



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

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, March 12, 2020, beginning at 9:00 a.m.,
and continuing on Friday, March 13, 2020,
beginning at 9:00 a.m., if necessary

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Boardroom
Monterey, CA 93940

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

BOARD MEETING

March 12-13, 2020

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Boardroom
Monterey, CA 93940

BOARD MEMBERS

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

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.

IV. Consideration of Rulemaking Proposals

- A. Proposed Amendments to Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018) (Possible Action)

V. Administration

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

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

Prepared 3/2/2020

	FY 2019-20 2/19/2020 Activity Log	FY 2019-20 FM 1 Projections	FY 2019-20 Updated Projections	% Change
Revenue				
Applications/Licensing Fees	1,089,362	1,646,000	1,646,000	0%
1 Renewal fees	5,381,078	6,891,000	6,891,000	0%
2 Delinquent fees	44,070	88,000	88,000	0%
Other & Reimbursements	64,372	140,000	140,000	0%
3 Interest	70,222	163,000	163,000	0%
Total Revenue:	6,649,104	8,928,000	8,928,000	0%
Expense				
Personnel Services:				
4 Salary & Wages (Staff)	1,718,282	2,924,425	2,965,464	1%
Temp Help	75,007	123,785	112,511	-9%
Statutory Exempt (EO)	77,924	135,526	133,584	-1%
Board Member Per Diem	5,900	10,000	9,600	-4%
Overtime/Flex Elect/Lump Sum	725	0	1,088	100%
Staff Benefits	1,028,333	1,713,980	1,767,112	3%
Total Personnel Services	2,906,171	4,907,716	4,989,358	2%
Operating Expense and Equipment:				
General Expense	54,506	67,000	81,759	22%
5 Printing	25,056	8,000	31,978	300%
Communication	13,422	44,000	44,000	0%
Postage	0	50,000	50,000	0%
Insurance	103	16,000	16,000	0%
Travel In State	31,841	60,000	65,000	8%
Travel, Out-of-State	0	800	800	0%
Training	20	150	500	233%
Facilities Operations	211,040	416,004	416,004	0%
6 C & P Services - Interdept.	437,494	457,090	610,000	33%
7 C & P Services - External	1,361,941	1,243,885	1,243,885	0%
8 DCA Pro Rata	942,083	1,579,000	1,579,000	0%
DOI - Investigations	15,750	0	0	0%
Interagency Services	10,556	27,000	27,000	0%
Consolidated Data Center	5,264	22,000	22,000	0%
9 Information Technology	14,596	1,143,000	685,800	-40%
Equipment	23,266	0	26,000	100%
Total OE&E	3,146,938	5,133,929	4,899,726	-5%
Total Expense:	6,053,109	10,041,645	9,889,084	-2%
Total Revenue:	6,649,104	8,928,000	8,928,000	
Total Expense:	6,053,109	10,041,645	9,889,084	
Difference:	595,995	(1,113,645)	(961,084)	

Financial Statement Notes

- 1 **Renewal fees** - Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.
- 2 **Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 3 **Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate.
- 4 **Salary & Wages (Staff)** - The projected expenditure increase for salaries and wages is due to the Board almost being fully staffed, merit salary adjustments, and new bargaining unit agreements. The Board is trying to fill the following remaining positions: 2.0 AGPA/SSA and 1.0 OT.
- 5 **Printing** - \$25,000 in contract encumbrances in FI\$Cal reports. Board staff is working with DCA Budgets to identify contracts.
- 6 **C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 7 **C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing).
- 8 **DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 9 **Information Technology** - California Department of Technology (CDT) oversight for review and approval of the Project Approval Lifecycle (PAL) project.

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

Analysis of Fund Condition

Prepared 3/2/2020

(Dollars in Thousands)

Governor's Budget 2020-21

	Governor's Budget			
	PY 2018-19	CY 2019-20	BY 2020-21	BY + 1 2021-22
BEGINNING BALANCE	\$ 7,955	\$ 6,651	\$ 5,916	\$ 5,112
Prior Year Adjustment	\$ 616		\$ -	\$ -
Adjusted Beginning Balance	\$ 8,571	\$ 6,651	\$ 5,916	\$ 5,112
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 75	\$ 88	\$ 128	\$ 129
4127400 Renewal fees	\$ 6,258	\$ 6,891	\$ 10,366	\$ 11,623
4129200 Other regulatory fees	\$ 100	\$ 140	\$ 127	\$ 127
4129400 Other regulatory licenses and permits	\$ 1,842	\$ 1,646	\$ 2,011	\$ 2,017
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
4140000 Sales of documents	\$ -	\$ -	\$ -	\$ -
4150500 Interest Income from interfund loans	\$ 24	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 145	\$ 259	\$ 259	\$ 74
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 22	\$ 22	\$ 22	\$ 22
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,467	\$ 9,047	\$ 12,914	\$ 13,993
Transfers from Other Funds				
FO0001 Revenue Transfer from Geology/General Fund		\$ -		
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ 800	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 9,267	\$ 9,047	\$ 12,914	\$ 13,993
Totals, Resources	\$ 17,838	\$ 15,698	\$ 18,830	\$ 19,105
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,335	\$ 9,889	\$ 12,874	\$ 13,260
8880 Financial Information System for CA (State Operations)	\$ 1	\$ -1	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 98	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 753	\$ 819	\$ 635	\$ 635
Less funding provided by General Fund (State Operations)	\$ -	\$ -1,134	\$ -	\$ -
Total Disbursements	\$ 11,187	\$ 9,782	\$ 13,718	\$ 14,104
FUND BALANCE				
Reserve for economic uncertainties	\$ 6,651	\$ 5,916	\$ 5,112	\$ 5,001
Months in Reserve	8.2	5.2	4.3	4.1

VI. Legislation

- A. 2020 Legislative Calendar
- B. Discussion of Legislation for 2020 (Possible Action)
 - AB 1263 Contracts: consumer services: consumer complaints.
 - AB 1616 Department of Consumer Affairs: boards: expunged convictions.
 - AB 2028 State agencies: meetings.
 - AB 2113 Refugees, asylees, and immigrants: professional licensing.
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 - AB 3334 Professional Land Surveyors' Act.
 - SB 865 Excavations: subsurface installations.
 - SB 878 Department of Consumer Affairs Licensing: applications: wait times.
 - SB 1057 Land.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 18, 2019 (Final)

DEADLINES

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

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

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

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

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

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

Jan. 6 Legislature Reconvenes (J.R. 51(a)(4)).

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

Jan. 17 Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).

Jan. 20 Martin Luther King, Jr. Day.

Jan. 24 Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.

Jan. 31 Last day for each house to **pass bills introduced** in that house in the odd-numbered year (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

Feb. 17 Presidents' Day.

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

Mar. 27 Cesar Chavez Day observed

Apr. 2 **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).

Apr. 13 Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).

Apr. 24 Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

May 1 Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).

May 8 Last day for **policy committees** to meet prior to June 1 (J.R. 61(b)(7)).

May 15 Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 1 (J.R. 61(b)(9)).

May 25 Memorial Day

May 26 - 29 **Floor Session Only**. No committees, other than conference or Rules Committees, may meet for any purpose (J.R. 61(b)(10)).

May 29 Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

*Holiday schedule subject to Senate Rules committee approval.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 18, 2019 (Final)

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 1 Committee meetings may resume (J.R. 61(b)(12)).

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

June 25 Last day for a legislative measure to qualify for the November 3 General Election ballot (Election code Sec. 9040).

June 26 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

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 2 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

July 3 Independence Day observed.

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

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17 – 31 Floor Session only. No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(16)).

Aug. 21 Last day to **amend bills** on the Floor (J.R. 61(b)(17)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 3 General Election

Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7 12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).

2021

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

AB 1263 (Low, D-Cupertino)
Contracts: consumer services: consumer complaints.

Status: 1/30/2020 – In Senate. Read first time. To Committee on Rules for Assignment.

Location: 3/4/2020 – Senate Rules Committee

Amended: 1/6/2020

Board Position: None as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: Assembly Bill (AB) 1263, as amended January 6, 2020, would add Section 1670.8.5 to the Civil Code. This new section would prohibit the inclusion in a contract or a proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board of a provision limiting the consumer’s ability to file a complaint with that board or to participate in the board’s investigation of the licensee. The section would also contain a statement that any waiver of the provisions of this section is contrary to public policy and void and unenforceable. The section would further provide that a violation of it would subject the licensee to disciplinary action by the licensing board.

Staff Comment: This bill is sponsored by the author, Assembly Member Evan Low, who serves as the Chair of the Assembly Business and Professions Committee. Assembly Member Low states

“Existing law has already been enacted with the intent to prohibit non-disparagement clauses in consumer contracts. This bill has been introduced [because] companies providing professional services are nevertheless seeking to restrict their customer’s authority to make substantiated complaints to regulatory boards through refund agreements and other contracts. This bill would expressly prohibit these provisions in any contract governing the provision of professional services that are subject to licensure and oversight by the state.”

Section 143.5 of the Business and Professions Code prohibits a licensee from including a provision in a settlement of a civil action that would prohibit the other party from contacting, filing a complaint, or cooperating with the Department of Consumer Affairs or a licensing board regarding the licensee or requiring the other party to withdraw a complaint that has already been filed. This bill would add a similar restriction on the inclusion of a similar provision in contracts.

Staff Recommendation: This is a consumer-protection bill. As such, staff recommends that the Board take a position of SUPPORT on AB 1263, as amended January 6, 2020.

Laws: An act to add Section 1670.8.5 to the Civil Code, relating to business regulation.

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1263

Introduced by Assembly Member Low

February 21, 2019

An act to add Chapter 1.6 (commencing with Section 1939.60) to Title 5 of Part 4 of Division 3 of the Civil Code, to add Article 5.1 (commencing with Section 11629.6) to Chapter 1 of Part 3 of Division 2 of, and to repeal Section 11580.24 of, the Insurance Code, and to amend Sections 11752, 11754, and 11760 of the Vehicle Code, Section 1670.8.5 to the Civil Code, relating to business regulation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, as amended, Low. ~~Peer-to-peer car sharing.~~ *Contracts: consumer services: consumer complaints.*

Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a

licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

~~Existing law defines a personal vehicle sharing program as a legal entity qualified to do business in the state that is engaged in the business of facilitating the sharing of private passenger vehicles for noncommercial use by individuals within the state.~~

~~This bill would rename "personal vehicle sharing program" to "peer-to-peer car sharing program" and would require specified disclosures to be made in a peer-to-peer car sharing contract. This bill would authorize a peer-to-peer car sharing program to only enter into a contract with a licensed driver, as specified. The bill would make a peer-to-peer car sharing program responsible for any equipment that is to be installed in a vehicle to facilitate car sharing transactions. The bill would authorize airports to regulate access and use by peer-to-peer car sharing vehicles. The bill would also require peer-to-peer car sharing programs and participants to be insured, as specified.~~

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

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

- 1 SECTION 1. Section 1670.8.5 is added to the Civil Code, to
2 read:
3 1670.8.5. (a) A contract or proposed contract involving the
4 provision of a consumer service by a licensee regulated by a
5 licensing board shall not include a provision limiting the
6 consumer's ability to file a complaint with that board or to
7 participate in the board's investigation into the licensee.
8 (b) Any waiver of the provisions of this section is contrary to
9 public policy, and is void and unenforceable.
10 (c) For purposes of this section, the following terms apply:
11 (1) "Consumer service" means any service which is obtained
12 for use primarily for personal, family, or household purposes.
13 (2) "Licensing board" means any entity contained in Section
14 101 of the Business and Professions Code, the State Bar of

1 California, the Department of Real Estate, or any other state
2 agency that issues a license, certificate, or registration authorizing
3 a person to engage in a business or profession.

4 (d) Violation of this section by a licensee shall constitute
5 unprofessional conduct subject to discipline by the licensee’s
6 licensing board.

7 SECTION 1. Chapter 1.6 (commencing with Section 1939.60)
8 is added to Title 5 of Part 4 of Division 3 of the Civil Code, to
9 read:

10
11 ~~CHAPTER 1.6. PEER-TO-PEER CAR SHARING PROGRAMS~~
12

13 ~~1939.60. This chapter may be cited as the Peer-to-Peer Car~~
14 ~~Sharing Program Act.~~

15 ~~1939.61. As used in this chapter, the following terms have the~~
16 ~~following meanings:~~

17 ~~(a) “Car sharing delivery period” means the period of time~~
18 ~~during which a shared vehicle is being delivered to the location~~
19 ~~where the car sharing start time will commence, if applicable, as~~
20 ~~documented by the governing car sharing program agreement.~~

21 ~~(b) “Car sharing period” means the period of time from the~~
22 ~~commencement of the car sharing delivery period or, if there is no~~
23 ~~car sharing delivery period, from the car sharing start time, through~~
24 ~~the car sharing termination time.~~

25 ~~(c) “Car sharing program agreement” means the terms and~~
26 ~~conditions applicable to a shared vehicle owner and a shared~~
27 ~~vehicle driver that govern the use of a shared vehicle through a~~
28 ~~peer-to-peer car sharing program.~~

29 ~~(d) “Car sharing start time” means the time when the shared~~
30 ~~vehicle driver takes control of the shared vehicle at or after the~~
31 ~~time the reservation of a shared vehicle is scheduled to begin as~~
32 ~~documented in the records of a peer-to-peer car sharing program.~~

33 ~~(e) “Car sharing termination time” means the time when the~~
34 ~~shared vehicle is returned to the location designated by the shared~~
35 ~~vehicle owner through a peer-to-peer car sharing program, and the~~
36 ~~earliest of one of the following occurs:~~

37 ~~(1) The intent to terminate the use of the shared vehicle is~~
38 ~~verifiably communicated by the shared vehicle driver to the shared~~
39 ~~vehicle owner using the peer-to-peer car sharing program.~~

1 ~~(2) The shared vehicle owner or the shared vehicle owner's~~
 2 ~~authorized designee takes possession and control of the shared~~
 3 ~~vehicle.~~

4 ~~(3) The period of time established for the use of a shared vehicle~~
 5 ~~in the governing car sharing program agreement expires.~~

6 ~~(f) "Peer-to-peer car sharing" means the authorized use of a~~
 7 ~~vehicle by an individual other than the vehicle's owner through a~~
 8 ~~peer-to-peer car sharing program.~~

9 ~~(g) "Peer-to-peer car sharing program" means a business~~
 10 ~~platform that connects vehicle owners with licensed drivers to~~
 11 ~~enable the sharing of vehicles for financial consideration.~~
 12 ~~"Peer-to-peer car sharing program" does not mean car rental~~
 13 ~~agency.~~

14 ~~(h) "Shared vehicle" means a vehicle that is available for sharing~~
 15 ~~through a peer-to-peer car sharing program.~~

16 ~~(i) "Shared vehicle driver" means a person who is authorized~~
 17 ~~to drive a shared vehicle by the shared vehicle owner under a car~~
 18 ~~sharing program agreement.~~

19 ~~(j) "Shared vehicle owner" means the registered owner of a~~
 20 ~~vehicle made available for sharing to shared vehicle drivers through~~
 21 ~~a peer-to-peer car sharing program.~~

22 ~~1939.62. Each car sharing program agreement made in the state~~
 23 ~~shall disclose to the shared vehicle owner and the shared vehicle~~
 24 ~~driver all of the following:~~

25 ~~(a) Any right of the peer-to-peer car sharing program to seek~~
 26 ~~indemnification from the shared vehicle owner or the shared vehicle~~
 27 ~~driver for economic loss sustained by the peer-to-peer car sharing~~
 28 ~~program resulting from a breach of the terms and conditions of~~
 29 ~~the car sharing program agreement.~~

30 ~~(b) That an automobile liability insurance policy issued to the~~
 31 ~~shared vehicle owner for the shared vehicle or to the shared vehicle~~
 32 ~~driver does not provide a defense or indemnification for any claim~~
 33 ~~asserted by the peer-to-peer car sharing program.~~

34 ~~(c) That the peer-to-peer car sharing program's insurance~~
 35 ~~coverage on the shared vehicle owner and the shared vehicle driver,~~
 36 ~~required pursuant to Article 5.1 (commencing with Section~~
 37 ~~11629.6) to Chapter 1 of Part 3 of Division 2 of the Insurance~~
 38 ~~Code, is in effect only during each car sharing period and that, for~~
 39 ~~any use of the shared vehicle by the shared vehicle driver after the~~

1 ~~car sharing termination time, the shared vehicle driver and the~~
2 ~~shared vehicle owner may not be covered.~~

3 ~~(d) The amounts of the daily rate, additional mandatory charges,~~
4 ~~fees, and, if applicable, any insurance or protection plan costs that~~
5 ~~are charged to the shared vehicle owner or the shared vehicle~~
6 ~~driver.~~

7 ~~(e) That the shared vehicle owner's motor vehicle liability~~
8 ~~insurance may not provide coverage for a shared vehicle.~~

9 ~~(f) An emergency telephone number for customer service~~
10 ~~inquiries, including requests for emergency roadside assistance.~~

11 ~~1939.63. A peer-to-peer car sharing program shall disclose the~~
12 ~~daily rate, charges, fees, and costs when providing a quote and~~
13 ~~shall not require any other fees or charges to be paid as a condition~~
14 ~~of using the shared vehicle.~~

15 ~~1939.64. (a) A peer-to-peer car sharing program shall only~~
16 ~~enter into a car sharing program agreement with a shared vehicle~~
17 ~~driver who is at least 18 years of age and who provides~~
18 ~~documentation of either of the following documents:~~

19 ~~(1) A valid, unexpired California driver's license that authorizes~~
20 ~~the driver to operate a vehicle of the same class as the shared~~
21 ~~vehicle.~~

22 ~~(2) A valid, unexpired driver's license issued by the state or~~
23 ~~country of the shared vehicle driver's residence that authorizes the~~
24 ~~driver in that state or country to drive a vehicle of the same class~~
25 ~~as the shared vehicle.~~

26 ~~1939.65. A peer-to-peer car sharing program shall have sole~~
27 ~~responsibility for any equipment that is installed in or on the~~
28 ~~vehicle to facilitate the car sharing transaction, and shall agree to~~
29 ~~indemnify and hold harmless the shared vehicle owner for any~~
30 ~~damage to or theft of the equipment during the sharing period not~~
31 ~~caused by the vehicle owner. The peer-to-peer car sharing program~~
32 ~~has the right to seek indemnity from the shared vehicle driver for~~
33 ~~any loss or damage to the equipment that occurs during the car~~
34 ~~sharing period.~~

35 ~~1939.66. (a) Notwithstanding any other law, a commercial~~
36 ~~airport authority is authorized to regulate access to an airport and~~
37 ~~set access fees for peer-to-peer car sharing programs. If required,~~
38 ~~a peer-to-peer car sharing program shall obtain a permit or other~~
39 ~~written authorization from the airport operator prior to facilitating~~
40 ~~the sharing of vehicles at that airport.~~

1 ~~(b) This section does not affect the authority of any political~~
 2 ~~subdivision of the state to regulate access to an airport it owns or~~
 3 ~~operates and to set access fees or requirements for a peer-to-peer~~
 4 ~~car sharing program.~~

5 ~~SEC. 2. Section 11580.24 of the Insurance Code is repealed.~~

6 ~~SEC. 3. Article 5.1 (commencing with Section 11629.6) is~~
 7 ~~added to Chapter 1 of Part 3 of Division 2 of the Insurance Code,~~
 8 ~~to read:~~

9
 10 ~~Article 5.1. Peer-to-Peer Car Sharing Programs~~

11
 12 ~~11629.6. For purposes of this article, the definitions set forth~~
 13 ~~in Section 1939.61 of the Civil Code shall apply.~~

14 ~~11629.61. (a) A peer-to-peer car sharing program shall assume~~
 15 ~~the liability of a shared vehicle owner for any property damage to~~
 16 ~~the shared vehicle or any bodily injury or property damage to third~~
 17 ~~parties or uninsured and underinsured motorist or personal injury~~
 18 ~~protection losses during the car sharing period in an amount stated~~
 19 ~~in the peer-to-peer car sharing program agreement which amount~~
 20 ~~may not be less than those set forth in Section 16056 of the Vehicle~~
 21 ~~Code. In addition, a peer-to-peer car sharing program shall also~~
 22 ~~assume liability for the shared vehicle.~~

23 ~~The assumption of liability does not apply if the shared vehicle~~
 24 ~~owner makes an intentional or fraudulent material~~
 25 ~~misrepresentation to the peer-to-peer car sharing program before~~
 26 ~~the car sharing period in which the loss occurred.~~

27 ~~(b) A peer-to-peer car sharing program shall ensure that, during~~
 28 ~~each car sharing period, the shared vehicle owner and the shared~~
 29 ~~vehicle driver are insured under a motor vehicle liability insurance~~
 30 ~~policy that provides insurance coverage in amounts no less than~~
 31 ~~_____.~~

32 ~~(c) The insurance described in subdivision (b) may be satisfied~~
 33 ~~by motor vehicle liability insurance maintained by any of the~~
 34 ~~following:~~

- 35 ~~(1) The shared vehicle owner.~~
 36 ~~(2) The shared vehicle driver.~~
 37 ~~(3) The peer-to-peer car sharing program.~~
 38 ~~(4) Any combination of the above.~~

39 ~~(d) The peer-to-peer car sharing program shall assume primary~~
 40 ~~liability for a claim when it is, in whole or in part, providing the~~

1 insurance required under subdivision (b) and both of the following
2 are true:

3 (1) A dispute exists as to who was in control of the shared motor
4 vehicle at the time of the loss.

5 (2) The peer-to-peer car sharing program does not have
6 available, did not retain, or fails to provide the information required
7 pursuant to Section 11629.65.

8 (e) If a peer-to-peer car sharing program assumes liability for
9 a claim pursuant to subdivision (d), and it is later determined that
10 the shared motor vehicle's owner was in control of the shared
11 motor vehicle at the time of the loss, the shared motor vehicle's
12 insurer shall indemnify the car sharing program to the extent of
13 its obligation, if any, under the applicable insurance policy.

14 (f) If the insurance described in subdivision (e) maintained by
15 a shared vehicle owner or shared vehicle driver has lapsed or does
16 not provide the required coverage, insurance maintained by the
17 peer-to-peer car sharing program shall provide the coverage
18 required pursuant to subdivision (b) beginning with the first dollar
19 of a claim and shall have the duty to defend such a claim.

20 (g) Coverage under an automobile insurance policy maintained
21 by the peer-to-peer car sharing program shall not be dependent on
22 a personal automobile insurer first denying a claim nor shall a
23 personal automobile insurance policy be required to first deny a
24 claim.

25 (h) This article does not limit either of the following:

26 (1) The liability of a peer-to-peer car sharing program for any
27 act or omission of the peer-to-peer car sharing program itself that
28 results in injury to any person as a result of the use of a shared
29 vehicle through a peer-to-peer car sharing program.

30 (2) The ability of a peer-to-peer car sharing program to, by
31 contract, seek indemnification from the shared vehicle owner or
32 the shared vehicle driver for economic loss sustained by the
33 peer-to-peer car sharing program resulting from a breach of the
34 terms and conditions of the car sharing program agreement.

35 11629.62. Before a shared vehicle is made available for car
36 sharing on the peer-to-peer car sharing program, the peer-to-peer
37 car sharing program shall notify the shared vehicle owner that, if
38 the shared vehicle has a lien against it, the use of the shared vehicle
39 through a peer-to-peer car sharing program, including use without

1 physical damage coverage, may violate the terms of the contract
2 with the lienholder.

