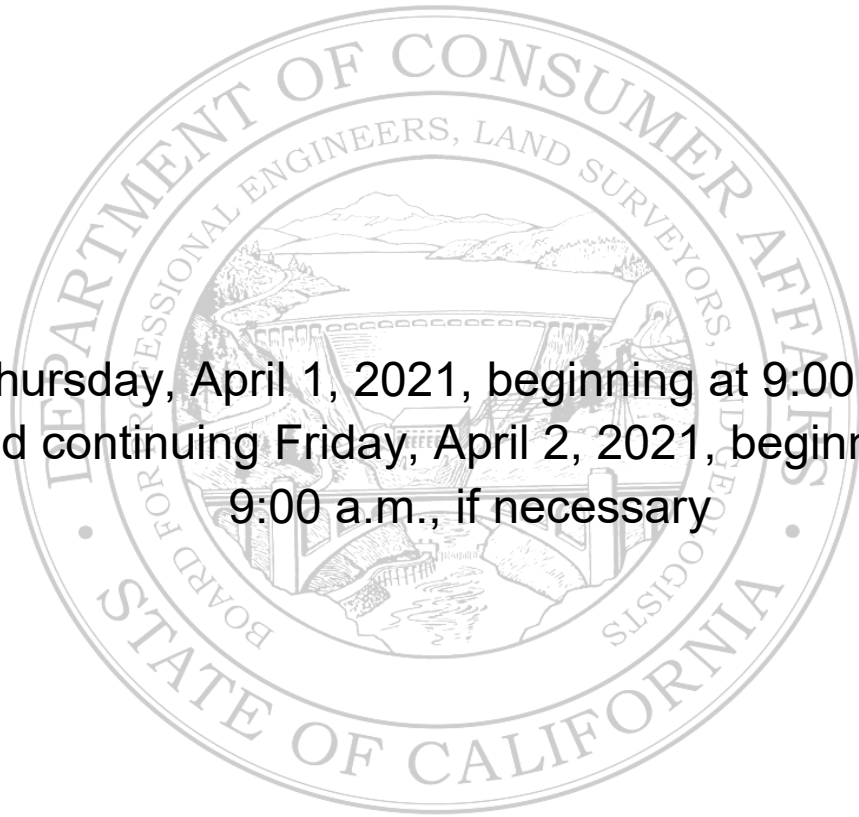




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, April 1, 2021, beginning at 9:00 a.m.,
and continuing Friday, April 2, 2021, beginning at
9:00 a.m., if necessary



Teleconference Public Board Meeting

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BOARD MEETING

APRIL 1-2, 2021

TELECONFERENCE

BOARD MEMBERS

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

IV. Administration

A. Fiscal Year 2020/21 Budget Report

GUIDE TO READING THE FINANCIAL STATEMENT

Prepared 7/03/20

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

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

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

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

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

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

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

0770 - Professional Engineers, Land Surveyors, and Geologists
Financial Statement

Prepared 3/08/21

	FY 20-21 FM 7 3/8 Activity Log	FY 20-21 FM 1 Projections	FY 20-21 Updated Projections	% Change	\$ Difference
Revenue					
1 Applications/Licensing Fees	622,176	1,508,000	908,166	-40%	0
2 Renewal fees	4,820,480	8,628,000	7,832,841	-9%	0
3 Delinquent fees	67,834	108,000	90,423	-16%	0
Other & Reimbursements	71,985	127,000	112,152	-12%	0
4 Interest	21,997	160,000	130,128	-19%	0
Total Revenue:	5,604,472	10,531,000	9,073,710	-14%	0
Expense					
Personnel Services:					
5 Salary & Wages (Staff)	1,602,930	2,698,000	2,873,456	7%	0
Temp Help	63,644	124,444	120,484	-3%	3,960
Statutory Exempt (EO)	72,997	122,463	125,580	3%	(3,117)
Board Member Per Diem	1,600	10,000	10,000	0%	0
Overtime/Flex Elect/Lump Sum	0	700	400	-43%	300
Staff Benefits	972,198	1,079,200	1,179,200	9%	0
Total Personnel Services	2,713,369	4,034,807	4,309,120	7%	(274,313)
Operating Expense and Equipment:					
General Expense	33,413	80,000	80,000	0%	0
6 Printing	44,218	27,000	50,218	86%	(23,218)
Communication	11,177	25,000	25,000	0%	0
Postage	0	50,000	36,000	-28%	14,000
Insurance	0	150	105	-30%	45
Travel In State	351	60,000	3,000	-95%	57,000
Travel, Out-of-State	0	800	0	-100%	800
Training	0	250	250	0%	0
7 Facilities Operations	557,960	360,000	600,000	67%	(240,000)
8 C & P Services - Interdept.	432,947	670,000	670,000	0%	0
9 C & P Services - External	1,945,263	1,930,000	1,955,000	1%	(25,000)
10 DCA Pro Rata	1,278,750	1,748,000	1,748,000	0%	0
DOI - Investigations	0	0	0	0%	0
11 Interagency Services	10,573	25,000	25,000	0%	0
Consolidated Data Center	118	22,000	22,000	0%	0
Information Technology	103,029	32,000	105,000	228%	(73,000)
Equipment	21,356	143,000	140,000	-2%	3,000
12 Other Items of Expense (ARF Deposit)	0	300,000	0	-100%	0
Total OE&E	4,439,155	5,473,200	5,459,573	0%	13,627
Total Expense:	7,152,524	9,508,007	9,768,693	3%	(260,686)
Total Revenue:	5,604,472	10,531,000	9,073,710		
Total Expense:	7,152,524	9,508,007	9,768,693		
Difference:	(1,548,052)	1,022,993	(694,983)		

Financial Statement Notes

- 1 **Applications/Licensing Fees** - The total amount collected for Applications and Licensing Fees is \$622,176 according to the March 8, 2021 Activity Log.
- 2 **Renewal fees** - Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.
- 3 **Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 4 **Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate.
- 5 **Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 SSM I, 1.0 SSA/AGPA, and 1.0 OT.
- 6 **Printing** - \$25,000 in contract encumbrances in QBIRT reports (EDD mailers such as Pamphlets, Leaflets, and Brochures). Board staff is working with DCA Budgets to identify contracts.
- 7 **Facilities Operations** - Includes Facilities maintenance, Facilities operations, Janitorial Services, Rent and Leases, Exam Rental Sites, Security, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 8 **C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 9 **C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 10 **DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 11 **Interagency Services** - DCA Pro Rata shows up in this line throughout the year because of accountings inability to charge accruals for department distributed pro rata until the previous fiscal year closes.
- 12 **Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and the majority of costs will be new modular furniture procurement that has been moved over to Facilities Operations.

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

Analysis of Fund Condition

Prepared 3/08/2021

(Dollars in Thousands)

Governor's Budget 2020-21	PY 2019-20	CY 2020-21	Governor's Budget	
			BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 6,907	\$ 4,509	\$ 3,121	\$ 1,310
Prior Year Adjustment	\$ 300	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 7,207	\$ 4,509	\$ 3,121	\$ 1,310
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 70	\$ 90	\$ 91	\$ 92
4127400 Renewal fees	\$ 6,833	\$ 7,832	\$ 7,910	\$ 7,989
4129200 Other regulatory fees	\$ 86	\$ 112	\$ 113	\$ 114
4129400 Other regulatory licenses and permits	\$ 1,434	\$ 908	\$ 917	\$ 926
4150500 Interest Income from interfund loans	\$ -	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 126	\$ 259	\$ 40	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 22	\$ 22	\$ 22	\$ 22
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,572	\$ 9,224	\$ 9,094	\$ 9,145
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	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 8,572	\$ 9,224	\$ 9,094	\$ 9,145
Totals, Resources	\$ 15,779	\$ 13,733	\$ 12,215	\$ 10,455
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ -	\$ -	\$ -	\$ -
1111 Department of Consumer Affairs (State Operations)	\$ 10,243	\$ 9,768	\$ 10,061	\$ 10,363
8880 Financial Information System for CA (State Operations)	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 819	\$ 635	\$ 635	\$ 635
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,270	\$ 10,612	\$ 10,905	\$ 11,207
FUND BALANCE				
Reserve for economic uncertainties	\$ 4,509	\$ 3,121	\$ 1,310	\$ -752
Months in Reserve	5.1	3.4	1.4	-0.6

V. Legislation

A. 2021 Legislative Calendar

B. Discussion of Legislation for 2020

1. AB 29 State bodies: meetings.
2. AB 54 COVID-19 emergency order violation: license revocation
3. AB 107 Licensure: veterans and military spouses.
4. AB 225 Department of Consumer Affairs: boards: veterans: military spouses: licenses.
5. AB 339 State and local government: open meetings.
6. AB 646 Department of Consumer Affairs: boards: expunged convictions.
7. AB 885 Bagley-Keene Open Meeting Act: teleconferencing.
8. AB 1030 Professional Land Surveyors' Act and Professional Engineers Act.
9. AB 1129 Home Inspectors License Law.
10. AB 1291 State bodies: open meetings.
11. AB 1386 License fees: military partners and spouses.
12. SB 102 COVID-19 emergency order violation: license revocation.
13. SB 407 Professional Land Surveyors' Act.
14. SB 41 Land.
15. SB 772 Professions and vocations: citations: minor violations

DEADLINES

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

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

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

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

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

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

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

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

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

- [May 7](#) Last day for **policy committees** to hear and report to the Floor **non-fiscal** bills introduced in their house (J.R. 61(a)(3)).
- [May 14](#) Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).
- [May 21](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (a)(5)). Last day for **fiscal committees** to meet prior to June 7 (J.R. 61 (a)(6)).
- [May 31](#) Memorial Day.

* Holiday schedule subject to final approval by Rules Committee

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

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

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

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

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

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

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

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

July 2 Independence Day observed.

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

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

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

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

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

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

Sept. 6 Labor Day.

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

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2021

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

2022

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

Jan. 3 Legislature reconvenes (J.R. 51 (a)(4)).

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

Status/History: 1/11/2021 – Referred to Assembly Committee on Governmental Organization

Location: 1/11/2021 – Assembly Committee on Governmental Organization

Introduced: 12/7/2020

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

Board Staff Analysis: 3/19/2021

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

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

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

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

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

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

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

This bill has not yet been set for hearing. Three other bills introduced this session (AB 339, AB 885, and AB 1291) also propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: No action needed at this time.

ASSEMBLY BILL

No. 29

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

December 7, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

7 ~~(e)~~

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

17 ~~(d)~~

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

24 ~~(e)~~

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

27 ~~(f)~~

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

O

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

Status/History: 1/11/2021 – Referred to Assembly Committees on Business & Professions and Governmental Organization

Location: 1/11/2021 – Assembly Committees on Business & Professions and Governmental Organization

Introduced: 12/7/2020

Board Position: No position

Board Staff Analysis: 3/19/2021

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

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

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

Staff Comment: This bill would add Section 464.5 to the general provisions of the Business and Professions Code to specifically prohibit boards and bureaus [hereinafter referred to as “board”] within the Department of Consumer Affairs from revoking a license based on the failure of the license holder to comply with a COVID-19 emergency order unless the board could prove that the failure led to the transmission of the virus. This bill would also add Section 24200.8 to the Business and Professions Code specific to the Department of Alcoholic Beverage Control.

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

This bill has not yet been set for hearing. Senate Bill 102 proposes to make similar changes as this bill and is currently set for hearing in the Senate Committee on Business, Professions and Economic Development.

Staff Recommendation: Staff recommends that the Board take a position of “watch” on AB 54.

ASSEMBLY BILL

No. 54

Introduced by Assembly Member Kiley
(Coauthor: Senator Jones)

December 7, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 464.5 is added to the Business and
2 Professions Code, to read:

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

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

9 24200.8. The Department of Alcoholic Beverage Control shall
10 not revoke the license of any licensee for failure to comply with
11 any COVID-19 emergency orders unless the department can prove
12 that lack of compliance resulted in transmission of COVID-19.

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

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

O

AB 107 (Salas, D-Bakersfield)
Licensure: veterans and military spouses.

Status: 3/24/2021 – Read second time and amended.

Location: 3/24/2021 – Assembly

Introduced: 12/16/2020

Last Amended: 3/24/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

This bill would require the Department of Consumer Affairs, the Commission on Teacher Credentialing, the Department of Real Estate, and the State Department of Public Health to each place a prominently

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

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

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

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

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

Two other bills introduced this session (AB 225 and AB 1386) also propose to make various changes to the laws pertaining to licensure for military spouses.

This bill was heard in the Assembly Business & Professions Committee on March 23, 2021. It passed with the author's acceptance of amendments recommended by the Committee. Those amendments are reflected in the March 24, 2021, version of the bill.

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

AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Salas

December 16, 2020

An act to amend Sections 115.6 and 5132 of, and to add Section 115.7 to, of the Business and Professions Code, and to add Section 95 to the Military and Veterans Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

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

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

license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

~~This bill would 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, in the same area and scope of practice as a license issued by another state, district, or territory of the United States. 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.~~

This bill would expand the requirement to issue temporary licenses *to practice a profession or vocation* to include licenses issued by ~~the Veterinary Medical Board, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy.~~ *any board within the department, except as provided.* The bill would require a board to issue a temporary license within 30 days of receiving the required documentation. ~~The bill would further specify that an applicant seeking a temporary license submit a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license in the same area and scope of practice for which the applicant holds a license in another state, district, or territory of the United States.~~ *documentation if the results of a criminal background check do not show grounds for denial.* The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a

continuously appropriated fund. ~~By establishing a new source of revenue for a continuously appropriated fund, the bill would make an appropriation.~~ The bill would ~~require~~ *require, if necessary to implement the bill's provisions,* a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year. The bill would make conforming changes. *By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.*

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

This bill would require the Department of Consumer Affairs, the Commission on Teacher Credentialing, the Department of Real Estate,

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

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

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

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) If active duty military personnel, veterans, service members
- 3 separating from military service, and their spouses are able to
- 4 maintain careers through frequent moves and key transitions, they
- 5 are able to help support their families while providing critical
- 6 services to their communities. Yet, if a military spouse is
- 7 transferred to California, or a service member leaves the Armed
- 8 Forces of the United States and returns to or remains in California,
- 9 these professionals may face difficulty transporting their
- 10 professional licenses obtained in another state.
- 11 (b) The process for transferring licenses for professional careers
- 12 can be long, burdensome, redundant, and expensive and can prevent
- 13 some military spouses, veterans, and separating service members
- 14 from obtaining employment in their field.
- 15 (c) Removing barriers to license transfers for spouses of active
- 16 duty service members, separating service members, and veterans
- 17 would ease the burden of relocation and transition and provide
- 18 vital stability to military families and the communities they serve.

1 (d) Prioritizing military spouses as part of state economic
2 recovery efforts must be viewed proactively in a way that
3 recognizes their preexisting challenge of substantially higher
4 unemployment and underemployment than their civilian
5 counterparts and with broader goals, such as bridging gender gaps
6 in wage earning, reducing military and veteran financial insecurity,
7 ensuring successful transitions into veteran life, and fostering
8 successful community participation and sense of belonging.

9 SEC. 2. Section 115.6 of the Business and Professions Code
10 is amended to read:

11 115.6. (a) ~~(1)~~ Except as provided in subdivision ~~(h)~~; ~~(i)~~, a
12 board within the department shall, after appropriate investigation,
13 ~~issue the following eligible a temporary licenses license to practice~~
14 ~~a profession or vocation to an applicant within 30 days of receiving~~
15 ~~the required documentation pursuant to meeting who meets~~ the
16 requirements set forth in subdivision ~~(e)~~; ~~(c)~~.

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

18 ~~(2) Vocational nurse license issued by the Board of Vocational~~
19 ~~Nursing and Psychiatric Technicians of the State of California.~~

20 ~~(3) Psychiatric technician license issued by the Board of~~
21 ~~Vocational Nursing and Psychiatric Technicians of the State of~~
22 ~~California.~~

23 ~~(4) Speech-language pathologist license issued by the~~
24 ~~Speech-Language Pathology and Audiology and Hearing Aid~~
25 ~~Dispensers Board.~~

26 ~~(5) Audiologist license issued by the Speech-Language~~
27 ~~Pathology and Audiology and Hearing Aid Dispensers Board.~~

28 ~~(6) All licenses issued by the Veterinary Medical Board.~~

29 ~~(7) All licenses issued by the Board for Professional Engineers,~~
30 ~~Land Surveyors, and Geologists.~~

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

32 ~~(9) All licenses issued by the Podiatric Medical Board of~~
33 ~~California.~~

34 ~~(10) All licenses issued by the Dental Board of California.~~

35 ~~(11) All licenses issued by the Dental Hygiene Board of~~
36 ~~California.~~

37 ~~(12) All licenses issued by the California State Board of~~
38 ~~Pharmacy.~~

39 ~~(13) All licenses issued by the State Board of Barbering and~~
40 ~~Cosmetology.~~

1 ~~(14) All licenses issued by the Board of Psychology.~~

2 ~~(15) All licenses issued by the California Board of Occupational~~
3 ~~Therapy.~~

4 ~~(16) All licenses issued by the Physical Therapy Board of~~
5 ~~California.~~

6 ~~(17) All licenses issued by the California Board of Accountancy.~~
7 ~~Revenues~~

8 (2) ~~Revenues~~ from fees for temporary licenses issued ~~under this~~
9 ~~paragraph by the California Board of Accountancy~~ shall be credited
10 to the Accountancy Fund in accordance with Section 5132.

11 (b) The board may conduct an investigation of an applicant for
12 purposes of denying or revoking a temporary license issued
13 pursuant to this section. This investigation may include a criminal
14 background check.

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

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

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

27 (3) The applicant shall submit an application to the board that
28 shall include a signed affidavit attesting to the fact that the
29 applicant meets all of the requirements for the temporary license,
30 ~~in the same area and scope of practice issued in the other state,~~
31 ~~district, or territory of the United States, as described in paragraph~~
32 ~~(2);~~ and that the information submitted in the application is
33 accurate, to the best of the applicant's knowledge. The application
34 shall also include written verification from the applicant's original
35 licensing jurisdiction stating that the applicant's license is in good
36 standing in that jurisdiction.

