary order is to protect the health, safety, welfare, and property of the public and not simply to punish the licensee who is the subject of the disciplinary action. In situations where the violations are not so egregious as to warrant a revocation, suspension, or a voluntary surrender of their license, the disciplinary action should be such that it provides for the rehabilitation and reeducation of the licensee so that they may continue to resume practice without further potential harm to the public and their own registration and livelihood from having fines stacked on them from other jurisdictions after the completion of the original action.”
- Addition: “For disciplinary actions that involve quality of work issues and other public protection issues, such as misconduct, gross negligence, gross incompetence, fraud, deceit, and practicing outside area of competence, they should be reviewed on a case-by-case basis for formal disciplinary action that would mirror such penalties (not fines) imposed by the jurisdiction taking the original action to protect the health, safety, welfare, and property of the public.”

Charge 7

Review and evaluate continuing education audits/violations. Develop recommendations, if needed, as to whether continuing education violations should impact a licensee’s Model Law Engineer or Model Law Surveyor status.

The committee reviewed continuing education audits/violations with various member boards. The committee recommends no changes to the *Investigation and Enforcement Guidelines*. The committee found that the majority of the member boards require completed applications that contain certification questions related to the compliance of obtaining the continuing professional competency (CPC) requirements, and more importantly, answering “yes” or “no” to whether the applicant has obtained the required CPC in accordance with their member board’s laws and rules. According to the member board’s laws and rules related to the application process to either obtain or renew a license, if the applicant has provided false information or acted dishonestly in completing the member board’s licensure application, they have likely engaged in a violation of ethics as well. In some states, any person who provides false information on an application with the purpose of securing the issuance by the member board of a license, permit, authorization, certificate, or registration, could have committed a criminal act.

The committee also recommends no changes or actions to restore Model Law Engineer or Model Law Surveyor status following a violation of CPC laws/rules, as CPC disciplinary actions often accompany ethics violations resulting from the falsifying of the application itself.

Respectfully submitted, the **Committee on Law Enforcement:**

Bob Herbert, Chair

Members

Roy Cepero

Michael Clendaniel, P.E.

Tiffany Criswell

Grant Grigg

Carey Hardin, P.E.

Jason McLean

Tammy Rollins

Glen Thurow, P.S.

Board liaison

Samuel Wilson, DBA, P.E.

Staff liaison

Bob Whorton, P.E.



Surveying and Mapping Sciences Licensure Task Force

Gary Thompson, P.L.S., Chair

ABSTRACT

The Surveying and Mapping Sciences Licensure Task Force was formed to review the current surveying licensure model and to study the potential licensure of mapping scientists.

The task force was assigned to consider whether the development of a Principles and Practice of Surveying (PS) non-boundary exam is to provide a pathway for licensure and for safeguarding the health, safety, and welfare of the public as a professional surveyor for individuals who practice within the areas of surveying that are bolded in the following NCEES *Model Law* definition of the practice of surveying. The development of the non-boundary exam utilizes the engineering licensure model, to test and practice within one's area of competency.

110.20 Definitions

B. Professional Surveyor [. . .]

3. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.
 - a. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:
 - i. **Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon**
 - ii. **Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth**
 - iii. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement
 - iv. Making any survey for the division, subdivision, or consolidation of any tract(s) of land
 - v. **Locating or laying out alignments, positions, or elevations for the construction of fixed works**
 - vi. **Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point**
 - vii. Creating, preparing, or modifying electronic, computerized, or other data, relative to the performances of the activities in items i–vii above

Previous committee and task force information concerning the development of a PS non-boundary exam can be found in the following reports:

2018 Surveying Exam Module Task Force report

[ncees.org/wp-content/uploads/Master-AICR-2018-final.pdf](https://www.ncees.org/wp-content/uploads/Master-AICR-2018-final.pdf)

Starting on page 152

2019 Surveying Exam Module Task Force report

[ncees.org/wp-content/uploads/Action-Items-and-conference-reports-2019-updated-July13.pdf](https://www.ncees.org/wp-content/uploads/Action-Items-and-conference-reports-2019-updated-July13.pdf)

Starting on page 101

2020 Committee on Examinations for Professional Surveying (EPS) report

[ncees.org/wp-content/uploads/dlm_uploads/Action-Items-and-Conference-Reports-2020-web-revised-July-13.pdf](https://www.ncees.org/wp-content/uploads/dlm_uploads/Action-Items-and-Conference-Reports-2020-web-revised-July-13.pdf)

Page 87, Charge 3

2021 EPS Committee report

ncees.org/wp-content/uploads/dlm_uploads/2021-Action-Items-and-Conference-Reports-VAM-web-1.pdf

Page 105, Charge 3

2022 EPS Committee report

ncees.org/wp-content/uploads/2022-Action-Items-and-Conference-Reports_web_with_fields.pdf

Page 70, Charge 3

2023 EPS Committee report

ncees.org/wp-content/uploads/2023/06/2023-NCEES-Action-Items-and-Conference-Reports_web-2.pdf

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The task force held three virtual meetings, one in-person meeting, and other virtual subgroup meetings.

The task force was assigned three charges, will present no motions, and has one recommendation to the EPS Committee.

CHARGES

Charge 1

Continue 2023–24 task force research and determine if a Non-Boundary PS examination could be offered as a standalone exam and provide a pathway to licensure for non-boundary P.S. licensure in jurisdictions.