3 ~~11629.63. An authorized insurer that writes motor vehicle
4 liability insurance may exclude any and all coverage and the duty
5 to defend or indemnify for any claim afforded under a shared
6 vehicle owner's personal motor vehicle liability insurance policy.
7 This article does not invalidate or limit an exclusion contained in
8 a motor vehicle liability insurance policy, including any insurance
9 policy in use or approved for use that excludes coverage for motor
10 vehicles made available for rent, sharing, or hire or for any business
11 use.~~

12 ~~11629.64. A motor vehicle insurer may not deny, cancel, void,
13 terminate, rescind, or nonrenew a policy of personal private
14 passenger automobile liability insurance of a shared vehicle owner
15 solely on the basis that vehicle covered under the policy has been
16 made available for sharing through a peer-to-peer car sharing
17 program.~~

18 ~~11629.65. A peer-to-peer car sharing program shall collect and
19 verify records pertaining to the use of a vehicle, including, but not
20 limited to, times used, fees paid by the shared vehicle driver, and
21 revenues received by the shared vehicle owner and provide that
22 information upon request to the shared vehicle owner, the shared
23 vehicle owner's insurer, or the shared vehicle driver's insurer to
24 facilitate a claim coverage investigation. The peer-to-peer car
25 sharing program shall retain the records for not less than five years
26 unless a longer retention period is otherwise required by law.~~

27 ~~11629.66. A motor vehicle insurer that defends or indemnifies
28 a claim involving a shared vehicle that is excluded under the terms
29 of its policy shall have the right to seek contribution against the
30 motor vehicle insurer of the peer-to-peer car sharing program if
31 both of the following are true:~~

32 ~~(a) The claim is made against the shared vehicle owner or the
33 shared vehicle driver for loss or injury that occurs during the car
34 sharing period.~~

35 ~~(b) Coverage for peer-to-peer vehicle sharing is excluded under
36 the terms of its policy.~~

37 ~~11629.67. A peer-to-peer car sharing program shall, for each
38 vehicle that it facilitates the use of, provide the registered owner
39 of the vehicle with a Department of Motor Vehicles Form REG
40 5085 or other suitable proof of compliance with the insurance~~

1 requirements of this section and the requirements of the California
 2 Financial Responsibility Law in Section 1656.2 of the Vehicle
 3 Code, a copy of which shall be maintained in the vehicle by the
 4 vehicle's registered owner during any time when the vehicle is
 5 operated by any person other than the vehicle's owner pursuant to
 6 a peer-to-peer car sharing program.

7 SEC. 4. Section 11752 of the Vehicle Code is amended to read:

8 11752. As used in this article, the following definitions apply:

9 (a) The term "dealer" has the same meaning as in Section 285.

10 (b) (1) A "manufacturer's recall" is a recall conducted pursuant
 11 to Sections 30118 to 30120, inclusive, of Title 49 of the United
 12 States Code.

13 (2) A manufacturer's recall does not include a service campaign
 14 or emission recall when the vehicle manufacturer or the National
 15 Highway Traffic Safety Administration has not issued a recall
 16 notice to owners of affected vehicles, pursuant to Section 30118
 17 of Title 49 of the United States Code.

18 (c) A "peer-to-peer car sharing program" has the same meaning
 19 as defined in Section 1939.61 of the Civil Code.

20 (d) A "recall database" is a database from which an individual
 21 may obtain vehicle identification number (VIN) specific
 22 manufacturer's recall information relevant to a specific vehicle.

23 (1) For a vehicle manufacturer that is not subject to the
 24 regulations adopted pursuant to Section 31301 of the federal
 25 Moving Ahead for Progress in the 21st Century Act (Public Law
 26 112-141), a recall database is one of the following:

27 (A) The recall data on a vehicle manufacturer's internet website
 28 for a specific vehicle's line-make.

29 (B) The recall data in a vehicle manufacturer's internal system
 30 that provides information to its franchisees on vehicles subject to
 31 recall.

32 (C) The recall data in subparagraph (A) or (B) that is contained
 33 in a commercially available vehicle history system.

34 (2) For a vehicle manufacturer that is subject to the regulations
 35 adopted pursuant to Section 31301 of the federal Moving Ahead
 36 for Progress in the 21st Century Act (Public Law 112-141), a recall
 37 database shall include, at a minimum, the recall information
 38 required pursuant to Section 573.15 of Title 49 of the Code of
 39 Federal Regulations.

1 (e) A “recall database report” is a report, specific to a vehicle
2 that is identified by its VIN, containing information obtained from
3 a recall database.

4 (f) A “rental car company” is a person or entity in the business
5 of renting passenger vehicles to the public in California.

6 SEC. 5. Section 11754 of the Vehicle Code is amended to read:

7 11754. (a) No later than 48 hours after receiving a notice of a
8 manufacturer’s recall, or sooner if practicable, a dealer or rental
9 car company with a motor vehicle fleet of 34 or fewer loaner or
10 rental vehicles shall not loan, rent, or offer for loan or rent a vehicle
11 subject to that recall until the recall repair has been made.

12 (b) If a recall notification indicates that the remedy for the recall
13 is not immediately available and specifies actions to temporarily
14 repair the vehicle in a manner to eliminate the safety risk that
15 prompted the recall, the dealer or rental car company, after having
16 the repairs completed, may loan or rent the vehicle. Once the
17 remedy for the vehicle becomes available to the dealer or rental
18 car company, the dealer or rental car company shall not loan or
19 rent the vehicle until the vehicle has been repaired.

20 (c) As soon as practicable but not more than 48 hours after a
21 vehicle is subject to a manufacturer’s recall, as defined in
22 subdivision (b) of Section 11752, and a recall notice has been
23 issued by the manufacturer and appears in the recall database
24 provided by the National Highway Traffic Safety Administration
25 pursuant to Section 573.15 of Title 49 of the Code of Federal
26 Regulations, or not more than 48 hours after the peer-to-peer car
27 sharing program receives notification of a manufacturer’s recall
28 by a third party with which the peer-to-peer car sharing program
29 contracts to provide notification of active recalls, a peer-to-peer
30 car sharing program shall not facilitate or otherwise arrange for
31 transportation with that vehicle until after any recall notices for
32 that vehicle no longer appear in the recall database provided by
33 the National Highway Traffic Safety Administration.

34 (d) The changes to this section made by Chapter 591 of the
35 Statutes of 2018 do not apply in any manner to litigation pending
36 as of January 1, 2019.

37 (e) This section does not affect the determination of whether or
38 not a company is a rental car company or whether or not a company
39 is a peer-to-peer car sharing company.

40 SEC. 6. Section 11760 of the Vehicle Code is amended to read:

1 ~~11760. (a) This article does not create any legal duty upon the~~
2 ~~dealer, rental car company, peer-to-peer car sharing program, or~~
3 ~~department related to the accuracy, errors, or omissions contained~~
4 ~~in a recall database report or any legal duty to provide information~~
5 ~~added to a recall database after the dealer, rental car company,~~
6 ~~peer-to-peer car sharing program, or department obtained the recall~~
7 ~~database report pursuant to Sections 11754 and 11758.~~

8 ~~(b) The changes to this section made by Chapter 591 of the~~
9 ~~statutes of 2018 shall not apply in any manner to litigation that is~~
10 ~~pending as of January 1, 2019.~~

11 ~~(c) This section does not affect the determination of whether or~~
12 ~~not a company is a rental car company or whether or not a company~~
13 ~~is a peer-to-peer car sharing program.~~

**AB 1616 (Introduced by Low, D-Cupertino;
Coauthor: Eduardo Garcia, D-Coachella)
Department of Consumer Affairs: boards: expunged convictions.**

Status: 1/30/2020 – In Senate. Read first time. To Committee on Rules for Assignment.

Location: 3/4/2020 – Senate Rules Committee

Amended: 1/6/2020

Board Position: None as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: Assembly Bill (AB) 1616, as amended January 6, 2020, would add Section 493.5 to the Business and Professions Code. This new section would require a board within the Department of Consumer Affairs (DCA) that has posted on its website that a person’s license was revoked because the person was convicted of a crime to, within six months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order on the website if the person applies for licensure or is relicensed, or remove the initial posting regarding the revocation if the person is not currently licensed and does not reapply for licensure. The bill also provides that the person shall pay the board a fee in an amount to be determined by DCA that does not exceed the reasonable cost of administering this section.

Staff Comment: This bill is sponsored by Assembly Member Low, one of the authors. According to Assembly Member Low

“[This bill] is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose conviction has been dismissed, or expunged, through the judicial process. Under current law, individuals who have successfully rehabilitated may continue to face stigma and barriers to find employment. Although they are intent on positively contributing to society by finding employment and self-sufficiency, state records may not reflect an expungement that was granted by the courts. [This bill] allows individuals who were formerly licensed through the state of California to appropriately reflect the record of their rehabilitation as granted by the judicial branch, and improve their opportunity to seek meaningful employment.”

DCA, based on information from the boards, provided information regarding the fiscal effect to the Assembly Committee on Appropriations. DCA indicated that the costs were unknown but would likely be in the range of the low tens of thousands of dollars to the low hundreds of thousands of dollars to the board to post notifications of expungements on their websites.

Staff Recommendation: Because this bill would impact the Board staff’s workload, staff recommends the Board take a position of WATCH on AB 1616, as amended January 6, 2020.

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

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Low
(Coauthor: Assembly Member Eduardo Garcia)

February 22, 2019

An act to ~~amend Section 10295.6 of the Insurance Code, relating to insurance;~~ *add Section 493.5 to the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Low. ~~Accelerated death benefits—Department of Consumer Affairs: boards: expunged convictions.~~

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

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime to, within 6 months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order and the date thereof on the board's internet website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person's license was revoked if the person is not currently licensed and does not reapply for licensure, as specified. The bill would require a person to pay a fee, to be determined by the department, to the board for the cost of administering the bill's provisions.

~~Existing law regulates classes of insurance, including life insurance, and prescribes certain requirements governing the payment of an accelerated death benefit under a life insurance policy. Existing law authorizes an accelerated death benefit to be added to a life insurance policy to provide for the advance payment of a part of the death proceeds if a qualifying event, including a terminal or chronic illness, occurs. Existing law prohibits an accelerated death benefit from being effective more than 30 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

~~This bill would authorize the effective period of an accelerated death benefit to be extended to not more than 60 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

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

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

1 SECTION 1. Section 493.5 is added to the Business and
2 Professions Code, to read:
3 493.5. (a) A board within the department that has posted on
4 its internet website that a person's license was revoked because
5 the person was convicted of a crime, upon receiving from the
6 person a certified copy of an expungement order granted pursuant
7 to Section 1203.4 of the Penal Code for the underlying offense,
8 shall, within six months of receiving the expungement order, unless
9 it is otherwise prohibited by law, or by other terms or conditions,
10 do either of the following:

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

4 (2) *If the person is not currently licensed and does not reapply*
 5 *for licensure, remove the initial posting on its internet website that*
 6 *the person's license was revoked.*

7 (b) *A person described in subdivision (a) shall pay to the board*
 8 *a fee in an amount to be determined by the department that does*
 9 *not exceed the reasonable cost of administering this section. The*
 10 *fee shall be deposited by the board into the appropriate fund and*
 11 *shall be available only upon appropriation by the Legislature.*

12 (c) *For purposes of this section "board" means an entity listed*
 13 *in Section 101.*

14 (d) *If any provision in this section conflicts with Section 2027,*
 15 *Section 2027 shall prevail.*

16 ~~SECTION 1. Section 10295.6 of the Insurance Code is~~
 17 ~~amended to read:~~

18 ~~10295.6. (a) If a policyholder or certificate holder requests an~~
 19 ~~acceleration of death benefits, the insurer shall send a statement~~
 20 ~~to the policyholder or certificate holder and irrevocable beneficiary~~
 21 ~~showing any effect that the payment of the accelerated death benefit~~
 22 ~~would have on the policy's cash value, accumulation account,~~
 23 ~~death benefit, premium, policy loans, and policy liens. The~~
 24 ~~statement shall disclose that receipt of accelerated death benefit~~
 25 ~~payments may adversely affect the recipient's eligibility for~~
 26 ~~Medicaid or other government benefits or entitlements. In addition,~~
 27 ~~receipt of an accelerated death benefit payment may be taxable~~
 28 ~~and assistance should be sought from a personal tax adviser. If a~~
 29 ~~previous disclosure statement becomes invalid as a result of an~~
 30 ~~acceleration of the death benefit, the insurer shall send a revised~~
 31 ~~disclosure statement to the policyholder or certificate holder and~~
 32 ~~irrevocable beneficiary.~~

33 ~~(b) The accelerated death benefit shall be effective not more~~
 34 ~~than 60 days following the effective date of the policy provision,~~
 35 ~~rider, endorsement, or certificate.~~

36 ~~(c) If the insurer charges a separate premium for the accelerated~~
 37 ~~death benefit, then the insurer may also offer a waiver of premium~~
 38 ~~benefit as defined in subdivision (a) of Section 10271.1. At the~~
 39 ~~time the waiver of the accelerated death benefit premium benefit~~

1 is claimed, the insurer shall explain any continuing premium
2 requirement to keep the underlying policy in force.

3 (d) ~~An insurer shall not unfairly discriminate among insureds
4 with different qualifying events covered under the policy or among
5 insureds with similar qualifying events covered under the policy.
6 An insurer shall not apply further conditions on the payment of
7 the accelerated death benefits other than those conditions specified
8 in the accelerated death benefit.~~

9 (e) ~~No later than one month after payment of an accelerated
10 death benefit, the insurer shall provide the policyholder or
11 certificate holder with a report of any accelerated death benefits
12 paid out during the prior month, an explanation of any changes to
13 the policy or certificate, death benefits, and cash values on account
14 of the benefits being paid out, and the amount of the remaining
15 benefits that may be accelerated at the end of the prior month. The
16 insurer may use a calendar month or policy or certificate month.~~

17 (f) ~~The conversion benefit available to group certificate holders
18 on termination of employment pursuant to paragraph (2) of
19 subdivision (a) of Section 10209 shall include a benefit comparable
20 to the accelerated death benefit. This requirement may be satisfied
21 by an individual policy or certificate. This requirement, subject to
22 the approval of the commissioner, may be satisfied by arrangement
23 with another insurer to provide the required coverage.~~

24 (g) ~~If payment of an accelerated death benefit results in a pro
25 rata reduction in cash value, the payment may be applied toward
26 repaying a portion of the loan equal to a pro rata portion of any
27 outstanding policy loans if disclosure of the effect of acceleration
28 upon any remaining death benefit, cash value or accumulation
29 account, policy loan, and premium payments, including a statement
30 of the possibility of termination of any remaining death benefit,
31 is provided to the policyholder or certificate holder. The
32 policyholder or certificate holder shall provide written consent
33 authorizing any other arrangement for the repayment of outstanding
34 policy loans.~~

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REVISIONS:
Heading—Line 2.

O

AB 2028 (Aguiar-Curry, D-Napa)
State agencies: meetings.

Status: 2/14/2020 – Referred to Assembly Committee on Government Organization.

Location: 3/4/2020 – Assembly Committee on Government Organization

Introduced: 1/30/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in the act. Existing law also requires the state body to provide notice of the meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. Additionally, existing law requires a state body to provide an opportunity for members of the public to directly address the state body on each agenda item; however, existing law provides an exemption from this requirement for, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would require that the notice of the meeting also include all writings or materials provided for the meeting to a member of the state body by the staff of a state agency, board, or commission or by another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. These writings or materials would be required to be made available on the internet at least 10 days in advance of the meeting and to any person who requests that notice in writing. A state body would be allowed to distribute or discuss writings or materials at a meeting of the state body only if it had complied with this provision. These requirements would not apply to writings or materials prepared for a matter to be discussed in closed session. This bill would also delete the exemption relating to public comment, thus providing the public with an opportunity to address the state body on any agenda item, even if the public had already had an opportunity to address it at a public meeting of a committee of the state body.

Staff Comment: The “writings or materials” referred to in this bill are what this Board refers to as the “meeting materials.” The meeting materials prepared by staff are provided to the Board members and posted on the Board’s website approximately seven days (one week) before the meeting. If new or updated information becomes available after the meeting materials packet is distributed, the new information is distributed to the Board members and made available to the public, either by posting on the Board’s website if time allows or by having them available as handouts at the meeting. Current law requires that writings, as defined, that are distributed to members of the state body prior to or during a meeting pertaining to an item to be considered during the meeting be made available for public inspection at the meeting if prepared by the state body or a member of the state body. The Department of Consumer Affairs’ Legal Office has previously indicated that this means any written materials the Board will review or discuss at a meeting must be made available to the public at any time prior to the Board’s discussion, which allows for handouts of updated information to be provided at meetings.

This bill would require that any writings or materials that are to be reviewed or discussed by the Board members at a meeting be made available to the public at least 10 days prior to the meeting, which would preclude the opportunity for new or updated information to be provided to the Board within that 10-day period.

Staff Recommendation: No Board action required at this time. Staff is providing this as an information-only item.

Laws: An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

ASSEMBLY BILL

No. 2028

Introduced by Assembly Member Aguiar-Curry

January 30, 2020

An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as introduced, Aguiar-Curry. State agencies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet at least 10 days in advance of the meeting. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements.

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item.

Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

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. The Legislature finds and declares the following:
2 (a) The Bagley-Keene Open Meeting Act (Article 9
3 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of the Government Code) (hereafter
5 “Bagley-Keene”) was intended to implement Section 3 of Article
6 I of the California Constitution, which states in part, “The people
7 have the right of access to information concerning the conduct of
8 the people’s business, and, therefore, the meetings of public bodies
9 and the writings of public officials and agencies shall be open to
10 public scrutiny.”
11 (b) Bagley-Keene was written to protect public meetings and
12 public notice and to ensure the transparency of actions taken by
13 state agencies, boards, and commissions.
14 (c) Californians have the right to participate in state body
15 deliberations. This includes the public’s ability to comment on all
16 agenda items discussed at a meeting of the state body, regardless
17 of whether an item has been discussed previously in a committee
18 of the state body.
19 (d) The purpose of public notice is so that state bodies give the
20 public adequate time for review of the substance of a state body
21 meeting and for comment.
22 (e) Public notice must also include any writings or materials
23 provided by a state body’s staff or by a member of the state body
24 to other members of the state body for a noticed meeting of the
25 body held at least 10 days prior to the meeting.

1 (f) Bagley-Keene affirms these rights by stating in Section 11120
2 of the Government Code, “The people of this state do not yield
3 their sovereignty to the agencies which serve them. The people,
4 in delegating authority, do not give their public servants the right
5 to decide what is good for the people to know and what is not good
6 for them to know. The people insist on remaining informed so that
7 they may retain control over the instruments they have created.”

8 SEC. 2. Section 11125 of the Government Code is amended
9 to read:

10 11125. (a) The state body shall provide notice of its meeting
11 to any person who requests that notice in writing. Notice shall be
12 given and also made available on the ~~Internet~~ *internet* at least 10
13 days in advance of the meeting, and shall include the name,
14 address, and telephone number of any person who can provide
15 further information prior to the meeting, but need not include a
16 list of witnesses expected to appear at the meeting. The written
17 notice shall additionally include the address of the ~~Internet~~ *internet*
18 *website* where notices required by this article are made
19 available.

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

30 (c) (1) *Except as otherwise provided in paragraph (4), any*
31 *notice provided pursuant to subdivision (a) shall include all*
32 *writings or materials provided for the noticed meeting to a member*
33 *of the state body by the staff of a state agency, board, or*
34 *commission, or another member of the state body, that are in*
35 *connection with a matter subject to discussion or consideration*
36 *at the meeting.*

37 (2) *The writings or materials described in paragraph (1) shall*
38 *be made available on the internet at least 10 days in advance of*
39 *the meeting, and to any person who requests that notice in writing.*

1 (3) *A state body may distribute or discuss writings or materials*
2 *described in paragraph (1) at a meeting of the state body only if*
3 *it has complied with this subdivision.*

4 (4) *This subdivision does not apply to writings or materials*
5 *prepared for a matter to be discussed in a closed session of the*
6 *state body.*

7 ~~(e)~~

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

17 ~~(d)~~

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

24 ~~(e)~~

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

27 ~~(f)~~

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

38 SEC. 3. Section 11125.7 of the Government Code is amended
39 to read:

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

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

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

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

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

38 (e) This section is not applicable to ~~closed~~ *any of the following*:

39 (1) *Closed* sessions held pursuant to Section 11126.

40 (f) ~~This section is not applicable to decisions~~

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

**AB 2113 (Introduced by Assembly Member Low, D-Cupertino;
Coauthors: Assembly Members Carrillo, D-Los Angeles; Medina, D-Riverside;
and Blanca Rubio, D-West Covina)
Refugees, asylees, and immigrants: professional licensing.**

Status: 2/27/2020 – Referred to Assembly Committee on Business and Professions.

Location: 3/4/2020 – Assembly Committee on Business and Professions

Introduced: 2/6/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would add Section 135.4 to the Business and Professions Code. This new section would require that a board within the Department of Consumer Affairs “shall expedite, and may assist, the initial licensure process” for applicants who supply satisfactory evidence that they have been admitted to the United States as a refugee or granted political asylum under specified provisions of the United States Code or who have a special immigrant visa (SIV) that has been granted a status under specified provisions of the Public Law.

Staff Comment: Existing Section 115.4 of the Business and Professions Code uses this same “shall expedite, and may assist, the initial licensure process” for applicants who were honorably discharged from active duty military service. Existing Section 115.5 of the Business and Professions Code states “shall expedite the initial licensure process” for applicants who are spouses or domestic partners of active duty military members. Under these sections, the applicants must still meet all of the requirements for licensure specified in the applicable licensing act.

This bill would provide for the same expedited licensure process for refugees, individuals granted political asylum, and individuals with an SIV. As with the provisions of law pertaining to former military members and military spouses, applicants under this provision would still have to meet all of the requirements for licensure specified in the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act.

Staff Recommendation: Staff recommends the Board take a position of WATCH on AB 2113.

Laws: An act to add Section 134.5 to the Business and Professions Code, relating to professions and vocations.

ASSEMBLY BILL

No. 2113

**Introduced by Assembly Member Low
(Coauthors: Assembly Members Carrillo, Medina, and
Blanca Rubio)**

February 6, 2020

An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as introduced, Low. Refugees, asylees, and immigrants: professional licensing.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits an entity within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted political asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

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

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

1 SECTION 1. Section 135.4 is added to the Business and
2 Professions Code, to read:

3 135.4. (a) Notwithstanding any other law, a board within the
4 department shall expedite, and may assist, the initial licensure
5 process for an applicant who supplies satisfactory evidence to the
6 board that they have been admitted to the United States as a refugee
7 under Section 1157 of Title 8 of the United States Code, have been
8 granted political asylum by the Secretary of Homeland Security
9 or the Attorney General of the United States pursuant to Section
10 1158 of Title 8 of the United States Code, or they have a special
11 immigrant visa (SIV) that has been granted a status under Section
12 1244 of Public Law 110-181, under Public Law 109-163, or under
13 Section 602(b) of Title VI of Division F of Public Law 111-8.

14 (b) A board may adopt regulations necessary to administer this
15 section.

O

AB 2185 (Patterson, R-Fresno, and Gallagher, R-Chino)
Professions and vocations: applicants licensed in other states: reciprocity.

Status: 2/20/2020 – Referred to Assembly Committee on Business and Professions.

Location: 3/4/2020 – Assembly Committee on Business and Professions

Introduced: 2/11/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would add Section 117 to the Business and Professions Code. This new section would require boards within the Department of Consumer Affairs to issue a license to an applicant if the applicant meets all of the following requirements:

1. The person is either (a) a resident of California, or (b) is married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.
2. The person is licensed in good standing in another state in the discipline and practice level for which the person is applying.
3. The person has held the license and has practiced in the licensed filed in the other state for at least three of the last five years.
4. The person has not had any disciplinary actions imposed against their license and has not had a license in the discipline for which the person is applying revoked or suspended in any other state.
5. The person submits verification that they have satisfied all education, work, examination, and other requirements for licensure in the other state in which the person holds the license in good standing.
6. The person would not be denied licensure under any provision of the Business and Professions Code, including, but not limited to, disqualification for criminal history relating to the license sought.
7. The person pays all applicable fees for licensure.
8. If required by the Board, the person has passed a California jurisprudence and ethics examination or other examination otherwise required for applicants by the board on the statutes and regulations relating to the license.

This bill also provides that this new section shall not supersede any other reciprocity agreement, compact membership, or statute that provides reciprocity for a person who holds a valid license in another state.

Staff Comment: The Board's three licensing acts contain provisions that address the requirements for individuals applying for licensure in California who hold a license in the same discipline in another state (Business and Professions Code sections 6759, 7847, and 8748). These existing provisions require that the applicant hold a current license in another state or country and meet all of the qualifications for licensure specified in the statutes and regulations, which are generally the same as items 2 and 4-8 specified above in the new section. However, the Board's existing sections of law do not require that the applicant be a resident of California or a military spouse nor do they require the applicant to have practiced in the other state for three of the last five years. As such, this new section would actually add more requirements to an applicant than the Board's laws currently impose. The new section would provide that it would not supersede existing statutes that provide for reciprocity; therefore, the Board's existing laws would still apply.

Staff Recommendation: Staff recommends the Board take a position of WATCH on AB 2113.