37 (4) The applicant shall not have committed an act in any
38 jurisdiction that would have constituted grounds for denial,
39 suspension, or revocation of the license under this code at the time
40 the act was committed. A violation of this paragraph may be

1 grounds for the denial or revocation of a temporary license issued
2 by the board.

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

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

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

14 ~~(d)~~

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

24 ~~(e)~~

25 (f) An applicant seeking a temporary license as a civil engineer,
26 geotechnical engineer, structural engineer, land surveyor,
27 professional geologist, professional geophysicist, certified
28 engineering geologist, or certified hydrogeologist pursuant to this
29 section shall successfully pass the appropriate California-specific
30 examination or examinations required for licensure in those
31 respective professions by the Board for Professional Engineers,
32 Land Surveyors, and Geologists.

33 ~~(f)~~

34 (g) A temporary license issued pursuant to this section shall
35 expire 12 months after issuance, upon issuance of an expedited
36 license pursuant to Section 115.5, a license by endorsement, or
37 upon denial of the application for expedited licensure by the board,
38 whichever occurs first.

39 ~~(g)~~

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

7 ~~(h)~~

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

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

17 SEC. 3. Section 115.7 is added to the Business and Professions
18 Code, to read:

19 115.7. (a) A board not specified in subdivision (a) of Section
20 115.6 shall, after appropriate investigation, issue a license to an
21 applicant if the applicant meets all of the following requirements:

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

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

33 (3) The applicant shall submit an application to the board that
34 shall include a signed affidavit attesting to the fact that the
35 applicant meets all of the requirements for the license, in the same
36 area and scope of practice as issued in the other state, district, or
37 territory of the United States described in paragraph (2), and that
38 the information submitted in the application is accurate, to the best
39 of the applicant's knowledge. The application shall also include
40 written verification from the applicant's original licensing

1 jurisdiction stating that the applicant’s license is in good standing
2 in that jurisdiction.

3 ~~(4) The applicant shall not have committed an act in any~~
4 ~~jurisdiction that would have constituted grounds for denial,~~
5 ~~suspension, or revocation of the license under this code at the time~~
6 ~~the act was committed. A violation of this paragraph may be~~
7 ~~grounds for the denial or revocation of a license issued by the~~
8 ~~board.~~

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

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

16 ~~(b) A board may adopt regulations necessary to administer this~~
17 ~~section.~~

18 ~~SEC. 4.~~

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

21 5132. (a) All moneys received by the board under this chapter
22 from any source and for any purpose and from a temporary license
23 issued under Section 115.6 shall be accounted for and reported
24 monthly by the board to the Controller and at the same time the
25 moneys shall be remitted to the State Treasury to the credit of the
26 Accountancy Fund.

27 (b) The secretary-treasurer of the board shall, from time to time,
28 but not less than once each fiscal year, prepare or have prepared
29 on their behalf, a financial report of the Accountancy Fund that
30 contains information that the board determines is necessary for
31 the purposes for which the board was established.

32 (c) The report of the Accountancy Fund, which shall be
33 published pursuant to Section 5008, shall include the revenues and
34 the related costs from examination, initial licensing, license
35 renewal, citation and fine authority, and cost recovery from
36 enforcement actions and case settlements.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 95 is added to the Military and Veterans Code,
39 to read:

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

6 (b) The Department of Consumer Affairs, the Commission on
7 Teacher Credentialing, the Department of Real Estate, and the
8 State Department of Public Health shall place a prominently
9 displayed military licensure icon or hyperlink on the home page
10 of their internet websites, linked to information for each
11 occupational board or program for licensure or certification that
12 it administers. In addition to general licensure or certificate
13 information, the following information shall be displayed:

14 (1) Each licensing agency's process for expediting applications
15 for service members, veterans, and spouses, including the average
16 processing times for expedited applications and the number of
17 expedited applications requested in the calendar year.

18 (2) The availability of temporary or provisional licensure,
19 specific requirements needed to obtain a temporary or provisional
20 license, and how long the provisional or temporary license is valid.

21 (c) (1) The Department of Consumer Affairs shall establish a
22 specific gateway aligned with the existing "Board and Bureau
23 Military Contact Information," "Expedited Licensure," and
24 "Renewal Fee Waivers" gateways on their Military Member
25 Resources page, including a list of all boards that provide
26 temporary or provisional licensure, with hyperlinks linking to each
27 board's military licensure data.

28 (2) The Department of Consumer Affairs shall establish a
29 "Licensure by Endorsement" section on its internet website listing
30 all boards that offer an option for licensure by endorsement,
31 accompanied by a hyperlink to each board's military licensure
32 data.

33 (d) The Department of Consumer Affairs, the Commission on
34 Teacher Credentialing, the Department of Real Estate, and the
35 State Department of Public Health shall compile information on
36 military, veteran, and spouse licensure into an annual report for
37 the Legislature, which shall be submitted in conformance with
38 Section 9795 of the Government Code. The report shall include
39 all of the following:

- 1 (1) The number of applications for a license submitted by active
2 duty service members, separating service members, veterans, or
3 military spouses per calendar year.
- 4 (2) The number of licenses issued and denied, including reason
5 for denial, to active duty service members, separating service
6 members, veterans, and military spouses per calendar year.
- 7 (3) The number of licenses of active duty service members,
8 separating service members, veterans, or military spouses that
9 were suspended or revoked per calendar year.
- 10 (4) The number of applications for waived renewal fees received
11 from active duty service members and military spouses per calendar
12 year.
- 13 (5) The number of fee waivers issued to active duty service
14 members and military spouses per calendar year.
- 15 (6) The average length of time between application and issuance
16 of licenses for active duty service members, separating service
17 members, veterans, or military spouses per board and occupation.
- 18 ~~SEC. 6.~~
- 19 *SEC. 5.* No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

O

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

Status: 1/28/2021 – Re-referred to the Assembly Committees on Business & Professions and Military & Veterans Affairs

Location: 1/28/2021 – Assembly Business & Professions Committee

Introduced: 1/11/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

Staff Comment: This Board is included in Section 115.6. As such, the addition of Section 115.7 would not apply to this Board.

Currently, if an applicant meets the requirements of Section 115.6, the Board issues a permanent license. The Board does not have a mechanism for issuing temporary licenses. Furthermore, by meeting the requirements of Section 115.6, the applicant would have met all of the requirements for a permanent license since they are required to pass any state-specific examinations related to the discipline/profession in which they are seeking licensure. As such, the changes proposed by this bill would not affect the Board's process.

Two other bills introduced this session (AB 107 and AB 1386) also propose to make various changes to the laws pertaining to licensure for military spouses.

Staff Recommendation: Staff recommends that the Board take a position of “watch” on AB 225.

ASSEMBLY BILL

No. 225

Introduced by Assembly Members Gray, Gallagher, and Patterson

January 11, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 225, 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, including healing arts licensees. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under

existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require the temporary licenses described above to expire 30 months after issuance. The bill would require boards not responsible for the licensure and regulation of healing arts licensees and not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the 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. The bill would authorize the immediate termination of a license issued pursuant to these provisions upon a finding that the licenseholder failed to meet specified requirements or provided substantively inaccurate information that would affect the person's eligibility for licensure, as provided. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

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

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

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

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary
- 5 licenses to an applicant if the applicant meets the requirements set
- 6 forth in subdivision (c):

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

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

4 (3) Psychiatric technician license issued by the Board of
5 Vocational Nursing and Psychiatric Technicians of the State of
6 California.

7 (4) Speech-language pathologist license issued by the
8 Speech-Language Pathology and Audiology and Hearing Aid
9 Dispensers Board.

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

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

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

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

16 (9) All licenses issued by the Podiatric Medical Board of
17 California.

18 (b) The board may conduct an investigation of an applicant for
19 purposes of denying or revoking a temporary license issued
20 pursuant to this section. This investigation may include a criminal
21 background check.

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

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

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

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

1 jurisdiction stating that the applicant's license is in good standing
2 in that jurisdiction.

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

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

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

16 (d) A board may adopt regulations necessary to administer this
17 section.

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

27 (f) An applicant seeking a temporary license as a civil engineer,
28 geotechnical engineer, structural engineer, land surveyor,
29 professional geologist, professional geophysicist, certified
30 engineering geologist, or certified hydrogeologist pursuant to this
31 section shall successfully pass the appropriate California-specific
32 examination or examinations required for licensure in those
33 respective professions by the Board for Professional Engineers,
34 Land Surveyors, and Geologists.

35 (g) A temporary license issued pursuant to this section shall
36 expire ~~12~~ 30 months after issuance, upon issuance of an expedited
37 license pursuant to Section 115.5, or upon denial of the application
38 for expedited licensure by the board, whichever occurs first.

39 SEC. 2. Section 115.7 is added to the Business and Professions
40 Code, to read:

1 115.7. (a) A board not specified in Division 2 (commencing
2 with Section 500) or subdivision (a) of Section 115.6 shall, after
3 appropriate investigation, issue a license to an applicant if the
4 applicant meets all of the following requirements:

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

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

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

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

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

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

37 (b) A board may adopt regulations necessary to administer this
38 section.

39 (c) A license issued pursuant to this section may be immediately
40 terminated pursuant to the board's procedural due process

1 requirements, upon a finding that the licenseholder failed to meet
2 any of the requirements described in subdivision (a) or provided
3 substantively inaccurate information that would affect the person's
4 eligibility for licensure. Upon termination of the license, the board
5 shall issue a notice of termination that shall require the
6 licenseholder to immediately cease the practice of the licensed
7 profession or vocation upon receipt.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

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

Status/History: 1/28/2021 – Introduced

Location: 1/29/2021 – Assembly

Introduced: 1/28/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

Affected Laws: An act to amend Sections 9027, 54953, 54954.2, 54954.3, 11122.5, 11123, 11125.7 of, and to add Sections 9027.1 and 9028.1 to, the Government Code, relating to state and local government.

Staff Comment: This bill would require the Board to provide both a call-in (telephone) option and an internet-based service option (such as WebEx) for the public to attend all meetings of the Board, even if the meeting was held in person (with all the Board members in one location). The bill would also require that the internet-based service option would have to provide closed captioning services. Additionally, this bill would require that persons commenting in a language other than English be given double the amount of time to comment. It would also require that agendas and instructions on how to access the meetings be translated into all languages for which 5% of the population in the area governed by the state body's jurisdiction are speakers.

This bill has not yet been assigned to a committee. Three other bills introduced this session (AB 29, AB 885, and AB 1291) also propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: Staff recommends that the Board take a “watch” position on AB 339.

ASSEMBLY BILL

No. 339

Introduced by Assembly Members Lee and Cristina Garcia

January 28, 2021

An act to amend Sections 9027, 54953, 54954.2, 54954.3, 11122.5, 11123, 11125.7 of, and to add Sections 9027.1 and 9028.1 to, the Government Code, relating to state and local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as introduced, Lee. State and local government: open meetings.

Existing law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified.

This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation, as provided, and requires translation services to be provided for the 10 most-spoken languages, other than English, in California, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified. The bill would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate.

This bill would require all meetings to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require, even in the case of a declared state or local emergency, teleconferenced meetings to include an in-person public comment opportunity. The bill would require all meetings to provide the public with an opportunity to address the legislative body remotely via call-in or internet-based service, as provided, and would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified. The bill would also require the legislative bodies of the local agency to employ a sufficient amount of qualified bilingual persons to provide translation during the meeting in the language of a non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people, as defined.

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

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

Existing law, the Dymally-Alatorre Bilingual Services Act, requires any materials explaining services available to the public to be translated

into any non-English language spoken by a substantial number of the public, as defined, served by the agency, and requires every state and local agency serving a substantial number of non-English-speaking people, as defined, to employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to ensure provision of information and services in the language of the non-English-speaking person.

This bill would require legislative bodies of local agencies, and state bodies, as defined, to translate agendas and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency, or state body's jurisdiction, are speakers.

By imposing new duties on local governments with respect to meetings, this bill would impose a state-mandated local program.

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

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

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

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. Section 9027 of the Government Code is amended
- 2 to read:
- 3 9027. Except as otherwise provided in this article, all meetings
- 4 of a house of the Legislature or a committee thereof shall be open
- 5 and public, and all persons shall be permitted to attend the
- 6 meetings. *Additionally, all meetings shall include an opportunity*
- 7 *for all persons to attend via a call-in option or an internet-based*
- 8 *service option that provides closed captioning services. Both a*
- 9 *call-in and an internet-based service option shall be provided to*

1 *the public.* As used in this article, “meeting” means a gathering of
2 a quorum of the members of a house or committee in one place
3 *place, including a gathering using teleconference technology,* for
4 the purpose of discussing legislative or other official matters within
5 the jurisdiction of the house or committee. As used in this article,
6 “committee” includes a standing committee, joint committee,
7 conference committee, subcommittee, select committee, special
8 committee, research committee, or any similar body.

9 SEC. 2. Section 9027.1 is added to the Government Code, to
10 read:

11 9027.1. All meetings shall provide the public with an
12 opportunity to comment on proposed legislation, either in person
13 or remotely via call-in or internet-based service, consistent with
14 requirements in Section 9027. Persons commenting in person shall
15 not have more time or in any other way be prioritized over persons
16 commenting remotely via call-in or internet-based service.
17 Translation services shall be provided for the 10 most-spoken
18 languages, other than English, in California. If there are time
19 restrictions on public comment, persons giving a public comment
20 in a language other than English shall have double the amount of
21 time as those giving a comment in English to allow for translation,
22 unless simultaneous translation equipment is available.

23 SEC. 3. Section 9028.1 is added to the Government Code, to
24 read:

25 9028.1. Instructions on how to attend the meeting via call-in
26 or internet-based service shall be posted online in an easily
27 accessible location at the time the meeting is scheduled and notice
28 of the meeting is published. The posted instructions shall include
29 translations into the 10 most-spoken languages, other than English,
30 in California, and shall list a hotline that members of the public
31 can call for assistance, with assistance in the 10 most-spoken
32 languages provided.

33 SEC. 4. Section 54953 of the Government Code is amended
34 to read:

35 54953. (a) All meetings of the legislative body of a local
36 agency shall be open and public, and all persons shall be permitted
37 to attend any meeting of the legislative body of a local agency,
38 except as otherwise provided in this chapter. *Additionally, all*
39 *meetings shall include an opportunity for all persons to attend via*
40 *a call-in option or an internet-based service option that provides*

1 *closed-captioning services. Both a call-in and an internet-based*
2 *service option shall be provided to the public.*

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

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

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

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

35 (5) *Notwithstanding any laws that prohibit in-person government*
36 *meetings in the case of a declared state of emergency, including*
37 *a public health emergency, teleconferenced meetings shall include*
38 *an in-person public comment opportunity, wherein members of*
39 *the public can report to a designated site to give public comment*
40 *in person.*

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

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

6 (3) Prior to taking final action, the legislative body shall orally
7 report a summary of a recommendation for a final action on the
8 salaries, salary schedules, or compensation paid in the form of
9 fringe benefits of a local agency executive, as defined in
10 subdivision (d) of Section 3511.1, during the open meeting in
11 which the final action is to be taken. This paragraph shall not affect
12 the public's right under the California Public Records Act (Chapter
13 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
14 inspect or copy records created or received in the process of
15 developing the recommendation.

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

28 (2) Nothing in this subdivision shall be construed as
29 discouraging health authority members from regularly meeting at
30 a common physical site within the jurisdiction of the authority or
31 from using teleconference locations within or near the jurisdiction
32 of the authority. A teleconference meeting for which a quorum is
33 established pursuant to this subdivision shall be subject to all other
34 requirements of this section.

35 (3) For purposes of this subdivision, a health authority means
36 any entity created pursuant to Sections 14018.7, 14087.31,
37 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
38 and Institutions Code, any joint powers authority created pursuant
39 to Article 1 (commencing with Section 6500) of Chapter 5 of
40 Division 7 for the purpose of contracting pursuant to Section

1 14087.3 of the Welfare and Institutions Code, and any advisory
2 committee to a county sponsored health plan licensed pursuant to
3 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
4 Health and Safety Code if the advisory committee has 12 or more
5 members.

6 SEC. 5. Section 54954.2 of the Government Code is amended
7 to read:

8 54954.2. (a) (1) At least 72 hours before a regular meeting,
9 the legislative body of the local agency, or its designee, shall post
10 an agenda containing a brief general description of each item of
11 business to be transacted or discussed at the meeting, including
12 items to be discussed in closed session. A brief general description
13 of an item generally need not exceed 20 words. The agenda shall
14 specify the time and location of the regular meeting and shall be
15 posted in a location that is freely accessible to members of the
16 public and on the local agency's ~~Internet Web site~~, *internet website*,
17 if the local agency has one. If requested, the agenda shall be made
18 available in appropriate alternative formats to persons with a
19 disability, as required by Section 202 of the Americans with
20 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
21 rules and regulations adopted in implementation thereof. The
22 agenda shall include information regarding how, to whom, and
23 when a request for disability-related modification or
24 accommodation, including auxiliary aids or services, may be made
25 by a person with a disability who requires a modification or
26 accommodation in order to participate in the public meeting. *In*
27 *compliance with the Dymally-Alatorre Bilingual Services Act*
28 *(Chapter 17.5 (commencing with Section 7290) of Division 7 of*
29 *Title 1), agendas and instructions for accessing the meeting,*
30 *whether teleconferenced or in person, shall be translated into all*
31 *languages for which 5 percent of the population in the area*
32 *governed by the local agency is a speaker.*

33 (2) For a meeting occurring on and after January 1, 2019, of a
34 legislative body of a city, county, city and county, special district,
35 school district, or political subdivision established by the state that
36 has an ~~Internet Web site~~, *internet website*, the following provisions
37 shall apply:

38 (A) An online posting of an agenda shall be posted on the
39 primary ~~Internet Web site~~ *internet website* homepage of a city,
40 county, city and county, special district, school district, or political

1 subdivision established by the state that is accessible through a
2 prominent, direct link to the current agenda. The direct link to the
3 agenda shall not be in a contextual menu; however, a link in
4 addition to the direct link to the agenda may be accessible through
5 a contextual menu.