- *Invite input from related societies of surveying-related groups (hydrographers, geodetic surveyors, photogrammetric surveyors, engineering surveyor professionals, utility engineers, etc.) as appropriate.*
- *Provide a questionnaire to all member boards on their intent to license “non-boundary” surveying practitioners. Include questions regarding “grandfathering”—yes or no; if yes, for how long; etc.*

Society input

The task force contacted the following organizations and groups to request input and comments on the development of a non-boundary PS exam:

- American Society of Photogrammetry and Remote Sensing (ASPRS)
- American Association for Geodetic Surveying (AAGS)
- National Society of Professional Surveyors (NSPS)
- Young Surveyors Network
- NSPS-The Hydrographic Society of America (THSOA) Hydrographic Certification Board
- Utility Engineering and Surveying Institute of the American Society of Civil Engineers (UESI/ASCE)
- Reality Capture Network
- Surveying and Geomatics Educators Society (SaGES)
- NSPS Military Committee

The task force asked the organizations the following questions:

1. If NCEES developed and offered a mapping science exam, do you believe members of your association would benefit from a non-boundary professional surveyor license?
2. Do you believe an NCEES mapping science exam would encourage more of your members to seek licensure as a professional surveyor?

The 2024–25 task force received written and verbal comments from the following organizations and groups:

- NSPS
- Young Surveyors Network
- NSPS-THSOA Hydrographic Certification Board
- UESI/ASCE
- SaGES
- NSPS Military Committee

The 2023–24 task force received written and verbal comments from the following organizations and groups:

- ASPRS
- AAGS
- National Oceanic and Atmospheric Administration (NOAA)
- North Carolina Geodetic Survey

- Geospatial Professional Network (GPN, formally Urban and Regional Information Systems Association)
- GIS Certification Institute
- Management Association for Private Photogrammetrists and Surveyors (MAPPS)
- NSPS
- SaGES
- NSPS-THSOA Hydrographic Certification Board

The following organizations provided comments in support of a non-boundary PS exam:

- Young Surveyors Network
- NSPS-THSOA Hydrographic Certification Board
- UESI/ASCE
- SaGES
- ASPRS (2023 exam development letter of support)
- AAGS (2023 exam development letter of support)
- NOAA (2023 exam development letter of support)
- North Carolina Geodetic Survey (2023 exam development letter of support)

The following organizations provided comments that are not in support of a non-boundary PS exam:

- NSPS Military Committee
- GIS Certification Institute
- GPN

NSPS abstained from answering these questions without consensus from the NSPS board of directors. NCEES President Andrew Zoutewelle, P.L.S., was invited to speak at the NSPS spring meeting on March 21, 2025.

Surveying and geomatics program input

The task force requested comments from ABET-accredited surveying and geomatics college programs for input and comments on the development of a non-boundary PS exam.

The task force asked the geomatics/surveying programs the following questions:

1. If NCEES developed and offered a “mapping science” exam, do you believe your students would benefit from a non-boundary Professional Surveyor license? Please feel free to comment beyond a ‘yes’ or ‘no’.
2. Do you believe a NCEES mapping science exam would encourage more of your students to seek licensure as a Professional Surveyor? Do you have any thoughts regarding how many students might be interested?

The task force requested comments from ABET-accredited surveying and geomatics programs and received comments from the following universities’ surveying and geomatics programs:

- Florida Atlantic University
- University of Maine
- North Carolina A&T State University
- Troy University
- Alfred State College
- Penn State Wilkes-Barre
- University of Texas at Tyler
- University of Florida

The following is a summary of the comments the task force received from the universities’ surveying and geomatics programs:

- Five of the eight programs commented that it would benefit their students.
- One program commented that their students would be prepared for both a non-boundary PS exam and the current PS exam.
- Two programs said no based on their curriculum providing classes in boundary and mapping.

FE and PE examinee input

The task force developed a questionnaire for individuals who have recently taken the Fundamentals of Engineering (FE) and Principles and Practice of Engineering (PE) exams with the following questions:

1. If NCEES develops a mapping science (non-boundary) exam, would it encourage and provide you with a pathway to seek licensure as a professional surveyor?
2. How likely are you to pursue a professional surveying license via a mapping science pathway?

The questionnaire was sent to 40,457 FE and PE examinees who took an exam in 2024. The task force received 4,928 responses over a two-week period. The majority of the respondents were from the civil engineering discipline, but responses were also received from other engineering disciplines (mechanical, electric, etc.). Below is a summary of the responses to the FE/PE exam takers questionnaire.

Question 1:

<u>Answer</u>	<u>Number of responses</u>
No	3,618
Yes	1,310 (26.60%)

<u>Discipline</u>	<u>Yes responses</u>
FE Civil	575
FE (all others)	160
PE Civil	582
PE (all others)	119

Note: The totals are greater than 1,310 since some examinees took both the FE and PE exams in 2024.

Question 2: (From question 1 yes responses only)

<u>Answer</u>	<u>Number of responses</u>	<u>Percentage (of 1,310 yes responses)</u>
Likely	433	33.1%
Very likely	274	20.9%
Neither likely nor unlikely	419	32.0%
Unlikely	129	9.9%
Very unlikely	55	4.2%

NCEES member board input

The task force prepared a questionnaire for NCEES member boards (joint and surveying-only boards) with the following questions:

1. Which of the following surveying areas of practice are included in your definition of surveying in your licensing law? Select all that apply (boundary, geodetic, topographic, photogrammetry/remote sensing, hydrographic, construction staking, drainage design, and mapping).
2. If NCEES created a mapping science (non-boundary) exam to test minimum competency, would your Board consider accepting this exam as a pathway to licensure as Professional Surveyor practicing outside the boundary surveying discipline? (Options included “Yes,” “Maybe,” and “No.”)
3. Additional comments and open responses

Forty-seven member boards responded to the questionnaire. The following is a summary of the responses:

Question 1:

<u>Areas of practice</u>	<u>Number of responses</u>
Boundary	55
Geodetic	46
Topographic	46
Photogrammetry/remote sensing	29
Hydrographic	33
Construction Staking	30
Drainage	15
Mapping	28

Note: In addition to the 47 member boards that responded, the task force reviewed the licensing laws of the eight member boards that did not respond to determine the areas of practice in their licensing laws.