Laws: An act to add Section 117 to the Business and Professions Code, relating to professions and vocations.

ASSEMBLY BILL

No. 2185

Introduced by Assembly Members Patterson and Gallagher

February 11, 2020

An act to add Section 117 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2185, as introduced, Patterson. Professions and vocations: applicants licensed in other states: reciprocity.

Existing law establishes the Department of Consumer Affairs, which is composed of boards that license and regulate various professions and vocations to ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. Existing law makes a violation of some of those licensure provisions a crime.

Existing law authorizes certain boards, for purposes of reciprocity, to waive examination or other requirements and issue a license to an applicant who holds a valid license in another state and meets specified other requirements, including, among others, a license to practice veterinary medicine.

This bill would require each board within the department to issue a license to an applicant in the discipline for which the applicant applies if the person currently holds a license in good standing in another state in the discipline and practice level for which the person applies and if the person meets specified requirements, including that the person has held the license and has practiced in the licensed field in the other state for at least 3 of the last 5 years and pays all applicable fees. By expanding the applicants who are authorized to be licensed and may be

prosecuted for a violation of those licensure provisions constituting a crime, the bill would impose a state-mandated program.

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

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

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

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

1 SECTION 1. Section 117 is added to the Business and
2 Professions Code, to read:

3 117. (a) Notwithstanding any law, each board within the
4 department shall issue a license in the discipline for which the
5 applicant applies if the applicant meets all of the following
6 requirements:

7 (1) The person is a resident in this state or is married to, or is
8 in a domestic partnership or other legal union with, an active duty
9 member of the Armed Forces of the United States who is assigned
10 to a duty station in this state under official active duty military
11 orders.

12 (2) The person currently holds a license in good standing in
13 another state in the discipline and practice level for which the
14 person is applying.

15 (3) The person has held the license and has practiced in the
16 licensed field in the other state for at least three of the last five
17 years.

18 (4) The person has not had any disciplinary actions imposed
19 against their license and has not had a license in the discipline for
20 which the person is applying revoked or suspended in any other
21 state.

22 (5) The person submits verification that they have satisfied all
23 education, work, examination, and other requirements for licensure
24 in the other state in which the person holds a license in good
25 standing.

26 (6) The person would not be denied licensure under any other
27 provision of this code, including, but not limited to, disqualification
28 for criminal history relating to the license sought.

1 (7) The person pays all applicable fees for licensure.

2 (8) If required by the board, the person has passed a California
3 jurisprudence and ethics examination or other examination
4 otherwise required for applicants by the board on the statutes and
5 regulations relating to the license.

6 (b) This section shall not supersede any other reciprocity
7 agreement, compact membership, or statute that provides
8 reciprocity for a person who holds a valid license in another state.

9 (c) Notwithstanding any law, the fees, fines, penalties, or other
10 money received by a board pursuant to this section shall not be
11 continuously appropriated and shall be available only upon
12 appropriation by the legislature.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

AB 2454 (Assembly Member Chen, R-Brea)

Department of Consumer Affairs: retired or inactive status license: discipline.

Status: 2/27/2020 – Referred to Assembly Committee on Business and Professions.

Location: 3/4/2020 – Assembly Committee on Business and Professions

Introduced: 2/19/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would add Section 110.7 to the Business and Professions Code to allow boards within the Department of Consumer Affairs to discipline a licensee who has placed their license in a retired or inactive status.

Staff Comment: The Board's three licensing acts contain provisions authorizing the Board to issue a retired license if the applicant meets certain specified conditions (Business and Professions Code sections 6762.5, 7851, and 8747.5). These existing sections provide that the holder of a retired license shall not engage in any activity for which an active license is required, except that the holder may use the restricted titles associated with the active license along with the word "retired" (such as, "Retired Professional Engineer"). These existing sections also indicate that in order to restore a retired license to an active license, the individual must pass the examination(s) required for initial licensure.

This new section would make it clear that the Board could take disciplinary action against a retired license if the holder were to commit any actions that constitute violations of the Board's laws.

Staff Recommendation: Staff recommends the Board take a position of SUPPORT on AB 2454.

Laws: An act to add Section 110.7 to the Business and Professions Code, relating to professions and vocations.

ASSEMBLY BILL

No. 2454

Introduced by Assembly Member Chen

February 19, 2020

An act to add Section 110.7 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, as introduced, Chen. Department of Consumer Affairs: retired or inactive status license: discipline.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes the Board of Registered Nursing within the department to discipline every certificate holder or licensee, including licensees holding licenses placed in an inactive status.

This bill would authorize all boards within the department to discipline a licensee who has put their license on retired or inactive status.

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 110.7 is added to the Business and
- 2 Professions Code, to read:
- 3 110.7. (a) Notwithstanding any other law, a board within the
- 4 department may discipline, a licensee who has put their license on
- 5 retired or inactive status.

O

AB 2549 (Salas, D-Bakersfield)
Department of Consumer Affairs: temporary licenses.

Status: 3/2/2020 – Referred to Assembly Committee on Business and Professions.

Location: 3/4/2020 – Assembly Committee on Business and Professions

Introduced: 2/19/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would amend Sections 115.6 and 5132 of the Business and Professions Code. Existing Section 115.6 requires that certain boards within the Department of Consumer Affairs issue a temporary license for certain license types if the applicant meets the requirements specified in the section. All licenses issued by this Board are included. This bill would add other license types regulated by the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, and the California Board of Accountancy. [Section 5132 relates specifically to the California Board of Accountancy.]

Staff Comment: This bill does not make any changes to the provisions of existing law that apply to this Board and the license types it regulates. This bill is being brought to the Board's attention for informational purposes.

Staff Recommendation: No Board action required at this time. Staff is providing this as an information-only item.

Laws: An act to amend Sections 115.6 and 5132 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

ASSEMBLY BILL

No. 2549

Introduced by Assembly Member Salas

February 19, 2020

An act to amend Sections 115.6 and 5132 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as introduced, Salas. Department of Consumer Affairs: temporary licenses.

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

This bill would expand that requirement to issue temporary licenses to include licenses issued by the Dental Hygiene Board of California, the California State Board of Pharmacy, and the California Board of

Accountancy, and certain registered dental assistant licenses issued by the Dental Board of California. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. By establishing a new source of revenue for a continuously appropriated fund, the bill would make an appropriation.

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

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

1 SECTION 1. Section 115.6 of the Business and Professions
2 Code is amended to read:
3 115.6. (a) A board within the department shall, after
4 appropriate investigation, issue the following eligible temporary
5 licenses to an applicant if the applicant meets the requirements set
6 forth in subdivision (c):
7 (1) Registered nurse license by the Board of Registered Nursing.
8 (2) Vocational nurse license issued by the Board of Vocational
9 Nursing and Psychiatric Technicians of the State of California.
10 (3) Psychiatric technician license issued by the Board of
11 Vocational Nursing and Psychiatric Technicians of the State of
12 California.
13 (4) Speech-language pathologist license issued by the
14 Speech-Language Pathology and Audiology and Hearing Aid
15 Dispensers Board.
16 (5) Audiologist license issued by the Speech-Language
17 Pathology and Audiology and Hearing Aid Dispensers Board.
18 (6) Veterinarian license issued by the Veterinary Medical Board.
19 (7) All licenses issued by the Board for Professional Engineers,
20 Land Surveyors, and Geologists.
21 (8) All licenses issued by the Medical Board of California.
22 (9) All licenses issued by the Podiatric Medical Board of
23 California.
24 (10) *Registered dental assistant license or registered dental*
25 *assistant in extended functions license issued by the Dental Board*
26 *of California.*
27 (11) *All licenses issued by the Dental Hygiene Board of*
28 *California.*

1 (12) All licenses issued by the California State Board of
2 Pharmacy.

3 (13) All licenses issued by the California Board of Accountancy.
4 Revenues from fees for temporary licenses issued under this
5 paragraph shall be credited to the Accountancy Fund in
6 accordance with Section 5132.

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

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

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

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

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

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

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

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

4 (d) A board may adopt regulations necessary to administer this
 5 section.

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

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

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

27 SEC. 2. Section 5132 of the Business and Professions Code is
 28 amended to read:

29 5132. (a) All moneys received by the board under this chapter
 30 from any source and for any purpose *and from a temporary license*
 31 *issued under Section 115.6* shall be accounted for and reported
 32 monthly by the board to the Controller and at the same time the
 33 moneys shall be remitted to the State Treasury to the credit of the
 34 Accountancy Fund.

35 ~~The~~

36 (b) *The* secretary-treasurer of the board shall, from time to time,
 37 but not less than once each fiscal year, prepare or have prepared
 38 on ~~his or her~~ *their* behalf, a financial report of the Accountancy
 39 Fund that contains information that the board determines is
 40 necessary for the purposes for which the board was established.

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

**AB 2631 (Introduced by Assembly Member Cunningham, R-San Luis Obispo;
Coauthors: Assembly Members Boerner Horvath, D-Carlsbad;
Fong, R-Bakersfield; Lackey, R-Palmdale; and Mayes, I-Rancho Mirage
Senators Jones, R-El Cajon; and Wilk, R-Lancaster)
License fees: military partners and spouses.**

Status: 3/2/2020 – Referred to Assembly Committee on Business and Professions.

Location: 3/4/2020 – Assembly Committee on Business and Professions

Introduced: 2/20/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

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

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

In prior legislative sessions, there have been bills introduced that would have required boards to waive initial application fees and initial license fees for active duty military and military spouses. However, due to concerns with the wording in the bills versus the different application/licensure processes and terminology regarding fees employed by the different boards, the bills did not pass. Although this bill currently refers to “an initial or original license fee,” which the Board does not charge, staff believes it would be prudent for the Board to have an official position of Watch on this bill in case it should be amended to include fees the Board does charge.

Staff Recommendation: Staff recommends the Board take a position of WATCH on AB 2631.

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

ASSEMBLY BILL

No. 2631

Introduced by Assembly Member Cunningham
(Coauthors: Assembly Members Boerner Horvath, Fong, Lackey,
and Mayes)
(Coauthors: Senators Jones and Wilk)

February 20, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, as introduced, Cunningham. License fees: military partners and spouses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would prohibit a board from charging an initial or original license fee to an applicant who meets these expedited licensing requirements.

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

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

1 SECTION 1. Section 115.5 of the Business and Professions
2 Code is amended to read:
3 115.5. (a) A board within the department shall expedite the
4 licensure process for an applicant who meets both of the following
5 requirements:
6 (1) Supplies evidence satisfactory to the board that the applicant
7 is married to, or in a domestic partnership or other legal union
8 with, an active duty member of the Armed Forces of the United
9 States who is assigned to a duty station in this state under official
10 active duty military orders.
11 (2) Holds a current license in another state, district, or territory
12 of the United States in the profession or vocation for which the
13 applicant seeks a license from the board.
14 (b) *A board shall not charge an applicant who meets the*
15 *requirements in subdivision (a) an initial or original license fee.*
16 ~~(b)~~
17 (c) A board may adopt regulations necessary to administer this
18 section.

AB 3045 (Gray, D-Merced)

Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Status: 2/24/2020 – Read first time.

Location: 3/4/2020 – In Assembly.

Introduced: 2/21/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would add Section 115.7 to the Business and Professions Code. This new section would apply to boards not specified in subdivision (a) of Section 115.6 and would require those boards to issue a temporary license to an applicant who meets the criteria specified in the section, including that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to or in a domestic partnership or other legal union with an active duty member of the military who is assigned to a duty station in this state under official active duty military orders.

Staff Comment: This Board is one of the boards specified in subdivision (a) of Section 115.6; therefore, this new section would apply to this Board. This bill is being brought to the Board's attention for informational purposes. [AB 2549, which is included in these meeting materials, contains Section 115.6.]

Staff Recommendation: No Board action required at this time. Staff is providing this as an information-only item.

Laws: An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

ASSEMBLY BILL

No. 3045

Introduced by Assembly Member Gray

February 21, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

AB 3045, as introduced, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within

the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require boards not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

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

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 115.7 is added to the Business and
2 Professions Code, to read:
3 115.7. (a) A board not specified in subdivision (a) of Section
4 115.6 shall, after appropriate investigation, issue a license to an
5 applicant if the applicant meets all of the following requirements:
6 (1) The applicant shall supply evidence satisfactory to the board
7 that the applicant is an honorably discharged veteran of the Armed
8 Forces of the United States or is married to, or in a domestic
9 partnership or other legal union with, an active duty member of
10 the Armed Forces of the United States who is assigned to a duty
11 station in this state under official active duty military orders.
12 (2) The applicant shall hold a current, active, and unrestricted
13 license that confers upon the applicant the authority to practice,

1 in another state, district, or territory of the United States, the
2 profession or vocation for which the applicant seeks a license from
3 the board.

4 (3) The applicant shall submit an application to the board that
5 shall include a signed affidavit attesting to the fact that the
6 applicant meets all of the requirements for the license and that the
7 information submitted in the application is accurate, to the best of
8 the applicant’s knowledge. The application shall also include
9 written verification from the applicant’s original licensing
10 jurisdiction stating that the applicant’s license is in good standing
11 in that jurisdiction.

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

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

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

25 (b) A board may adopt regulations necessary to administer this
26 section.

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

AB 3334 (Chen, R-Brea)
Professional Land Surveyors' Act

Status: 2/24/2020 – Read first time.

Location: 3/4/2020 – In Assembly.

Introduced: 2/21/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would amend Section 8726 of the Business and Professions Code, which is the section that defines land surveying. The amendments in the introduced version of the bill are non-substantive.

Staff Comment: According to the author's office, this is a spot bill; the intent is to amend the bill to include update the definition due to technological changes in the field. The author's staff advised that the California and Nevada Civil Engineers and Land Surveyors Association (CELSA) is the sponsor.

In January, Board staff was advised that Senator Richard Pan had decided not to move forward with Senate Bill 556, which was the bill co-sponsored by CELSA that would have added a requirement for land surveying businesses to obtain registration; the Board was opposed to this policy concept and to SB 556. Subsequently, representatives from CELSA reached out to Board staff to advise that they planned to move forward with amending Section 8726, which had been proposed in earlier versions of SB 556. The representatives indicated they plan to develop language that will clarify the definition of land surveying and would like to work with the Board and staff in developing language that would address the concerns the Board had previously expressed when definitional language was included in SB 556. We indicate our willingness to continue working with them based on the previous input and direction from the Board. We also conveyed this willingness to work on the bill to the author's staff, which was graciously accepted.

Staff Recommendation: Staff recommends the Board take a position of WATCH on AB 3334 and direct staff to work with the author and sponsor on any proposed amendments in order to address the concerns previously expressed by the Board.

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

ASSEMBLY BILL

No. 3334

Introduced by Assembly Member Chen

February 21, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

AB 3334, as introduced, Chen. Professional Land Surveyors' Act.

Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law defines land surveying for purposes of the act.

This bill would make nonsubstantive changes to that definition.

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

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

- 1 SECTION 1. Section 8726 of the Business and Professions
2 Code is amended to read:
3 8726. A person, including any person employed by the state
4 or by a city, county, or city and county within the state, practices
5 land surveying within the meaning of this chapter who, either in
6 a public or private capacity, does or offers to do any one or more
7 of the following:
8 (a) Locates, relocates, establishes, reestablishes, or retraces the
9 alignment or elevation for any of the fixed works embraced within
10 the practice of civil engineering, as described in Section 6731.

1 (b) Determines the configuration or contour of the earth's
 2 surface, or the position of fixed objects above, on, or below the
 3 surface of the earth by applying the principles of mathematics or
 4 photogrammetry.

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

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

16 (e) By the use of the principles of land surveying determines
 17 the position for any monument or reference point which marks a
 18 property line, boundary, or corner, or sets, resets, or replaces any
 19 monument or reference point.

20 (f) Geodetic or cadastral surveying. As used in this chapter,
 21 geodetic surveying means performing surveys, in which account
 22 is taken of the figure and size of the earth to determine or
 23 predetermine the horizontal or vertical positions of fixed objects
 24 thereon or related thereto, geodetic control points, monuments, or
 25 stations for use in the practice of land surveying or for stating the
 26 position of fixed objects, geodetic control points, monuments, or
 27 stations by California Coordinate System coordinates.

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

32 (h) Indicates, in any capacity or in any manner, by the use of
 33 the title "land surveyor" or by any other title or by any other
 34 representation that ~~he or she~~ *the person* practices or offers to
 35 practice land surveying in any of its branches.

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

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

1 (k) Coordinates the work of professional, technical, or special
2 consultants in connection with the activities authorized by this
3 chapter.

4 (l) Determines the information shown or to be shown within
5 the description of any deed, trust deed, or other title document
6 prepared for the purpose of describing the limit of real property
7 in connection with any one or more of the functions described in
8 subdivisions (a) to (f), inclusive.

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

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

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

19 The review, approval, or examination by a governmental entity
20 of documents prepared or performed pursuant to this section shall
21 be done by, or under the direct supervision of, a person authorized
22 to practice land surveying.

SB 865 (Hill, D-San Mateo)
Excavations: subsurface installations.

Status: 1/29/2020 – Referred to Senate Committee on Governmental Organization.

Location: 3/4/2020 – Senate Committee on Governmental Organization

Introduced: 1/17/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: Existing law, the Dig Safe Act of 2016, created the California Underground Facilities Safe Excavation Board within the Office of the State Fire Marshall. This bill would provide that the board is also known as the “Dig Safe Board.” The act requires the Dig Safe Board to perform various duties relating to the protection of subsurface installations and generally requires an operator of a subsurface installation to become a member of, participate in, and share in the costs of, a regional notification center. The act also requires certain records of notifications to a center and certain other records on subsurface installations to be maintained in specified manners for specified periods of time. This bill would require that, commencing January 1, 2021, all new subsurface installations be tagged with GIS coordinates and maintained as permanent records of the operator. [The bill makes other changes that do not impact this Board.]

Staff Comment: This bill was brought to Board staff’s attention because of an inquiry regarding the wording proposed to be added to Section 4216.3 of the Government Code. The new language, which would be added to subparagraph (4) of subdivision (a) [shown on pages 9 and 10 of the bill], reads “Commencing January 1, 2021, all new subsurface installations shall be tagged with GIS coordinates and maintained as permanent records of the operator.” We were asked if performing this task would constitute the practice of land surveying since work with Geographic Information Systems (GIS) may involve acts which fall within the defined area of practice of land surveying. In reviewing the bill, staff became concerned with the proposed wording because the phrase “tagged with GIS coordinates” is not typical terminology used with GIS systems nor is it clear as to exactly what is meant by this term, how the coordinates would be captured in the field, whether statements of accuracy would be expected, or how the captured coordinates will subsequently be relied upon in terms of accuracy. Staff believes this wording could cause confusion about what work is to be done and who must perform that work. Staff has developed a proactive working relationship with staff at the Dig Safe Board since its creation, and we believe we could be of assistance in developing appropriate wording. Therefore, we are requesting that the Board take a position of Watch on this bill and direct staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect that used with GIS systems and would address any issues relating to compliance with the Professional Land Surveyors’ Act.

Staff Recommendation: Staff recommends the Board take a position of WATCH on SB 865 and direct staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect that used with GIS systems and would address any issues relating to compliance with the Professional Land Surveyors’ Act.

Laws: An act to amend Sections 4216, 4216.1, 4216.2, 4216.3, 4216.4, 4216.6, 4216.12, and 4216.17 of the Government Code, relating to excavations.

Introduced by Senator HillJanuary 17, 2020

An act to amend Sections 4216, 4216.1, 4216.2, 4216.3, 4216.4, 4216.6, 4216.12, and 4216.17 of the Government Code, relating to excavations.

LEGISLATIVE COUNSEL'S DIGEST

SB 865, as introduced, Hill. Excavations: subsurface installations.

Existing law, the Dig Safe Act of 2016, creates the California Underground Facilities Safe Excavation Board within the Office of the State Fire Marshal. The act subjects the board to review by the appropriate policy committees of the Legislature.

This bill would provide that the board is also known as the “Dig Safe Board” and would make conforming changes to references in the act. The bill would require the board, on and after January 1, 2022, to be within the Office of Energy Infrastructure Safety within the Natural Resources Agency, as established pursuant to the California Energy Infrastructure Safety Act. The bill would require policy committee review at least once every 3 years.

The act requires the board to perform various duties relating to the protection of subsurface installations. The act generally requires an operator of a subsurface installation to become a member of, participate in, and share in the costs of, a regional notification center. The act requires a record of all notifications by an excavator or operator to the regional notification center to be maintained for a period of not less than 3 years and available for inspection as specified. The act requires an operator to maintain certain records on subsurface installations. The act establishes prescribed notification procedures for an excavator who discovers or damages a subsurface installation.

This bill would require a regional notification center to include 2 excavator representatives on its board. The bill would require an excavator planning to conduct an excavation, before notifying the appropriate regional notification center, to complete a specified online training program provided through the regional notification center. The bill would authorize a regional notification center to impose on an excavator a fee for the required training, not to exceed the reasonable cost of providing the training. The bill would require a regional notification center to provide notification records to the board quarterly and provide notifications of damage to the board within 5 business days of receipt at the regional notification center. The bill would require that, commencing January 1, 2021, all new subsurface installations be tagged with GIS coordinates and maintained as permanent records of the operator. The bill would revise the procedures for notification on discovering or causing damage to expand cases subject to a requirement to call “911” emergency services. In all cases, the excavator would be required to notify the regional notification center within 2 hours of discovering or causing damage.

The act subjects any operator or excavator who violates the act to a civil penalty. The act authorizes enforcement by certain entities, including specified agencies following a recommendation of the board against contractors, telephone corporations, gas corporations, electrical corporations, water corporations, operators of hazardous liquid pipeline facilities, and local agencies, as specified. The act authorizes the board to enforce its provisions on prescribed persons not subject to enforcement by the specified agencies, commencing on July 1, 2020.

This bill would also authorize enforcement of the act by the specified agencies through their own investigations. The bill would authorize the board to collect penalties imposed on persons subject to its jurisdiction.

The act requires the board, upon appropriation by the Legislature, to grant the use of the moneys in the Safe Energy Infrastructure and Excavation Fund to fund prescribed public education and outreach programs designed to promote excavation safety around subsurface installations.

This bill would delete those education and outreach program provisions and, instead, require the board, for violations that are neither egregious nor persistent, to offer violators the option of completing an educational course in lieu of paying a fine. The bill would make moneys in the fund available to the board to fund the educational course, subject to appropriation by the Legislature.

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

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

- 1 SECTION 1. Section 4216 of the Government Code is amended
2 to read:
- 3 4216. As used in this article, the following definitions apply:
- 4 (a) "Active subsurface installation" means a subsurface
5 installation currently in use or currently carrying service.
- 6 (b) "Board" means the California Underground Facilities Safe
7 Excavation ~~Board~~. *Board, also known as the "Dig Safe Board."*
- 8 (c) "Area of continual excavation" means a location where
9 excavation is part of the normal business activities of agricultural
10 operations and flood control facilities.
- 11 (d) "Delineate" means to mark in white the location or path of
12 the proposed excavation using the guidelines in Appendix B of
13 the "Guidelines for Excavation Delineation" published in the most
14 recent version of the Best Practices guide of the Common Ground
15 Alliance. If there is a conflict between the marking practices in
16 those guidelines and other provisions of this article, this article
17 shall control. "Delineation" also includes physical identification
18 of the area to be excavated using alternative marking methods,
19 including, but not limited to, flags, stakes, whiskers, or a
20 combination of these methods, if an excavator makes a
21 determination that standard delineation may be misleading to those
22 persons using affected streets and highways, or be misinterpreted
23 as a traffic or pedestrian control, and the excavator has contacted
24 the regional notification center to advise the operators that the
25 excavator will physically identify the area to be excavated using
26 alternative marking methods.
- 27 (e) "Electronic positive response" means an electronic response
28 from an operator to the regional notification center providing the
29 status of an operator's statutorily required response to a ticket.
- 30 (f) (1) "Emergency" means a sudden, unexpected occurrence,
31 involving a clear and imminent danger, demanding immediate
32 action to prevent or mitigate loss of, or damage to, life, health,
33 property, or essential public services.
- 34 (2) "Unexpected occurrence" includes, but is not limited to, a
35 fire, flood, earthquake or other soil or geologic movement, riot,

1 accident, damage to a subsurface installation requiring immediate
2 repair, or sabotage.