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

10 (i) Retrievable, downloadable, indexable, and electronically
11 searchable by commonly used Internet search applications.

12 (ii) Platform independent and machine readable.

13 (iii) Available to the public free of charge and without any
14 restriction that would impede the reuse or redistribution of the
15 agenda.

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

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

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

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

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

4 (D) For the purposes of this paragraph, both of the following
5 definitions shall apply:

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

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

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

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

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

1 (1) Upon a determination by a majority vote of the legislative
2 body that an emergency situation exists, as defined in Section
3 54956.5.

4 (2) Upon a determination by a two-thirds vote of the members
5 of the legislative body present at the meeting, or, if less than
6 two-thirds of the members are present, a unanimous vote of those
7 members present, that there is a need to take immediate action and
8 that the need for action came to the attention of the local agency
9 subsequent to the agenda being posted as specified in subdivision
10 (a).

11 (3) The item was posted pursuant to subdivision (a) for a prior
12 meeting of the legislative body occurring not more than five
13 calendar days prior to the date action is taken on the item, and at
14 the prior meeting the item was continued to the meeting at which
15 action is being taken.

16 (c) This section is necessary to implement and reasonably within
17 the scope of paragraph (1) of subdivision (b) of Section 3 of Article
18 I of the California Constitution.

19 (d) For purposes of subdivision (a), the requirement that the
20 agenda be posted on the local agency's ~~Internet Web site~~, *internet*
21 *website*, if the local agency has one, shall only apply to a legislative
22 body that meets either of the following standards:

23 (1) A legislative body as that term is defined by subdivision (a)
24 of Section 54952.

25 (2) A legislative body as that term is defined by subdivision (b)
26 of Section 54952, if the members of the legislative body are
27 compensated for their appearance, and if one or more of the
28 members of the legislative body are also members of a legislative
29 body as that term is defined by subdivision (a) of Section 54952.

30 SEC. 6. Section 54954.3 of the Government Code is amended
31 to read:

32 54954.3. (a) Every agenda for regular meetings shall provide
33 an opportunity for members of the public to directly address the
34 legislative body on any item of interest to the public, before or
35 during the legislative body's consideration of the item, that is
36 within the subject matter jurisdiction of the legislative body,
37 provided that no action shall be taken on any item not appearing
38 on the agenda unless the action is otherwise authorized by
39 subdivision (b) of Section 54954.2. *All meetings must also provide*
40 *the public with an opportunity to address the legislative body*

1 *remotely via call-in and internet-based service, consistent with*
2 *requirements in Section 54953. Persons commenting in person*
3 *shall not have more time or in any other way be prioritized over*
4 *persons commenting remotely via call-in or internet-based service.*
5 *Instructions on how to attend the meeting via call-in or*
6 *internet-based service shall be posted online along with the meeting*
7 *agenda in an easily accessible location.* However, the agenda need
8 not provide an opportunity for members of the public to address
9 the legislative body on any item that has already been considered
10 by a committee, composed exclusively of members of the
11 legislative body, at a public meeting wherein all interested members
12 of the public were afforded the opportunity to address the
13 committee on the item, before or during the committee's
14 consideration of the item, unless the item has been substantially
15 changed since the committee heard the item, as determined by the
16 legislative body. Every notice for a special meeting shall provide
17 an opportunity for members of the public to directly address the
18 legislative body concerning any item that has been described in
19 the notice for the meeting before or during consideration of that
20 item.

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

26 (2) Notwithstanding paragraph (1), when the legislative body
27 of a local agency limits time for public comment, the legislative
28 body of a local agency shall provide at least twice the allotted time
29 to a member of the public who utilizes a translator to ensure that
30 non-English speakers receive the same opportunity to directly
31 address the legislative body of a local agency.

32 (3) Paragraph (2) shall not apply if the legislative body of a
33 local agency utilizes simultaneous translation equipment in a
34 manner that allows the legislative body of a local agency to hear
35 the translated public testimony simultaneously.

36 (c) The legislative body of a local agency shall not prohibit
37 public criticism of the policies, procedures, programs, or services
38 of the agency, or of the acts or omissions of the legislative body.
39 Nothing in this subdivision shall confer any privilege or protection
40 for expression beyond that otherwise provided by law.

1 (d) *Legislative bodies of local agencies shall employ a sufficient*
2 *amount of qualified bilingual persons to provide translation during*
3 *the meeting in the language of the non-English-speaking person,*
4 *in jurisdictions which govern a substantial number of*
5 *non-English-speaking people. “Non-English-speaking people” is*
6 *defined as members of a group who either do not speak English,*
7 *or who are unable to effectively communicate in English because*
8 *it is not their native language, and who comprise 5 percent or*
9 *more of the people served by the statewide or any local office or*
10 *facility of a state agency.*

11 SEC. 7. Section 11122.5 of the Government Code is amended
12 to read:

13 11122.5. (a) As used in this article, “meeting” includes any
14 congregation of a majority of the members of a state ~~body~~ *body,*
15 *including a virtual congregation using teleconference technology,*
16 *at the same time and place to hear, discuss, or deliberate upon any*
17 *item that is within the subject matter jurisdiction of the state body*
18 *to which it pertains.*

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

24 (2) Paragraph (1) shall not be construed to prevent an employee
25 or official of a state agency from engaging in separate
26 conversations or communications outside of a meeting authorized
27 by this chapter with members of a legislative body in order to
28 answer questions or provide information regarding a matter that
29 is within the subject matter jurisdiction of the state agency, if that
30 person does not communicate to members of the legislative body
31 the comments or position of any other member or members of the
32 legislative body.

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

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

38 (2) (A) The attendance of a majority of the members of a state
39 body at a conference or similar gathering open to the public that
40 involves a discussion of issues of general interest to the public or

1 to public agencies of the type represented by the state body, if a
2 majority of the members do not discuss among themselves, other
3 than as part of the scheduled program, business of a specified
4 nature that is within the subject matter jurisdiction of the state
5 body.

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

10 (3) The attendance of a majority of the members of a state body
11 at an open and publicized meeting organized to address a topic of
12 state concern by a person or organization other than the state body,
13 if a majority of the members do not discuss among themselves,
14 other than as part of the scheduled program, business of a specific
15 nature that is within the subject matter jurisdiction of the state
16 body.

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

23 (5) The attendance of a majority of the members of a state body
24 at a purely social or ceremonial occasion, if a majority of the
25 members do not discuss among themselves business of a specific
26 nature that is within the subject matter jurisdiction of the state
27 body.

28 (6) The attendance of a majority of the members of a state body
29 at an open and noticed meeting of a standing committee of that
30 body, if the members of the state body who are not members of
31 the standing committee attend only as observers.

32 SEC. 8. Section 11123 of the Government Code is amended
33 to read:

34 11123. (a) All meetings of a state body shall be open and
35 public and all persons shall be permitted to attend any meeting of
36 a state body except as otherwise provided in this article.
37 *Additionally, all meetings shall include an opportunity for all*
38 *persons to attend via a call-in option or an internet-based service*
39 *option that provides closed captioning services. Both a call-in and*
40 *an internet-based service option shall be provided to the public.*

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

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

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

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

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

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

29 (F) At least one member of the state body shall be physically
30 present at the location specified in the notice of the ~~meeting~~.
31 *meeting to ensure that members of the public are able to give*
32 *public comment in person. This location must be publicly accessible*
33 *and able to accommodate a reasonable amount of people, given*
34 *the circumstances.*

35 (2) For the purposes of this subdivision, “teleconference” means
36 a meeting of a state body, the members of which are at different
37 locations, connected by electronic means, through either audio or
38 both audio and video. ~~This~~ *While this section requires that both*
39 *an call-in and internet-based service are available to the public*
40 *to join all open meetings that are held in-person, this section does*

1 not prohibit a state body from providing members of the public
2 with additional locations in *or opportunities* by which the public
3 may observe or address the state body by electronic means, through
4 either audio or both audio and video.

5 (c) *Instructions on how to attend the meeting via call-in or*
6 *internet-based service shall be posted online along with the meeting*
7 *agenda in an easily accessible location at least 72 hours before*
8 *all regular meetings and at least 24 hours before all special*
9 *meetings. In compliance with the Dymally-Alatorre Bilingual*
10 *Services Act(Chapter 17.5 (commencing with Section 7290) of*
11 *Division 7 of Title 1), the posted instructions shall also be*
12 *translated into all languages of which 5 percent of the population*
13 *of the state body's jurisdiction speaks.*

14 (e)

15 (d) The state body shall publicly report any action taken and
16 the vote or abstention on that action of each member present for
17 the action.

18 SEC. 9. Section 11125.7 of the Government Code is amended
19 to read:

20 11125.7. (a) Except as otherwise provided in this section, the
21 state body shall provide an opportunity for members of the public
22 to directly address the state body on each agenda item before or
23 during the state body's discussion or consideration of the item.
24 This section is not applicable if the agenda item has already been
25 considered by a committee composed exclusively of members of
26 the state body at a public meeting where interested members of
27 the public were afforded the opportunity to address the committee
28 on the item, before or during the committee's consideration of the
29 item, unless the item has been substantially changed since the
30 committee heard the item, as determined by the state body. Every
31 notice for a special meeting at which action is proposed to be taken
32 on an item shall provide an opportunity for members of the public
33 to directly address the state body concerning that item prior to
34 action on the item. In addition, the notice requirement of Section
35 11125 shall not preclude the acceptance of testimony at meetings,
36 other than emergency meetings, from members of the public if no
37 action is taken by the state body at the same meeting on matters
38 brought before the body by members of the public.

39 (b) *In compliance with subdivision (a) of Section 11123, public*
40 *comment shall be made available for those attending any meeting*

1 *via call-in or internet-based service option. Persons commenting*
2 *in person shall not have more time or in any other way be*
3 *prioritized over persons commenting remotely via call-in or*
4 *internet-based service.*

5 (b)

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

11 (e)

12 (d) (1) Notwithstanding subdivision (b), when a state body
13 limits time for public comment the state body shall provide at least
14 twice the allotted time to a member of the public who utilizes a
15 translator to ensure that non-English speakers receive the same
16 opportunity to directly address the state body. *In compliance with*
17 *the Dymally-Alatorre Bilingual Services Act (Chapter 17.5*
18 *(commencing with Section 7290) of Division 7 of Title 1),*
19 *translation services shall be provided for all languages of which*
20 *5 percent of the population of the state body's jurisdiction speaks.*
21 *Should there be a limit on speaking time, persons commenting in*
22 *another language shall be given twice as much time as those*
23 *commenting in English in order to accommodate time for*
24 *translation services. This is not required when simultaneous*
25 *translation services are available.*

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

29 (d)

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

35 (e)

36 (f) This section is not applicable to closed sessions held pursuant
37 to Section 11126.

38 (f)

39 (g) This section is not applicable to decisions regarding
40 proceedings held pursuant to Chapter 5 (commencing with Section

1 11500), relating to administrative adjudication, or to the conduct
2 of those proceedings.

3 ~~(g)~~

4 (h) This section is not applicable to hearings conducted by the
5 California Victim Compensation Board pursuant to Sections 13963
6 and 13963.1.

7 ~~(h)~~

8 (i) This section is not applicable to agenda items that involve
9 decisions of the Public Utilities Commission regarding adjudicatory
10 hearings held pursuant to Chapter 9 (commencing with Section
11 1701) of Part 1 of Division 1 of the Public Utilities Code. For all
12 other agenda items, the commission shall provide members of the
13 public, other than those who have already participated in the
14 proceedings underlying the agenda item, an opportunity to directly
15 address the commission before or during the commission's
16 consideration of the item.

17 SEC. 10. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district under this act would result from a legislative mandate that
21 is within the scope of paragraph (7) of subdivision (b) of Section
22 3 of Article I of the California Constitution.

23 SEC. 11. The Legislature finds and declares that Sections 4,
24 5, and 6 of this act, which amend Section 54953, 54954.2, and
25 54954.3 of the Government Code, further, within the meaning of
26 paragraph (7) of subdivision (b) of Section 3 of Article I of the
27 California Constitution, the purposes of that constitutional section
28 as it relates to the right of public access to the meetings of local
29 public bodies or the writings of local public officials and local
30 agencies. Pursuant to paragraph (7) of subdivision (b) of Section
31 3 of Article I of the California Constitution, the Legislature makes
32 the following findings:

33 The provisions of the act allow for greater public access through
34 requiring specified entities to provide a call-in and internet-based
35 service and instructions on how to access these options to the public
36 for specified meetings and allow for greater accommodations for
37 non-English speakers attending the meetings.

O

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

Status/History: 3/23/2021 – Do pass from Assembly Committee on Business and Professions;
Referred to Assembly Committee on Appropriations

Location: 3/23/2021 – Assembly Committee on Appropriations

Introduced: 2/12/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

Staff Comment: This bill would require the Board to make changes to the information posted on its website regarding disciplinary actions taken. Specifically, if the Board had revoked a license based on a criminal conviction and if the Board received notification that an expungement order was granted pursuant to Penal Code section 1203.4, then the Board must do one of two things within 90 days of receiving the expungement order. The Board must either 1) post notification of the expungement order on its website if the person reapplies for licensure or is relicensed; or, 2) remove the initial posting of the revocation and any other postings relating to the conviction from its website if the person is not currently licensed and does not reapply for licensure. The bill would also require the person to pay a \$50 fee to the Board, unless another amount is determined by the Board to be necessary to cover the cost.

Staff Recommendation: Staff recommends that the Board take a "watch" position on AB 646.

ASSEMBLY BILL

No. 646

Introduced by Assembly Member Low
(Coauthor: Senator Roth)

February 12, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of

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

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

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

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

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

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

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

18 (b) A person described in subdivision (a) shall pay to the board
19 a fee in the amount of fifty dollars (\$50), unless another amount
20 is determined by the board to be necessary to cover the
21 administrative cost, ensuring that the amount does not exceed the
22 reasonable cost of administering this section. The fee shall be
23 deposited by the board into the appropriate fund and shall be
24 available only upon appropriation by the Legislature.

25 (c) For purposes of this section, "board" means an entity listed
26 in Section 101.

- 1 (d) If any provision in this section conflicts with Section 2027,
- 2 Section 2027 shall prevail.

O

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

Status/History: 3/24/2021 – From committee chair, with author's amendments: Amend, and refer to Assembly Committee on Governmental Organization. Read second time and amended.

Location: 3/24/2021 – Assembly

Introduced: 2/17/2021

Amended: 3/24/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

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

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

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

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

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

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

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

Staff Recommendation: Staff recommends that the Board take a "watch" position on AB 885.

AMENDED IN ASSEMBLY MARCH 24, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 885

Introduced by Assembly Member Quirk

February 17, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (h) For purposes of this section:

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

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

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

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

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

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

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

O

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

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

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

Introduced: 2/18/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

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

Staff Recommendation: Staff recommends the Board take a position of “oppose unless amended” on AB 1030 and request that the term “remote sensing” and the definition of “remote sensing” be removed from subdivision (f) of Section 8726.

ASSEMBLY BILL

No. 1030

Introduced by Assembly Member Chen

February 18, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

(1) The Professional Engineers Act and the Professional Land Surveyors' Act provide for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. Under those acts, a land surveyor includes a person who engages in specified practices, and civil engineering is defined to include a person who locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as defined, determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry, or engages in geodetic or cadastral surveying, as defined.

This bill would include within the practices that subject a person to those acts, with regard to the practice of identifying the location, alignment, or elevation for any of the fixed works embraced within the practice of civil engineering, laying out the reference points or lines through the use of mathematical or physical measurements. The bill would expand the practice of land surveying and civil engineering to

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

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

This bill would delete those provisions and make conforming changes.

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

By expanding the scope of practices subject to the Professional Engineers Act and the Professional Land Surveyors' Act, the bill would impose a state-mandated local program.

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

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

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

State-mandated local program: yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~(f)~~

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

10 ~~(g)~~

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

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

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

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

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

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

35 ~~(h)~~

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

38 ~~(i)~~

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

4 (j)

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

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

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

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

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

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

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

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

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

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

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

24 ~~(f)~~

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

31 ~~(g)~~

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

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

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

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

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

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

18 ~~(h)~~

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

21 ~~(i)~~

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

25 ~~(j)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 ~~(f)~~

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

22 ~~(g)~~

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

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

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

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

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

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

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

5 ~~(h)~~

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

7 ~~(i)~~

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

11 ~~(j)~~

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

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

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

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

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

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

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

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

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

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

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

25 ~~(f)~~

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

31 ~~(g)~~

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

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

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

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

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

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

14 ~~(h)~~

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

16 ~~(i)~~

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

20 ~~(j)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (j) Violates any provision of this chapter.

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

AB 1129 (Frazier, D-Fairfield)
Home Inspectors License Law.

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

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

Introduced: 2/18/2021

Board Position: No position

Board Staff Analysis: 3/19/2021

Bill Summary: Existing law regulates a person who performs certain home inspections for a fee in connection with a transfer of real property. Existing law provides that it is the duty of a home inspector who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer to conduct a home inspection with the degree of care that a reasonably prudent home inspector would exercise.

This bill, commencing January 1, 2023, would enact the Home Inspectors License Act, which would revise and recast the provisions of existing law, and would make various substantive changes. The bill would establish the Bureau of Home Inspectors in the Department of Consumer Affairs.

Affected Laws: An act to amend, repeal, and add Sections 101 and 205 of, to add Sections 7199.1 and 7199.8 to, and to add Chapter 9.3 (commencing with Section 7193) to Division 3 of, the Business and Professions Code, relating to home inspectors.

Staff Comment: This bill is being brought to the Board’s attention for informational purposes.