Question 2:

<u>Answer</u>	<u>Number of responses</u>
Yes	11
Maybe	18
No	18

An additional questionnaire was sent to the NCEES member boards concerning grandfathering. There were only a few responses at the time of this report's submittal.

Charge 2

Perform due diligence work as outlined in the Manual of Policy and Position Statements regarding the potential of NCEES offering a Non-Boundary PS exam. Upon completion, make recommendations to the EPS Committee.

Examination Development Policy 9 requires a minimum of 10 member boards collectively who can demonstrate a need for the exam in their jurisdiction to request the development of the exam. The requests must include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need must include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new exam.

The task force received 10 requests for the development of a non-boundary PS exam from the following member boards:

- Guam
- Florida
- Louisiana
- Maryland
- North Carolina
- Ohio
- Oklahoma
- South Carolina
- Tennessee
- Virginia

The task force was informed to expect a letter from the Mississippi board and potentially several other boards prior to the 2025 annual meeting.

Using the estimated exam volume collected in the task force's questionnaire, in the request letters, from the FE/PE examinee questionnaire, and from information from the associations and groups, the task force estimates that the exam volume for a non-boundary PS exam would be 600 annually, with the potential for a yearly increase in exam volume.

The task force recommends the following:

- That the name of the non-boundary PS exam be the Principles and Practice of Surveying Geospatial exam, or the PS Geospatial exam. The rationale for using this name is that it describes the area of practice being tested, and using the current title of the Principles and Practice of Surveying exam will allow those states that require the NCEES PS exam to utilize the PS Geospatial exam without having to change their laws or rules.
- That the PS Geospatial exam be a stand-alone exam and not an add-on exam like the Public Land Survey System exam.
- That NCEES develop the PS Geospatial exam as a computer-based test in linear, fixed-form format and offer the exam twice a year
- That the licensure pathway with the PS Geospatial exam include taking and passing the Fundamentals of Surveying (FS) exam, taking and passing the PS Geospatial exam, and finally taking and passing any required jurisdictional exam before obtaining a professional surveying license
- That an applicant who successfully passes the FS, PS Geospatial, and any required jurisdictional exams use the designation "professional surveyor" (P.S.).
 - The task force members had an in-depth discussion on what designation to give an applicant who follows the PS Geospatial exam licensure pathway. "Professional surveyor" was favored by a majority of the task force members, but other designations were discussed and recommended. The task force understands that some jurisdictions will choose to use an alternate designation instead of "professional surveyor."
- That the current education standard and experience requirements be used for applicants who follow the PS Geospatial exam pathway

- That NCEES and the psychometric consultant utilize the Mapping Science and Core PAKS data to develop a report to be given to a group of subject-matter experts (specification development committee) to develop a specification for the PS Geospatial exam
- That the NCEES exam development staff work with the Colonial States Boards of Surveyor Registration and ASPRS to discuss a potential agreement that each organization must develop an item bank for the PS Geospatial exam
- That the NCEES exam development staff include a member(s) of this task force as a member or consultant of the specification development committee and in exam development committees if the exam is approved by the board of directors

In summary, the task force, along with past task forces and committees, has obtained the following evidence and information to support the development of a PS Geospatial exam:

- Ten request letters for a PS Geospatial exam have been provided by member boards.
- Eighteen additional member boards indicated an interest in using a PS Geospatial exam.
- Professional associations and college geomatics programs have shown support for a PS Geospatial exam.
- NCEES has completed a Mapping Science PAKS.
- NCEES and Pearson VUE created a hypothetical exam specification for the Core plus Mapping Science exam specification.
- Data from the Mapping Science and Core PAKS can be used to develop a specification for a PS Geospatial exam.
- Potential questions for a PS Geospatial exam are available from the Colonial States Board of Surveyor Registration and the current PS exam.
- A PS Geospatial exam would promote licensure and protect the health, safety, and welfare of the public.
- The estimated volume for a PS Geospatial exam is sufficient to support the development of an exam.
- The Bureau of Labor Statistics projects the land surveying profession to experience positive job growth, with employment of surveyors expected to increase by 6 percent from 2023 to 2033. Many of these individuals will practice in the non-boundary areas of surveying, and the PS Geospatial exam will provide them a pathway for licensure and protect the health, safety, and welfare of the public.
- In its 2023 report, the EPS Committee concluded that “mapping science is an evolving and developing professional surveying practice; thus, a separate division may become necessary in the future.” The future is now.

Charge 3

Determine whether changes to Model Law would be needed (e.g., Sec. 130.10 C.2.a) or whether existing Model Law would accommodate a Non-Boundary PS exam as a standalone exam. Make recommendations as appropriate.

The task force reviewed the Committee on Uniform Procedures and Legislative Guidelines’ proposed changes to the *Model Law* for the Public Land Survey System exam and used these proposed changes as a guide in determining what will be required for the implementation of the PS Geospatial exam.

The task force recommends that the following sections of the *Model Law* be reviewed for revision to support the PS Geospatial exam:

- Section 130.10 C.2.c
- Section 130.10 C.3
- Section 130.30 B
- Section 140.10 D

The task force decided to look at the *Model Rules* as well. The task force recommends that the following sections of *Model Rules* be reviewed for revision to support the PS Geospatial exam:

- Section 230.20 B.4
- Section 230.40 C.1.b
- Section 230.40 D.2
- Section 230.50 B
- Appendix B

Respectfully submitted, the **Surveying and Mapping Sciences Licensure Task Force:**

Gary Thompson, P.L.S., Chair

Members

Renee Clough, P.E., P.L.S.
Henry Dingle Jr., P.L.S.
James Hollandsworth, P.E., P.S.
Troy Jensen, P.L.S.
William Karr, P.S.
Kelly Katz, P.L.S.
Timothy Lingerfelt, P.L.S.
Shelley Macy, P.E.
Jeanne Nebre, P.L.S., L.S.
Thomas Orisich, P.L.S.
David Page, P.L.S.
Dean Ringle, P.E., P.S.
Michael Zoltek, P.L.S.