3 (g) "Excavation" means any operation in which earth, rock, or
4 other material in the ground is moved, removed, or otherwise
5 displaced by means of tools, equipment, or explosives in any of
6 the following ways: grading, trenching, digging, ditching, drilling,
7 augering, tunneling, scraping, cable or pipe plowing and driving,
8 or any other way.

9 (h) Except as provided in Section 4216.8, "excavator" means
10 any person, firm, contractor or subcontractor, owner, operator,
11 utility, association, corporation, partnership, business trust, public
12 agency, or other entity that, with ~~their, or his or her,~~ *their* own
13 employees or ~~equipment~~ *equipment*, performs any excavation.

14 (i) "Hand tool" means a piece of equipment used for excavating
15 that uses human power and is not powered by any motor, engine,
16 hydraulic, or pneumatic device.

17 (j) "High priority subsurface installation" means high-pressure
18 natural gas pipelines with normal operating pressures greater than
19 415kPA gauge (60psig), petroleum pipelines, pressurized sewage
20 pipelines, high-voltage electric supply lines, conductors, or cables
21 that have a potential to ground of greater than or equal to 60kv, or
22 hazardous materials pipelines that are potentially hazardous to
23 workers or the public if damaged.

24 (k) "Inactive subsurface installation" means either of the
25 following:

26 (1) The portion of an underground subsurface installation that
27 is not active but is still connected to the subsurface installation, or
28 to any other subsurface installation, that is active or still carries
29 service.

30 (2) A new underground subsurface installation that has not been
31 connected to any portion of an existing subsurface installation.

32 (l) "Legal excavation start date and time" means two working
33 days, not including the date of notification, unless the excavator
34 specifies a later date and time, which shall not be more than 14
35 calendar days from the date of notification. For excavation in an
36 area of continual excavation, "legal excavation start date and time"
37 means two working days, not including the date of notification,
38 unless the excavator specifies a later date and time, which shall
39 not be more than six months from the date of notification.

1 (m) “Local agency” means a city, county, city and county,
2 school district, or special district.

3 (n) (1) “Locate and field mark” means to indicate the existence
4 of any owned or maintained subsurface installations by using the
5 guidelines in Appendix B of the “Guidelines for Operator Facility
6 Field Delineation” published in the most recent version of the Best
7 Practices guide of the Common Ground Alliance and in
8 conformance with the uniform color code of the American Public
9 Works Association. If there is a conflict between the marking
10 practices in the guidelines and this article, this article shall control.

11 (2) “Locate and field mark” does not require an indication of
12 the depth.

13 (o) “Operator” means any person, corporation, partnership,
14 business trust, public agency, or other entity that owns, operates,
15 or maintains a subsurface installation. For purposes of Section
16 4216.1, an “operator” does not include an owner of real property
17 where subsurface installations are exclusively located if they are
18 used exclusively to furnish services on that property and the
19 subsurface facilities are under the operation and control of that
20 owner.

21 (p) “Qualified person” means a person who completes a training
22 program in accordance with the requirements of Section 1509 of
23 Title 8 of the California Code of Regulations Injury and Illness
24 Prevention Program, that meets the minimum locators training
25 guidelines and practices published in the most recent version of
26 the Best Practices guide of the Common Ground Alliance.

27 (q) “Regional notification center” means a nonprofit association
28 or other organization of operators of subsurface installations that
29 provides advance warning of excavations or other work close to
30 existing subsurface installations, for the purpose of protecting
31 those installations from damage, removal, relocation, or repair.

32 (r) “State agency” means every state agency, department,
33 division, bureau, board, or commission.

34 (s) “Subsurface installation” means any underground pipeline,
35 conduit, duct, wire, or other structure, except nonpressurized
36 sewerlines, nonpressurized storm drains, or other nonpressurized
37 drain lines.

38 (t) “Ticket” means an excavation location request issued a
39 number by the regional notification center.

1 (u) "Tolerance zone" means 24 inches on each side of the field
2 marking placed by the operator in one of the following ways:

3 (1) Twenty-four inches from each side of a single marking,
4 assumed to be the centerline of the subsurface installation.

5 (2) Twenty-four inches plus one-half the specified size on each
6 side of a single marking with the size of installation specified.

7 (3) Twenty-four inches from each outside marking that
8 graphically shows the width of the outside surface of the subsurface
9 installation on a horizontal plane.

10 (v) "Working day" for the purposes of determining excavation
11 start date and time means a weekday Monday through Friday, from
12 7:00 a.m. to 5:00 p.m., except for federal holidays and state
13 holidays, as defined in Section 19853, or as otherwise posted on
14 the ~~Internet Web site~~ *internet website* of the regional notification
15 center.

16 SEC. 2. Section 4216.1 of the Government Code is amended
17 to read:

18 4216.1. (a) Every operator of a subsurface installation, except
19 the Department of Transportation, shall become a member of,
20 participate in, and share in the costs of, a regional notification
21 center. Operators of subsurface installations who are members of,
22 participate in, and share in, the costs of a regional notification
23 center, including, but not limited to, the Underground Service
24 Alert—Northern California or the Underground Service
25 Alert—Southern California are in compliance with this section
26 and Section 4216.9. A regional notification center shall not charge
27 a fee to a person for notifying the regional notification center to
28 obtain a ticket or to renew a ticket.

29 (b) *A regional notification center shall include on its board two*
30 *excavator representatives.*

31 SEC. 3. Section 4216.2 of the Government Code is amended
32 to read:

33 4216.2. (a) ~~Before~~ *Before notifying the appropriate regional*
34 *notification center, an excavator planning to conduct an excavation*
35 *shall complete an online training program provided through the*
36 *regional notification center detailing the "811" process. A regional*
37 *notification center may impose on an excavator a fee for the*
38 *required training, which shall not exceed the reasonable cost of*
39 *providing the training.*

1 (b) Before notifying the appropriate regional notification center,
2 an excavator planning to conduct an excavation shall delineate the
3 area to be excavated. If the area is not delineated, an operator may,
4 at the operator's discretion, choose not to locate and field mark
5 until the area to be excavated has been delineated.

6 ~~(b)~~

7 (c) Except in an emergency, an excavator planning to conduct
8 an excavation shall notify the appropriate regional notification
9 center of the excavator's intent to excavate at least two working
10 days, and not more than 14 calendar days, before beginning that
11 excavation. The date of the notification shall not count as part of
12 the two-working-day notice. If an excavator gives less notice than
13 the legal excavation start date and time and the excavation is not
14 an emergency, the regional notification center will take the
15 information and provide a ticket, but an operator has until the legal
16 excavation start date and time to respond. However, an excavator
17 and an operator may mutually agree to a different notice and start
18 date. The contact information for operators notified shall be
19 available to the excavator.

20 ~~(c)~~

21 (d) When the excavation is proposed within 10 feet of a high
22 priority subsurface installation, the operator of the high priority
23 subsurface installation shall notify the excavator of the existence
24 of the high priority subsurface installation to set up an onsite
25 meeting prior to the legal excavation start date and time or at a
26 mutually agreed upon time to determine actions or activities
27 required to verify the location and prevent damage to the high
28 priority subsurface installation. As part of the meeting, the
29 excavator shall discuss with the operator the method and tools that
30 will be used during the excavation and the information the operator
31 will provide to assist in verifying the location of the subsurface
32 installation. The excavator shall not begin excavating until after
33 the completion of the onsite meeting.

34 ~~(d)~~

35 (e) Except in an emergency, every excavator covered by Section
36 4216.8 planning to conduct an excavation on private property that
37 does not require an excavation permit may contact the appropriate
38 regional notification center if the private property is known, or
39 reasonably should be known, to contain a subsurface installation
40 other than the underground facility owned or operated by the

1 excavator. Before notifying the appropriate regional notification
 2 center, an excavator shall delineate the area to be excavated. Any
 3 temporary marking placed at the planned excavation location shall
 4 be clearly seen, functional, and considerate to surface aesthetics
 5 and the local community. An excavator shall check if any local
 6 ordinances apply to the placement of temporary markings.

7 ~~(e)~~

8 (f) The regional notification center shall provide a ticket to the
 9 person who contacts the center pursuant to this section and shall
 10 notify any member, if known, who has a subsurface installation
 11 in the area of the proposed excavation. A ticket shall be valid for
 12 28 days from the date of issuance. If work continues beyond 28
 13 days, the excavator shall renew the ticket either by accessing the
 14 center's ~~Internet Web site~~ *internet website* or by calling "811" by
 15 the end of the 28th day.

16 ~~(f)~~

17 (g) A record of all notifications by an excavator or operator to
 18 the regional notification center shall be maintained for a period of
 19 not less than three years. The record shall be available for
 20 inspection by the excavator and any member, or their
 21 representative, during normal working hours and according to
 22 guidelines for inspection as may be established by the regional
 23 notification centers. *A regional notification center shall provide*
 24 *notification records to the board quarterly and shall provide*
 25 *notifications of damage to the board within five business days of*
 26 *receipt at the regional notification center.*

27 ~~(g)~~

28 (h) Unless an emergency exists, an excavator shall not begin
 29 excavation until the excavator receives a response from all known
 30 operators of subsurface installations within the delineated
 31 boundaries of the proposed area of excavation pursuant to
 32 subdivision (a) of Section 4216.3 and until the completion of any
 33 onsite meeting, if required by subdivision ~~(e)~~: (d).

34 ~~(h)~~

35 (i) If a site requires special access, an excavator shall request
 36 an operator to contact the excavator regarding that special access
 37 or give special instructions on the location request.

38 ~~(i)~~

39 (j) If a ticket obtained by an excavator expires but work is
 40 ongoing, the excavator shall contact the regional notification center

1 and get a new ticket and wait a minimum of two working days,
2 not including the date of the contact, before restarting excavation.
3 All excavation shall cease during the waiting period.

4 SEC. 4. Section 4216.3 of the Government Code is amended
5 to read:

6 4216.3. (a) (1) (A) Unless the excavator and operator
7 mutually agree to a later start date and time, or otherwise agree to
8 the sequence and timeframe in which the operator will locate and
9 field mark, an operator shall do one of the following before the
10 legal excavation start date and time:

11 (i) Locate and field mark within the area delineated for
12 excavation and, where multiple subsurface installations of the same
13 type are known to exist together, mark the number of subsurface
14 installations.

15 (ii) To the extent and degree of accuracy that the information
16 is available, provide information to an excavator where the
17 operator's active or inactive subsurface installations are located.

18 (iii) Advise the excavator it operates no subsurface installations
19 in the area delineated for excavation.

20 (B) An operator shall mark newly installed subsurface
21 installations in areas with continuing excavation activity.

22 (C) An operator shall indicate with an "A" inside a circle the
23 presence of any abandoned subsurface installations, if known,
24 within the delineated area. The markings are to make an excavator
25 aware that there are abandoned subsurface installations within that
26 delineated work area.

27 (2) Only a qualified person shall perform subsurface installation
28 locating activities.

29 (3) A qualified person performing subsurface installation
30 locating activities on behalf of an operator shall use a minimum
31 of a single-frequency utility locating device and shall have access
32 to alternative sources for verification, if necessary.

33 (4) An operator shall amend, update, maintain, and preserve all
34 plans and records for its subsurface installations as that information
35 becomes known. If there is a change in ownership of a subsurface
36 installation, the records shall be turned over to the new operator.
37 Commencing January 1, 2017, records on abandoned subsurface
38 installations, to the extent that those records exist, shall be retained.
39 *Commencing January 1, 2021, all new subsurface installations*

1 *shall be tagged with GIS coordinates and maintained as permanent*
2 *records of the operator.*

3 (b) If the field marks are no longer reasonably visible, an
4 excavator shall renotify the regional notification center with a
5 request for remarks that can be for all or a portion of the
6 excavation. Excavation shall cease in the area to be remarked. If
7 the delineation markings are no longer reasonably visible, the
8 excavator shall redelineate the area to be remarked. If remarks are
9 requested, the operator shall have two working days, not including
10 the date of request, to remark the subsurface installation. If the
11 area to be remarked is not the full extent of the original excavation,
12 the excavator shall delineate the portion to be remarked and provide
13 a description of the area requested to be remarked on the ticket.
14 The excavator shall provide a description for the area to be
15 remarked that falls within the area of the original location request.

16 (c) (1) (A) On and after January 1, 2021, every operator shall
17 supply an electronic positive response through the regional
18 notification center before the legal excavation start date and time.
19 Upon a showing of good cause by an operator, the board may
20 extend the time by which the operator is required to comply with
21 this requirement. The board shall not grant an extension beyond
22 December 31, 2021. The board shall determine which facts or
23 circumstances constitute good cause.

24 (B) The regional notification center shall make the responses
25 required by subparagraph (A) available to the excavator.

26 (2) The regional notification centers shall annually report to the
27 board regarding their continual technological development in their
28 roles of facilitating communication between excavators and
29 operators in a manner that enhances safety, accountability, and
30 efficiency.

31 (d) (1) On or before January 1, 2021, the board shall adopt
32 regulations to implement subparagraph (A) of paragraph (1) of
33 subdivision (c). The initial adoption, amendment, or repeal of a
34 regulation authorized by this section is deemed to address an
35 emergency, for purposes of Sections 11346.1 and 11349.6, and
36 the board is hereby exempted for that purpose from the
37 requirements of subdivision (b) of Section 11346.1. After the initial
38 adoption, amendment, or repeal of an emergency regulation
39 pursuant to this section, the board shall not request approval from

1 the Office of Administrative Law to readopt the regulation as an
2 emergency regulation pursuant to Section 11346.1.

3 (2) It is the intent of the Legislature, in authorizing the deviations
4 in this section from the requirements and procedures of Chapter
5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
6 Title 2, to authorize the board to expedite the exercise of its power
7 to implement regulations as its unique operational circumstances
8 require.

9 (e) The excavator shall notify the appropriate regional
10 notification center of the failure of an operator to identify
11 subsurface installations pursuant to subparagraph (A) or (B) of
12 paragraph (1) of subdivision (a), or subdivision (b). The notification
13 shall include the ticket issued by the regional notification center.
14 The regional notification center shall maintain a record of all
15 notifications received pursuant to this subdivision for a period of
16 not less than three years. The record shall be available for
17 inspection pursuant to subdivision (f) of Section 4216.2.

18 (f) If an operator or local agency knows that it has a subsurface
19 installation embedded or partially embedded in the pavement that
20 is not visible from the surface, the operator or local agency shall
21 contact the excavator before pavement removal to communicate
22 and determine a plan of action to protect that subsurface installation
23 and excavator.

24 SEC. 5. Section 4216.4 of the Government Code is amended
25 to read:

26 4216.4. (a) (1) Except as provided in paragraph (2), if an
27 excavation is within the tolerance zone of a subsurface installation,
28 the excavator shall determine the exact location of the subsurface
29 installations in conflict with the excavation using hand tools before
30 using any power-driven excavation or boring equipment within
31 the tolerance zone of the subsurface installations. In all cases the
32 excavator shall use reasonable care to prevent damaging subsurface
33 installations.

34 (2) (A) An excavator may use a vacuum excavation device to
35 expose subsurface installations within the tolerance zone if the
36 operator has marked the subsurface installation, the excavator has
37 contacted any operator whose subsurface installations may be in
38 conflict with the excavation, and the operator has agreed to the
39 use of a vacuum excavation device. An excavator shall inform the

1 regional notification center of ~~his or her~~ *the excavator's* intent to
2 use a vacuum excavation device when obtaining a ticket.

3 (B) An excavator may use power-operated or boring equipment
4 for the removal of any existing pavement only if there is no known
5 subsurface installation contained in the pavement.

6 (C) Beginning July 1, 2020, an excavator may use
7 power-operated or boring equipment, as determined by the board,
8 prior to determining the exact location of subsurface installations.
9 The board shall adopt regulations to implement this paragraph on
10 or before July 1, 2020.

11 (3) An excavator shall presume all subsurface installations to
12 be active, and shall use the same care around subsurface
13 installations that may be inactive as the excavator would use around
14 active subsurface installations.

15 (b) If the exact location of the subsurface installation cannot be
16 determined by hand excavating in accordance with subdivision
17 (a), the excavator shall request the operator to provide additional
18 information to the excavator, to the extent that information is
19 available to the operator, to enable the excavator to determine the
20 exact location of the installation. If the excavator has questions
21 about the markings that an operator has placed, the excavator may
22 contact the notification center to send a request to have the operator
23 contact the excavator directly. The regional notification center
24 shall provide the excavator with the contact telephone number of
25 the subsurface installation operator.

26 ~~(e) (1) An excavator discovering or causing damage to a~~
27 ~~subsurface installation, including all breaks, leaks, nicks, dents,~~
28 ~~gouges, grooves, or other damage to subsurface installation lines,~~
29 ~~conduits, coatings, or cathodic protection, shall immediately notify~~
30 ~~the subsurface installation operator. The excavator may contact~~
31 ~~the regional notification center to obtain the contact information~~
32 ~~of the subsurface installation operator. If the operator is unknown~~
33 ~~and the damage or discovery of damage occurs outside the working~~
34 ~~hours of the regional notification center, the excavator may follow~~
35 ~~the instructions provided by the regional notification center through~~
36 ~~its Internet Web site or the telephone line recorded message.~~

37 ~~(2) An excavator shall call 911 emergency services upon~~
38 ~~discovering or causing damage to either of the following:~~

1 ~~(A) A natural gas or hazardous liquid pipeline subsurface~~
2 ~~installation in which the damage results in the escape of any~~
3 ~~flammable, toxic, or corrosive gas or liquid.~~

4 ~~(B) A high priority subsurface installation of any kind.~~

5 (c) (1) *An excavator discovering or causing damage to a*
6 *subsurface installation that results in an emergency shall do the*
7 *following:*

8 (A) *The excavator shall immediately call “911” emergency*
9 *services.*

10 (B) *After calling “911” emergency services, the excavator shall*
11 *immediately notify the subsurface installation operator. The*
12 *excavator may contact the regional notification center to obtain*
13 *the contact information of the subsurface installation operator. If*
14 *the operator is unknown and the damage or discovery of damage*
15 *occurs outside the working hours of the regional notification*
16 *center, the excavator may follow the instructions provided by the*
17 *regional notification center through its internet website or the*
18 *telephone line recorded message.*

19 (C) *Within two hours of discovering or causing damage, the*
20 *excavator shall notify the regional notification center.*

21 (2) *An excavator discovering or causing any damage to a*
22 *subsurface installation, including all breaks, leaks, nicks, dents,*
23 *gouges, grooves, or other damage to subsurface installation lines,*
24 *conduits, coatings, or cathodic protection, shall do the following:*

25 (A) *The excavator shall immediately notify the subsurface*
26 *installation operator. The excavator may contact the regional*
27 *notification center to obtain the contact information of the*
28 *subsurface installation operator. If the operator is unknown and*
29 *the damage or discovery of damage occurs outside the working*
30 *hours of the regional notification center, the excavator may follow*
31 *the instructions provided by the regional notification center*
32 *through its internet website or the telephone line recorded message.*

33 (B) *Within two hours of discovering or causing damage, the*
34 *excavator shall notify the regional notification center.*

35 (d) *Each excavator, operator, or locator shall communicate with*
36 *each other and respect the appropriate safety requirements and*
37 *ongoing activities of the other parties, if known, at an excavation*
38 *site.*

39 SEC. 6. Section 4216.6 of the Government Code is amended
40 to read:

1 4216.6. (a) (1) Any operator or excavator who negligently
 2 violates this article is subject to a civil penalty in an amount not
 3 to exceed ten thousand dollars (\$10,000).

4 (2) Any operator or excavator who knowingly and willfully
 5 violates any of the provisions of this article is subject to a civil
 6 penalty in an amount not to exceed fifty thousand dollars (\$50,000).

7 (3) Except as otherwise specifically provided in this article, this
 8 section is not intended to affect any civil remedies otherwise
 9 provided by law for personal injury or for property damage,
 10 including any damage to subsurface installations, nor is this section
 11 intended to create any new civil remedies for those injuries or that
 12 damage.

13 (4) This article shall not be construed to limit any other provision
 14 of law granting governmental immunity to state or local agencies
 15 or to impose any liability or duty of care not otherwise imposed
 16 by law upon any state or local agency.

17 (b) An action may be brought by the Attorney General, the
 18 district attorney, or the local or state agency that issued the permit
 19 to excavate, for the enforcement of the civil penalty pursuant to
 20 this section in a civil action brought in the name of the people of
 21 the State of California. If penalties are collected as a result of a
 22 civil suit brought by a state or local agency for collection of those
 23 civil penalties, the penalties imposed shall be paid to the general
 24 fund of the agency. If more than one agency is involved in
 25 enforcement, the penalties imposed shall be apportioned among
 26 them by the court in a manner that will fairly offset the relative
 27 costs incurred by the state or local agencies, or both, in collecting
 28 these fees.

29 ~~The requirements of this~~ *This* article may also be enforced
 30 ~~following a recommendation of the California Underground~~
 31 ~~Facilities Safe Excavation Board~~ by the following agencies, *either*
 32 *following a recommendation of the Dig Safe Board that the agency*
 33 *shall act to accept, amend, or reject the recommendations of the*
 34 ~~board reject, or through the agency's own investigations,~~ as
 35 follows:

36 (1) The Registrar of Contractors of the Contractors' State
 37 License Board shall enforce ~~the provisions of~~ this article on
 38 contractors, as defined in Article 2 (commencing with Section
 39 7025) of Chapter 9 of Division 3 of the Business and Professions
 40 Code, and telephone corporations, as defined in Section 234 of the

1 Public Utilities Code, when acting as a contractor, as defined in
 2 Article 2 (commencing with Section 7025) of Chapter 9 of Division
 3 3 of the Business and Professions Code. Nothing in this section
 4 affects the ~~California~~ Public Utilities Commission's existing
 5 authority over a public utility.

6 (2) The Public Utilities Commission shall enforce ~~the provisions~~
 7 ~~of~~ this article on gas corporations, as defined in Section 222 of the
 8 Public Utilities Code, and electrical corporations, as defined in
 9 Section 218 of the Public Utilities Code, and water corporations,
 10 as defined in Section 241 of the Public Utilities Code.

11 (3) The Office of the State Fire Marshal shall enforce ~~the~~
 12 ~~provisions of~~ this article on operators of hazardous liquid pipeline
 13 facilities, as defined in Section 60101 of Chapter 601 of Subtitle
 14 VIII of Title 49 of the United States Code.

15 (d) A local governing board may enforce ~~the provisions of~~ this
 16 article on local agencies under the governing board's jurisdiction.

17 (e) Commencing July 1, 2020, the ~~California Underground~~
 18 ~~Facilities Safe Excavation Dig Safe~~ Board shall enforce ~~the~~
 19 ~~provisions of~~ this article on persons other than those listed in
 20 subdivisions (c) and (d). The board shall not initiate an enforcement
 21 action pursuant to this subdivision for a violation that occurred
 22 prior to July 1, 2020. *As the enforcing body for persons other than*
 23 *those listed in subdivisions (c) and (d), the board may collect any*
 24 *monetary penalties imposed upon those persons.*

25 (f) Moneys collected as a result of penalties imposed pursuant
 26 to subdivisions (c) and (e) shall be deposited into the Safe Energy
 27 Infrastructure and Excavation Fund.

28 (g) Statewide information provided by operators and excavators
 29 regarding incident events shall be compiled and made available
 30 in an annual report by regional notification centers and posted on
 31 ~~the Internet Web sites~~ *internet websites* of the regional notification
 32 ~~centers.~~ *centers and shall be made available to the board upon*
 33 *request.*

34 (h) For purposes of subdivision (g), the following terms have
 35 the following meanings:

36 (1) "Incident event" means the occurrence of excavator
 37 downtime, damages, near misses, and violations.

38 (2) "Statewide information" means information submitted by
 39 operators and excavators using the California Regional Common
 40 Ground Alliance's Virtual Private Damage Information Reporting

1 Tool. Supplied data shall comply with the Damage Information
 2 Reporting Tool's minimum essential information as listed in the
 3 most recent version of the Best Practices guide of the Common
 4 Ground Alliance.

5 SEC. 7. Section 4216.12 of the Government Code is amended
 6 to read:

7 4216.12. (a) ~~The California Underground Facilities Safe~~
 8 ~~Excavation Board~~ *Dig Safe Board* is hereby created under, and
 9 shall be assisted by the staff of, the Office of the State Fire Marshal.
 10 ~~Marshal until January 1, 2022. On and after January 1, 2022, the~~
 11 *board shall be within the Office of Energy Infrastructure Safety*
 12 *within the Natural Resources Agency pursuant to Part 7.3*
 13 *(commencing with Section 15470) of Division 3 of Title 2.*

14 (b) The board shall perform the following tasks:

15 (1) Coordinate education and outreach activities that encourage
 16 safe excavation practices, as described in Section 4216.17.