Currently, the regulation of persons who perform certain home inspections is codified in the Contractors License Law and falls under the authority of the Contractors State License Board. This bill, effective January 1, 2023, would create a new Home Inspectors License Act under the authority of the newly-established Bureau of Home Inspectors in the Department of Consumer Affairs. This new act would contain a section that makes clear that home inspectors who are not licensed as professional engineers are not allowed to perform any analysis of the systems, components, or structural integrity of a dwelling that would constitute the practice of civil, electrical, or mechanical engineering; that home inspectors are not exempt from the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of the Business and Professions Code); and that this new law would not apply to a professional engineer or a professional land surveyor acting pursuant to their professional license.

Staff Recommendation: No action needed at this time.

ASSEMBLY BILL

No. 1129

Introduced by Assembly Member Frazier

February 18, 2021

An act to amend, repeal, and add Sections 101 and 205 of, to add Sections 7199.1 and 7199.8 to, and to add Chapter 9.3 (commencing with Section 7193) to Division 3 of, the Business and Professions Code, relating to home inspectors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1129, as introduced, Frazier. Home Inspectors License Law.

Existing law regulates a person who performs certain home inspections for a fee in connection with a transfer of real property. Existing law provides that it is the duty of a home inspector who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer to conduct a home inspection with the degree of care that a reasonably prudent home inspector would exercise. Under existing law, contractual provisions that purport to waive this duty, or limit the liability of the home inspector to the cost of the home inspection report, are contrary to public policy and invalid. Existing law prohibits commencement of a legal action for breach of duty arising from a home inspection report more than 4 years from the date of the inspection. Under existing law, certain activities by a home inspector or a company that employs a home inspector constitute unfair business practices.

This bill, commencing January 1, 2023, would enact the Home Inspectors License Act, which would revise and recast those provisions, and would make various substantive changes. The bill would establish the Bureau of Home Inspectors in the Department of Consumer Affairs.

The bill would also establish the position of Chief of the bureau and would require the chief to administer the licensing program for home inspectors, as provided. The bill would delete the provisions concerning a home inspector's duty of care and unlawful business practices. The bill would authorize the chief to investigate the actions of any applicant for a home inspector license or a home inspector within the state and to administer specified disciplinary actions if the applicant or licensee commits an act or omission constituting cause for disciplinary action, including a willful departure in any material respect, except as provided, from accepted standards of practice and codes of ethics. The bill would require a complaint against a licensee alleging commission of any act or omission that may constitute grounds for legal action to be filed in writing with the chief within 4 years of the alleged act or omission.

This bill would establish the Home Inspectors License Fund, and would require all fees, fines, and penalties collected pursuant to these provisions to be deposited into the fund, which the bill would make available for administration of these provisions, upon appropriation by the Legislature. The bill would authorize the bureau to set reasonable fees according to a specified fee schedule.

This bill would require the chief to adopt regulations governing the process of applying for a license and any conditions on the maintenance of a license once issued, as provided. The bill would prohibit a person from acting or holding oneself out as a home inspector, by advertisement or otherwise, unless that person is licensed in accordance with the act, except as specified. The bill would make a willful violation of this provision a public offense punishable by imprisonment, by a fine not exceeding \$10,000, or by both imprisonment and fine. By creating a new crime, the bill would impose a state-mandated local program.

This bill would make additional conforming changes.

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 101 of the Business and Professions Code
2 is amended to read:
3 101. The department is comprised of the following:
4 (a) The Dental Board of California.
5 (b) The Medical Board of California.
6 (c) The State Board of Optometry.
7 (d) The California State Board of Pharmacy.
8 (e) The Veterinary Medical Board.
9 (f) The California Board of Accountancy.
10 (g) The California Architects Board.
11 (h) The State Board of Barbering and Cosmetology.
12 (i) The Board for Professional Engineers, Land Surveyors, and
13 Geologists.
14 (j) The Contractors State License Board.
15 (k) The Bureau for Private Postsecondary Education.
16 (l) The Bureau of Household Goods and Services.
17 (m) The Board of Registered Nursing.
18 (n) The Board of Behavioral Sciences.
19 (o) The State Athletic Commission.
20 (p) The Cemetery and Funeral Bureau.
21 (q) The Bureau of Security and Investigative Services.
22 (r) The Court Reporters Board of California.
23 (s) The Board of Vocational Nursing and Psychiatric
24 Technicians.
25 (t) The Landscape Architects Technical Committee.
26 (u) The Division of Investigation.
27 (v) The Bureau of Automotive Repair.
28 (w) The Respiratory Care Board of California.
29 (x) The Acupuncture Board.
30 (y) The Board of Psychology.
31 (z) The Podiatric Medical Board of California.
32 (aa) The Physical Therapy Board of California.
33 (ab) The Arbitration Review Program.
34 (ac) The Physician Assistant Board.
35 (ad) The Speech-Language Pathology and Audiology and
36 Hearing Aid Dispensers Board.
37 (ae) The California Board of Occupational Therapy.
38 (af) The Osteopathic Medical Board of California.

- 1 (ag) The Naturopathic Medicine Committee.
2 (ah) The Dental Hygiene Board of California.
3 (ai) The Professional Fiduciaries Bureau.
4 (aj) The State Board of Chiropractic Examiners.
5 (ak) The Bureau of Real Estate Appraisers.
6 (al) The Structural Pest Control Board.
7 (am) The Bureau of Cannabis Control.
8 (an) Any other boards, offices, or officers subject to its
9 jurisdiction by law.
10 (ao) This section shall ~~become operative on July 1, 2018~~. *remain*
11 *operative until January 1, 2023, and as of that date is repealed.*
12 SEC. 2. Section 101 is added to the Business and Professions
13 Code, to read:
14 101. The department is comprised of the following:
15 (a) The Dental Board of California.
16 (b) The Medical Board of California.
17 (c) The State Board of Optometry.
18 (d) The California State Board of Pharmacy.
19 (e) The Veterinary Medical Board.
20 (f) The California Board of Accountancy.
21 (g) The California Architects Board.
22 (h) The State Board of Barbering and Cosmetology.
23 (i) The Board for Professional Engineers, Land Surveyors, and
24 Geologists.
25 (j) The Contractors State License Board.
26 (k) The Bureau for Private Postsecondary Education.
27 (l) The Bureau of Household Goods and Services.
28 (m) The Board of Registered Nursing.
29 (n) The Board of Behavioral Sciences.
30 (o) The State Athletic Commission.
31 (p) The Cemetery and Funeral Bureau.
32 (q) The Bureau of Security and Investigative Services.
33 (r) The Court Reporters Board of California.
34 (s) The Board of Vocational Nursing and Psychiatric
35 Technicians.
36 (t) The Landscape Architects Technical Committee.
37 (u) The Division of Investigation.
38 (v) The Bureau of Automotive Repair.
39 (w) The Respiratory Care Board of California.
40 (x) The Acupuncture Board.

- 1 (y) The Board of Psychology.
- 2 (z) The Podiatric Medical Board of California.
- 3 (aa) The Physical Therapy Board of California.
- 4 (ab) The Arbitration Review Program.
- 5 (ac) The Physician Assistant Board.
- 6 (ad) The Speech-Language Pathology and Audiology and
- 7 Hearing Aid Dispensers Board.
- 8 (ae) The California Board of Occupational Therapy.
- 9 (af) The Osteopathic Medical Board of California.
- 10 (ag) The Naturopathic Medicine Committee.
- 11 (ah) The Dental Hygiene Board of California.
- 12 (ai) The Professional Fiduciaries Bureau.
- 13 (aj) The State Board of Chiropractic Examiners.
- 14 (ak) The Bureau of Real Estate Appraisers.
- 15 (al) The Structural Pest Control Board.
- 16 (am) The Bureau of Cannabis Control.
- 17 (an) The Bureau of Home Inspectors.
- 18 (ao) Any other boards, offices, or officers subject to its
- 19 jurisdiction by law.
- 20 (ap) This section shall become operative on January 1, 2023.
- 21 SEC. 3. Section 205 of the Business and Professions Code, as
- 22 amended by Chapter 312 of the Statutes of 2020, is amended to
- 23 read:
- 24 205. (a) There is in the State Treasury the Professions and
- 25 Vocations Fund. The fund shall consist of the following special
- 26 funds:
- 27 (1) Accountancy Fund.
- 28 (2) California Architects Board Fund.
- 29 (3) Athletic Commission Fund.
- 30 (4) Barbering and Cosmetology Contingent Fund.
- 31 (5) Cemetery and Funeral Fund.
- 32 (6) Contractors License Fund.
- 33 (7) State Dentistry Fund.
- 34 (8) Home Furnishings and Thermal Insulation Fund.
- 35 (9) California Architects Board-Landscape Architects Fund.
- 36 (10) Contingent Fund of the Medical Board of California.
- 37 (11) Optometry Fund.
- 38 (12) Pharmacy Board Contingent Fund.
- 39 (13) Physical Therapy Fund.
- 40 (14) Private Investigator Fund.

- 1 (15) Private Security Services Fund.
- 2 (16) Professional Engineer's, Land Surveyor's, and Geologist's
- 3 Fund.
- 4 (17) Consumer Affairs Fund.
- 5 (18) Behavioral Sciences Fund.
- 6 (19) Licensed Midwifery Fund.
- 7 (20) Court Reporters' Fund.
- 8 (21) Veterinary Medical Board Contingent Fund.
- 9 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 10 (23) Electronic and Appliance Repair Fund.
- 11 (24) Acupuncture Fund.
- 12 (25) Physician Assistant Fund.
- 13 (26) Board of Podiatric Medicine Fund.
- 14 (27) Psychology Fund.
- 15 (28) Respiratory Care Fund.
- 16 (29) Speech-Language Pathology and Audiology and Hearing
- 17 Aid Dispensers Fund.
- 18 (30) Board of Registered Nursing Fund.
- 19 (31) Animal Health Technician Examining Committee Fund.
- 20 (32) State Dental Hygiene Fund.
- 21 (33) Structural Pest Control Fund.
- 22 (34) Structural Pest Control Eradication and Enforcement Fund.
- 23 (35) Structural Pest Control Research Fund.
- 24 (36) Household Movers Fund.
- 25 (b) For accounting and recordkeeping purposes, the Professions
- 26 and Vocations Fund shall be deemed to be a single special fund,
- 27 and each of the several special funds therein shall constitute and
- 28 be deemed to be a separate account in the Professions and
- 29 Vocations Fund. Each account or fund shall be available for
- 30 expenditure only for the purposes as are now or may hereafter be
- 31 provided by law.
- 32 (c) This section shall become operative on July 1, 2022.
- 33 (d) *This section shall remain operative until January 1, 2023,*
- 34 *and as of that date is repealed.*
- 35 SEC. 4. Section 205 is added to the Business and Professions
- 36 Code, to read:
- 37 205. (a) There is in the State Treasury the Professions and
- 38 Vocations Fund. The fund shall consist of the following special
- 39 funds:
- 40 (1) Accountancy Fund.

- 1 (2) California Architects Board Fund.
- 2 (3) Athletic Commission Fund.
- 3 (4) Barbering and Cosmetology Contingent Fund.
- 4 (5) Cemetery and Funeral Fund.
- 5 (6) Contractors License Fund.
- 6 (7) State Dentistry Fund.
- 7 (8) Home Furnishings and Thermal Insulation Fund.
- 8 (9) California Architects Board-Landscape Architects Fund.
- 9 (10) Contingent Fund of the Medical Board of California.
- 10 (11) Optometry Fund.
- 11 (12) Pharmacy Board Contingent Fund.
- 12 (13) Physical Therapy Fund.
- 13 (14) Private Investigator Fund.
- 14 (15) Private Security Services Fund.
- 15 (16) Professional Engineer's, Land Surveyor's, and Geologist's
- 16 Fund.
- 17 (17) Consumer Affairs Fund.
- 18 (18) Behavioral Sciences Fund.
- 19 (19) Licensed Midwifery Fund.
- 20 (20) Court Reporters' Fund.
- 21 (21) Veterinary Medical Board Contingent Fund.
- 22 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 23 (23) Electronic and Appliance Repair Fund.
- 24 (24) Acupuncture Fund.
- 25 (25) Physician Assistant Fund.
- 26 (26) Board of Podiatric Medicine Fund.
- 27 (27) Psychology Fund.
- 28 (28) Respiratory Care Fund.
- 29 (29) Speech-Language Pathology and Audiology and Hearing
- 30 Aid Dispensers Fund.
- 31 (30) Board of Registered Nursing Fund.
- 32 (31) Animal Health Technician Examining Committee Fund.
- 33 (32) State Dental Hygiene Fund.
- 34 (33) Structural Pest Control Fund.
- 35 (34) Structural Pest Control Eradication and Enforcement Fund.
- 36 (35) Structural Pest Control Research Fund.
- 37 (36) Household Movers Fund.
- 38 (37) Home Inspectors License Fund.
- 39 (b) For accounting and recordkeeping purposes, the Professions
- 40 and Vocations Fund shall be deemed to be a single special fund,

1 and each of the several special funds therein shall constitute and
2 be deemed to be a separate account in the Professions and
3 Vocations Fund. Each account or fund shall be available for
4 expenditure only for the purposes as are now or may hereafter be
5 provided by law.

6 (c) This section shall become operative on January 1, 2023.

7 SEC. 5. Section 7199.1 is added to the Business and Professions
8 Code, immediately following Section 7199, to read:

9 7199.1. This chapter shall remain in effect only until January
10 1, 2023, and as of that date is repealed.

11 SEC. 6. Section 7199.8 is added to the Business and Professions
12 Code, immediately following Section 7199.7, to read:

13 7199.8. This chapter shall remain in effect only until January
14 1, 2023, and as of that date is repealed.

15 SEC. 7. Chapter 9.3 (commencing with Section 7193) is added
16 to Division 3 of the Business and Professions Code, to read:

17
18 CHAPTER 9.3. HOME INSPECTORS

19
20 Article 1. Administration

21
22 7193. This chapter shall be known, and may be cited as, the
23 Home Inspectors License Law.

24 7193.3. There is in the Department of Consumer Affairs a
25 Bureau of Home Inspectors. Protection of the public shall be the
26 highest priority for the Bureau of Home Inspectors in exercising
27 its licensing, regulatory, and disciplinary functions. Whenever the
28 protection of the public is inconsistent with other interests sought
29 to be promoted, the protection of the public shall be paramount.

30 7193.5. (a) The Governor shall appoint, subject to confirmation
31 by the Senate, the Chief of the Bureau of Home Inspectors who
32 shall, in consultation with the Governor and the director, administer
33 the licensing program for home inspectors. In making the
34 appointment, consideration shall be given to the qualifications of
35 an individual that demonstrate knowledge of the home inspection
36 profession.

37 (b) The chief shall serve at the pleasure of the Governor. The
38 salary for the chief shall be fixed and determined by the Director
39 of Consumer Affairs with approval of the Department of Human
40 Resources.

1 (c) The chief shall not have an active license under this act for
2 the term of appointment, and thereafter the chief shall be subject
3 to Section 87406 of the Government Code.

4 (d) The chief, in consultation with the director and in accordance
5 with the State Civil Service Act (Part 2 (commencing with Section
6 18500) of Division 5 of Title 2 of the Government Code), may
7 appoint and fix the compensation of legal, clerical, technical,
8 investigation, and auditing personnel as may be necessary to carry
9 out this chapter. All personnel shall perform their respective duties
10 under the supervision and direction of the chief.

11 7193.7. (a) The bureau is under the supervision and control
12 of the director. The duty of enforcing and administering this chapter
13 is vested in the chief, and they are responsible to the Director of
14 Consumer Affairs therefor. The chief shall adopt and enforce rules
15 and regulations as are determined reasonably necessary to carry
16 out the purposes of this chapter. Those rules and regulations shall
17 be adopted pursuant to Chapter 3.5 (commencing with Section
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

19 (b) Notwithstanding any other law, the powers and duties of the
20 bureau, as set forth in this chapter, shall be subject to review by
21 the appropriate policy committees of the Legislature. In that review,
22 the bureau shall have the burden of demonstrating a compelling
23 public need for the continued existence of the bureau and its
24 regulatory program, and that its function is the least restrictive
25 regulation consistent with the public health, safety, and welfare.

26 (c) The review shall be performed as if this chapter were
27 scheduled to be repealed as of January 1, 2025.

28
29 Article 2. Application of Chapter
30

31 7194. For the purposes of this chapter, the following terms
32 have the following meanings:

33 (a) “Appliance” means an item in a residence with a specified
34 purpose that includes, but is not limited to, an oven, dishwasher,
35 or heater.

36 (b) “Client” means a person with a direct material interest in
37 the outcome of a home inspection who hires the home inspector
38 named on the inspection agreement and compensates a home
39 inspector for the performance of a home inspection.

1 (c) "Material defect" means a condition that significantly affects
2 the value, desirability, habitability, or safety of the dwelling. Style
3 or aesthetics shall not be considered in determining whether a
4 system, structure, or component is defective.

5 (d) "Structural" means a component that supports nonvariable
6 forces or weights (dead loads) and variable forces or weights (live
7 loads).

8 (e) "Transfer" means a transfer by sale, exchange, installment
9 land sales contract, as defined in Section 2985 of the Civil Code,
10 lease with an option to purchase, any other option to purchase, or
11 ground lease coupled with improvements, of real property or
12 residential stock cooperative, improved with or consisting of not
13 less than one nor more than four dwelling units.

14 7194.1. A home inspector is a natural person licensed under
15 this chapter who is engaged in the business of home inspection
16 either full time or part time. A home inspector shall satisfy all the
17 requirements imposed on home inspectors by this chapter.

18 7194.2. A home inspection is a noninvasive, physical
19 examination, performed for a fee in connection with a transfer of
20 real property, of the mechanical, electrical, or plumbing systems
21 or the structural and essential components of a residential dwelling
22 of one to four units designed to identify material defects in those
23 systems, structures, and components. A home inspection shall
24 include any consultation regarding the property that is represented
25 to be a home inspection or any confusingly similar term.