Board liaison

Laura Sievers, P.E.

Staff liaison

Davy McDowell, P.E.

New Business

This section provides a place for notes about any new motions or resolutions introduced at the annual meeting.

[illegible]

Unfinished Business

After all other motions have been considered, the Council will address unfinished business. As part of unfinished business, the Committee on Finances will present the 2025–26 fiscal year budget for Council action.

Approval of Budgets

Move to adopt the 2025–26 proposed operating and capital expenditure budgets, which are shown in the Finance Committee Appendices B and C.

[illegible]



DRAFT article submitted to NCEES for Licensure Exchange publication

The case for adding an MBA to the NCEES board of directors

Richard (Ric) Moore, P.L.S.

Recently, the topic of adding a member board administrator (MBA) to the NCEES board of directors surfaced during discussions at the Central/Western Zone joint interim meeting in Albuquerque, New Mexico. Subsequently, I learned that this topic was also briefly discussed at the other zone meetings, which occurred prior to this one. During the last Western Zone breakout session, a motion was made and failed due to a deadlocked vote on the subject. Granted, this debate occurred immediately after a much longer discussion related to structural exam issues (rightly so), and everyone realized that the time to close the session was drawing near.

While many NCEES member board representatives recognize that this is not the first or second time this topic has come up in zone or annual meeting discussions while failing to proceed, there was a comment during this most recent Western Zone discussion that caught my attention. One of the attendees, who is new to NCEES, inquired about the subject, wishing to understand the perception that MBAs are relegated to a secondary role within the organization.

A polite and professional response was given that the board of directors highly respects the role of the MBAs, and that the intention is not to exclude them as a group. An MBA regularly attends each board meeting and is commonly asked for input during discussions. This is a true statement. I, as well as other MBAs who have had the opportunity to attend a board meeting, do agree with this response.

It occurred to me at that moment that, good intentions aside, many probably misunderstand the idea behind the continued effort toward adding an MBA to the NCEES board of directors. To fully understand the intent of this proposal, one must reflect upon several principles and purposes that serve as the foundation of both NCEES and the licensing boards.

First, we all know that NCEES provides standardized exams for the purpose of licensing engineers and surveyors. And that NCEES is perceived, in many ways, as a professional organization that advocates for licensed engineers and surveyors, similar to the mission of other national professional societies. And that some individual members of NCEES are also members of, or otherwise associated with, those other professional societies. However, that is where the similarities really begin to diverge. NCEES is not an engineering organization nor is it a surveying organization. Unlike those other professional societies, NCEES was primarily formed to serve jurisdictional licensing boards in the United States. And by serving those governmentally regulated licensing boards, NCEES serves three distinct groups: the public, applicants, and licensees.

The NCEES mission statement states: “The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.”

Second, licensing boards are established by state or territory legislature to protect the health, safety, and welfare of the public by responsibly licensing competent individuals to practice engineering and surveying within their respective jurisdiction. While I do not have firsthand knowledge of how every member board operates in its respective jurisdiction, I believe I am safe in stating that each of us, regardless of our association with our licensing board, have a

responsibility to consider the public's interest as paramount in any matter related to that association. Sometimes during the heat and passion of a debate, many of us tend to forget this purpose.

Which brings me back to what is and what is not the purpose behind the continued proposals to add an MBA to the NCEES board of directors. While the following opinions may be shared by my fellow MBAs (I believe that is significantly the case), I present my personal views on this subject based on my almost 30 years as a licensee and 14 years as an MBA, including significant service at NCEES.

The purpose was never to right a wrong or fight an imbalance in equal representation as it relates to MBAs having a seat at the table. Licensing board members, and hence, MBAs, must always consider how motions, proposals, debates, etc., conducted as part of NCEES responsibilities benefit or do not benefit the public. While the importance of considering how the impacts these decisions would have on applicants and licensees cannot be overstated, the public is first and foremost.

For the most part, licensing board members serve in an oversight role, generally appointed by a government authority. More often than not, these members attend regularly scheduled public board meetings and take official action on matters brought before them as it relates to their statutory and regulatory authority. However, these roles generally do not require board members to spend 40 hours a week dedicating all of their resources to this effort. Many have their own professional businesses or full-time roles, with their board member responsibilities serving as supplemental dedication to their profession. However, in most instances, the daily, weekly, and monthly operations of the licensing board is the responsibility of the MBA. This is the person who must find a way to navigate the nuances of implementing legislative and regulatory changes while simultaneously advising board members, oversight agencies, legislative bodies, applicants, and licensees on how the interests of the public are being considered and protected.

Thus, the proposal to add an MBA to the NCEES board of directors is a request to include an individual who is arguably the most knowledgeable in terms of representing the public's interest in NCEES matters. It is important to recognize the distinction between simply providing information to the board and being actively engaged in the decision-making process. While appreciated, simply having an MBA present does not fully equate to meaningful participation in shaping outcomes, especially when it comes to ensuring that the public's interest is being equally considered.

Adding an MBA to the NCEES board of directors would not only benefit the entire Council but also applicants and licensees, especially in today's world with what could be considered as a peak in efforts to destabilize licensing protections in the United States and beyond. Additionally, it is the practice of most national peer organizations to include an MBA on their board of directors, so doing so could only increase NCEES' national standing.