17 (2) Develop standards, as described in Section 4216.18.

18 (3) Investigate possible violations of this article, as described
 19 in Section 4216.19.

20 (4) Enforce this article to the extent authorized by subdivision
 21 (e) of Section 4216.6.

22 (c) Notwithstanding any other law, on and after January 1, 2020,
 23 the board shall be subject to review by the appropriate policy
 24 committees of the ~~Legislature~~. *Legislature at least once every three*
 25 *years.*

26 SEC. 8. Section 4216.17 of the Government Code is amended
 27 to read:

28 4216.17. (a) The board shall annually convene a meeting for
 29 the following purposes:

30 (1) To understand the existing needs for education and outreach,
 31 including to those groups with the highest awareness and education
 32 needs, including, but not limited to, homeowners.

33 (2) To facilitate discussion on how to coordinate existing
 34 education and outreach efforts with state and local government
 35 agencies, California operators, regional notification centers, and
 36 trade associations that fund outreach and education programs that
 37 encourage safe excavation practices.

38 ~~(3) To determine the areas in which additional education and~~
 39 ~~outreach efforts may be targeted through use, upon appropriation~~

1 by the Legislature, of the moneys in the Safe Energy Infrastructure
2 and Excavation Fund pursuant to subdivision (e).

3 (b) In addition to state and local government agencies, California
4 operators, regional notification centers, and trade associations that
5 fund outreach and education programs that encourage safe
6 excavation practices, the meeting pursuant to subdivision (a) shall
7 include representatives of groups that may be the target of those
8 outreach and education efforts.

9 ~~(e) Upon appropriation by the Legislature, the board shall grant~~
10 ~~the use of the moneys in the Safe Energy Infrastructure and~~
11 ~~Excavation Fund to fund public education and outreach programs~~
12 ~~designed to promote excavation safety around subsurface~~
13 ~~installations and targeted towards specific excavator groups, giving~~
14 ~~priority to those with the highest awareness and education needs,~~
15 ~~including, but not limited to, homeowners.~~

16 (c) *For violations that are neither egregious nor persistent, the*
17 *board shall offer violators the option of completing an educational*
18 *course in lieu of paying a fine. To develop the programming for*
19 *the educational option, the board may contract with a third party*
20 *or create the curriculum itself.*

21 (d) *Upon appropriation by the Legislature, moneys in the Safe*
22 *Energy Infrastructure and Excavation Fund shall be available to*
23 *the board to fund the educational course developed pursuant to*
24 *subdivision (c).*

O

SB 878 (Jones, R-El Cajon)

Department of Consumer Affairs Licensing: applications: wait times.

Status: 1/29/2020 – Referred to Senate Committee on Business, Professions and Economic Development.

Location: 3/4/2020 – Senate Committee on Business, Professions and Economic Development

Introduced: 1/22/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would add Section 139.5 to the Business and Professions Code. This new section would require boards within the Department of Consumer Affairs to do both of the following:

1. Prominently display the current timeframe for processing initial and renewal license applications on its internet website.
2. With respect to the information displayed on the website, specify the average timeframe for each license category.

Staff Comment: It is not clear what is meant by “current.” Does it mean the data must be updated whenever an application or renewal is processed? Or does it mean on a daily or weekly (or some other time period) basis? It is also not clear how the “average timeframe” referenced in the second provision is different from the “current timeframe” in the first provision. While the goal of providing information to the applicants, licensees, and the public regarding how long it takes to process applications and renewals is laudable, it would be difficult to meet the requirements of this bill without further clarification of the terms used.

Until such time as the Board’s new IT system is fully implemented, tracking and compiling this data would have to be done manually, which would create additional workload for staff.

Staff Recommendation: Staff recommends that the Board take a position of WATCH on SB 878 at this time to see if further clarification of the terms in the bill is provided when the bill is heard in Committee.

Laws: An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

Introduced by Senator Jones

January 22, 2020

An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as introduced, Jones. Department of Consumer Affairs Licensing: applications: wait times.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill would require each board within the department that issues licenses to prominently display the current timeframe for processing initial and renewal license applications on its internet website, as provided.

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 139.5 is added to the Business and
- 2 Professions Code, to read:
- 3 139.5. Each board, as defined in section 22, within the
- 4 department that issues a license shall do both of the following:
- 5 (a) Prominently display the current timeframe for processing
- 6 initial and renewal license applications on its internet website.

- 1 (b) With respect to the information displayed on the website,
- 2 specify the average timeframe for each license category.

O

SB 1057 (Jones, R-El Cajon)
Land.

Status: 2/27/2020 – Referred to the Senate Committee on Business, Professions and Economic Development and Senate Committee on Governance and Finance.

Location: 2/27/2020 – Senate Committees on Business, Professions and Economic Development and Governance and Finance

Introduced: 2/18/2020

Board Position: No position as of 3/4/2020

Board Staff Analysis: 3/4/2020

Bill Summary: This bill would amend Sections 8726, 8764, and 8780 of the Business and Professions Code; these sections are part of the Professional Land Surveyors’ Act, which is under this Board’s authority to enforce. The bill would also amend Sections 4529 and 66452.5 of the Government Code.

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

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

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

Government Code section 4529 relates to the qualifications based selection (QBS) process. Government Code section 66452.5 is part of the Subdivision Map Act. The changes proposed to these sections do not impact the Board’s regulation of the practice of land surveying.

Staff Comment:

Section 8726

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

“Cadastral surveying means a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivision of the public land of the United States, or any other field survey of a cadaster that is a public record, survey, or map of the extent and ownership of land.”

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

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

The proposed definition seems to be a combination of the BLM's definitions of "cadastral surveying" and "cadastre" (or "cadaster").

There appears to be a grammatical issue between the first and second clauses of the definition. The first clause says "cadastral surveying means a survey ...," while the second clause says "... or [cadastral surveying] means any other field survey" The phrase "any other" refers back to the first clause and its reference to "a survey"; however, the second clause contains the word "field" that the first clause does not. If the intent is that the surveys that constitute cadastral surveying be field surveys, then the word "field" would need to be added to the first clause. However, if the intent is to make a distinction between types of surveys (one that is not a field survey and one that is), then the phrase "any other field survey" in the second clause would need to be changed to "a field survey."

The Board needs to determine if it believes the definition of "cadastral surveying," as currently written, is appropriate and necessary. For example, is it necessary to include a definition of "cadastral surveying" in the law, or is the term sufficiently understood in the profession without a specified definition? Is the definition as written clear and understandable, or will it cause confusion within the profession? Does the definition expand or contract the existing scope of practice, and if it does either, is that appropriate for the protection of the health, safety, welfare, and property of the public?

Section 8764

Since current law does not specify in what form the "any other data" referenced in Section 8764 must be shown, staff believes the law already allows for the data to be shown in graphic or narrative form.

Section 8780

Staff has heard that there are concerns with the law including both negligence and incompetence in the same subdivision, even with the word "or," because it gives some people the impression that the subject of an investigation, citation, or formal disciplinary action has committed both negligence and incompetence. Changing Section 8780 so that negligence and incompetence are in separate subdivisions would not change the Board's ability to investigate complaints or take action against licensees for either or both.

Staff Recommendation: Staff recommends that the Board determine what position to take on SB 1057 based on its opinion of the addition of the definition of "cadastral surveying" to Section 8726 because the proposed amendments to Sections 8764 and 8780 are non-substantive in nature and, by themselves, would not warrant more than a position of Watch.

Laws: An act to amend Sections 8726, 8764, and 8780 of the Business and Professions Code, and to amend Sections 4529 and 66452.5 of the Government Code, relating to land.

Introduced by Senator JonesFebruary 18, 2020

An act to amend Sections 8726, 8764, and 8780 of the Business and Professions Code, and to amend Sections 4529 and 66452.5 of the Government Code, relating to land.

LEGISLATIVE COUNSEL'S DIGEST

SB 1057, as introduced, Jones. Land.

(1) Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and makes it unlawful to practice land surveying without a license, except as specified. Existing law includes within the practice of land surveying cadastral surveying.

This bill would define cadastral surveying for purposes of the act.

Existing law requires a record of survey filed with the county surveyor by a licensed surveyor or licensed civil engineer to include, among other information, any data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor.

This bill would provide that this data may be in graphic or narrative form. The bill would make nonsubstantive changes relating to licensed land surveyors and civil engineers.

(2) Existing law requires a state or local agency head, as defined, to select professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Existing law makes

those provisions inapplicable where the state or local agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest.

This bill would require a state or local agency head who makes that determination to be licensed in the discipline for which they are making that determination if licensure is required in that discipline.

(3) The Subdivision Map Act authorizes a subdivider, or any tenant of the subject property in specified circumstances, to appeal from an action of the advisory agency relating to a tentative map to the appeal board or legislative body, as specified, and provides for the appeal from the decision of the appeal board to the legislative body. The act further authorizes any interested person adversely affected by a decision of the advisory agency or appeal board to appeal the decision with the legislative body. Existing law requires a hearing to be held after an appeal is filed pursuant to those provisions within 30 days after the request is filed by the appellant.

This bill would instead require a hearing to be held within 45 days after the request is filed and would make conforming changes.

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

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

1 SECTION 1. Section 8726 of the Business and Professions
2 Code is amended to read:
3 8726. (a) A person, including any person employed by the
4 state or by a city, county, or city and county within the state,
5 practices land surveying within the meaning of this chapter who,
6 either in a public or private capacity, does or offers to do any one
7 or more of the following:
8 (a)
9 (1) Locates, relocates, establishes, reestablishes, or retraces the
10 alignment or elevation for any of the fixed works embraced within
11 the practice of civil engineering, as described in Section 6731.
12 (b)
13 (2) Determines the configuration or contour of the earth's
14 surface, or the position of fixed objects above, on, or below the
15 surface of the earth by applying the principles of mathematics or
16 photogrammetry.

1 (e)

2 (3) Locates, relocates, establishes, reestablishes, or retraces any
3 property line or boundary of any parcel of land, right-of-way,
4 easement, or alignment of those lines or boundaries.

5 (d)

6 (4) Makes any survey for the subdivision or resubdivision of
7 any tract of land. For the purposes of this subdivision, the term
8 “subdivision” or “resubdivision” shall be defined to include, but
9 not be limited to, the definition in the Subdivision Map Act
10 (Division 2 (commencing with Section 66410) of Title 7 of the
11 Government Code) or the Subdivided Lands Law (Chapter 1
12 (commencing with Section 11000) of Part 2 of Division 4 of this
13 code).

14 (e)

15 (5) By the use of the principles of land surveying determines
16 the position for any monument or reference point which marks a
17 property line, boundary, or corner, or sets, resets, or replaces any
18 monument or reference point.

19 (f)

20 (6) Geodetic or cadastral surveying. As used in this ~~chapter,~~
21 ~~geodetic~~ *chapter:*

22 (A) *Geodetic* surveying means performing surveys, in which
23 account is taken of the figure and size of the earth to determine or
24 predetermine the horizontal or vertical positions of fixed objects
25 thereon or related thereto, geodetic control points, monuments, or
26 stations for use in the practice of land surveying or for stating the
27 position of fixed objects, geodetic control points, monuments, or
28 stations by California Coordinate System coordinates.

29 (B) *Cadastral surveying* means a survey that creates, marks,
30 defines, retraces, or reestablishes the boundaries and subdivisions
31 of the public land of the United States, or any other field survey
32 of a cadaster that is a public record, survey, or map of the extent
33 and ownership of land.

34 (g)

35 (7) Determines the information shown or to be shown on any
36 map or document prepared or furnished in connection with any
37 one or more of the functions described in ~~subdivisions (a), (b), (c),~~
38 ~~(d), (e), and (f):~~ *paragraphs (1) to (6), inclusive.*

39 (h)

- 1 (8) Indicates, in any capacity or in any manner, by the use of
 2 the title "land surveyor" or by any other title or by any other
 3 representation that ~~he or she practices or offers~~ *they practice or*
 4 *offer* to practice land surveying in any of its branches.
- 5 (i)
- 6 (9) Procures or offers to procure land surveying work for
 7 ~~himself, herself, themselves~~ or others.
- 8 (j)
- 9 (10) Manages, or conducts as manager, proprietor, or agent, any
 10 place of business from which land surveying work is solicited,
 11 performed, or practiced.
- 12 (k)
- 13 (11) Coordinates the work of professional, technical, or special
 14 consultants in connection with the activities authorized by this
 15 chapter.
- 16 (l)
- 17 (12) Determines the information shown or to be shown within
 18 the description of any deed, trust deed, or other title document
 19 prepared for the purpose of describing the limit of real property
 20 in connection with any one or more of the functions described in
 21 ~~subdivisions (a) to (f), paragraphs (1) to (6), inclusive.~~
- 22 (m)
- 23 (13) Creates, prepares, or modifies electronic or computerized
 24 data in the performance of the activities described in ~~subdivisions~~
 25 ~~(a), (b), (c), (d), (e), (f), (k), and (l).~~ *paragraphs (1), (2), (3), (4),*
 26 *(5), (6), (11), and (12).*
- 27 (n)
- 28 (14) Renders a statement regarding the accuracy of maps or
 29 measured survey data.
- 30 ~~Any~~
- 31 (b) *Any* department or agency of the state or any city, county,
 32 or city and county that has an unregistered person in responsible
 33 charge of land surveying work on January 1, 1986, shall be exempt
 34 from the requirement that the person be licensed as a land surveyor
 35 until the person currently in responsible charge is replaced.
- 36 ~~The~~
- 37 (c) *The* review, approval, or examination by a governmental
 38 entity of documents prepared or performed pursuant to this section
 39 shall be done by, or under the direct supervision of, a person
 40 authorized to practice land surveying.

1 SEC. 2. Section 8764 of the Business and Professions Code is
2 amended to read:

3 8764. (a) The record of survey shall show the applicable
4 provisions of the following consistent with the purpose of the
5 survey:

6 ~~(a)~~

7 (1) All monuments found, set, reset, replaced, or removed,
8 describing their kind, size, and location, and giving other data
9 relating thereto.

10 ~~(b)~~

11 (2) Bearing or witness monuments, basis of bearings, bearing
12 and length of lines, scale of map, and north arrow.

13 ~~(c)~~

14 (3) Name and legal designation of the property in which the
15 survey is located, and the date or time period of the survey.

16 ~~(d)~~

17 (4) The relationship to those portions of adjacent tracts, streets,
18 or senior conveyances which have common lines with the survey.

19 ~~(e)~~

20 (5) Memorandum of oaths.

21 ~~(f)~~

22 (6) Statements required by Section 8764.5.

23 ~~(g)~~

24 (7) Any other ~~data~~ *data, in graphic or narrative form*, necessary
25 for the intelligent interpretation of the various items and locations
26 of the points, lines, and areas shown, or convenient for the
27 identification of the survey or surveyor, as may be determined by
28 the civil engineer or land surveyor preparing the record of survey.

29 ~~The~~

30 (b) *The* record of survey shall also show, either graphically or
31 by note, the reason or reasons, if any, why the mandatory filing
32 provisions of paragraphs (1) to (5), inclusive, of subdivision (b)
33 of Section 8762 apply.

34 ~~The~~

35 (c) *The* record of survey need not consist of a survey of an entire
36 property.

37 SEC. 3. Section 8780 of the Business and Professions Code is
38 amended to read:

39 8780. (a) The board may, upon its own initiative or upon the
40 receipt of a complaint, investigate the actions of any land surveyor

1 licensed under this chapter or any civil engineer licensed under
 2 the provisions of Chapter 7 (commencing with Section 6700) who
 3 is legally authorized to practice land surveying and make findings
 4 thereon.

5 ~~By~~

6 (b) *By* a majority vote, the board may publicly reprove, suspend
 7 for a period not to exceed two years, or revoke the license or
 8 certificate of any land surveyor licensed under this chapter or civil
 9 engineer licensed under the provisions of Chapter 7 (commencing
 10 with Section 6700) who is legally authorized to practice land
 11 surveying on any of the following grounds:

12 ~~(a)~~

13 (1) Any fraud, deceit, or misrepresentation in ~~his or her~~ *their*
 14 practice of land surveying.

15 ~~(b)~~

16 (2) Any negligence ~~or incompetence in his or her~~ *in their*
 17 practice of land surveying.

18 (3) *Any incompetence in their practice of land surveying.*

19 ~~(c)~~

20 (4) Any fraud or deceit in obtaining ~~his or her~~ *their* license.

21 ~~(d)~~

22 (5) Any violation of any provision of this chapter or of any other
 23 law relating to or involving the practice of land surveying.

24 ~~(e)~~

25 (6) Any conviction of a crime substantially related to the
 26 qualifications, functions, and duties of a land surveyor. The record
 27 of the conviction shall be conclusive evidence thereof.

28 ~~(f)~~

29 (7) Aiding or abetting any person in the violation of any
 30 provision of this chapter or any regulation adopted by the board
 31 pursuant to this chapter.

32 ~~(g)~~

33 (8) A breach or violation of a contract to provide land surveying
 34 services.

35 ~~(h)~~

36 (9) A violation in the course of the practice of land surveying
 37 of a rule or regulation of unprofessional conduct adopted by the
 38 board.

39 SEC. 4. Section 4529 of the Government Code is amended to
 40 read:

1 4529. (a) This chapter shall not apply where the state or local
2 agency head determines that the services needed are more of a
3 technical nature and involve little professional judgment and that
4 requiring bids would be in the public interest.

5 (b) *A state or local agency head making a determination*
6 *pursuant to subdivision (a) shall be licensed in the discipline for*
7 *which they are making the determination if a license is required*
8 *to practice in that discipline.*

9 SEC. 5. Section 66452.5 of the Government Code is amended
10 to read:

11 66452.5. (a) (1) The subdivider, or any tenant of the subject
12 property, in the case of a proposed conversion of residential real
13 property to a condominium project, community apartment project,
14 or stock cooperative project, may appeal from any action of the
15 advisory agency with respect to a tentative map to the appeal board
16 established by local ordinance or, if none, to the legislative body.

17 (2) The appeal shall be filed with the clerk of the appeal board,
18 or if there is none, with the clerk of the legislative body within 10
19 days after the action of the advisory agency from which the appeal
20 is being taken.

21 (3) Upon the filing of an appeal, the appeal board or legislative
22 body shall set the matter for hearing. The hearing shall be held
23 within ~~30~~ 45 days after the date of a request filed by the subdivider
24 or the appellant. If there is no regular meeting of the legislative
25 body within the next ~~30~~ 45 days for which notice can be given
26 pursuant to Section 66451.3, the appeal may be heard at the next
27 regular meeting for which notice can be given, or within 60 days
28 from the date of the receipt of the request, whichever period is
29 shorter. Within 10 days following the conclusion of the hearing,
30 the appeal board or legislative body shall render its decision on
31 the appeal.

32 (b) (1) The subdivider, any tenant of the subject property, in
33 the case of a conversion of residential real property to a
34 condominium project, community apartment project, or stock
35 cooperative project, or the advisory agency may appeal from the
36 action of the appeal board to the legislative body. The appeal shall
37 be filed in writing with the clerk of the legislative body within 10
38 days after the action of the appeal board from which the appeal is
39 being taken.

1 (2) After the filing of an appeal, the legislative body shall set
2 the matter for hearing. The hearing shall be held within ~~30~~ 45 days
3 after the date of the request filed by the subdivider or the appellant.
4 If there is no regular meeting of the legislative body within the
5 next ~~30~~ 45 days for which notice can be given pursuant to Section
6 66451.3, the appeal may be heard at the next regular meeting for
7 which notice can be given, or within 60 days from the date of the
8 receipt of the request, whichever period is shorter. Within 10 days
9 following the conclusion of the hearing, the legislative body shall
10 render its decision on the appeal.

11 (c) (1) If there is an appeal board and it fails to act upon an
12 appeal within the time limit specified in this chapter, the decision
13 from which the appeal was taken shall be deemed affirmed and an
14 appeal therefrom may thereupon be taken to the legislative body
15 as provided in subdivision (b) of this section. If no further appeal
16 is taken, the tentative map, insofar as it complies with applicable
17 requirements of this division and any local ordinance, shall be
18 deemed approved or conditionally approved as last approved or
19 conditionally approved by the advisory agency, and it shall be the
20 duty of the clerk of the legislative body to certify or state that
21 approval, or if the advisory agency is one which is not authorized
22 by local ordinance to approve, conditionally approve, or disapprove
23 the tentative map, the advisory agency shall submit its report to
24 the legislative body as if no appeal had been taken.

25 (2) If the legislative body fails to act upon an appeal within the
26 time limit specified in this chapter, the tentative map, insofar as it
27 complies with applicable requirements of this division and any
28 local ordinance, shall be deemed to be approved or conditionally
29 approved as last approved or conditionally approved, and it shall
30 be the duty of the clerk of the legislative body to certify or state
31 that approval.

32 (d) (1) Any interested person adversely affected by a decision
33 of the advisory agency or appeal board may file an appeal with
34 the legislative body concerning any decision of the advisory agency
35 or appeal board. The appeal shall be filed with the clerk of the
36 legislative body within 10 days after the action of the advisory
37 agency or appeal board that is the subject of the appeal. Upon the
38 filing of the appeal, the legislative body shall set the matter for
39 hearing. The hearing shall be held within ~~30~~ 45 days after the date
40 of a request filed by the subdivider or the appellant. If there is no

1 regular meeting of the legislative body within the next ~~30~~ 45 days
2 for which notice can be given pursuant to Section 66451.3, the
3 appeal may be heard at the next regular meeting for which notice
4 can be given, or within 60 days from the date of the receipt of the
5 request, whichever period is shorter. The hearing may be a public
6 hearing for which notice shall be given in the time and manner
7 provided.

8 (2) Upon conclusion of the hearing, the legislative body shall,
9 within 10 days, declare its findings based upon the testimony and
10 documents produced before it or before the advisory board or the
11 appeal board. The legislative body may sustain, modify, reject, or
12 overrule any recommendations or rulings of the advisory board or
13 the appeal board and may make any findings that are not
14 inconsistent with the provisions of this chapter or any local
15 ordinance adopted pursuant to this chapter.

16 (e) Each decision made pursuant to this section shall be
17 supported by findings that are consistent with the provisions of
18 this division and any local ordinance adopted pursuant to this
19 division.