26 7194.3. (a) For any transfer of real property with a swimming
27 pool or spa, a home inspection shall include a noninvasive physical
28 examination of the pool or spa and dwelling, without a
29 determination of a safety feature's compliance with any referenced
30 law or standard, for the purpose of identifying with which, if any,
31 of the seven drowning prevention safety features listed in
32 subdivision (a) of Section 115922 of the Health and Safety Code
33 the pool or spa is equipped.

34 (b) A violation of this section is a cause for disciplinary action.

35 7194.4. A home inspection may also include the following, if
36 requested by the client:

37 (a) An inspection of energy efficiency. Energy efficiency items
38 to be inspected may include the following:

39 (1) A noninvasive inspection of insulation R-values in attics,
40 roofs, walls, floors, and ducts.

- 1 (2) The number of window glass panes and frame types.
- 2 (3) The heating and cooling equipment and water heating
- 3 systems.
- 4 (4) The age and fuel type of major appliances.
- 5 (5) The exhaust and cooling fans.
- 6 (6) The type of thermostat and other systems.
- 7 (7) The general integrity and potential leakage areas of walls,
- 8 window areas, doors, and duct systems.
- 9 (8) The solar control efficiency of existing windows.

10 (b) A Home Energy Rating System (HERS) California home
11 energy audit pursuant to regulations adopted by the Energy
12 Commission in compliance with Section 25942 of the Public
13 Resources Code.

14 (1) The HERS California home inspection report accompanying
15 any home inspection report defined in Section 7194.5 shall comply
16 with the standards and requirements established by the Energy
17 Commission for HERS California home energy audits as specified
18 in Article 8 (commencing with Section 1670) of Chapter 4 of
19 Division 2 of Title 20 of the California Code of Regulations,
20 implementing the California Home Energy Rating System Program.

21 (2) It is the intent of the Legislature that a HERS California
22 home energy audit may, at the request of the client, be performed
23 by a home inspector who meets the requirements of Article 8
24 (commencing with Section 1670) of Chapter 4 of Division 2 of
25 Title 20 of the California Code of Regulations.

26 (c) If the inspections prescribed by this section are requested
27 by the client, the home inspector's failure to adhere to these
28 provisions constitutes a cause for disciplinary action.

29 7194.5. A home inspection report is a written report prepared
30 for a fee and issued after a home inspection. The report shall clearly
31 describe and identify the inspected systems, structures, or
32 components of the dwelling, any material defects identified, and
33 any recommendations regarding the conditions observed or
34 recommendations for evaluation by appropriate persons.

35 7194.6. (a) A home inspection report shall include the
36 following:

37 (1) If issued for a dwelling with a pool or spa, an identification
38 of which, if any, of the seven drowning prevention safety features
39 listed in subdivision (a) of Section 115922 of the Health and Safety
40 Code the pool or spa is equipped with and shall specifically state

1 if the pool or spa has fewer than two of the listed drowning
2 prevention safety features.

3 (2) If issued in response to a home inspector's observation of
4 any shade of yellow corrugated stainless steel tubing, identification
5 of the observation and the following notification: "Manufacturers
6 of yellow corrugated stainless steel tubing believe that yellow
7 corrugated stainless steel tubing is safer if properly bonded and
8 grounded as required by the manufacturer's installation
9 instructions. Proper bonding and grounding of this product can
10 only be determined by a licensed electrical contractor."

11 (A) For the purposes of this subdivision, "corrugated stainless
12 steel tubing" means a flexible, stainless steel pipe used to supply
13 natural gas and propane in residential, commercial, and industrial
14 structures.

15 (b) A violation of this section is a cause for disciplinary action.

16 7194.7. A home inspection report may include an irrigation
17 system inspection report prepared by either a home inspector or
18 certified landscape irrigation auditor, for the purposes of improving
19 landscape water use and irrigation efficiency on a parcel containing
20 an in-ground landscape irrigation system, the operation of which
21 is under the exclusive control of the owner or occupant of the
22 dwelling. In those cases, the report may contain any or all of the
23 following:

24 (a) Examination of the irrigation system controller, if present,
25 noting observable defects in installation or operation, or both.

26 (b) Activation of each zone or circuit providing irrigation water
27 to turf grass, noting malfunctions observed in the operation of each
28 of the following:

29 (1) The irrigation valve.

30 (2) Visible irrigation supply piping.

31 (3) Sprinkler heads and stems.

32 (c) During activation of the system pursuant to subdivision (b),
33 observation of any of the following during the period of operation,
34 in minutes, specified in the report:

35 (1) Irrigation spray being directed to hardscape.

36 (2) Irrigation water leaving the irrigated area as surface runoff.

37 (3) Ponding of irrigation water on the surface of the irrigated
38 area.

39 (4) Notation whether inspection is limited due to snow, ice, or
40 other site conditions that impede an inspection.

1 (d) Notwithstanding any other law, a sanction or penalty
2 regarding prohibited hours, days, or effects of operation of a
3 landscape irrigation system shall not be levied upon either the
4 home inspector, the landscape irrigation auditor, the occupant, or
5 the owner of a property by any state or local agency or water
6 purveyor as a consequence of the operation of a landscape irrigation
7 system for the purpose of an irrigation system inspection carried
8 out under this section.

9 (e) A home inspector is encouraged to provide information or
10 access to information regarding water-efficient landscape irrigation
11 systems within the home inspection report.

12 (f) To the extent funds are available, the Department of Water
13 Resources, in consultation with the California Real Estate
14 Inspection Association and the Department of Housing and
15 Community Development, shall compile an estimate of the number
16 of properties for which an irrigation system inspection report has
17 been prepared each year, beginning with 2018, for inclusion in an
18 update to the California Water Plan. .

19 7194.8. (a) An inspection agreement is a written contract
20 signed by the client that outlines the standards and work to be
21 performed by the home inspector and any limitations. An inspection
22 subject to this chapter shall not be conducted without an inspection
23 agreement as required by this section. The inspection agreement
24 shall meet the following requirements:

25 (1) Be signed by the client.

26 (2) Set forth the standards and work to be performed by the
27 home inspector.

28 (3) Provide the name and license number of the home inspector.

29 (4) Include the following statement: "THE HOME INSPECTOR
30 WILL NOT DETERMINE AND THE REPORT PROVIDED
31 UPON COMPLETION OF THE HOME INSPECTION WILL
32 NOT CONTAIN A DETERMINATION OF WHETHER THE
33 HOME OR COMPONENTS AND/OR SYSTEMS OF THE
34 HOME THAT HAVE BEEN INSPECTED CONFORM TO
35 LOCAL OR STATE BUILDING CODE REQUIREMENTS."

36 (5) An inspection report shall be provided to the client by the
37 date set forth in the inspection agreement and, in the event that the
38 agreement does not set forth a date by which the report shall be
39 provided to the client, the home inspector shall provide the report

1 to the client no later than five days following the completion of
2 the home inspection.

3 (b) A violation of this section is a cause for disciplinary action.

4 7194.9. (a) Nothing in this chapter shall be construed to allow
5 home inspectors who are not registered engineers to perform any
6 analysis of the systems, components, or structural integrity of a
7 dwelling that would constitute the practice of civil, electrical, or
8 mechanical engineering, or to exempt a home inspector from
9 Chapter 3 (commencing with Section 5500), Chapter 7
10 (commencing with Section 6700), Chapter 9 (commencing with
11 Section 7000), or Chapter 14 (commencing with Section 8500) of
12 Division 3.

13 (b) This chapter does not apply to a registered engineer, licensed
14 land surveyor, or licensed architect acting pursuant to their
15 professional registration or license, nor does it affect the obligations
16 of a real estate licensee or transferor under Article 1.5 (commencing
17 with Section 1102) of Chapter 2 of Title 4 of Part 3 of Division 2
18 of, or Article 2 (commencing with Section 2079) of Chapter 3 of
19 Title 6 of Part 4 of Division 3 of, the Civil Code.

20

21

Article 3. Licensing

22

23 7195. (a) Unless expressly exempt from licensure under
24 Section 7194.9, a person shall not act or hold oneself out as a home
25 inspector, or assume or use the title, designation, or abbreviation
26 of a licensed home inspector, by advertisement or otherwise, unless
27 that person is licensed as a home inspector in accordance with the
28 provisions of this chapter.

29 (b) A person who willfully violates this provision is guilty of a
30 public offense punishable by imprisonment pursuant to subdivision
31 (h) of Section 1170 of the Penal Code, or in a county jail for not
32 more than one year, or by a fine not exceeding ten thousand dollars
33 (\$10,000), or by both the imprisonment and fine.

34 (c) For the purposes of this section, "advertisement" means a
35 communication or dissemination within this state directed to the
36 general public by television, radio or internet, or by any print
37 medium including newspaper or other publication or advertising
38 device; or any card, contract proposal, sign, billboard, lettering on
39 vehicles registered in this or any other state, brochure, pamphlet
40 circular, newspaper, magazine, airwave or any electronic

1 transmission, or any form of directory under any listing denoting,
2 “home inspection,” “home inspector,” or any word or words of a
3 similar import or meaning requesting any work for which a license
4 is required by the Home Inspectors License Law.

5 7195.3. (a) The chief shall adopt regulations governing the
6 process and the procedure of applying for a license through license
7 issuance, which shall include, but not be limited to, necessary
8 experience or education, equivalency, and minimum requirements
9 of the National Home Inspector Certification Council and
10 California Real Estate Inspection Association, if any. The chief
11 shall, by regulation, require the application for a home inspector
12 license to include the applicant’s social security number or
13 individual taxpayer identification number. In adopting these
14 regulations, the chief shall consider and promote the requisite skills
15 and qualifications necessary for a licensee to provide safe and
16 effective services to the public.

17 (b) The chief shall prescribe by regulation equivalent courses
18 and equivalent experience to implement this section.

19 (c) In evaluating the experience of any applicant for a license,
20 regardless of the number of hours required of that applicant, the
21 chief shall apply the same standards to the experience of all
22 applicants.

23 (d) The bureau shall issue a license, the form and content of
24 which shall be determined by the chief in accordance with Section
25 164. In addition, the bureau shall issue a “Certificate of Licensure”
26 to any licensee , upon request and upon payment of any fees as
27 provided in this chapter.

28 (e) The bureau shall not issue a license to an applicant who is
29 less than 18 years of age or does not possess a high school diploma.

30 7195.5. The chief shall adopt regulations governing the
31 imposition of any conditions on the maintenance of a home
32 inspector license once issued, which shall include, but not be
33 limited to, continuing education, minimal financial or insurance
34 requirements, and any license maintenance requirements of the
35 National Home Inspector Certification Council and California Real
36 Estate Inspection Association. In adopting these regulations, the
37 chief shall consider and promote the requisite skills and
38 qualifications necessary for a licensee to provide safe and effective
39 services to the public.

1 7195.7. (a) A license issued under this chapter shall expire
2 two years from the last day of the month in which the license is
3 issued, or two years from the date on which the renewed license
4 last expired.

5 (b) (1) An expired license may be renewed upon the filing of
6 an application for renewal and payment of the renewal fee within
7 30 days after its expiration.

8 (2) If a license is renewed more than 30 days after its expiration,
9 the licensee, as a condition prior to renewal, shall also pay the late
10 delinquency fee as set forth in this chapter.

11 (3) A license that has expired and has not been renewed for a
12 period of 12 months shall be terminated.

13 (c) The bureau shall establish by regulation the form and content
14 of the license renewal and provisions for the voluntary inactivation
15 of a license.

16

17

Article 4. Revenue

18

19 7196. (a) The Home Inspectors License Fund is hereby
20 established within the State Treasury. Moneys in the fund shall be
21 used, upon appropriation by the Legislature, by the department for
22 the administration of this chapter.

23 (b) All moneys, including fines or penalties imposed under this
24 chapter, collected pursuant to this chapter shall be deposited into
25 the fund.

26 7196.5. The bureau may set reasonable fees by regulation.
27 These fees shall be set according to the following schedule:

28 (a) The fee for an application for an original home inspector
29 license shall not exceed one hundred seventy-five dollars (\$175).

30 (b) The fee for the renewal of a home inspector license shall
31 not exceed seventy-five dollars (\$75).

32 (c) The fee for a certificate of licensure shall not exceed
33 twenty-five dollars (\$25).

34 (d) The fee for inactive status shall not exceed twenty-five
35 dollars (\$25).

36 (e) The delinquency fee for reactivation of an expired license
37 shall not exceed 50 percent of the renewal fee in effect on the date
38 of expiration.

39 (f) The replacement fee for a lost or destroyed certificate of
40 license shall not exceed ten dollars (\$10).

1 Article 5. Disciplinary Proceedings

2
3 7197. (a) The chief may upon their own motion or through a
4 designee, and shall upon the verified complaint in writing of any
5 person, investigate the actions of any applicant for a home inspector
6 license or a home inspector within the state. The chief may deny
7 the licensure or the renewal of licensure of, or cite, temporarily
8 suspend, or permanently revoke any license, if the applicant or
9 licensee commits any one or more of the acts or omissions
10 constituting causes for disciplinary action in this chapter.

11 (b) For the purposes of this section, with respect to
12 administrative proceedings or hearings to suspend or revoke a
13 home inspector license, the chief at all times shall have the burden
14 of proof to establish by clear and convincing evidence that they
15 are entitled to the relief sought in the petition.

16 7197.1. (a) A complaint against a licensee alleging commission
17 of any patent acts or omissions that may be grounds for legal action
18 shall be filed in writing with the chief within four years after the
19 act or omission alleged as the ground for the disciplinary action.

20 (b) The proceedings under this article shall be conducted in
21 accordance with the provisions of Chapter 5 (commencing with
22 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
23 Code, and the chief shall have all the powers granted therein.

24 7197.2. The decision may:

25 (a) Provide for the immediate complete suspension by the
26 licensee of all operations as a home inspector during the period
27 fixed by the decision.

28 (b) Impose upon the licensee compliance with such specific
29 conditions as may be just in connection with the licensee's
30 operations as a home inspector disclosed at the hearing and may
31 further provide that until such conditions are complied with, no
32 application for restoration of the suspended or revoked license
33 shall be accepted by the bureau.

34 7197.5. If, upon investigation, the chief has probable cause to
35 believe that a licensee, or an applicant for a license under this
36 chapter, has committed any acts or omissions which are grounds
37 for denial, revocation, or suspension of license, the chief may, in
38 lieu of proceeding pursuant to this article, issue a citation to the
39 licensee or applicant. Each citation shall be in writing and shall
40 describe with particularity the nature of the violation, including a

1 reference to the provisions alleged to have been violated. In
2 addition, each citation may contain an order of correction fixing
3 a reasonable time for correction of the violation or an order, against
4 the licensee only, for payment of a specified sum to an injured
5 party in lieu of correction, and may contain an assessment of a
6 civil penalty.

7 7197.7. (a) Any licensee or applicant for licensure served with
8 a citation pursuant to Section 7197.5, may appeal to the chief
9 within 15 working days from service of the citation with respect
10 to violations alleged by the chief, correction periods, amount of
11 penalties, and the reasonableness of the change required by the
12 chief to correct the condition.

13 (b) If a licensee or applicant for licensure notifies the chief that
14 they intend to contest a citation issued under Section 7197.5, the
15 chief shall afford an opportunity for a hearing. The chief shall
16 thereafter issue a decision, based on findings of fact, affirming,
17 modifying, or vacating the citation or penalty, or directing other
18 appropriate relief. The proceedings under this section shall be
19 conducted in accordance with the provisions of Chapter 5
20 (commencing with Section 11500) of Part 1 of Division 3 of Title
21 2 of the Government Code, and the chief shall have all the powers
22 granted therein.

23 7197.9. A willful departure in any material respect of a home
24 inspector who is not licensed as a general contractor, structural
25 pest control operator, or architect, or registered as a professional
26 engineer, from accepted standards of practice and codes of ethics
27 of the California Real Estate Inspection Association, the American
28 Society of Home Inspectors, or other nationally recognized
29 professional home inspection associations constitutes a cause for
30 disciplinary action.

31

32 Article 6. Operative Date

33

34 7197.12. This chapter shall become operative on January 1,
35 2023.

36 SEC. 8. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O

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

Status/History: 3/4/2021 – Referred to Assembly Committee on Governmental Organization

Location: 3/4/2021 – Assembly Committee on Governmental Organization

Introduced: 2/19/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

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

This bill has not yet been scheduled for hearing. Three other bills introduced this session (AB 29, AB 339, and AB 885) also propose to make various changes to the Bagley-Keene Open Meeting Act.

Staff Recommendation: Staff recommends that the Board take a “watch” position on AB 1291.

ASSEMBLY BILL

No. 1291

Introduced by Assembly Member Frazier

February 19, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

O

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

Status: 3/11/2021 – Referred to Assembly Committee on Business and Professions.

Location: 3/11/2021 – Assembly Committee on Business and Professions

Introduced: 2/19/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

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

The wording proposed in this bill is identical to AB 2631 from the 2020 legislative session; AB 2631 did not move forward last year due to the need to prioritize bills in response to the COVID-19 pandemic. At its March 12, 2020, meeting, the Board took a position of “Watch” on this bill. However, the Board also authorized a change to “Oppose Unless Amended” if the bill is amended to require the Board to waive “any and all fees associated with obtaining a license” because the Board is concerned with who would be responsible for paying pass-through fees, such as those owed to the Department of Justice to conduct criminal background checks or ASBOG for the national geology examinations.

Two other bills introduced this session (AB 107 and AB 225) also propose to make various changes to the laws pertaining to licensure for military spouses.

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

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Cunningham

February 19, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as 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 requires a board to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and provides evidence that they are married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

This bill would prohibit a board from charging an initial or original license 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:

1 115.5. (a) A board within the department shall expedite the
2 licensure process for an applicant who meets both of the following
3 requirements:

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

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

12 *(b) A board shall not charge an applicant who meets the*
13 *requirements in subdivision (a) an initial or original license fee.*

14 ~~(b)~~

15 (c) A board may adopt regulations necessary to administer this
16 section.