I urge NCEES to carefully study and consider the option of adding an MBA to its board of directors, and I hope to see this effort come to fruition during my tenure as an MBA and certainly for my future counterparts. With an MBA on the board, NCEES would further strengthen its purpose, mission, and vision of protecting the health, safety, and welfare of the public through engineering and surveying licensure.

QUARTERLY OUTREACH REPORT (Q4)

SOCIAL MEDIA: April – June 2025

 TOP FACEBOOK POSTS	DATE	VIEWS
Spring <i>Bulletin</i> Posted	Apr 25	58
Winter <i>Bulletin</i> Posted	Apr 4	58
Notice and Agenda for May 29-30 Posted	May 16	42
Meeting Materials for May 29-30 Posted	May 23	40

 TOP TWEETS	DATE	VIEWS
Spring <i>Bulletin</i> Posted	Apr 25	63
Winter <i>Bulletin</i> Posted	Apr 4	63
Meeting Materials for May 29-30 Meeting Posted	May 23	48
Notice and Agenda for May 29-30 Meeting Posted	May 16	47

 WEB PAGE VIEWS	VIEWS
License Lookup	93,394
Board Home Page	51,235
Applicants Information	33,363
PE License Renewal	25,327
PE Licensee Information	22,633

OUTREACH EVENTS: April - June 2025*All "In-Person" Unless Noted "Virtual"*

April 4	Caltrans Division of Engineering Services Webinar: "Qualifying Experience in Professional Engineer's Application" (virtual) N. King, PE
April 8	Outreach to Caltrans Surveyor Management Board Marysville District Board R. Moore, PLS & D. Sweeney, PLS
April 9	Terracon PE Prep Class: "California Specific Topics" N. King, PE (virtual)
April 16	ASCE YMF Orange County Section: "PE Review Info Session" N. King, PE (virtual)
April 29	BKF Corp. Early Professionals Meeting: "PE/PLS Presentation" (virtual) D. Sweeney, PLS & N. King, PE
May 1	Central Coast CLSA Monument Preservation Seminar D. Sweeney, PLS
May 6	PG&E Land Surveyors Tech Tuesday D. Sweeney, PLS (virtual)
May 6	Association of Environmental and Engineering Geologists (AEG), Sacramento Chapter: "Understanding geology licensure in California: PG, CEG, CHg, and PGp: How to apply, serve as a reference, and avoid common violations." J. Goodwin, PG, CEG
May 8	CSU Fullerton Senior Seminar: "Professional Engineering in California" N. King, PE (virtual)
May 9	UC Davis Department of Earth and Planetary Sciences – "Pathway to GIT and PG licensure" (in person) J. Goodwin, PG, CEG
May 9	Santiago Canyon College Survey Mapping - Master Technical Advisory Committee Meeting (virtual) D. Sweeney, PLS
May 21	ASCE YMF San Diego Section: "Civil PE: Path to Licensure" N. King, PE (virtual)
May 28	Outreach to San Diego Chapter CLSA San Diego R. Moore, PLS
June 10	Department of Water Resources and Regional Water Quality Control Board (Fresno offices): "Pathway to PE licensure" N. King, PE (virtual)
June 11	Department of Water Resources and Regional Water Quality Control Board (Fresno offices): "Pathway to GIT and PG licensure" J. Goodwin, PG, CEG (virtual)
June 12	LA Dept. of Water and Power SWE Professional chapter: "PE Licensure (Civil, Electrical, Mechanical)" N. King, PE (virtual)
June 26	Sacramento County Surveyor Industry Meeting D. Sweeney, PLS

KEY: CLSA – Calif. Land Surveyors Association

ASCE – American Society of Civil Engineers

YMF – Young Members Forum

IX. President's Report/Board Member Activities

X. Approval of Meeting Minutes (Possible Action)

A. Approval of May 29, 2025, Board Meeting Minutes

DRAFT

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

Caltrans District 11 Building
4050 Taylor Street, Garcia Room
San Diego, CA 92110

Thursday, May 29, 2025

Board Members Present:	President Christina Wong; Vice-President Guillermo Martinez; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Coby King; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; Fermin Villegas; and Cliff Waldeck
Board Members Absent:	Khaesha Brooks; Desirea Haggard; and Michael Hartley
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Assistant Executive Officer); Dawn Hall (Administrative Manager); Brook Grabowski (Enforcement Manager); Celina Calderone (Board Liaison); Natalie King (Senior Registrar Civil Engineer); and Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Wong called the meeting to order at 9:00 a.m. and a quorum was established.

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

Michael Hanks representing Caltrans District 11 welcomed the Board and offered their continued support. President Wong thanked him for their hospitality.

A member of the public by the name of Saeed Jorat expressed his frustration with the state-specific Seismic Principles and Engineering Surveying exam requirements for individuals seeking their civil engineering licensure. He believes there is a disconnect between the licensing requirements and the actual practice that discourages capable candidates from licensure in California. To his knowledge, California is the only state in the country that imposes these additional requirements for civil engineers. Removing them would align the process with the rest of the country and eliminate unnecessary barriers. He respectfully requests that the board eliminate these components of California's civil engineering licensing process and thanked the Board for their consideration.

IV. Administration

A. Fiscal Year 2024/25 Budget Report

Dawn Hall, Administrative Manager, reported that this report does not include the figures for the May revise of the Governor's budget. She noted that

delinquency fees are down by 50% as compared to Fiscal Month 9 for the comparable fiscal year of 2022/23, but only represents a \$70,000 change in revenues of \$11m, less than 1% of total revenues. There was a significant increase in delinquency fee revenue starting in Fiscal Year 2020/21 which peaked in Fiscal Year 2022/23.

Although delinquency fees are down and not expected to reach projections, we are not reducing the total revenue projections. Preliminary Fiscal Month 10 revenue results report renewal revenues at \$9,215,756 (99% of projected full year revenue) and due to increased interest rates, other revenue is \$232,710, well above the full year projection.