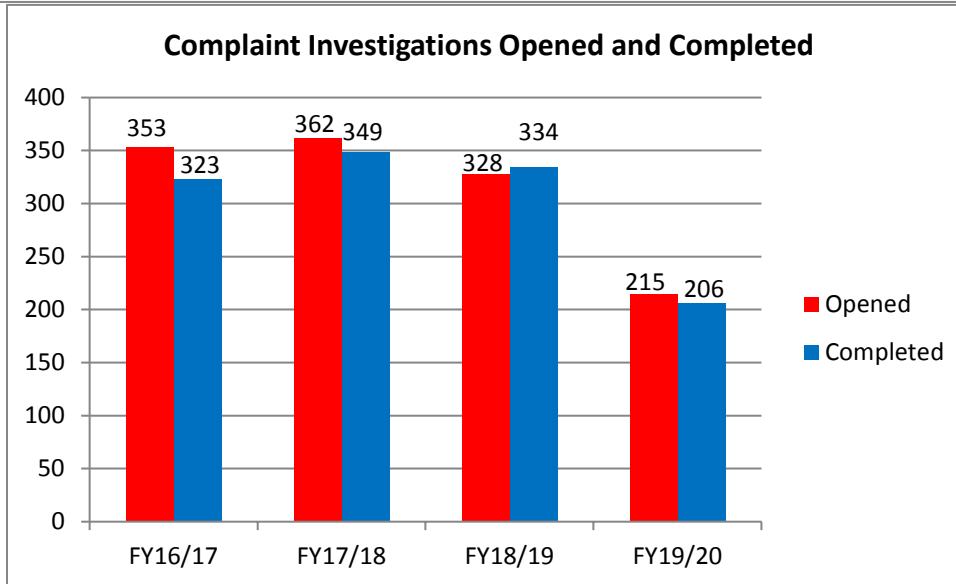
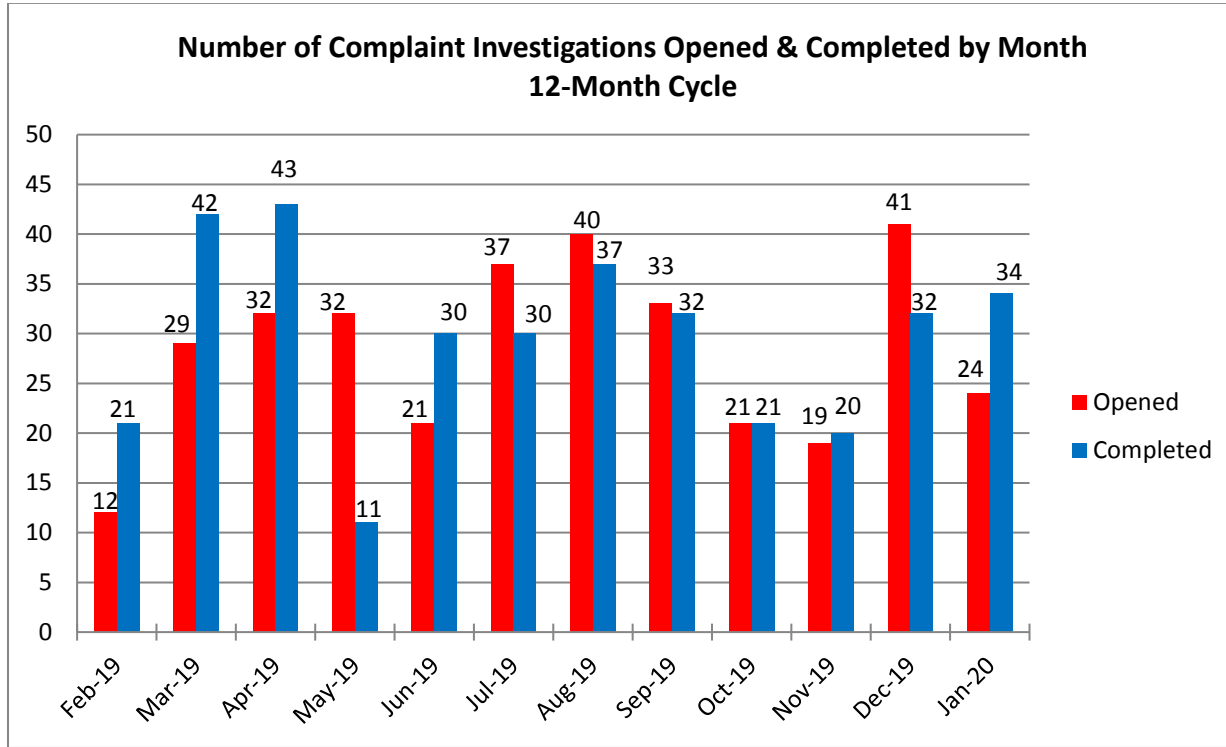
20 (f) Notice of each hearing provided for in this section shall be
21 sent by United States mail to each tenant of the subject property,
22 in the case of a conversion of residential real property to a
23 condominium project, community apartment project, or stock
24 cooperative project, at least three days prior to the hearing. The
25 notice requirement of this subdivision shall be deemed satisfied if
26 the notice complies with the legal requirements for service by mail.
27 Pursuant to Section 66451.2, fees may be collected from the
28 subdivider or from persons appealing or filing an appeal for
29 expenses incurred under this section.

VII. Enforcement

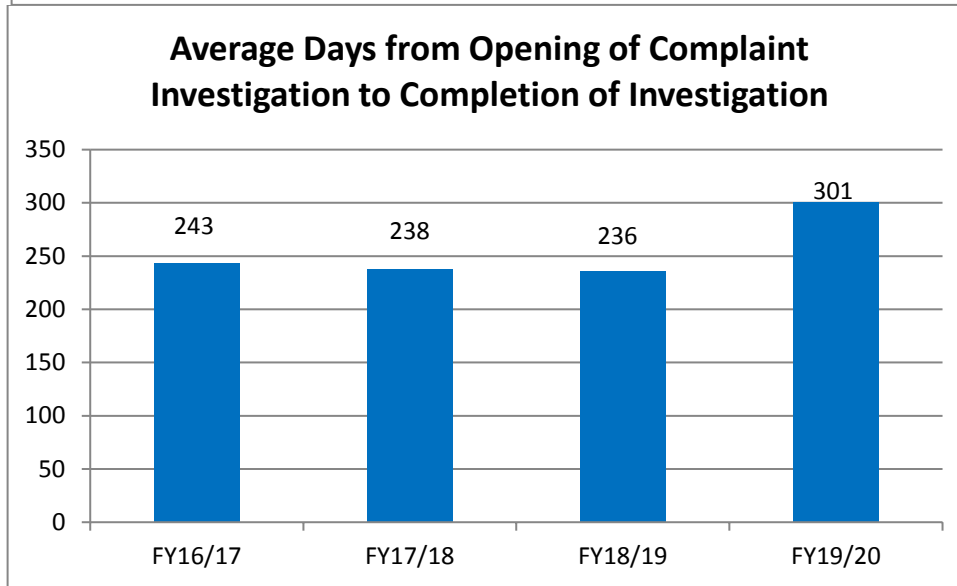
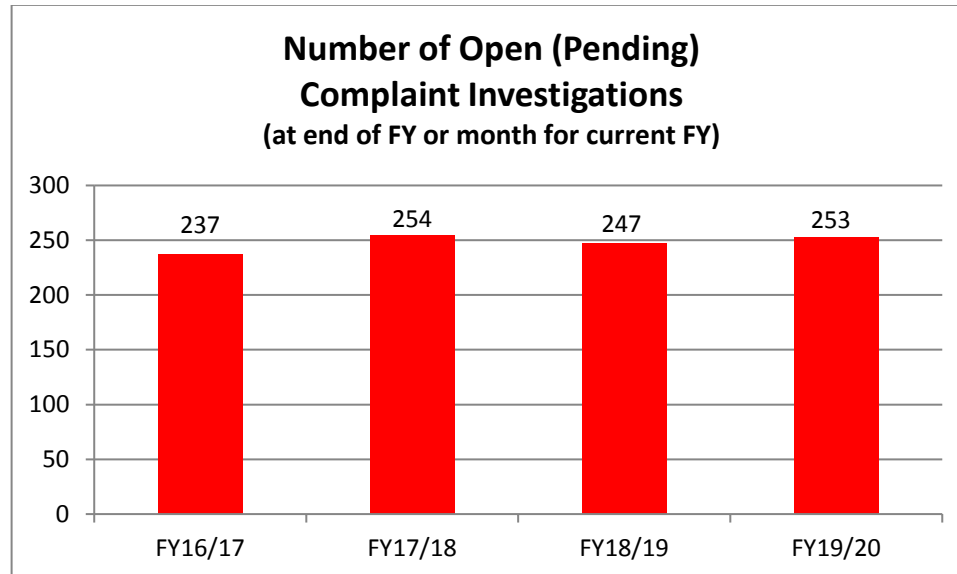
A. Enforcement Statistical Reports

1. Fiscal Year 2019/20 Update

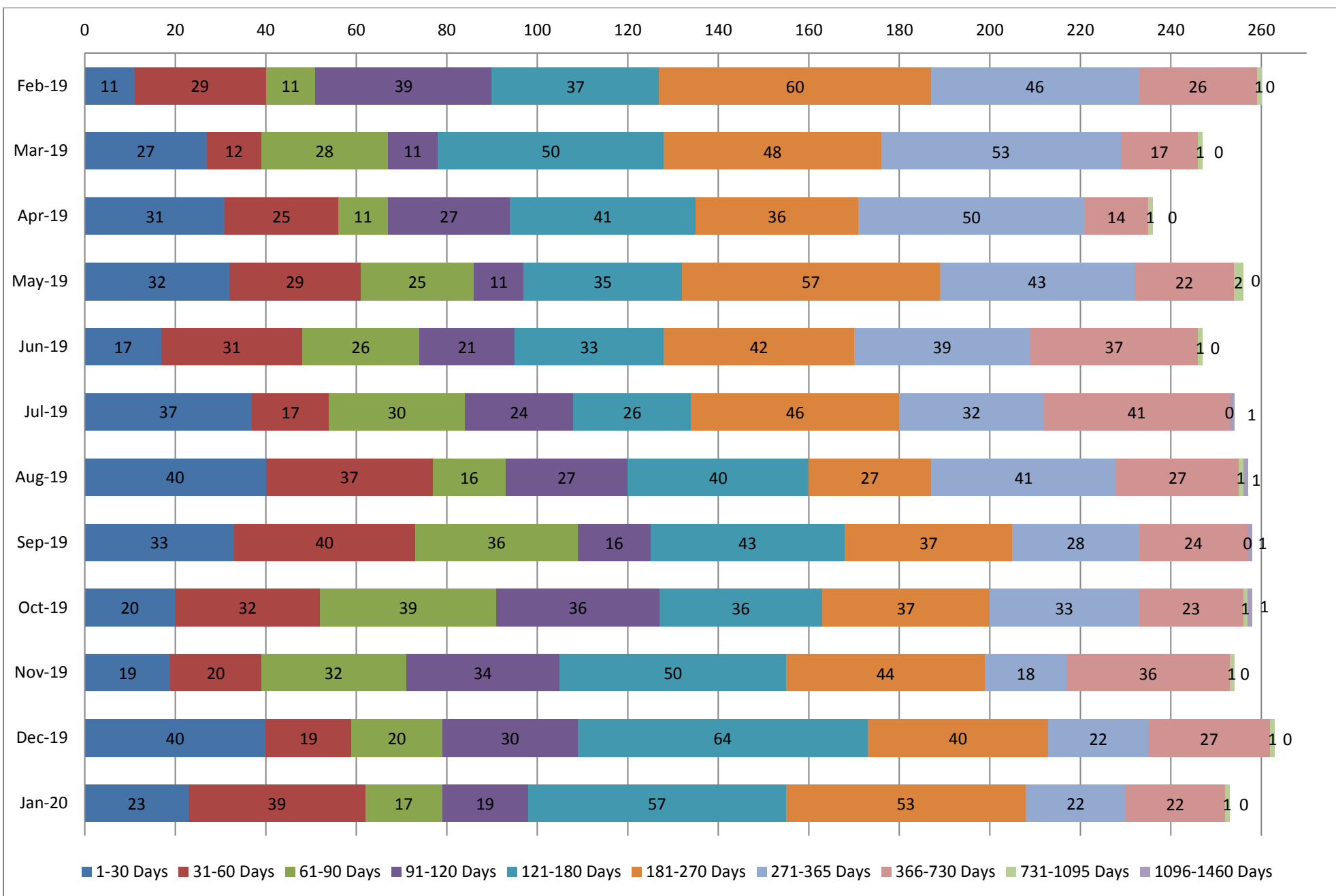
Complaint Investigation Phase

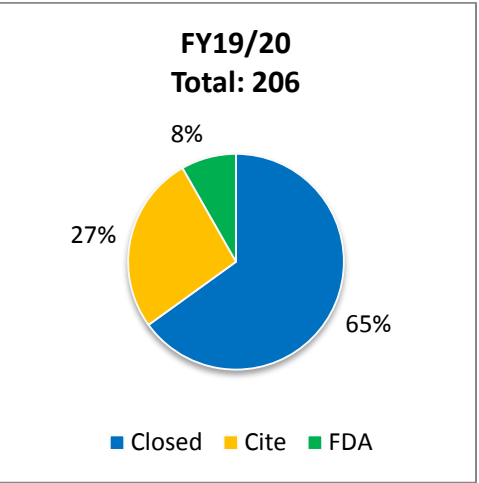
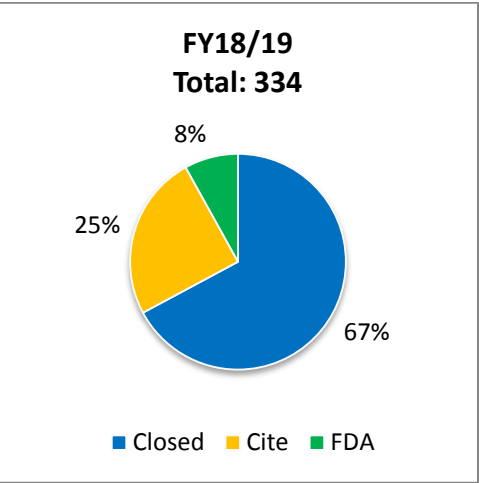
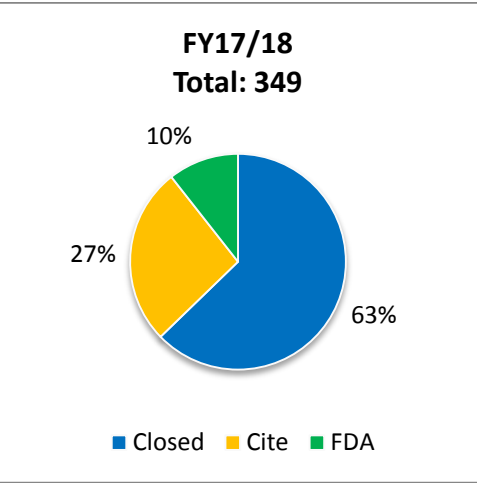
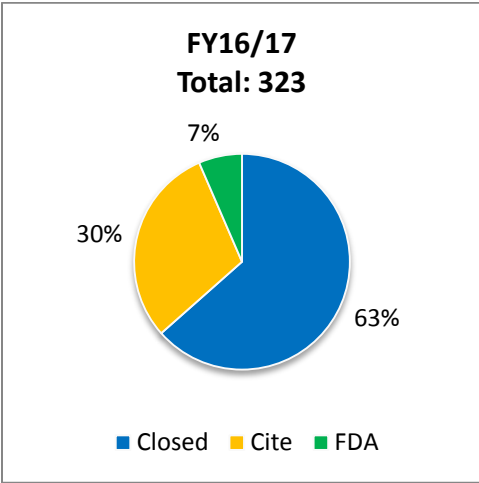
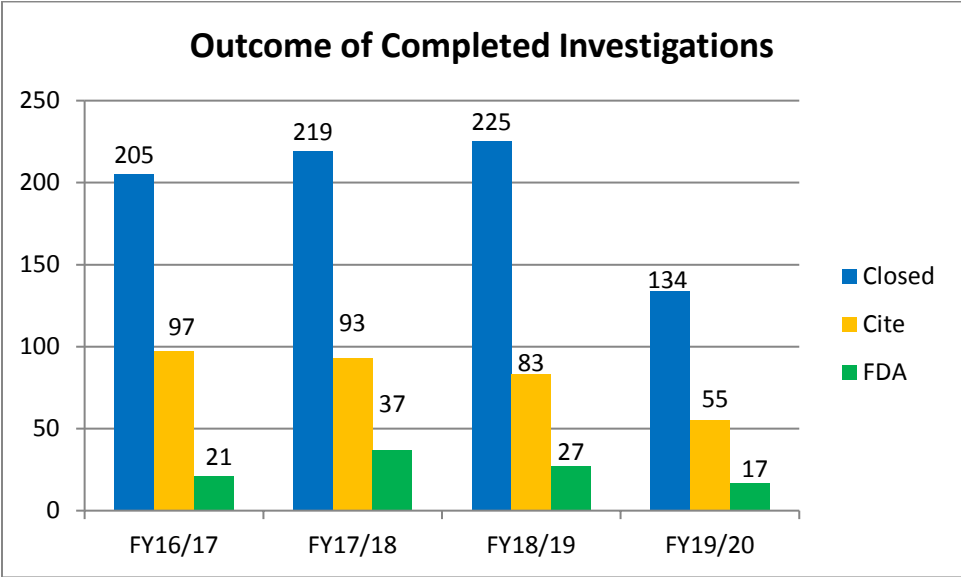


NOTE: FY19/20 statistics are through January 31, 2020



NOTE: FY19/20 statistics are through January 31, 2020





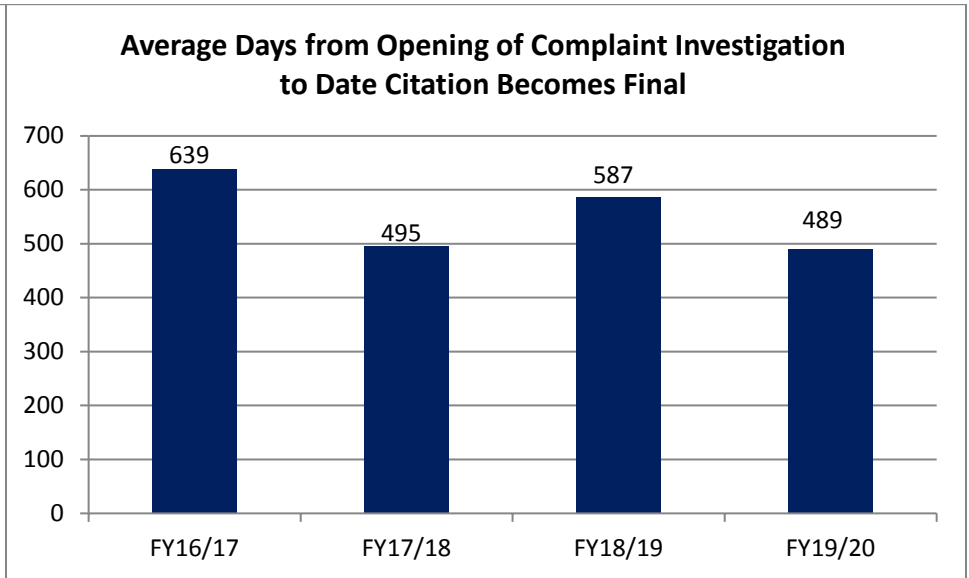
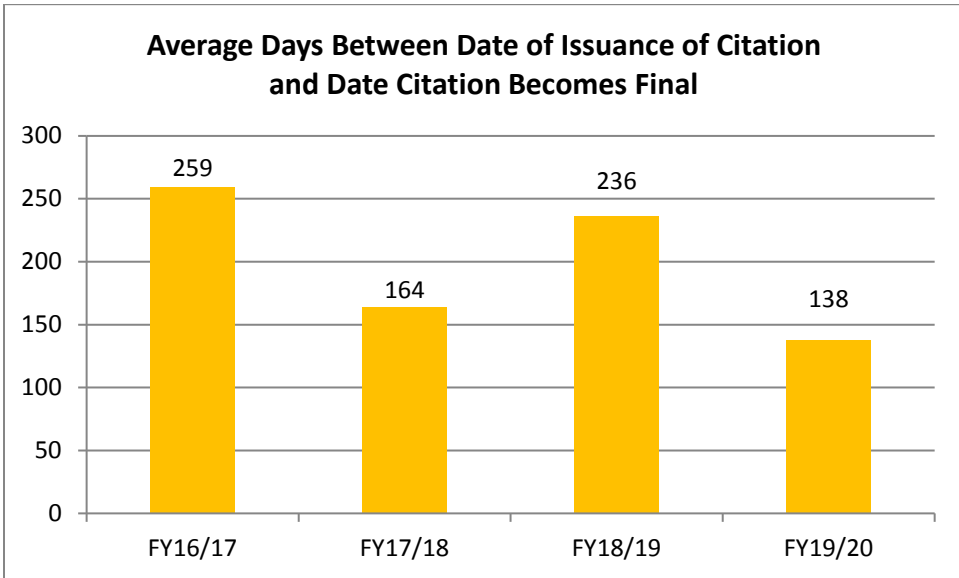
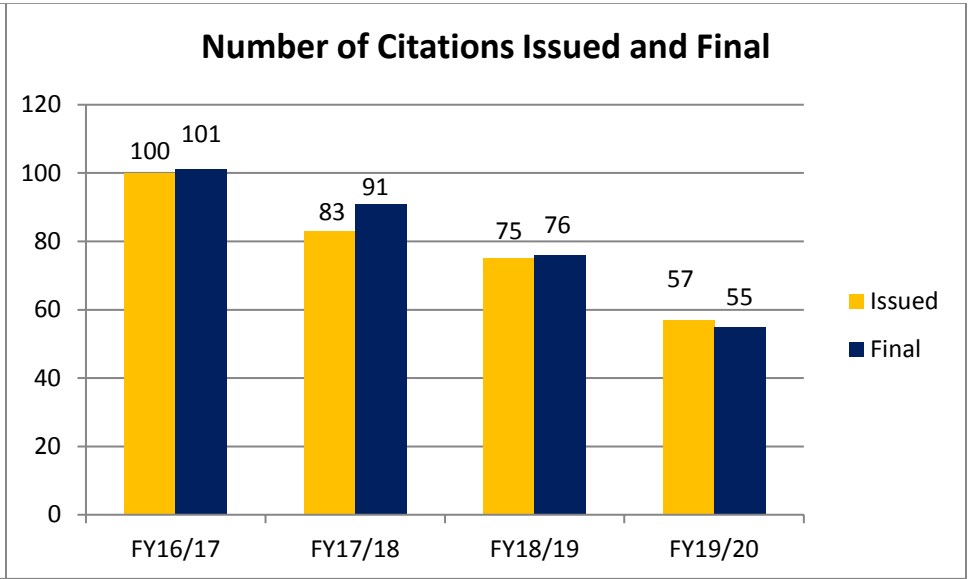
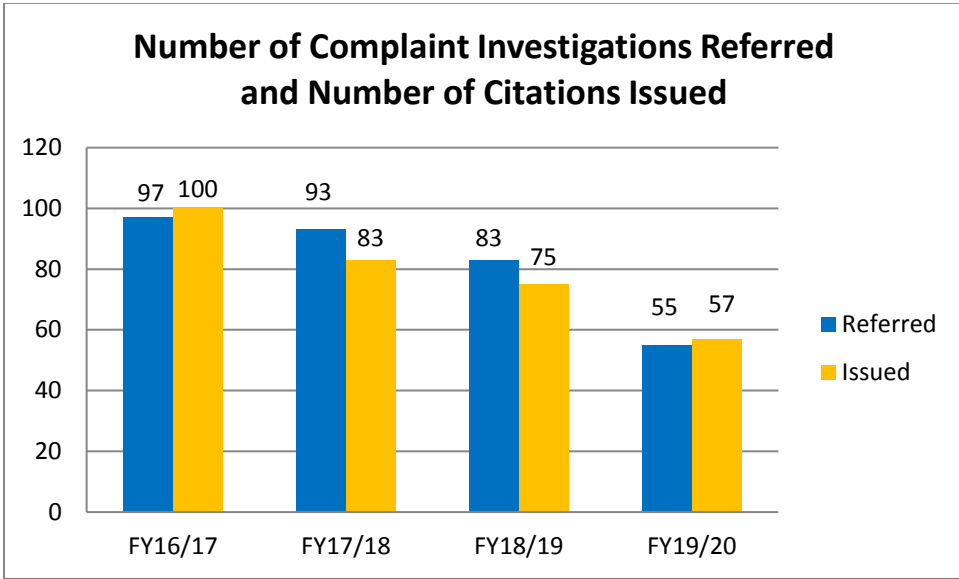
NOTE: FY19/20 statistics are through January 31, 2020

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.