O

SB 102 (Melendez, R-Murrieta)

(Coauthors: Senators Bates, R-Laguna Niguel; Grove, R-Bakersfield; and Jones, R-Santee)

(Coauthors: Assembly Members Choi, R-Irvine; Gallagher, R-Yuba City; Mathis, R-Visalia; and Seyarto, R-Murrieta)

COVID-19 emergency order violation: license revocation.

Status/History: 3/17/2021 – From committee with author's amendments. Read second time and amended. Re-referred to the Senate Committee on Business, Professions & Economic Development. Scheduled to be heard 3/22/2021.

Location: 3/17/2021 – Senate Committee on Business, Professions & Economic Development

Introduced: 12/30/2020

Last Amended: 3/17/2021

Board Position: No position

Board Staff Analysis: 3/19/2021

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

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

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

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

could still impose fines or penalties, including revocation, against licensees for violations unrelated to the COVID-19 orders; and would contain a sunset provision that the law would remain in effect until such time as the state of emergency is terminated or the orders lifted or until January 1, 2024, whichever occurs first.

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

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

Assembly Bill 54 proposes to make similar changes as this bill but has not yet been set for hearing.

Staff Recommendation: Staff recommends that the Board take a position of “watch” on SB 102.

AMENDED IN SENATE MARCH 17, 2021

AMENDED IN SENATE FEBRUARY 10, 2021

SENATE BILL

No. 102

Introduced by Senator Melendez

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

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

December 30, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 464.5 is added to the Business and
2 Professions Code, to read:

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

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

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

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

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

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

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

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

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

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

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

26 (b) For the purposes of this section:

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

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

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

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

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

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

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

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

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

O

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

Status/History: 3/22/2021 – Do pass and re-refer to Senate Committee on Appropriations with recommendation to consent calendar. Set for hearing on April 5, 2021.

Location: 3/24/2021 – Senate Committee on Appropriations

Introduced: 2/12/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

Bill Summary: Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and makes it unlawful to practice land surveying without a license, except as specified. Existing law defines "land surveying" for purposes of the act to include, among other things, determining the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry. Existing law makes it a misdemeanor to practice land surveying without legal authorization.

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

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

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

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

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

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

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

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

This bill passed the Senate Committee on Business, Professions & Economic Development on March 22, 2021.

Staff Recommendation: Staff recommends that the Board take a position of "oppose" on SB 407.

Introduced by Senator ArchuletaFebruary 12, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs. Existing law, the Professional Land Surveyors' Act, vests the board with the power to administer its provisions relating to the licensure and regulation of land surveyors. Existing law defines "land surveying" for purposes of the act to include, among other things, determining the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry. Existing law makes it a misdemeanor to practice land surveying without legal authorization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O

SB 414 (Jones, R-Santee)
Land.

Status/History: 3/22/2021 – Do pass and re-refer to Senate Committee on Governance & Finance with recommendation to consent calendar.

Location: 3/24/2021 – Senate Committee on Governance & Finance

Introduced: 2/12/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

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

...

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

This language was provided to the sponsors. However, before further discussions could occur, staff was advised that the bill would not be moving forward during the 2020 legislative session due to the need to prioritize bills because of the COVID-19 pandemic.

This bill passed the Senate Committee on Business, Professions & Economic Development on March 22, 2021.

Staff Recommendation: Staff recommends that the Board take a position of “oppose unless amended” on SB 414 and request that the bill be amended to use the recommended language shown above as the definition of “cadastral surveying.”

Introduced by Senator JonesFebruary 12, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

SB 414, as 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) The Subdivision Map Act authorizes a subdivider, or any tenant of the subject property in specified circumstances, to appeal from an action of the advisory agency relating to a tentative map to the appeal board or legislative body, as specified, and provides for the appeal from the decision of the appeal board to the legislative body. The act further authorizes any interested person adversely affected by a decision of the

advisory agency or appeal board to appeal the decision with the legislative body. Existing law requires a hearing to be held after an appeal is filed pursuant to those provisions within 30 days after the request is filed by the appellant.

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

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

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

1 SECTION 1. Section 8726 of the Business and Professions
2 Code is amended to read:

3 8726. (a) A person, including any person employed by the
4 state or by a city, county, or city and county within the state,
5 practices land surveying within the meaning of this chapter who,
6 either in a public or private capacity, does or offers to do any one
7 or more of the following:

8 (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.

17 (c)

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

21 (d)

22 (4) Makes any survey for the subdivision or resubdivision of
23 any tract of land. For the purposes of this subdivision, the term
24 "subdivision" or "resubdivision" shall be defined to include, but
25 not be limited to, the definition in the Subdivision Map Act
26 (Division 2 (commencing with Section 66410) of Title 7 of the
27 Government Code) or the Subdivided Lands Law (Chapter 1
28 (commencing with Section 11000) of Part 2 of Division 4 of this
29 code).

1 ~~(e)~~
2 (5) By the use of the principles of land surveying determines
3 the position for any monument or reference point ~~which~~ *that* marks
4 a property line, boundary, or corner, or sets, resets, or replaces any
5 monument or reference point.

6 ~~(f)~~
7 (6) Geodetic or cadastral surveying. As used in this ~~chapter,~~
8 *geodetic chapter:*

9 (A) *Geodetic* surveying means performing surveys, in which
10 account is taken of the figure and size of the earth to determine or
11 predetermine the horizontal or vertical positions of fixed objects
12 thereon or related thereto, geodetic control points, monuments, or
13 stations for use in the practice of land surveying or for stating the
14 position of fixed objects, geodetic control points, monuments, or
15 stations by California Coordinate System coordinates.

16 (B) *Cadastral surveying* means a survey that creates, marks,
17 defines, retraces, or reestablishes the boundaries and subdivisions
18 of the public land of the United States, or any other field survey
19 of a cadaster that is a public record, survey, or map of the extent
20 and ownership of land.

21 ~~(g)~~
22 (7) Determines the information shown or to be shown on any
23 map or document prepared or furnished in connection with any
24 one or more of the functions described in ~~subdivisions (a), (b), (c),~~
25 ~~(d), (e), and (f).~~ *paragraphs (1) to (6), inclusive.*

26 ~~(h)~~
27 (8) Indicates, in any capacity or in any manner, by the use of
28 the title “land surveyor” or by any other title or by any other
29 representation that ~~he or she practices or offers~~ *they practice or*
30 *offer* to practice land surveying in any of its branches.

31 ~~(i)~~
32 (9) Procures or offers to procure land surveying work for
33 ~~himself, herself, themselves~~ or others.

34 ~~(j)~~
35 (10) Manages, or conducts as manager, proprietor, or agent, any
36 place of business from which land surveying work is solicited,
37 performed, or practiced.

38 ~~(k)~~

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

4 ~~(f)~~

5 (12) Determines the information shown or to be shown within
6 the description of any deed, trust deed, or other title document
7 prepared for the purpose of describing the limit of real property
8 in connection with any one or more of the functions described in
9 subdivisions ~~(a) to (f)~~, paragraphs (1) to (6), inclusive.

10 ~~(m)~~

11 (13) Creates, prepares, or modifies electronic or computerized
12 data in the performance of the activities described in ~~subdivisions~~
13 ~~(a), (b), (c), (d), (e), (f), (k), and (l)~~. paragraphs (1), (2), (3), (4),
14 (5), (6), (11), and (12).

15 ~~(n)~~

16 (14) Renders a statement regarding the accuracy of maps or
17 measured survey data.

18 ~~Any~~

19 (b) Any department or agency of the state or any city, county,
20 or city and county that has an unregistered person in responsible
21 charge of land surveying work on January 1, 1986, shall be exempt
22 from the requirement that the person be licensed as a land surveyor
23 until the person currently in responsible charge is replaced.

24 ~~The~~

25 (c) The review, approval, or examination by a governmental
26 entity of documents prepared or performed pursuant to this section
27 shall be done by, or under the direct supervision of, a person
28 authorized to practice land surveying.

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

31 8764. (a) The record of survey shall show the applicable
32 provisions of the following consistent with the purpose of the
33 survey:

34 ~~(a)~~

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

38 ~~(b)~~

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

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

4 (d)
5 (4) The relationship to those portions of adjacent tracts, streets,
6 or senior conveyances ~~which~~ *that* have common lines with the
7 survey.

8 (e)
9 (5) Memorandum of oaths.

10 (f)
11 (6) Statements required by Section 8764.5.

12 (g)
13 (7) Any other ~~data~~ *data, in graphic or narrative form*, necessary
14 for the intelligent interpretation of the various items and locations
15 of the points, lines, and areas shown, or convenient for the
16 identification of the survey or surveyor, as may be determined by
17 the civil engineer or land surveyor preparing the record of survey.

18 ~~The~~
19 (b) *The* record of survey shall also show, either graphically or
20 by note, the reason or reasons, if any, why the mandatory filing
21 provisions of paragraphs (1) to (5), inclusive, of subdivision (b)
22 of Section 8762 apply.

23 ~~The~~
24 (c) *The* record of survey need not consist of a survey of an entire
25 property.

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

28 8780. (a) The board may, upon its own initiative or upon the
29 receipt of a complaint, investigate the actions of any land surveyor
30 licensed under this chapter or any civil engineer licensed under
31 the provisions of Chapter 7 (commencing with Section 6700) who
32 is legally authorized to practice land surveying and make findings
33 thereon.

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

- 1 ~~(a)~~
2 (1) Any fraud, deceit, or misrepresentation in ~~his or her~~ *their*
3 practice of land surveying.
4 ~~(b)~~
5 (2) Any negligence ~~or incompetence in his or her~~ *in their*
6 practice of land surveying.
7 (3) *Any incompetence in their practice of land surveying.*
8 ~~(c)~~
9 (4) Any fraud or deceit in obtaining ~~his or her~~ *their* license.
10 ~~(d)~~
11 (5) Any violation of any provision of this chapter or of any other
12 law relating to or involving the practice of land surveying.
13 ~~(e)~~
14 (6) Any conviction of a crime substantially related to the
15 qualifications, functions, and duties of a land surveyor. The record
16 of the conviction shall be conclusive evidence thereof.
17 ~~(f)~~
18 (7) Aiding or abetting any person in the violation of any
19 provision of this chapter or any regulation adopted by the board
20 pursuant to this chapter.
21 ~~(g)~~
22 (8) A breach or violation of a contract to provide land surveying
23 services.
24 ~~(h)~~
25 (9) A violation in the course of the practice of land surveying
26 of a rule or regulation of unprofessional conduct adopted by the
27 board.
28 SEC. 4. Section 66452.5 of the Government Code is amended
29 to read:
30 66452.5. (a) (1) The subdivider, or any tenant of the subject
31 property, in the case of a proposed conversion of residential real
32 property to a condominium project, community apartment project,
33 or stock cooperative project, may appeal from any action of the
34 advisory agency with respect to a tentative map to the appeal board
35 established by local ordinance or, if none, to the legislative body.
36 (2) The appeal shall be filed with the clerk of the appeal board,
37 or if there is none, with the clerk of the legislative body within 10
38 days after the action of the advisory agency from which the appeal
39 is being taken.

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

12 (b) (1) The subdivider, any tenant of the subject property, in
13 the case of a conversion of residential real property to a
14 condominium project, community apartment project, or stock
15 cooperative project, or the advisory agency may appeal from the
16 action of the appeal board to the legislative body. The appeal shall
17 be filed in writing with the clerk of the legislative body within 10
18 days after the action of the appeal board from which the appeal is
19 being taken.

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

30 (c) (1) If there is an appeal board and it fails to act upon an
31 appeal within the time limit specified in this chapter, the decision
32 from which the appeal was taken shall be deemed affirmed and an
33 appeal therefrom may thereupon be taken to the legislative body
34 as provided in subdivision (b) of this section. If no further appeal
35 is taken, the tentative map, insofar as it complies with applicable
36 requirements of this division and any local ordinance, shall be
37 deemed approved or conditionally approved as last approved or
38 conditionally approved by the advisory agency, and it shall be the
39 duty of the clerk of the legislative body to certify or state that
40 approval, or if the advisory agency is one ~~which~~ *that* is not

1 authorized by local ordinance to approve, conditionally approve,
2 or disapprove the tentative map, the advisory agency shall submit
3 its report to the legislative body as if no appeal had been taken.

4 (2) If the legislative body fails to act upon an appeal within the
5 time limit specified in this chapter, the tentative map, insofar as it
6 complies with applicable requirements of this division and any
7 local ordinance, shall be deemed to be approved or conditionally
8 approved as last approved or conditionally approved, and it shall
9 be the duty of the clerk of the legislative body to certify or state
10 that approval.

11 (d) (1) Any interested person adversely affected by a decision
12 of the advisory agency or appeal board may file an appeal with
13 the legislative body concerning any decision of the advisory agency
14 or appeal board. The appeal shall be filed with the clerk of the
15 legislative body within 10 days after the action of the advisory
16 agency or appeal board that is the subject of the appeal. Upon the
17 filing of the appeal, the legislative body shall set the matter for
18 hearing. The hearing shall be held within ~~30~~ 45 days after the date
19 of a request filed by the subdivider or the appellant. If there is no
20 regular meeting of the legislative body within the next ~~30~~ 45 days
21 for which notice can be given pursuant to Section 66451.3, the
22 appeal may be heard at the next regular meeting for which notice
23 can be given, or within 60 days from the date of the receipt of the
24 request, whichever period is shorter. The hearing may be a public
25 hearing for which notice shall be given in the time and manner
26 provided.

27 (2) Upon conclusion of the hearing, the legislative body shall,
28 within 10 days, declare its findings based upon the testimony and
29 documents produced before it or before the advisory board or the
30 appeal board. The legislative body may sustain, modify, reject, or
31 overrule any recommendations or rulings of the advisory board or
32 the appeal board and may make any findings that are not
33 inconsistent with the provisions of this chapter or any local
34 ordinance adopted pursuant to this chapter.

35 (e) Each decision made pursuant to this section shall be
36 supported by findings that are consistent with the provisions of
37 this division and any local ordinance adopted pursuant to this
38 division.

39 (f) Notice of each hearing provided for in this section shall be
40 sent by United States mail to each tenant of the subject property,

1 in the case of a conversion of residential real property to a
2 condominium project, community apartment project, or stock
3 cooperative project, at least three days prior to the hearing. The
4 notice requirement of this subdivision shall be deemed satisfied if
5 the notice complies with the legal requirements for service by mail.
6 Pursuant to Section 66451.2, fees may be collected from the
7 subdivider or from persons appealing or filing an appeal for
8 expenses incurred under this section.

O

SB 772 (Ochoa Bogh, R-Rancho Cucamonga; Coauthor: Borgeas, R-Fresno)
Professions and vocations: citations: minor violations.

Status/History: 3/16/2021 – Set for hearing in Senate Committee on Business, Professions & Economic Development on April 19, 2021.

Location: 3/3/2021 – Senate Committee on Business, Professions & Economic Development

Introduced: 2/19/2021

Board Position: No position

Board Staff Analysis: 3/24/2021

Bill Summary: Existing law authorizes any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

Affected Laws: An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: Section 125.9 authorizes the Board to establish by regulation a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine where the licensee is in violation of the applicable licensing act or associated regulations. Section 125.9 specifies certain provisions that such a system must contain. It specifically indicates that the maximum amount of the fine shall not exceed \$5,000 per violation and requires that, in assessing the amount of the fine, due consideration is to be given to such factors as the gravity of the violation, the good faith effort of the licensee, and the history of previous violations.

This bill would add language that would prohibit the assessment of an administrative fine if the violation is a “minor violation,” as defined. The language, with the conditions that would require a violation to be considered “minor,” is as follows:

(f) A licensee shall not be assessed an administrative fine for a violation of the applicable licensing act or any regulation adopted pursuant to the act if the violation is a minor violation. A violation shall be considered minor if all of the following conditions are satisfied:

- (1) The violation did not pose a serious health or safety threat.
- (2) There is no evidence that the violation was willful.
- (3) The licensee was not on probation at the time of the violation.
- (4) The licensee does not have a history of committing the violation.
- (5) The licensee corrects the violation within 30 days from the date notice of the violation is sent to the licensee.

The Board has adopted regulations to establish a system for the issuance of citations to licensees. Those regulations provide that the citation may contain an order to pay an administrative fine, and if it does, then the amount of the fine shall be between \$50 and \$5,000 per violation. Furthermore, the Board's regulations specify issues that must be considered in determining the amount of the fine.

Citations are usually issued for less serious (minor) violations, while cases involving more serious violations are referred for formal disciplinary action. Citations do not carry the same penalty weight as formal disciplinary actions, which can result in the suspension or revocation of the license. The licensure laws were created to protect the "health, safety, and welfare of the public," and violations of the laws are threats to the health, safety, and welfare of the public. One way to address violations, especially the less serious ones, and still protect the health, safety, and welfare of the public, is to issue citations containing orders to pay administrative fines to licensees who violate the laws. Issuing a citation puts the licensee on notice of the violation so that they will understand the requirements of the law and ensure they comply in the future; including as a penalty the requirement to pay a fine also helps to reinforce this. Section 125.9 already requires the consideration of the "gravity of the violation," the "good faith" of the subject, and the "history of previous violations" in determining the appropriate amount of the fine if one is to be assessed. These provisions allow the Board discretion in determining whether to issue a citation containing an order to pay a fine and the amount of the fine to be assessed by basing the determination on the specific facts of the case. This bill would prevent the Board from exercising its own judgment as to the appropriate penalty and, therefore, would interfere with the Board's ability to protect the health, safety, and welfare of the public.

This bill was originally scheduled for hearing in the Senate Committee on Business, Professions & Economic Development on March 22, 2021; however, that hearing was cancelled by the author. The bill is now scheduled to be heard on April 19, 2021.

Staff Recommendation: Staff recommends that the Board take a position of "oppose" on SB 772.

**Introduced by Senator Ochoa Bogh
(Coauthor: Senator Borgeas)**

February 19, 2021

An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 772, as introduced, Ochoa Bogh. Professions and vocations: citations: minor violations.