We have revised our total projected expenses down from what was presented at the April meeting which reflected Fiscal Month 8. A reduction of approximately \$74,000, primarily attributed to salaries. It was noted at the last Board meeting that there was an increase in facilities costs. This is due to direct billed fees from the Department of General Services (DGS) related to managing the facilities contracts. There are rate increases built into the facilities contract and DGS fees are a percentage of the rate; as the lease rate increases, so does the DGS management fee.

Due to slight reduction in projected expenses, the Months in Reserve increased from 1.6 to 1.7.

Ms. Hall reminded the Board that the Budget Year and Budget Year +1 reflect projected full year budget and not Board projections.

B. Status Update to Fee Change Rulemaking Proposal, Title 16, California Code of Regulations sections 407 and 3005 (**Possible Action**)

Ms. Hall reported that last August the 2024 Fee Analysis was included in the Board materials and there was discussion which led to approval to seek a fee increase effective as early as January 1, 2026. Since that time Board staff has worked with DCA budgets and regulations counsel to prepare the regulations package to submit to Agency and Office of Administrative Law (OAL). Over the last few Board meetings, we have presented various supporting documents, including updated and/or revised workload cost tables for review.

We are proposing to increase the fee for retired licenses from \$75 to \$100. It needs to be demonstrated that we are not charging more than actual costs for these fees. The actual costs are closer to \$130 per retired application fee.

Historically, to keep initial application and examination fees low, the Board has used renewal fee revenue to offset costs associated with application review and examination development. It is estimated that the renewal fees contribute almost \$1.7 million to subsidize expenses related to examination development

and administration costs. The actual cost per exam delivered is approximately \$539 and the Board is seeking to keep the fee as low as \$250 per exam. Renewal revenues also subsidize expenses. The actual cost for reviewing and approving in-training certificates is estimated at \$160 and renewal fees subsidize about \$155k per year. We are requesting to set the fee for in-training certificates at \$100.

Finally, the approximate cost for reviewing and approving the professional level applications is \$374 per application and the renewal fees subsidize about \$440k. We are requesting to set the fees for initial applications at \$250 per application.

During Public Comment Rob McMillan, representing CLSA, explained that the LSIT and EIT examination is considered the first division for the Land Surveyor exam or the Professional Engineer exam as defined in the Business Professions code.

Alan Escarda, representing PEGC, stated that he just renewed his license for the second time via the Connect system and found it to be a very easy process. He noted that the Board has vacancies and is aware that the governor has demanded a reduction in personal services. As a customer we are being charged fees based on the revenues. If you reduce your personal service dollars that should theoretically reduce the fee that is incurred. He is aware that it is most likely less than one or two percent. It seems like if you reduce personal service dollars, that it should impact the fees as well. He does not expect a reduction; actually, PEGC supports the fee increase and sees it as a vital function with public safety and regulating the profession. He disagrees with the Governor's approach to personal services.

MOTION:	Mr. Ruffino and Dr. Amistad moved to approve the prior proposed regulatory text for Title 16, CCR section 407 and 3005 in accordance with the revised Fee Study Fiscal Impacts (workload costs) for Retired License and Fiscal Impact (workload costs) that were previously approved at the February 2025 Board meeting, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any nonsubstantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 407 and 3005 as noticed.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2024/25 Update

Brook Grabowski reviewed the Enforcement statistics. Board members recognized staff for their ongoing efforts to effectively manage enforcement workload.

VI. Exams/Licensing

A. Examination/Licensing Updates

No report given.

B. Adoption of Test Plan Specifications

- Geotechnical Engineer Examination – Revision of approved 2025 Test Plan
Natalie King, Senior Registrar Civil Engineer, presented the revised 2025 Geotechnical Engineer Examination Test Plan that was previously approved at a prior Board meeting, but during some of the exam workshops, it was realized that one of the test plan areas was inadvertently omitted, Knowledge Statement V. E, Components of Geotechnical Guidelines Specifications. When the test plan was compiled, the row in Excel was hidden and did not make it on the previously approved test plan. In addition, there were also a few spelling mistakes there were discovered in reviewing the material.

MOTION:	Ms. D'Antonio and Ms. Mathieson moved to approve the Geotechnical Engineer Test Plan as amended.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal

President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

C. Waiver of First Division and a Portion of Second Division Engineering Examinations Rulemaking Proposal, Title 16, California Code of Regulations, pursuant to section 438 and section 438.5 (**Possible Action**)

Mr. Moore provided some background that in March of 2024, the Board voted to participate in the Mutual Recognition Agreement (MRA) that was established between NCEES and the Engineering Council of United Kingdom (ECUK). As a result, at the December 2024 Board meeting, the Board took two separate actions. One was to establish the framework to be able to participate in the MRA related to the waiver of examinations to decide on whether to allow for a waiver of the Fundamentals of Engineering (FE) exam and the Professional Engineer (PE) exam. He presented the table that the Board took action on in December 2024. He reported that the Board took action to waive the FE exam. They also took action to waive the national portion of the PE exams shown in the middle column of that table. Now that the framework has been set in place, he is presenting to the Board the Rulemaking language that staff would begin to work on to establish new rules to implement the Board's requests.

During Public Comment an individual by the name of Dr. Singh noted that a licensed engineer in any state, including PhDs, can already apply for licensure in the United Kingdom.

Alan Escarda asked if there were any ongoing negotiations with Mexico. Mr. Moore indicated that there are none currently that he is aware of.

10:17 a.m. Ms. Mathieson stepped away.