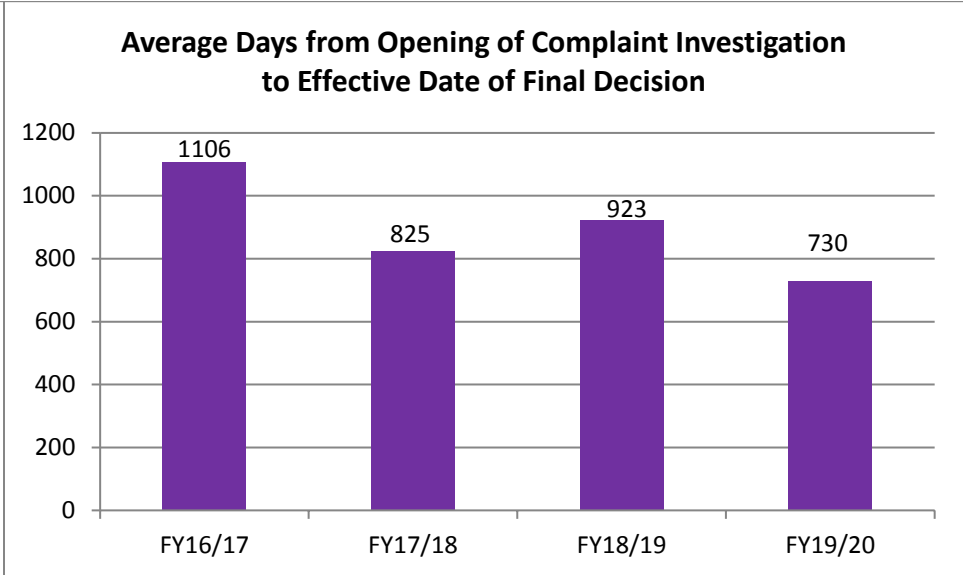
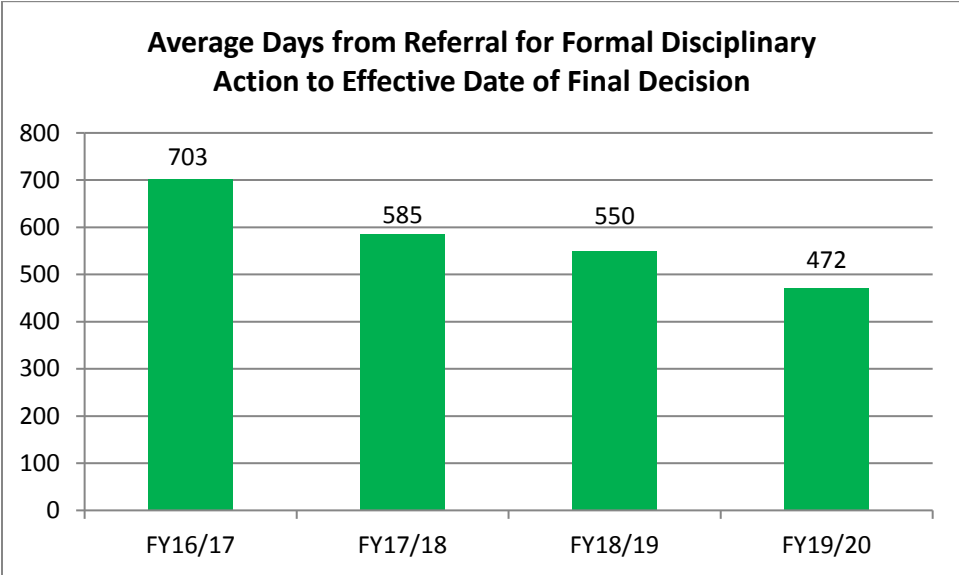
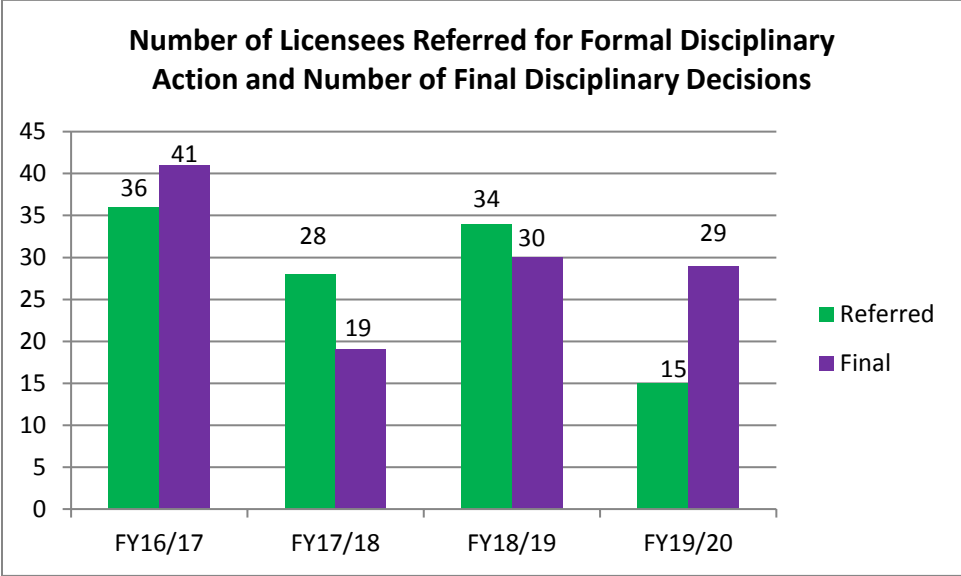
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY19/20 statistics are through January 31, 2020



NOTE: FY19/20 statistics are through January 31, 2020

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
February 2019	12	21
March 2019	29	42
April 2019	32	43
May 2019	32	11
June 2019	21	30
July 2019	37	30
August 2019	40	37
September 2019	33	32
October 2019	21	21
November 2019	19	20
December 2019	41	32
January 2020	24	34

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

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2016/17	353	323
2017/18	362	349
2018/19	328	334
2019/20	215	206

Current Fiscal Year through January 31, 2020

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2016/17	237
2017/18	254
2018/19	247
2019/20	253

Current Fiscal Year through January 31, 2020

Complaint Investigation Phase

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

Fiscal Year	Average Days
2016/17	243
2017/18	238
2018/19	236
2019/20	301

Current Fiscal Year through January 31, 2020

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2016/17	205	63%	97	30%	21	7%
2017/18	219	63%	93	27%	37	10%
2018/19	225	67%	83	25%	27	8%
2019/20	134	65%	55	27%	17	8%

Current Fiscal Year through January 31, 2020

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

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

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
February 2019	11	29	11	39	37	60	46	26	1	0
March 2019	27	12	28	11	50	48	53	17	1	0
April 2019	31	25	11	27	41	36	50	14	1	0
May 2019	32	29	25	11	35	57	43	22	2	0
June 2019	17	31	26	21	33	42	39	37	1	0
July 2019	37	17	30	24	26	46	32	41	0	1
August 2019	40	37	16	27	40	27	41	27	1	1
September 2019	33	40	36	16	43	37	28	24	0	1
October 2019	20	32	39	36	36	37	33	23	1	1
November 2019	19	20	32	34	50	44	18	36	1	0
December 2019	40	19	20	30	64	40	22	27	1	0
January 2020	23	39	17	19	57	53	22	22	1	0

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2016/17	97	100
2017/18	93	83
2018/19	83	75
2019/20	55	57

Current Fiscal Year through January 31, 2020

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2016/17	100	101
2017/18	83	91
2018/19	75	76
2019/20	57	55

Current Fiscal Year through January 31, 2020

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

Fiscal Year	Number of Days
2016/17	259
2017/18	164
2018/19	236
2019/20	138

Current Fiscal Year through January 31, 2020

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

Fiscal Year	Number of Days
2016/17	639
2017/18	495
2018/19	587
2019/20	489

Current Fiscal Year through January 31, 2020

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

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2016/17	36	41
2017/18	28	19
2018/19	34	30
2019/20	15	29

Current Fiscal Year through January 31, 2020

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

Fiscal Year	Number of Days
2016/17	703
2017/18	585
2018/19	550
2019/20	472

Current Fiscal Year through January 31, 2020

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

Fiscal Year	Number of Days
2016/17	1106
2017/18	825
2018/19	923
2019/20	730

Current Fiscal Year through January 31, 2020

VIII. Exams/Licensing

IX. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Nomination for Western Zone Vice President (Possible Action)
 - 2. Nomination for NCEES Treasurer (Possible Action)
 - 3. Examinations for Professional Surveyors (EPS) Committee seeking Board Response Pertaining to Future Exam Divisions (Possible Action)
 - 4. Combined Zone Interim Meeting – Out-of-State Travel Request (Possible Action)
 - 5. Western Zone Mobility Challenge
- G. Update on Outreach Efforts

Rulemaking Overview

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

- Final rulemaking package submitted Control Agencies (i.e. DCA, Agency, etc.) February 26, 2020.
 - Public comment period ended February 2, 2020.
 - OAL approved rulemaking with publication date on November 29, 2019.
 - Control Agencies approved initial rulemaking for submission to OAL on November 14, 2019.
 - Initial review with Control Agencies for approval of rulemaking package on May 30, 2019.
 - Board directed staff to pursue initial rulemaking on November 1, 2018.

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

- DCA Regulations Committee provided feedback February 11, 2020.
 - Initial rulemaking package submitted to DCA Legal for review on September 5, 2019
 - Board directed staff to pursue initial rulemaking on March 1, 2013.

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

- Rulemaking package resubmitted for initial review and approval January 21, 2020.
 - DCA Regulations Committee provided feedback January 14, 2020.
 - Initial review with DCA Legal for approval of rulemaking package on June 11, 2019.
 - Board directed staff to pursue initial rulemaking on February 21, 2019.

4. Definition of Traffic Engineering (404)

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

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

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

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

PROJECT STATUS REPORT

Reporting period:	1/1/2020 – 2/25/2020	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
<p>Project vendor, InLumon, has been on-boarded and work has begun on the Minimum Viable Product (MVP) Product Increment. BPELSG's MVP is Engineer-In-Training and Land Surveyor-In-Training application submission. To date, no significantly impactful issues have occurred, and the project remains on target for budget projections and the initial MVP schedule.</p>						

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Onboard Systems Integrator	Complete	1/31/2020	No
MVP Product Increment 1 - Dates may adjust depending on final project schedule baseline	In Progress	7/9/2020	No



Patty Mamola, PE
Executive Director

Karen D Purcell, PE
Chairwoman (6/30/21)

Michael G Kidd, PLS
Vice Chairman (6/30/20)

L Brent Wright, PE/SE
Member (6/30/20)

Gregory P DeSart, PE
Member (9/30/19)

Kent B Anderson, PE
Member (6/30/21)

Angelo Spata, PE
Member (6/30/21)

Thomas Matter
Public Member (6/30/22)

Tracy D Larkin-
Thomason, PE
Member (6/30/20)

Matthew Gingerrich, PLS
Member (6/30/22)

January 21, 2020

Re: Karen Purcell, PE, Candidate for Western Zone Vice President

Dear Western Zone Nomination Committee:

Chair Tom Pankratz, PE, Member Wendy Amann, PE, and Member Sean St Clair PhD, PE

The Nevada Board of Professional Engineers and Land Surveyors is pleased to nominate Karen Purcell, PE, as a candidate for Western Zone Vice President.

Karen was appointed to the Nevada Board by the Governor in June 2015 and was reappointed for a second term in 2018. She served as vice-chair (2017-2019) and is currently serving as chair. Karen listens intently, distilling information, to build consensus on challenges faced by the board.

In addition to serving engineers, land surveyors, and the public of Nevada, Karen's aptitude for new technology led to her appointment as chair of the NCEES Technology Task Force. She has also had the opportunity to serve on the NCEES Uniform Policy and Legislative Guidelines Committee, Public Outreach Committee, and Western Zone Resolutions Committee. Karen brings a unique perspective of the engineering and surveying professions founded on a diversity of experiences. As a successful business owner of PK Electrical, with offices in Nevada and Colorado, Karen knows what it takes to effectively lead an organization. Karen's passion for STEM drove her to author *Unlocking Your Brilliance*, targeted at young women to promote STEM. She is a sought after national speaker on STEM and is committed to bringing her passion for the professions to serve Western Zone as its Vice President.

The Western Zone has a history of accomplishments through thoughtful and progressive governance. Karen's knowledge and skills will continue to build on the programs initiated by past zone leaders. With Karen's diverse experiences and demonstrated influence, the successful advocating of Western Zone issues and concerns can be optimized at the national level. We ask for your support in considering Karen for the nomination of NCEES Western Zone Vice President. We look forward to seeing you soon in Houston!

Best Regards,

Patty Mamola, PE
Executive Director



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



March 12, 2020

To: Board Members and Board Administrators of NCEES Member Boards

The California Board for Professional Engineers, Land Surveyors, and Geologists is nominating Robert “Bob” Stockton, PE, for the office of NCEES Treasurer for 2020-22 and is requesting the full support of the NCEES Member Boards.

Mr. Stockton served as President of the Board for 2015-16, was originally appointed by Governor Brown in July 2012 and reappointed by Governor Brown in July 2015.

Relevant experience:

- Currently serving his fourth term as a Western Zone representative for NCEES’s Committee on Finances and has served on this committee since 2016-17.
- Owner and Principle-In-Charge of Rick Engineering’s Riverside California office for over 30 years.
- Trustee of Rick Engineering’s Profit-Sharing Committee serving more than 300 employees for last 10 years.
- In 2014, Mr. Stockton was elected by voters to serve on the Western Municipal Water District Board; currently the Immediate Past President, on the District’s Finance Committee serving over 1 million customers in the Riverside region.
- Past Chair of the Riverside Chamber of Commerce which serves approximately 1,300 businesses and 340,000 residents.
- Current Chair of the Finance Committee for Path of Life Ministries which is the largest provider of homeless services in the Inland Empire region in Southern California.
- Past member and Chair of the Riverside Public Utilities Board for two terms overseeing a \$500 million annual budget.
- Member of Ad Hoc Advisory Committee for California Board for Professional Engineers, Land Surveyors, and Geologists advising staff and the Board on budget appropriation matters.
- Happily married to wife Kelli with 5 children and 4 grandchildren – which has proven to be the most challenging lifelong commitment to finances he’s ever experienced.

Throughout his tenure on the Board, Mr. Stockton has been actively involved with all aspects of the Board's mission. He regularly contributes to the success of the Board's operations and has represented the Board several times as an observer on ABET visits.

The California Board believes that Mr. Stockton's 40-plus years in the professional engineering profession and pertinent experience makes him uniquely qualified to serve the NCEES Council and all member boards as Treasurer and we are seeking your support in electing him to this office at the NCEES All Zones Joint Meeting in Houston, TX in April 2020.

Respectively,

Dr. Fel Amistad, 2019-20 Board President

Cc: Ric Moore, Executive Officer



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF REGISTRATION OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

1000 Washington Street • Boston • Massachusetts • 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

October 24, 2019

Board of Directors and its member boards
National Council of Examiners for Engineering and Surveying
280 Seneca Creek Road
Seneca, SC 29678

From: The Massachusetts Board of Registration of Professional Engineers and Land Surveyors

Referencing: Nomination for Treasurer Elect

During its regularly scheduled meeting on September 26, 2019 the Massachusetts Board of Registration of Professional Engineers and Land Surveyors unanimously voted to endorse the candidacy of Paul J. Tyrell PE, PLS for Treasurer of NCEES.

Paul has been a member of the MA Board since October 21, 2011 and has been the Board Chair since January 1, 2018. He has previously served on the NCEES Board of Directors as the Northeast Zone Vice President (2017-2019), currently serves as a member of Uniform Procedures and Legislative Guidelines committee ("UPLG"), and has previously served on numerous Committees and Task forces including:

2017-2018

Committee on Examinations for Professional Surveyors, Board Liaison
Technology Task Force, Board Liaison
Board of Directors, Vice President - NorthEast Zone

2016-2017

Committee on Examinations for Professional Engineers

2015-2016

Committee on Examination Policy and Procedures, Chair
Committee on Nominations

2014-2015

Committee on Examination Policy and Procedures
Committee on Nominations



2013-2014

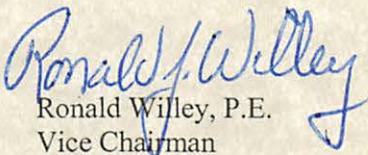
Committee on Examinations for Professional Engineers
Definition of Engineering Task Force

2012-2013

Committee on Examinations for Professional Engineers

Paul is a Vice President with STV Incorporated and has led the design for numerous significant transportation projects throughout greater Boston including the Massachusetts Bay Transportation Authorities One Billion Dollar Green Line Extension.

We proudly support Paul's candidacy and ask that you all join us in electing him the next Treasurer of NCEES.



Ronald Willey, P.E.
Vice Chairman



Azuanuka Etoniru, P.E., P.L.S.
Secretary



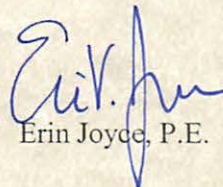
Dennis Drumm, P.L.S.



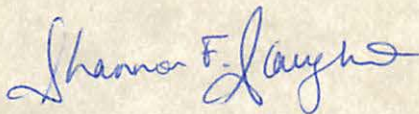
Daniel Caron, P.E.



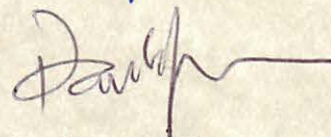
Maurice Pilette, P.E.



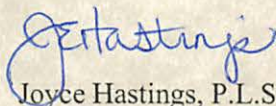
Erin Joyce, P.E.



Shannon Slaughter, Esq.



Paul Tsang, P.E.



Joyce Hastings, P.L.S.

NCEES – Examinations for Professional Surveyors (EPS) Committee
Seeking Board Response Pertaining to Future Exam Divisions (Possible Action)

Steve Wilson is a current member of the Committee and Ric serves as a Consultant for 2019-20. Steve and I both thought it would be advantageous to engage the full board in this issue so that any concerns from the Board Members could be conveyed as appropriate when responding.

On February 10, 2020, NCEES sent an email to the chairs and administrators of the 55 member boards with a request for further information related to the Committee's charge to develop and implement a plan to restructure the PS exam to include the following separately scored divisions:

Core PS - Includes base professional surveying topics outside of boundary such as public/private record sources, land development solutions, FEMA requirements, business practices, professional conduct, etc., that would be considered common practice regardless of licensing jurisdiction

Boundary - Includes boundary principles, legal descriptions of real property transactions, federal mandated standards (i.e., ALTA/NSPS land title surveys), boundary surveys, etc.

U.S. Public Land Survey System (PLSS) - Includes knowledge of BLM manual of surveying instructions, practical methodology for retracement of federal authorized surveys, establishment of lost corners, and subdivision of aliquot portions

Mapping Science - Includes topographic mapping and control standards, GIS, hydrographic and remote sensing equipment, measurement using photogrammetric methods, measurement using LIDAR, digital laser scanning, etc.

Incidental Drainage Design - Includes channel calculations, erosion and sedimentation control practices, storm water design standards, etc.

The EPS Committee is requesting your assistance to provide valuable input into this process. It is imperative that we receive responses from all applicable boards to successfully fulfill this important charge. Assumptions and questions are included below for your board's review and as a reference when completing the online survey. Once this divisional format is implemented, it will be up to each member board to decide which of the divisions must be passed in order to be licensed as a surveyor in their jurisdiction.

ASSUMPTIONS

1. Divisional testing will be administered by NCEES through Pearson VUE, which currently administers the PS examination.
2. Each member board's responses should be their best estimation based on the information known at this point.

3. In answering the questions, the above definitions should be used for the five divisions. More detailed definitions will be developed as work on this charge continues.

SURVEY QUESTIONS

• Once the divisional format is implemented, which of the five divisions would you require applicants to pass to be licensed in your jurisdiction?

- Core PS
- Boundary
- U.S. Public Land Survey System
- Mapping science
- Incidental drainage design

• Estimate the number of examinees in your jurisdiction by division per year. Please make one selection for each division (core PS, boundary, U.S. Public Land Survey System, mapping science, and incidental drainage design).

- N/A
- 0
- 1–10
- 11–20
- 21–30
- 31–40
- 41–50
- 51–75
- 75–100
- 101–150
- >150

• Will implementing this divisional format require a law change in your jurisdiction? Yes or No

• Will implementing this divisional format require a rules change in your jurisdiction? Yes or No

• Indicate if moving to this format will allow you to

Eliminate your state-specific examination

Reduce the size of your state-specific examination. Please describe how moving to this format would allow you to reduce the size of the state-specific examination.

Neither. Please explain why moving to this format will NOT allow you to eliminate or reduce the size of your state-specific exam.

• NCEES uses a process called the professional activities and knowledges study (PAKS) to determine the topics included on an exam. Are there specific content areas

you would like to see included in the PAKS process that could possibly end up as a topic on the divisions?

ADDITIONAL QUESTIONS

The answers to the above questions are essential for EPS to move forward in this process. Answers to the following questions will provide additional guidance for the EPS Committee:

- Assuming laws allow for other types of surveying licenses and all other licensing requirements would be satisfied, would the passing of only the core and mapping science divisions allow you to create a license for mapping science professionals? A mapping science professional is licensed to prepare a geographic information system, drone mapping, and traditional aerial mapping—including topography and related ground control.

Yes

No

We already license this activity.

- If yes to the above question, What is the likelihood that you would create a license for mapping science professionals?

Very likely

Likely

Unsure

Unlikely

very unlikely

- Do your statutes currently allow incidental drainage design or any type of incidental design by licensed surveyors? Yes or No

- If no to the above question, Would you support a change to your statutes to allow licensed surveyors to practice incidental drainage design in your state, if they were to pass the Incidental Drainage Design division?

Yes

No

We already license this activity.

- If yes to the above question, Would you be willing to offer the NCEES incidental drainage division in lieu of testing it on your state-specific exam? Yes or No

- Please provide any additional information you would like the EPS Committee to consider in its deliberations.

F. NCEES - Western Zone Mobility Challenge

At the August 2019 Annual meeting, Brian Robertson, P.E. (UT), Western Zone Vice President asked that all jurisdictions take another step toward reducing barriers to mobility while recognizing that each member board has reviewed their own laws and regulations. Now, he is asking all to perform a three-step challenge:

Step 1 – each jurisdiction select another jurisdiction and perform an outside peer review of those rules and regulations, additionally suggesting feedback on the process for licensees in your own jurisdiction to obtain comity licensure in the chosen jurisdiction.

Montana chose to review California.

Step 2 – Provide a summary of your findings to the chosen jurisdiction prior to the April 2020 All Zone meeting early enough so that the chosen jurisdiction can include this discussion during a board meeting and include in their state report at the Western Zone session in April.

Step 3 – Between the All Zone and Annual Meeting (August 2020), discuss and report on what changes to your laws and regulations your board can consider making to facilitate mobility, and how soon that could feasibility occur.

Summary of Montana's Findings on California Laws and Regulations

Note: The Business Standards Division in Montana was already engaged in a project to evaluate substantial equivalency and reciprocity across all professional licensing boards as part of a legislative request so the Montana Board appears to have primarily focused on a licensee seeking comity licensure in California.

A Montana licensee seeking licensure in California will note the following:

1. Fingerprints and a background check will be required for both PE and PLS applicants.
2. California's requirements for PLS licensure are similar to those of Montana—there is not an education requirement. California also requires a state specific exam.
3. PE applicants will find that Californian licenses by discipline and that a separate application is required for licensure in each discipline sought. California has state specific exams for civil engineers in seismic principles and engineering surveying.
4. California's license fees are 25% higher than Montana's.




BOARD OUTREACH REPORT 4th Quarter: October–December 2019


SOCIAL MEDIA AND WEB PAGE VIEWS

November 6–8

CA Engineers Board @CA_Engineers

Hey @UCLAengineering We're looking forward to getting together with you in Anaheim! #WE19 @CA_Engineers will have all the information on how get your professional license and why you'll be glad you did. #APlanForYourProfession @SWEtalk pic.twitter.com/U9Fb1eR7ss

 TOP 5 TWEETS	DATE	IEWS
UCLA	November 8	2,400
UCLA	November 6	2,285
UC Santa Barbara	November 8	2,230
UC San Diego	November 7	2,138
UC Santa Cruz	November 6	2,073

 TOP 6 FACEBOOK POSTS	DATE	IEWS
Adoption of Title 16, sections re: PG and PGP licensure	October 1	1,079
Proposal to amend Title 16, re: fees and duplicate certificates	November 27	810
Draft resolution of Cooperation to Facilitate Interstate Licensure for Professional Engineers and Professional Surveyors	November 19	697
NCEES, ASBOG, and CSE results released today	December 12	681
The Board and the Department of Consumer Affairs have been made aware of a fraud scam targeting licensees	December 20	611
The Board's website has been updated to reflect the changes to the geology and geophysics regulations that became effective on October 1	October 10	557



OUTREACH EVENTS

UNIVERSITY OUTREACH

OCTOBER

October 22: *California Polytechnic State University, Pomona*
GEOLOGY Career Planning: The GIT and the Professional Geologist License presentation to students by Laurie Racca

October 22: *California State University, Northridge*
Two CIVIL Senior Design Class presentations by Natalie King

October 23: *California State University, Northridge*
CIVIL Senior Design Class presentation by Natalie King

NOVEMBER

November 19: *University of the Pacific*
GEOLOGY Career Planning: The GIT and the Professional Geologist License Presentation to students by Laurie Racca

November 21: *California Polytechnic State University, San Luis Obispo*
Three MECHANICAL Senior Design Class presentations by Mike Donelson

November 22: *California Polytechnic State University, San Luis Obispo*
CIVIL Introduction to Engineering Class presentation by Natalie King

CIVIL Senior Design Professional Practices Class presentation by Natalie King

MECHANICAL Senior Design Project Expo. Attended by Mike Donelson, Natalie King and Brooke Phayer

DECEMBER

December 4: *San Diego State University*
GEOLOGY Career Planning: The GIT and the Professional Geologist License to students by Laurie Racca

December 6: *California State University Maritime Academy, Vallejo*
MECHANICAL Introduction to Engineering Class presentation to freshmen by Mike Donelson

PROFESSIONAL OUTREACH

KEY:

- ASCE** American Society of Civil Engineers
- AWPA** American Public Works Association
- CalGeo** California Geotechnical Engineering Association
- SWE** Society of Women Engineers
- YMF** Young Members Forum

OCTOBER

October 22: *Los Angeles*
ASCE YMF chapter meeting presentation by Natalie King

October 23: *Orange County*
AECOM Office professional licensure presentation by Natalie King

NOVEMBER

November 7, 8, and 9: *Anaheim*
SWE National Conference attended by Brooke Phayer (See information on following pages of this report)

November 12: *Sacramento*
ASCE YMF and CalGeo presentation at Cal State, Sacramento by Natalie King and Mike Donelson

November 13: *Santa Clara*
SWE presentation by Mike Donelson and Natalie King

November 21: *San Luis Obispo*
ASCE presentation by Natalie King

November 21: *San Luis Obispo*
Joint YMF, ASCE & AWPA presentation by Natalie King

CALIFORNIA GOVERNMENTAL AGENCY OUTREACH

NOVEMBER

November 13: *California Department of Conservation, Division of Mine Reclamation, Indian Wells*
The Surface Mining and Reclamation Act (SMARA) workshop about licensing requirements, with Division of Mine Reclamation, by Laurie Racca



OUTREACH BOARD REPORT SWE National Conference

The Society of Women Engineers (SWE) National Conference was held November 7–9 in Anaheim. WE19—the world’s largest conference and career fair for women in engineering and technology—brought together more than 14,000 engineers and engineering students to find “what it means to live, learn, and lead as a woman engineer.”