Existing law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

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

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

- 1 SECTION 1. Section 125.9 of the Business and Professions
- 2 Code is amended to read:
- 3 125.9. (a) Except with respect to persons regulated under
- 4 Chapter 11 (commencing with Section 7500), any board, bureau,
- 5 or commission within the department, the State Board of

1 Chiropractic Examiners, and the Osteopathic Medical Board of
2 California, may establish, by regulation, a system for the issuance
3 to a licensee of a citation which may contain an order of abatement
4 or an order to pay an administrative fine assessed by the board,
5 bureau, or commission where the licensee is in violation of the
6 applicable licensing act or any regulation adopted pursuant thereto.

7 (b) The system shall contain the following provisions:

8 (1) Citations shall be in writing and shall describe with
9 particularity the nature of the violation, including specific reference
10 to the provision of law determined to have been violated.

11 (2) Whenever appropriate, the citation shall contain an order of
12 abatement fixing a reasonable time for abatement of the violation.

13 (3) In no event shall the administrative fine assessed by the
14 board, bureau, or commission exceed five thousand dollars (\$5,000)
15 for each inspection or each investigation made with respect to the
16 violation, or five thousand dollars (\$5,000) for each violation or
17 count if the violation involves fraudulent billing submitted to an
18 insurance company, the Medi-Cal program, or Medicare. In
19 assessing a fine, the board, bureau, or commission shall give due
20 consideration to the appropriateness of the amount of the fine with
21 respect to factors such as the gravity of the violation, the good
22 faith of the licensee, and the history of previous violations.

23 (4) A citation or fine assessment issued pursuant to a citation
24 shall inform the licensee that if the licensee desires a hearing to
25 contest the finding of a violation, that hearing shall be requested
26 by written notice to the board, bureau, or commission within 30
27 days of the date of issuance of the citation or assessment. If a
28 hearing is not requested pursuant to this section, payment of any
29 fine shall not constitute an admission of the violation charged.
30 Hearings shall be held pursuant to Chapter 5 (commencing with
31 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
32 Code.

33 (5) Failure of a licensee to pay a fine or comply with an order
34 of abatement, or both, within 30 days of the date of assessment or
35 order, unless the citation is being appealed, may result in
36 disciplinary action being taken by the board, bureau, or
37 commission. Where a citation is not contested and a fine is not
38 paid, the full amount of the assessed fine shall be added to the fee
39 for renewal of the license. A license shall not be renewed without
40 payment of the renewal fee and fine.

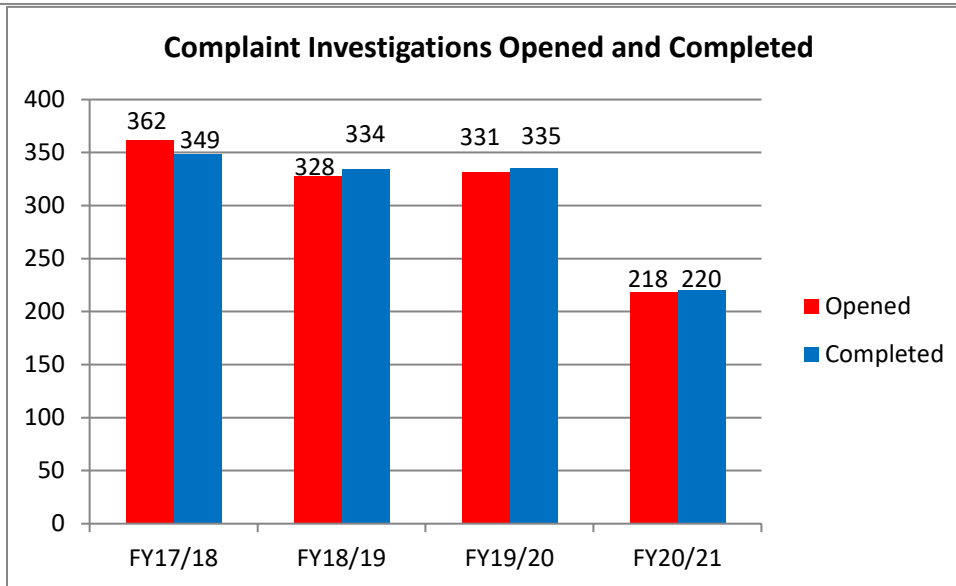
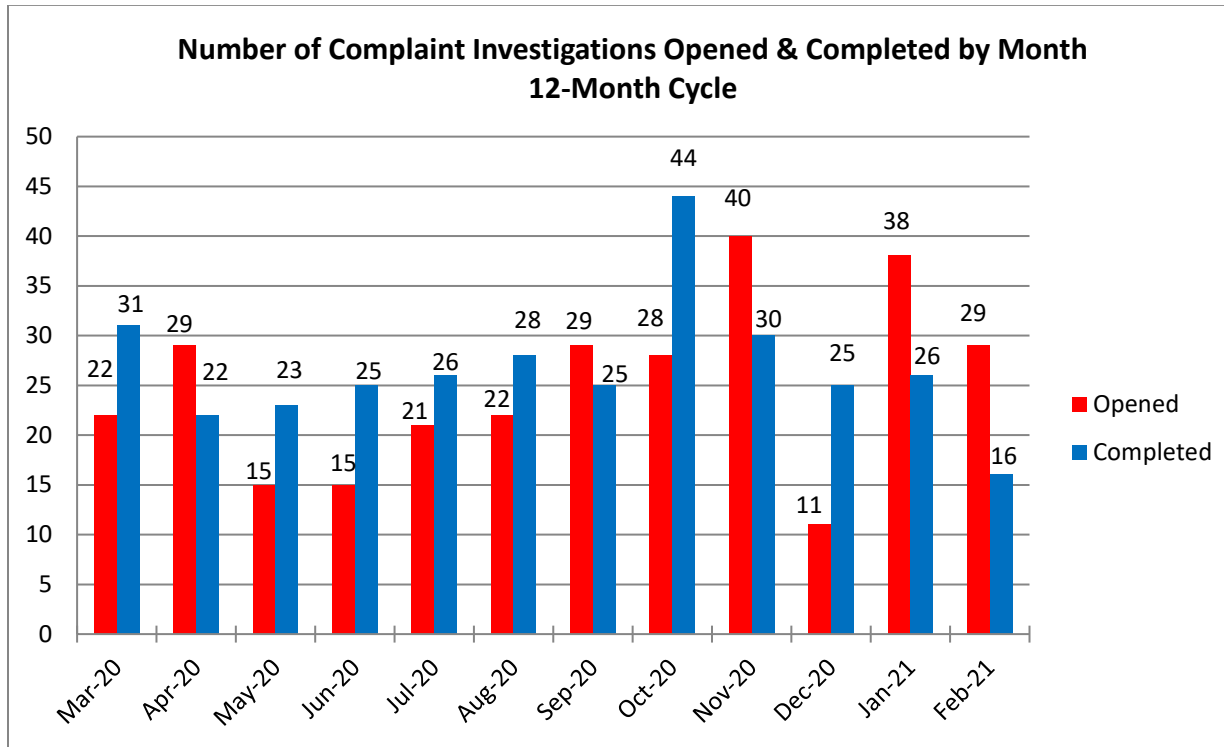
- 1 (c) The system may contain the following provisions:
2 (1) A citation may be issued without the assessment of an
3 administrative fine.
4 (2) Assessment of administrative fines may be limited to only
5 particular violations of the applicable licensing act.
6 (d) Notwithstanding any other provision of law, if a fine is paid
7 to satisfy an assessment based on the finding of a violation,
8 payment of the fine and compliance with the order of abatement,
9 if applicable, shall be represented as satisfactory resolution of the
10 matter for purposes of public disclosure.
11 (e) Administrative fines collected pursuant to this section shall
12 be deposited in the special fund of the particular board, bureau, or
13 commission.
14 (f) *A licensee shall not be assessed an administrative fine for a*
15 *violation of the applicable licensing act or any regulation adopted*
16 *pursuant to the act if the violation is a minor violation. A violation*
17 *shall be considered minor if all of the following conditions are*
18 *satisfied:*
19 (1) *The violation did not pose a serious health or safety threat.*
20 (2) *There is no evidence that the violation was willful.*
21 (3) *The licensee was not on probation at the time of the*
22 *violation.*
23 (4) *The licensee does not have a history of committing the*
24 *violation.*
25 (5) *The licensee corrects the violation within 30 days from the*
26 *date notice of the violation is sent to the licensee.*

VI. Enforcement

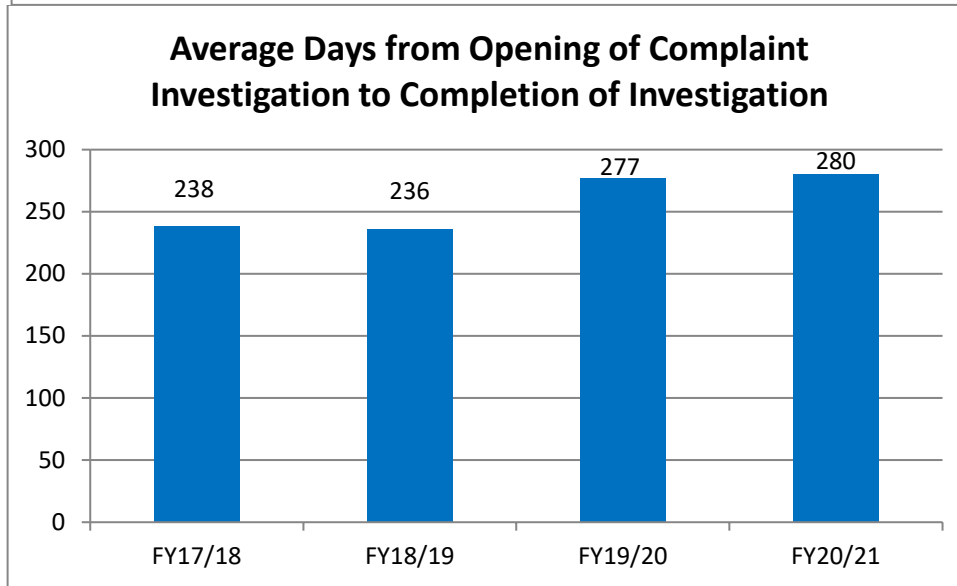
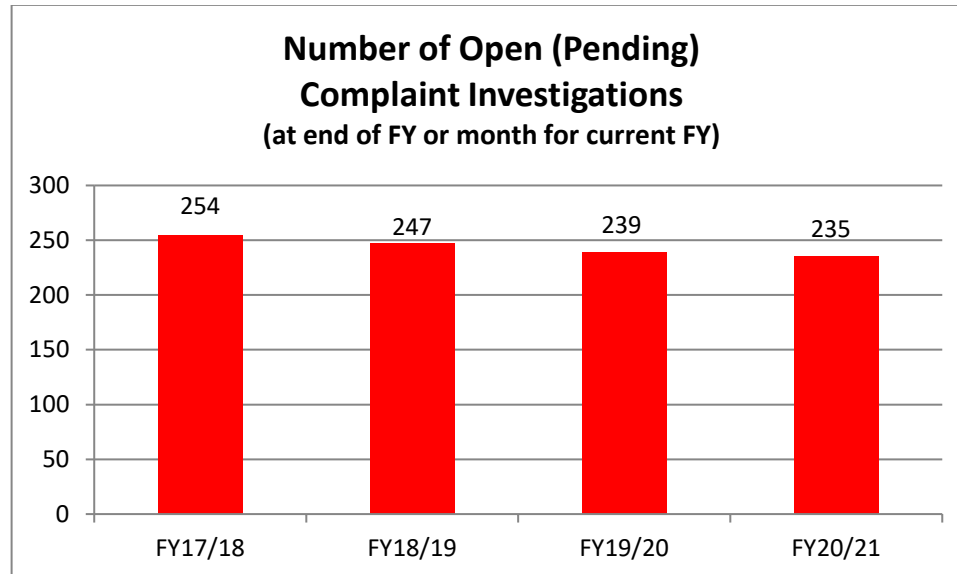
A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

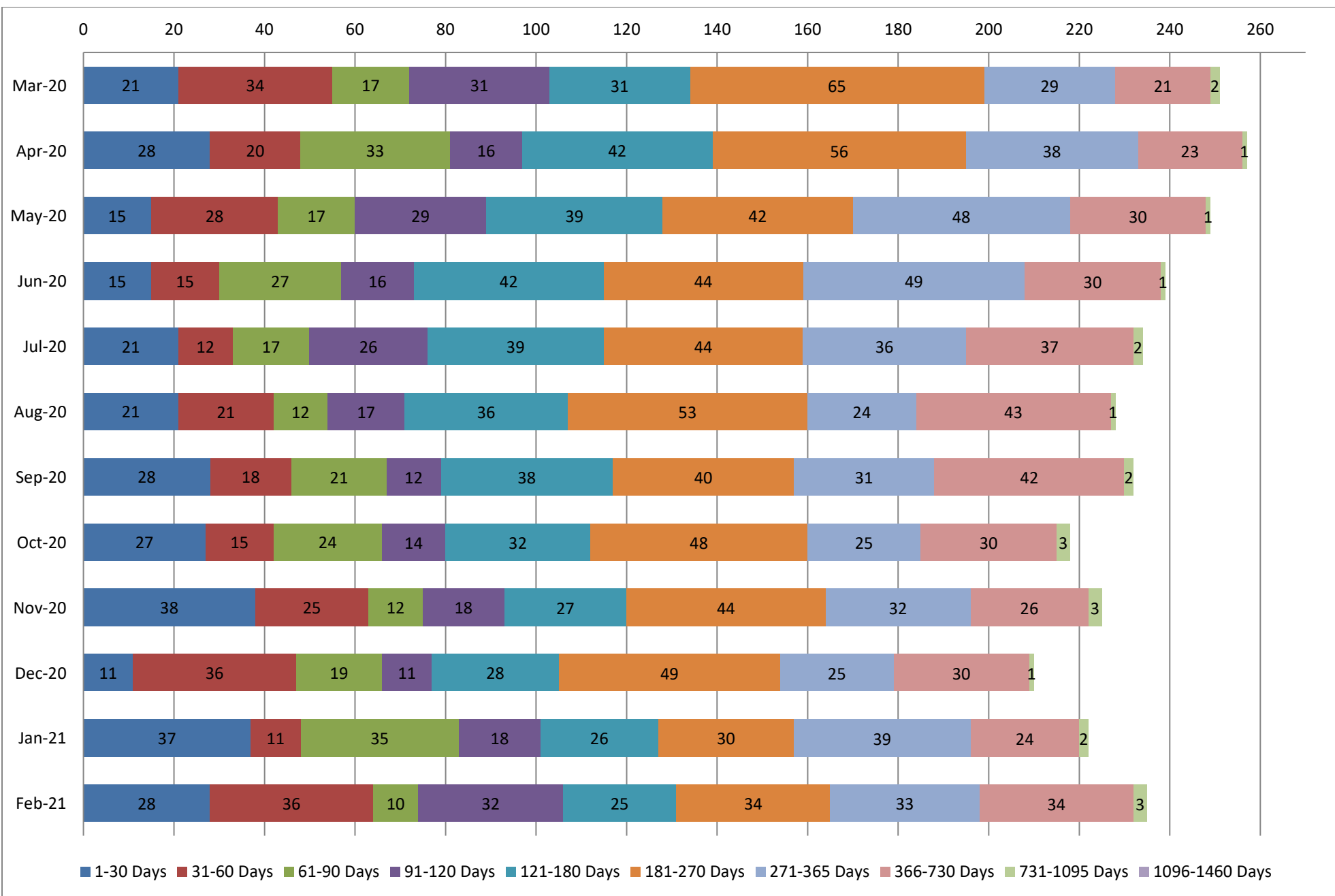
Complaint Investigation Phase

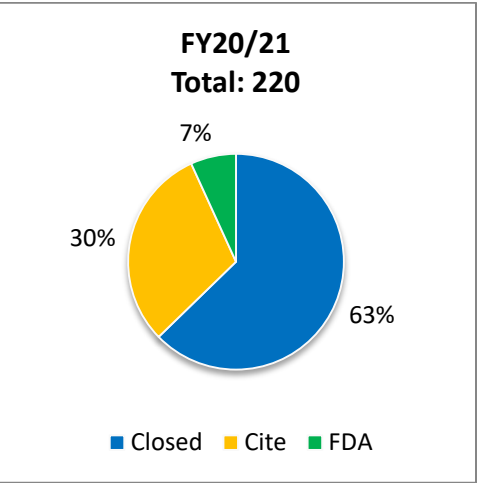
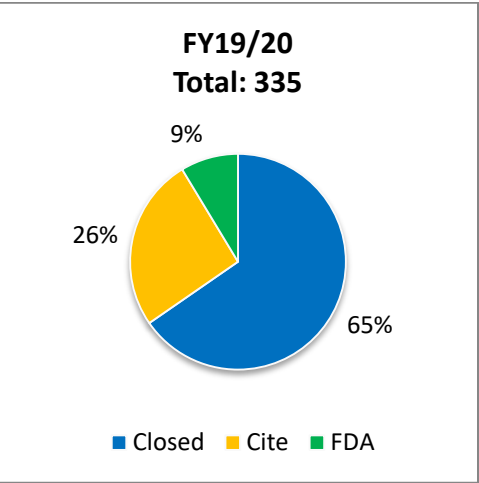
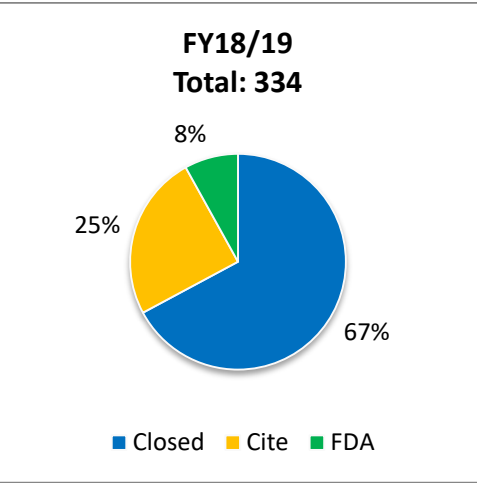
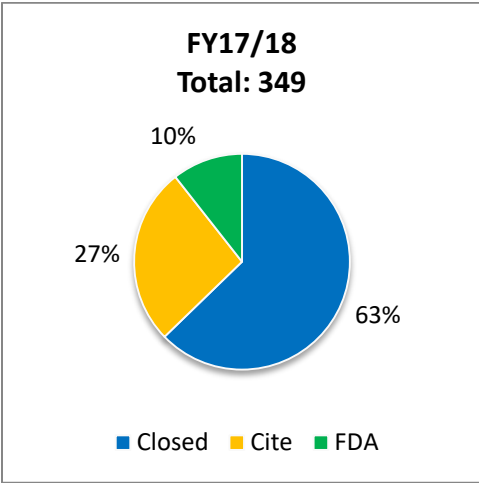
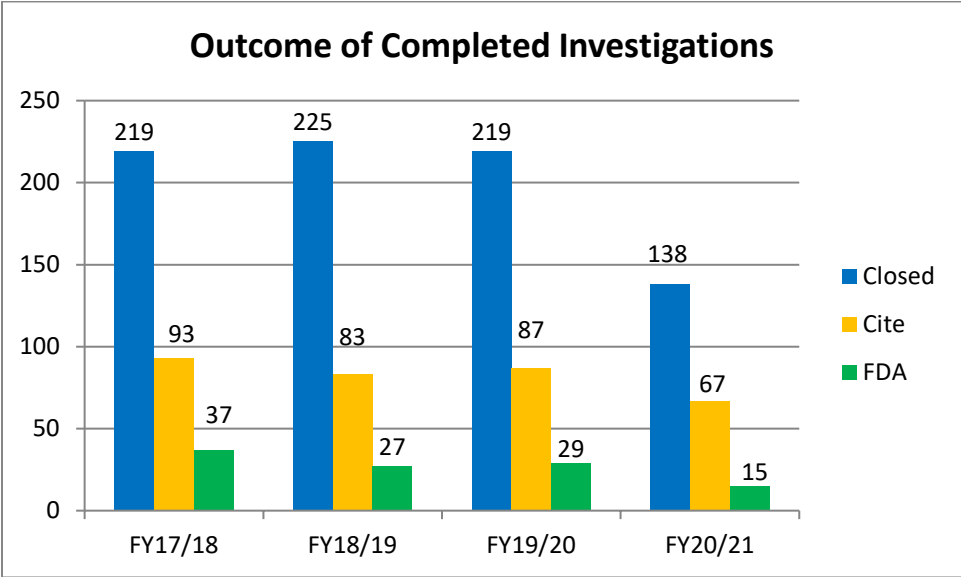