MOTION:	Mr. Sanchez and Ms. D'Antonio moved to approve the proposed regulatory text for Section 438(a), direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review,

	and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 438(a) as noticed, with the authority to make any technical or nonsubstantive changes.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson				X	
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

10:19 a.m. Ms. Mathieson returned.

MOTION:	Ms. D'Antonio and Ms. Mathieson moved to approve the proposed regulatory text for Section 438.5, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 438.5 as noticed, with the authority to make any technical or nonsubstantive changes.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

VII. Legislation

A. 2025 Legislative Calendar

Mr. Moore reviewed the legislative calendar, noting the legislature's high activity, particularly on the 23rd and 27th, driven by decisions on various bills. The current fluidity is largely due to fiscal committees addressing this year's budget concerns.

B. Discussion of Legislation for 2025 (**Possible Action**)

1. **Assembly Bill (AB) 667** – Professions and vocations: license examinations; interpreters

Mr. Moore noted that based on his knowledge, the Board has never received a request for an interpreter, perhaps due to the exams not being offered in any other language. The manner in which the bill is written, the Board would have to absorb the cost of the interpreter which could exceed \$500/hour for an exam that can range from 3 to 8 hours. The Board's examination vendor has advised the staff that when there is use of an interpreter, they must meet certain criteria, and it would be imperative that they close down the testing center for the individual to all other users as it would be disruptive to other test takers. DCA has estimated a one-time IT cost of \$360,000 to implement these requirements as they would have to change application processes and to track requests for reporting.

During public comment Carl Josephson representing Structural Engineer Association of California (SEAOC) supports the oppose decision.

Craig Copelan representing Professional Engineers of California Government (PECG) asked if interpreters, extended time, or special accommodations are given to ESL candidates that take the architecture

exam. Mr. Moore responded that this question would need to be posed to the Architects' Board. Ms. Criswell responded that structural engineering is defined under civil engineering and that architects can practice that area of engineering in connection with their architecture, but not specifically civil and structural engineering. Mr. Copelan noted this would be important for some of their members in advancing in their careers and perhaps this means a little bit more consideration by the board

MOTION:	Mr. Sanchez and Mr. Villegas moved to take an Oppose position on AB 667 as amended April 9, 2025, and further authorize staff to communicate the Board's concerns to the Author's office and Committees.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

2. **AB 671** – Accelerated restaurant building plan approval

MOTION:	Ms. Mathieson and Mr. King moved to take a Watch position on AB 671 as amended April 24, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	

Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

3. **AB 742** – Department of Consumer Affairs: licensing: applicants who are descendants of slaves

Mr. Moore reported that shortly after the last Board meeting, it passed out of committee and now on the assembly floor. No action was taken.

4. **AB 1341** – Contractors: discipline: building law violations.

During Public Comment, Rob McMillan representing CLSA expressed their support.

MOTION:	Mr. King and Mr. Sanchez moved to recommend the Board take a Support position on AB 1341 as amended May 7, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

5. **SB 470** – Bagley-Keene Open Meeting Act: teleconferencing

MOTION:	Mr. King and Mr. Ruffino moved to take a position of Support on SB 470 as amended April 10, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				

Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

6. **SB 518** – Descendants of enslaved persons; reparations

MOTION:	Mr. King and Mr. Villegas moved to take a position of Watch on SB 518 as amended April 24, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

7. **SB 641** – Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions

MOTION:	Mr. King and Dr. Amistad moved to take a position of Watch on SB 641 as amended April 9, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				

Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

Mr. Moore indicated that the Senate Business, Professions, and Economic Development Committee recently informed them of potential changes to the Professional Land Surveyors Act. It is currently uncertain whether these proposed changes will be incorporated into the existing bill. Should these changes be adopted, a new bill addressing them might be introduced at the next meeting. We have discussed it with both the bill's sponsor and the committee staff, providing our feedback for their consideration. Overall, we view these potential changes as largely beneficial. The committee will ultimately decide whether to include these amendments in the Omnibus bill.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reviewed the Rulemaking Status report. The Fees rulemaking proposal is the top priority while #2 Experience requirements – Section 100 should be less complicated.

B. Personnel

Mr. Moore reported that the two existing vacant positions will likely be eliminated as part of the new budget.

In addition, he and Ms. Criswell are working with DCA on the recruitment for the Senior Registrar position.

During Public Comment, Alan Escarda expressed his concern with the application lead time for civil applications now that the registrar position is vacant once again. Mr. Moore explained that staff is developing an exam to recruit for a new registrar. He noted that the lead time for application review dropped significantly from October through February when the position was filled, and all registrars have collectively contributed to maintain that pace now that it is vacant. The review time continues to drop especially for non-civil Professional Engineers.

C. ABET

No report given.

D. Association of State Boards of Geology (ASBOG)

1. Report from April 2025 Council of Examiners (COE) meeting

Board Member Betsy Mathieson and Senior Registrar Geologist Joshua Goodwin previously received approval to attend ASBOG's Council of Examiners. Mr. Goodwin is also currently the Examinations Chair for ASBOG. They made quite a bit of progress working on both the Fundamentals of Geology and the Practice of Geology exams. Ms. Mathieson further explained that the Council of Examiners meeting happens twice a year. The spring meeting is only the Council of Examiners, and Annual Meeting occurs in the fall, where member boards vote on policy decisions and bylaw changes. However, this meeting was only exam development with one group taking the Fundamentals of Geology exam and another group taking the Practice of Geology exam (both the exams that had just been administered and the exams that will be administered next) and discussing whether the right answer on the key is actually the right answer and looking for any outliers. There was a lot of discussion after each exam for the purpose of setting the passing scores of the exams that had just been given. She feels confident that the exams that are being administered will identify minimally competent candidates for licensure as geologists.