The Board was represented by outreach coordinator Brooke Phayer, who delivered personalized Board promotional packages addressed per the following list. The packages contained a letter from Executive Officer Ric Moore with appropriate Board contact information for all types of engineering licensure and the promotional pieces appropriate for those licenses.

Participating were 11 California colleges and universities with engineering programs:

The Board provided a personalized letter of welcome to the following schools and their deans of engineering, engineering department staff, and department chairs as listed:

California Baptist University

Anthony Donaldson	Dean, Gordon and Jill Bourns College of Engineering
Helen Jung	Associate Dean, Gordon and Jill Bourns College of Engineering
Mark Anklam	Chair, Chemical and Biomolecular Engineering Department
Jong-Wha Bai	Chair, Department of Civil Engineering and Construction Management
Liya Grace Ni	Chair, Electrical and Computer Engineering Department
April Xiuhua Si	Chair, Aerospace, Industrial and Mechanical Engineering
Amanie Abdelmessih	Professor of Aerospace, Industrial and Mechanical Engineering

California Institute of Technology

Guruswami “Ravi” Ravichandran	Chair
John E. Goode Jr.	Deputy Chair, Professor of Aerospace and Mechanical
José E. Andrade	Executive Officer for Mechanical and Civil Engineering
Azita Emami	Executive Officer for Electrical Engineering
Morteza Gharib	Professor of Aeronautics and Bioinspired Engineering
Oskar J. Painter	Executive Officer for Applied Physics and Materials Science
Paul O. Wennberg	Executive Officer for Environmental Science and Engineering
Adam Wierman	Executive Officer for Computing and Mathematical Sciences
Domniki Asimaki	Professor of Mechanical and Civil Engineering
Tim Colonius	Frank and Ora Lee Marble Professor of Mechanical Engineering
Katherine Faber	Simon Ramo Professor of Materials Science
Babak Hassibi	Professor of Electrical Engineering and Computing and Mathematical Sciences





SWE National Conference

Harvey Mudd College

Elizabeth J. Orwin	Professor of Engineering and Chair, Department of Engineering
David Harris	Harvey S. Mudd Professor of Engineering Design, Associate Department Chair
Nancy Lape	Professor of Engineering and Interim Chair, Department of Engineering
Mary Cardenas	Anthony W. LaFetra Chair in Environmental Engineering



Stanford University

Jennifer Widom	Dean
Thomas Kenny	Senior Associate Dean, Student Affairs
Kirsti Copeland	Associate Dean
Sally Gressens	Assistant Dean, Graduate Affairs
Matt Vassar	Coordinator for Public Speaking
Charbel Farhat	Chair, Aeronautics and Astronautics (AA)
Jennifer Cochran	Chair, Bioengineering (BIOE)
Zhenan Bao	Chair, Chemical Engineering (ChemE)
Lynn Hildemann	Chair, Civil and Environmental Engineering (CEE)
John Mitchell	Chair, Computer Science (CS)
Stephen Boyd	Chair, Electrical Engineering (EE)
Nicholas Bambos	Chair, Management Science and Engineering (MS&E)
Alberto Salleo	Chair, Materials Science and Engineering (MSE)
Ellen Kuhl	Chair, Mechanical Engineering (ME)

University of California, Berkeley

Tsu-Jae King Liu	Dean, College of Engineering
Karl van Bibber	Executive Associate Dean
Dat Le	Executive Assistant Dean, Administration
Melissa Nidever	Executive Assistant Dean, Strategic Priorities
Stacey Shulman	Assistant Dean, Academic Affairs
Sanjay Kumar	Chair, Bioengineering
Mark Stacey	Chair, Civil & Environmental Engineering
Jeffrey Bokor	Chair, Electrical Engineering & Computer Sciences
Zuo-Jun "Max" Shen	Chair, Industrial Engineering & Operations Research
Daryl Chrzan	Chair, Materials Science & Engineering
Roberto Horowitz	Chair, Mechanical Engineering
Peter Hosemann	Chair, Nuclear Engineering
Ana Claudia Arias	Chair, Engineering Science



SWE National Conference

University of California, Irvine

Gregory Washington	Stacey Nicholas Dean of Engineering
Fadi Kurdahi	Associate Dean for Graduate and Professional Studies
Michael Green	Associate Dean for Undergraduate Student Affairs
Faryar Jabbari	Associate Dean for Academic Affairs
Ken Walsh	Senior Assistant Dean and Chief of Staff
Sunny Jiang	Professor and Chair Civil and Environmental Engineering
Athina Markopoulou	Chair of Electrical Engineering and Computer Science
Julie M. Schoenung	Professor and Chair Department of Materials Science and Engineering
Derek Dunn-Rankin	Professor and Chair Department of Mechanical & Aerospace Engineering
Zoran Nenadic	Professor and Chair Biomedical Engineering
Vasan Venugopalan	Professor and Chair Chemical and Biomolecular Engineering

University of California, Los Angeles

Jayathi Murthy	Dean
Song Li	Chair, Bioengineering
Panagiotis Christofides	Chair, Chemical & Biomolecular Engineering
Philippe Sautet	Vice Chair, Chemical & Biomolecular Engineering, Graduate Affairs
Ertugrul Taciroglu	Chair, Civil & Environmental Engineering
Jennifer Jay	Vice Chair, Civil & Environmental Engineering, Graduate Programs
Jian Zhang	Vice Chair, Civil & Environmental Engineering, Undergraduate Programs
Todd Millstein	Vice Chair, Computer Science, Graduate Programs
Greg Pottie	Chair, Electrical and Computer Engineering
Abeer Alwan	Vice Chair, Electrical and Computer Engineering, Undergraduate Affairs
Mona Jarrahi	Vice Chair, Electrical and Computer Engineering, Graduate Affairs
Puneet Gupta	Vice Chair, Computer Engineering
Bruce Dunn	Chair, Materials Science & Engineering
Yu Huang	Vice Chair, Materials Science & Engineering, Graduate Programs
Ya-Hong Xie	Vice Chair, Materials Science & Engineering, Undergraduate Programs
Tim Fisher	Chair, Mechanical & Aerospace Engineering
Eric Chiou	Vice Chair, Mechanical & Aerospace Engineering, Graduate Programs
Jeff Eldredge	Vice Chair, Mechanical & Aerospace Engineering, Undergraduate Programs
CJ Kim	Vice Chair, Mechanical & Aerospace Engineering, Academic Personnel





BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS



SWE National Conference

University of California, Santa Barbara

Rod C. Alferness	Dean for the College of Engineering
Tresa Pollock	Associate Dean for the College of Engineering, Professor of Materials
Glenn Beltz	Associate Dean for Undergraduate Studies, Professor of Mechanical Engineering
Brad Chmelka	Associate Dean for Academic Personnel, Professor of Chemical Engineering
Rachel Segalman	Chair, Chemical Engineering
Tevfik Bultan	Chair, Computer Science
Nadir Dagli	Chair, Electrical and Computer Engineering
Michael Chabinyk	Chair, Materials
Frédéric Gibou	Chair, Mechanical Engineering

University of California, Santa Cruz

Alexander Wolf	Dean, Baskin School of Engineering
Stacy Wilson	Assistant to the Dean
Tracy Larrabee	Associate Dean for Undergraduate Affairs
Matthew Guthaus	Associate Dean for Graduate Studies
Josh Stuart	Professor and Department Chair, Biomolecular Engineering
Marco Rolandi	Electrical and Computer Engineering



University of California, San Diego

Albert P. Pisano	Dean
Christine Alvarado	Associate Dean for Students
Tana Troke Campana	Executive Assistant Dean for Finance and Administration
Denine Hagen	Executive Director of External Relations
Kun Zhang	Department of Bioengineering
Dean Tullsen	Department of Computer Science and Engineering
Bill Lin	Department of Electrical and Computer Engineering
Carlos Coimbra	Department of Mechanical and Aerospace Engineering
Shaochen Chen	Department of NanoEngineering
John McCartney	Department of Structural Engineering





SWE National Conference



Nine National Engineering Associations with Chapters in California:

The Board provided a personalized letter of welcome to the following national engineering associations:

American Indian Science and Engineering Society (AISES)

Biomedical Engineering Professional Society

International Council of Systems Engineering (INCOSE)

National Organization of Gay and Lesbian Scientists and Tech. Professionals (NOGLSTP)

National Society of Black Engineers (NSBE)

Out in Science, Technology, Engineering, and Mathematics (oSTEM)

Society of Women Engineers (SWE)

Society of Hispanic Professional Engineers (SHPE)

Society of Asian Scientists and Engineers (SASE)

University of Southern California

Yannis Yortsos	Viterbi School of Engineering Dean
Julia Higle	Department of Industrial and Systems Engineering Chair
Geoffrey Spedding	Department of Aerospace and Mechanical Engineering Chair
Daniel Erwin	Department of Astronautical Engineering Chair
Ellis F. Meng	Department of Biomedical Engineering Chair
Gaurav Sukhatme	Department of Computer Science Chair
Eun Sok Kim	Ming Hsieh Department of Electrical Engineering Chair
Steven Nutt	Mork Family Department of Chemical Engineering and Materials Science Chair
Lucio Soibelman	Sonny Astani Department of Civil and Environmental Engineering Chair

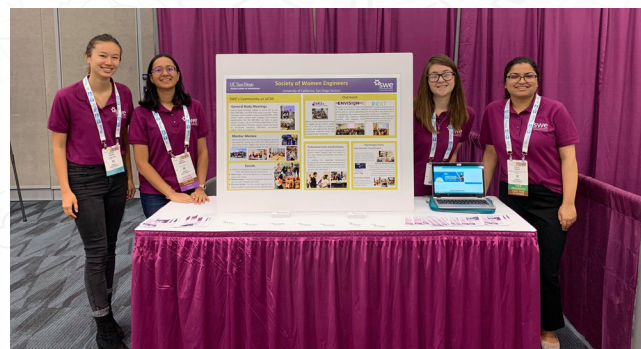
Three Military Groups:

The Board provided letters of welcome to the following military groups:

U.S. Navy Civilian Careers

U.S. Army Communications & Electronics Command

U.S. Army Test and Evaluation Command





SWE National Conference

Fifty-three Out-of-State Colleges and Universities with Engineering Programs

The Board provided a personalized letter of welcome to the following schools and their Deans of Engineering:

Arizona State University	Dean Kyle Squires
Auburn University	Dean Christopher B. Roberts
Case Western Reserve University	Dean V. "Ragu" Balakrishnan
Clemson University	Dean Anand Gramopadhye
Colorado School of Mines	Michael Kaufman, Dean of Energy & Materials Program
Cornell University	Dean Lance R. Collins
Dartmouth University	Dean Alexis Abramson
Drexel University	Dean Sharon Walker
Duke University	Dean Ravi Bellamkonda
Florida State University	Dean J. Murray Gibson
Florida International University	Dean John L. Volakis
George Washington University	Dean John Lach
Georgia Tech University	Dean Steven W. McLaughlin
Iowa State University	Dean W. Samuel Easterling
Johns Hopkins University	Dean T.E. "Ed" Schlesinger
Kansas State University	Interim Dean Gary Clark
Massachusetts Institute of Technology	Dean Anantha P. Chandrakasan
University of Missouri	Dean Elizabeth G. Lobo
New York University	Dean Jelena Kova evi
North Carolina A&T	Dean Dr. Robin Cogger
North Carolina State University	Dean Louis A. Martin-Vega
Northeastern University	Dean Nadine Aubry



Northwestern University	Dean Julio M. Ottino
Norwich University	Department Chair, Civil Edwin Schmeckpeper
Ohio State University	Dean David B. Williams
Penn State University	Dean Justin Schwartz
Princeton University	Interim Dean H. Vincent Poor
Purdue University	Dean Mung Chiang
Rice University	Dean Reginald DesRoches
Rochester Institute of Technology	Dean S. Manian Ramkumar
Southern Methodist University	Dean Marc P. Christensen
Tufts University	Dean Jianmin Qu
University of Akron	Interim Dean Craig Menzemer
University of Buffalo	Interim Dean Rajan Batta
University of Chicago	Matthew Tirrell, Dean, Pritzker School of Molecular Engineering
University of Cincinnati	Dean John W. Weidner
University of Dayton	Dean Eddy Rojas
University of Delaware	Dean Levi Thompson
University of Florida	Dean Cammy R. Abernathy

X. Technical Advisory Committees (TACs)

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

TAC Appointment Policies

Pertinent sections of the Board's current TAC Operating Procedures state that:

- Terms begin on July 1, coinciding with fiscal year.
- Some members are appointed to two-year terms and others to one-year terms to allow for continuity.
- TAC shall meet only upon assignments by Board and shall not meet to discuss topics not assigned by the Board.
- Workplan for each active TAC shall be proposed and approved by the Board two months before the beginning of each fiscal year.
- Workplan should contain the approximate number of meetings required to accomplish the next fiscal year's anticipated workload.

Discussion

TAC Members are held to similar requirements as Board Members with respect to the filing of Form 700 (annually, assuming office, exiting office) and mandatory annual or biennial training. This has become burdensome on those members appointed to a TAC but not actively meeting. In an effort to streamline the appointment process while also maintaining an active list of licensees interested in serving on a TAC, staff proposes a new process as follows:

- Continue to advertise the need and accept applications from interested licensees.
- Maintain a list or pool of applicants.
- Annually at a spring board meeting (April-May), Board will discuss:
 1. Anticipated need to assign topics to individual TAC's for the following fiscal year.
 2. Establish workplan assignments as necessary.
 3. Review list of current appointed TAC Members to determine if terms should end or continue.
- Staff Liaison and Board Member Liaison for each TAC will choose a sufficient number of potential members from the maintained list or pool, and along with any current appointees, ensure that a quorum can be established.
- Board Member Liaison will present the recommended appointees to the Board at the last regularly scheduled meeting of each fiscal year for board action.
- Appointed TAC Members will complete on-boarding paperwork.
- TAC's will meet in accordance with approved workplan(s).

Staff anticipates that this process will help to alleviate any unnecessary burdens on appointed TAC members while simultaneously helping the Board to maintain a sufficient pool of interested licensees should the need arise for the Board.

XI. Discussion for an Increase in the Exempt Salary Level of the Executive Officer (Possible Action)

XII. President's Report/Board Member Activities

XIII. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the January 16, 2020, Board Meeting

DRAFT

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

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room #102
Sacramento, CA 95834

Thursday, January 16, 2020, beginning at 9:00 a.m.

Board Members Present:	Fel Amistad, President; Steve Wilson, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Betsy Mathieson; Frank Ruffino; and Robert Stockton
Board Members Absent:	Asha Lang; Mohammad Qureshi
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Jeff Alameida (Administration Manager); Larry Kereszt (Examinations Manager); Celina Calderone (Board Liaison); Laurie Racca (Senior Registrar); Dallas Sweeney (Senior Registrar); and Reza Pejuhesh (Legal Counsel)

I. Roll Call to Establish a Quorum

President Amistad called the meeting to order at 9:01 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

Kim Kirchmeyer, Director of the Department of Consumer Affairs, introduced herself and reported that some of her main focuses include collaborating with the boards and bureaus to improve client service and satisfaction; data transparency within the department to aid in turn-around times and to improve various processes; decrease the timeframe and streamline the regulation process; the ability to retrieve Fi\$Cal reports in an efficient and usable manner; decrease investigation times; working to improve ADA compliance issues; and insuring legislation that is passed is actually implemented by all boards and bureaus within the department.

She reminded Board members that they are required to re-take the Board Member Orientation course within one year of being reappointed and they are also required to complete the Form 700.

Annette Hovorka, current President of the California Land Surveyors Association (CLSA), advised that she was appointed by CLSA to serve as its liaison to the Board. She works for Caltrans and has extensive experience in land surveying and looks forward to working with the Board. She was pleased that the pass rate for the California Professional Land Surveyor examination has improved and believes it is in part due to a well-developed test plan and outreach that has greatly enhanced the test taking experience.

Jarrold Ramsy-Lewis, Civil Engineer, representing Professional Engineers in California Government (PECG) is looking forward to working with the Board by increasing communication between its members and the Board by promoting licensure and the profession.

Robert DeWitt, representing the American Council of Engineering Companies – California (ACEC-CA), is looking forward to working with the Board to assist in legislation.

IV. Consideration of Rulemaking Proposal

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

Mr. Alameida presented the rulemaking proposal to seek approval to pursue an additional 15-day noticed public comment period for the regulatory fee package and direct staff to finalize the rulemaking package.

He indicated that the effective date of the new license renewal fees needs to be changed from January 1, 2020, to July 1, 2020. In an effort to remain transparent, an additional 15-day public comment period should be provided due to this change. Mr. Alameida noted that the Board received two additional comments beyond the comment period that were identified and responded to as well. The next step is to publicly notice the new modified text and seek direction to adopt the changes and pursue final rulemaking upon completion of the comment period granted there are no substantive comments received.

MOTION:	Mr. Stockton and Ms. Alavi moved to approve the proposed modification to text to change the effective date for the new license renewal fees and to direct staff to notice the change for the required 15-day public comment period; to adopt the responses to the comments with the change to indicate that the Board based its determination of estimated cost impacts to public agencies on all data available to the Board; to adopt the final rulemaking proposal after the 15-day public comment period if no substantive comments are received; and to delegate to the Executive Officer to finalize the rulemaking file.
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VOTE:	12-0, Motion Carried
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Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi				X	
Frank Ruffino	X				
Robert Stockton	X				

V. Administration

C. Fiscal Year 2019/20 Budget Report

Mr. Alameida continues to work with the Department’s Budget office on the fund condition. He provided an updated version of the financial statement that includes an activity log through December 24, 2019. One of the benefits of the Fi\$Cal reporting system is that information can be obtained at any point in time versus monthly reports.

A. Fiscal Year 2017/18 Budget Status

B. Fiscal Year 2018/19 Budget Status

Mr. Alameida is also working with the Budget Office on year-end reports for 2017/18 and 2018/19. He is happy to report that the 2017/18 reports were received the day prior to the Board meeting and the 2018/19 reports will be available in February.

VI. Legislation

A. 2020 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. It is the beginning of session and because it is the second year of a two-year session, bills from last year are being brought back, as well as new bills being introduced. There are currently no bills for the Board to discuss.

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2019/20 Update

Ms. Criswell reviewed the statistics. Mr. King commended staff for the significant drop in the number of days from the opening of a complaint

investigation to the date of the final decision. Ms. Criswell also credited the Attorney General's Office as they have made a very concerted effort to be more efficient.

2. Unlicensed Activity Enforcement Statistics

Ms. Eissler advised the Board that additional statistics regarding outcomes other than citations had been added, as the Board had requested at the last meeting.

VIII. Exams/Licensing

A. 2019 Examination Results

Mr. Kereszt reported that there are nine state exams that have undergone a thorough occupational analysis over the course of the last few years which have resulted in new test plans. The state civil engineer exams are now offered year-round and candidates may take them up to four times per year.

He noted that the geology candidate numbers have increased, resulting in the need for larger facilities to administer the exam. In addition, ASBOG continues to administer the national exams using paper and pencil.

Mr. Kereszt reported that Alternate Item Types have been introduced on some of the examinations.

During public comment, Carl Josephson, representing the Structural Engineers Association of California (SEAOC), reported that there has been a lot of discussion regarding NCEES's plans to convert the structural exam to computer-based testing by 2024. As far as he is aware, there is no discussion in making it less than a 16-hour exam with two 8-hour components.

Mr. Moore explained that when the Board used to administer the paper and pencil examinations, the no-show rate was between 18-20%, but since the introduction of computer-based testing, the no-show rate has fallen into the single digits.

IX. Executive Officer's Report

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

Mr. Alameida introduced Sean O'Conner, Chief of Project Delivery and Administrative Services for the Office of Information Services (OIS) with DCA. He, along with OIS staff, have assisted the Board in the PAL process. Mr. O'Conner announced that the project was approved by the California Department of Technology (CDT) last Friday. The market research that was conducted early on in partnership with the Board about cost to complete the project was very helpful; the cost proposed actually came in at or below budget. On-boarding is currently taking place with the systems integrator, InLumon. Mr. O'Connor noted that, throughout the procurement process, the Department's confidence in InLumon grew, from the quality of their work to the cost

perspective. As a project director, he is excited to move forward and feels that the level of commitment that InLumon has shown will result in the success of the project.

A. Rulemaking Status Report

Mr. Alameida reported that until a Budget and Legislative/Regulatory Analyst is hired Ms. Eissler will assist in the legislative oversight aspect and he will manage the rulemaking and budget oversight aspects.

C. Personnel

Mr. Moore reported that there are currently three vacancies, a Budget and Legislative/Regulatory Analyst, an Enforcement Analyst, and an Office Technician. In addition, he announced that Patty Smith will be retiring at the end of the month and staff will begin the recruiting process for her vacancy as well.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

No report given.

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

1. Member Board Administrator Committee – Draft Resolution of Cooperation
Mr. Moore was expecting an updated document based on the response that the Board and other boards provided to the Committee. He anticipates having an updated document at the Zone meetings for all to consider and discuss further at the Annual Meeting in August.

G. Update on Outreach Efforts

Mr. Moore reported that most of the Board's interaction with the public is through the Board's website. New and important updates that are added to the Board's website are shared to the Board's social media platforms, such as Facebook and Twitter, as well as to the Board's email subscriber list.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Mr. Moore reported a possible restructuring of the TACs to be discussed at the next meeting.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

No report given.

XI. President’s Report/Board Member Activities

President Amistad mentioned that he intends assist in outreach at universities in the Bay Area along with Board staff. Mr. Moore will provide a schedule of upcoming outreach events to the Board.

XII. Approval of Meeting Minutes

A. Approval of the Minutes of the November 21, 2019, Board Meeting

MOTION:	Mr. Stockton and Ms. Alavi move to approve the meeting minutes as amended.
VOTE:	8-0-3, Motion Carried

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

XIV. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. Executive Officer Performance Evaluation
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]

Eric Johnson arrived at 12:30 p.m.

XV. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on two stipulations, two proposed decisions, and one petition for reconsideration and discussed personnel matters as noticed.

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Ms. Irish recommended discussing the matter of the Executive Officer classification level.

XIV. Adjourn

The meeting adjourned at 12:54 p.m.

PUBLIC PRESENT

Jarrold Ramsy-Lewis, PECG

Carl Josephson, SEAOC

Robert DeWitt, ACEC-CA

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XV. Closed Session – The Board will meet in Closed Session to discuss, as needed:

-
- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
 - C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
 - D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XVI. Open Session to Announce the Results of Closed Session

XVII. Adjourn