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

1. May 15-17, 2025, Joint Central/Western Zone Interim Meeting, Albuquerque, NM – Report from Meeting

Mr. Moore provided feedback on his experience with the Joint Central/Western Zone Interim Meeting. He noted his appreciation for the Central Zone, particularly because their ideas and philosophies align closely with those of the Western Zone. The Northeast Zone and Southern Zone had previously met as independent groups.

This was the first opportunity to gain insight into the reports from the President, President-Elect, CEO, NCEES staff (regarding exams), and the various committees and task forces. It is insight as to what will be debated on at the Annual Meeting. Mr. Moore finds it imperative to attend the various zone meetings, especially in multiple capacities because it is very informative and educational.

The NCEES Board of Directors confirmed Mr. King's nomination as Emeritus member of this Board upon his current term on the California Board ending. Our Board's initial involvement was the Western Zone Secretary election. This happened in both Central and Western Zones. Perry Valdez, New Mexico Executive Director, nominated with assistance from the California Board, and David Peden, PE, SE, Washington State Board member and current Western Zone Secretary as nominated by his

Board, were up for election. Perry Valdez ended up winning the election by a very close vote and will begin his two-year term as Western Zone Secretary beginning this August. Both of them had some good speeches and we could not go wrong with either one of them.

Structural exam administration issues were a huge topic of discussion. In summary, the structural exam was converted from paper and pencil to Computer Based Testing (CBT) in April 2024. So far, there have been 3 administrations as of this meeting, spring 2024, fall 2024, and spring 2025. There have been concerns expressed by boards and candidates in reference to the examination environment and what they were having to do with the exam. Additionally, some boards were concerned with the low pass rates in comparison to pass rates from recent history prior to the transition. Candidates are accustomed to bringing a large set of reference materials into their exams and they immediately lost the ability to do so. Just prior to the Zone meeting, NCEES issued a memo to all member boards advising them that after seeing, hearing, and considering all of the concerns being expressed by the applicants and member boards, they met with exam committees, exam volunteers, and psychometricians and determined that the exam was “speeded”. It was identified that regardless of whether the candidate was high or low performing, all candidates were experiencing a time issue. The recommendation is to add an additional one hour, for a total time of 6.5 hours, to the PE-Structural Depth sections beginning with the October 2025 exam. The Washington Board presented a motion that in lieu of adding an hour, simply drop the number of items. In order to do so, they had to make the motion to request the Board of Directors waive the requirement to notify boards one year in advance and make the change immediately which led to a lot of discussion and debate. The motion passed in both the Western and Central Zone sessions. Ultimately, the motion went before the NCEES Board of Directors which met immediately after the Zone meetings ended, and the motioned was denied.

Mr. Moore anticipates that there will be full reports and possible floor motions coming in between now and the Annual meeting. Expect that there may be items of consideration in July’s materials.

F. Update on Outreach Efforts

Mr. Moore reviewed the Board’s outreach efforts.

IX. President’s Report/Board Member Activities

President Wong reported that she was the Chair of the NCEES Western Zone Nominating Committee and was very pleased to work with three other members representing boards from Guam, Nevada, and Wyoming. She also attended the NCEES Western Zone meeting and went to the engineering forum breakout session and participated in the structural engineering discussion.

Vice-President Martinez participated in the NCEES Western Zone second quarter virtual discussion.

Mr. Ruffino serves on the Leadership Committee for NCEES Western Zone, and they established a schedule where they met virtually.

On her last meeting as Board President, Christina Wong received a Certificate of Recognition from the State Treasurer, presented by Mr. Ruffino.

Mr. Moore issued a Proclamation to Coby King, marking the conclusion of his service on the Board.

Mr. King expressed his appreciation to his fellow Board members and extended those sentiments to the staff, both past and present.

During Public Comment, both Alan Escarda and Rob McMillan congratulated Mr. King.

The Nominating Committee, consisting of Mr. King and Ms. D'Antonio, presented a recommended slate consisting of Guillermo Martinez for President and Frank Ruffino for Vice-President. There were no nominations from the floor. Both nominees accepted their nominations.

X. Election of 2025-26 President and Vice President (Possible Action)

MOTION:	Mr. King and Mr. Sanchez move to close the nominations
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

MOTION:	President Wong and Dr. Amistad moved to elect Guillermo Martinez as President and Frank Ruffino as Vice-President.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

XI. Approval of Meeting Minutes (Possible Action)

A. Approval of April 3, 2025, Board Meeting Minutes

MOTION:	Dr. Amistad and Mr. Villegas moved to approve the April 3, 2025 meeting minutes.
VOTE:	9-0-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari			X		
Khaesha Brooks				X	
Rossana D'Antonio	X				
Desirea Haggard				X	
Michael Hartley				X	
Coby King	X				
Betsy Mathieson			X		
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				
Cliff Waldeck	X				

XII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A.** Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).

B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:

1. Crownholm et al. v. Moore, et al. No. 24-276, cert. pending (filed Sep. 9, 2024), Supreme Court of the United States, Crownholm, et al. v. Moore, et al. (No. 23-15138) (9th Cir. April 16, 2024)
2. Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists, San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL

XIII. Adjourn

The meeting adjourned at 3:31 p.m.

PUBLIC PRESENT

Saeed Jorat

Alan Escarda, PECG

Craig Copelan, PECG

Dr. Bishnujee Singh

XI. Closed Session – The Board will meet in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 - 1. Crownholm et al. v. Moore, et al. No. 24-276, cert. pending (filed Sep. 9, 2024), Supreme Court of the United States, Crownholm, et al. v. Moore, et al. (No. 23-15138) (9th Cir. April 16, 2024)
 - 2. Shahrokh Esmaily-Radvar vs. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court, Case No. 25STCP02175
 - 3. James MacGregor Renfrew, Jr. vs. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court, Case No. 25STCP02233

XII. Adjourn