NOTE: FY20/21 statistics are through February 28, 2021



NOTE: FY20/21 statistics are through February 28, 2021





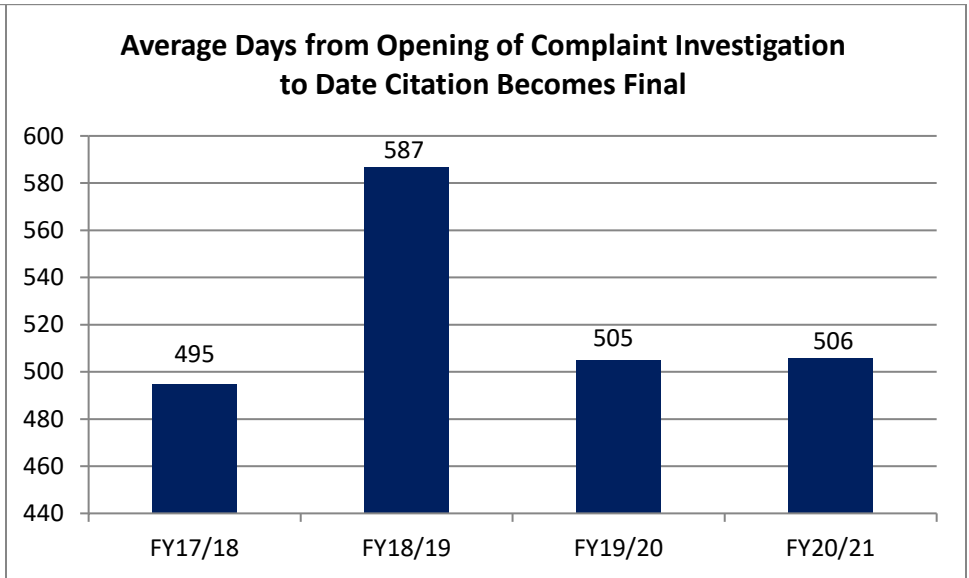
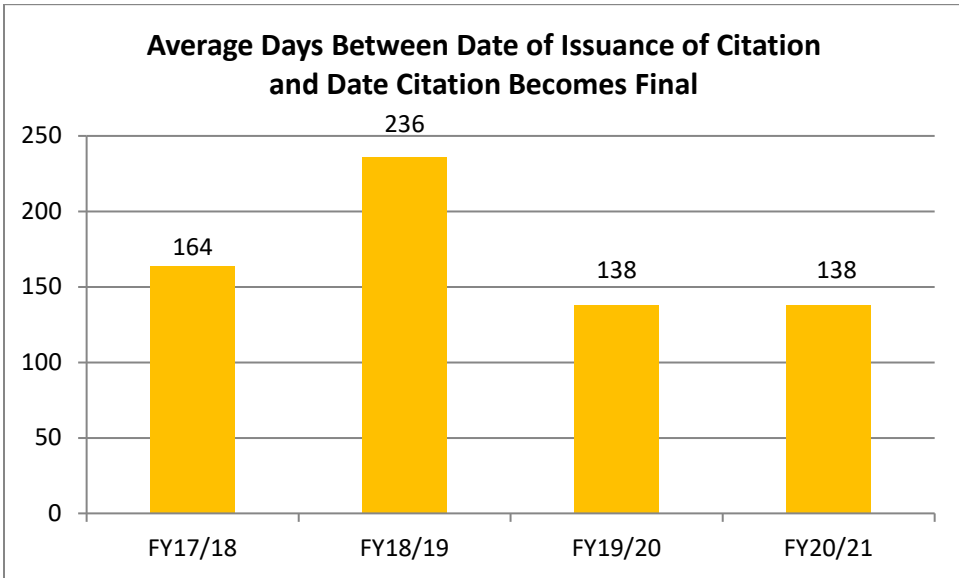
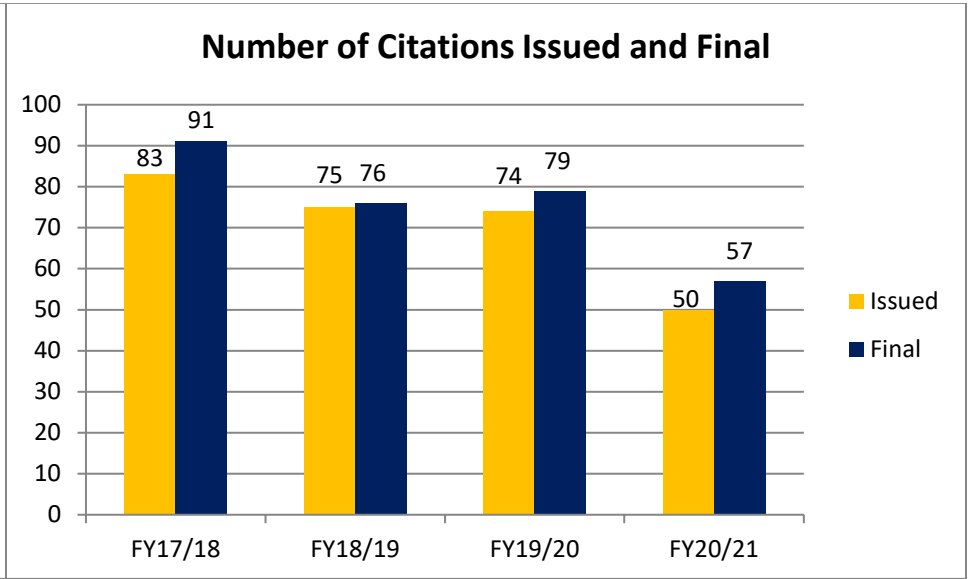
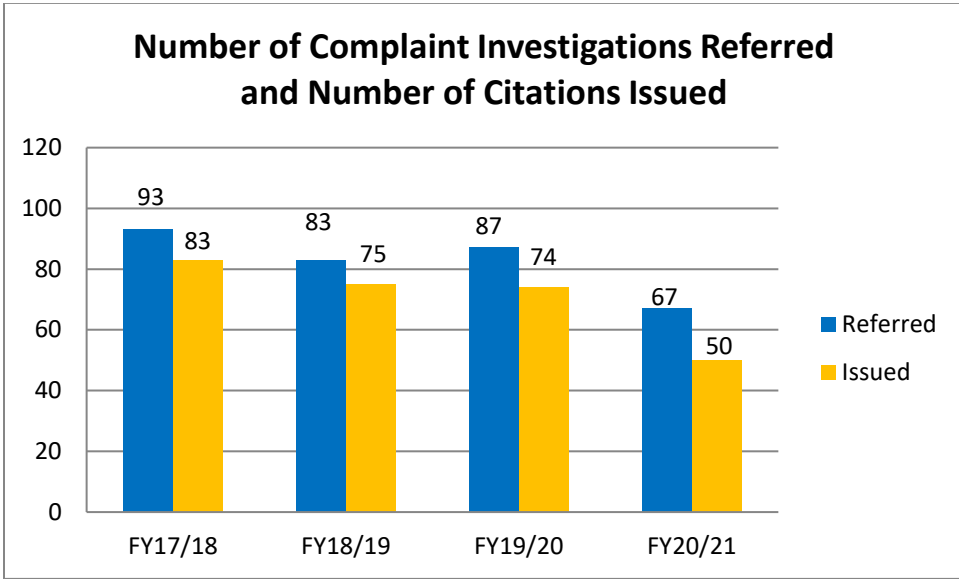
NOTE: FY20/21 statistics are through February 28, 2021

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

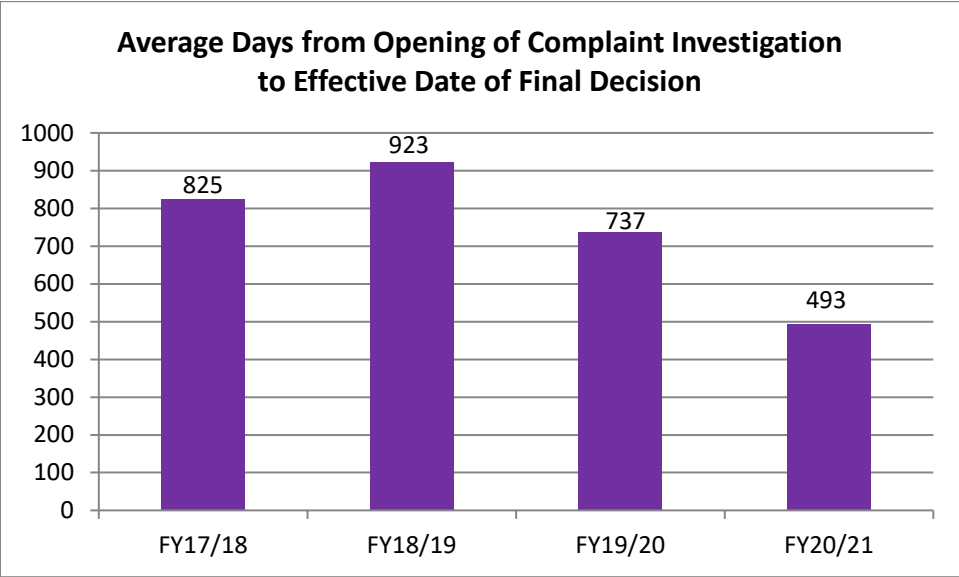
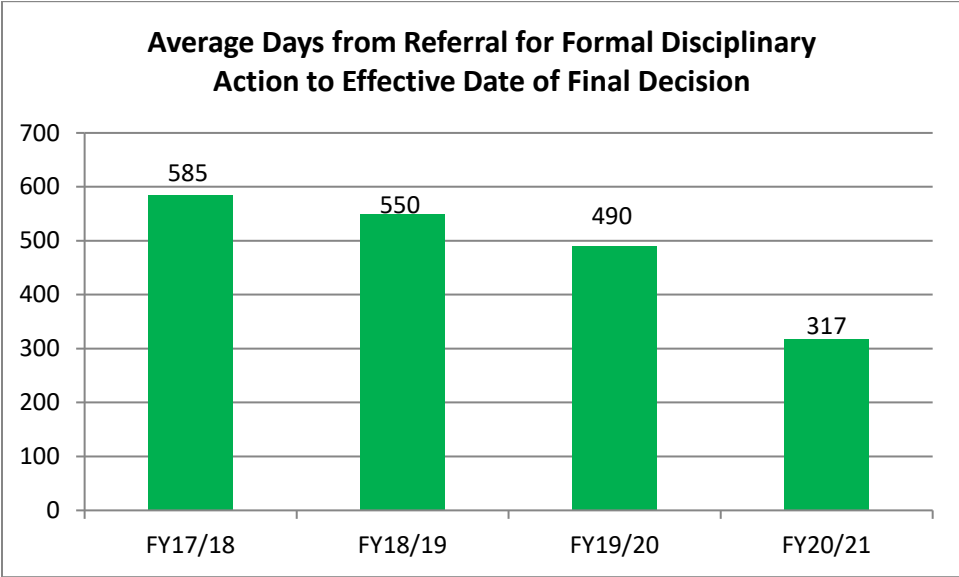
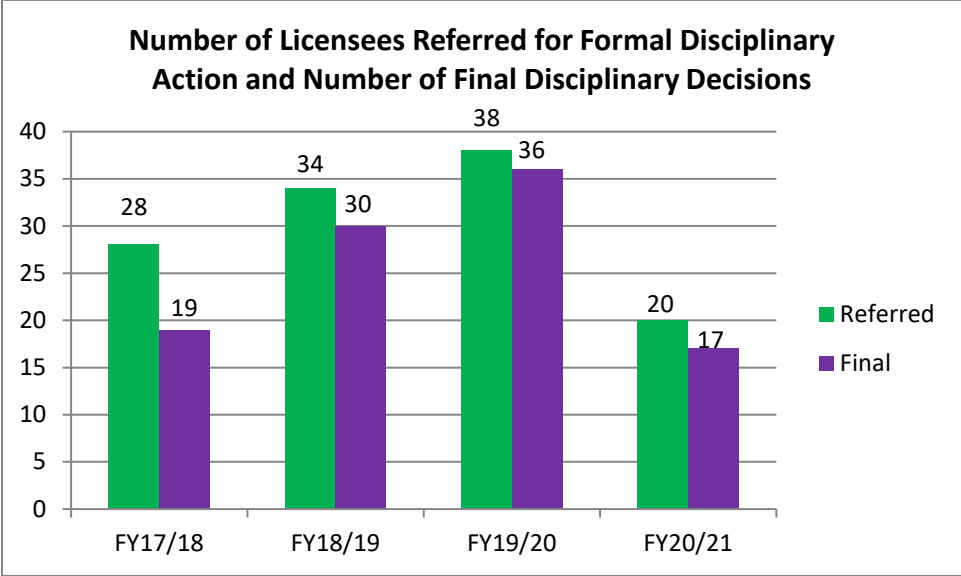
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through February 28, 2021



NOTE: FY20/21 statistics are through February 28, 2021

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
March 2020	22	31
April 2020	29	22
May 2020	15	23
June 2020	15	25
July 2020	21	26
August 2020	22	28
September 2020	29	25
October 2020	28	41
November 2020	40	30
December 2020	11	25
January 2021	38	26
February 2021	29	16

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

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2017/18	362	349
2018/19	328	334
2019/20	331	335
2020/21	218	220

Current Fiscal Year through February 28, 2021

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2017/18	254
2018/19	247
2019/20	239
2020/21	235

Current Fiscal Year through February 28, 2021

Complaint Investigation Phase

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

Fiscal Year	Average Days
2017/18	238
2018/19	236
2019/20	277
2020/21	280

Current Fiscal Year through February 28, 2021

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2017/18	219	63%	93	27%	37	10%
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	138	63%	37	30%	15	7%

Current Fiscal Year through February 28, 2021

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

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

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

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121- 180 Days	181- 270 Days	271- 365 Days	1-2 Years	2-3 Years	3-4 Years
March 2020	21	34	17	31	31	65	29	21	2	0
April 2020	28	20	33	16	42	56	38	23	1	0
May 2020	15	28	17	29	39	42	48	30	1	0
June 2020	15	15	27	16	42	44	49	30	1	0
July 2020	21	12	17	26	39	44	36	37	2	0
August 2020	21	21	12	17	36	53	24	43	1	0
September 2020	28	18	21	12	38	40	31	42	2	0
October 2020	27	15	24	14	32	48	25	30	3	0
November 2020	38	25	12	18	27	44	32	26	3	0
December 2020	11	36	19	11	28	49	25	30	1	0
January 2021	37	11	35	18	26	30	39	24	2	0
February 2021	28	36	10	32	25	34	33	34	3	0

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2017/18	93	83
2018/19	83	75
2019/20	87	74
2020/21	67	50

Current Fiscal Year through February 28, 2021

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2017/18	83	91
2018/19	75	76
2019/20	74	79
2020/21	50	57

Current Fiscal Year through February 28, 2021

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

Fiscal Year	Number of Days
2017/18	164
2018/19	236
2019/20	138
2020/21	138

Current Fiscal Year through February 28, 2021

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

Fiscal Year	Number of Days
2017/18	495
2018/19	587
2019/20	505
2020/21	506

Current Fiscal Year through February 28, 2021

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

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2017/18	28	19
2018/19	34	30
2019/20	38	35
2020/21	20	17

Current Fiscal Year through February 28, 2021

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

Fiscal Year	Number of Days
2017/18	585
2018/19	550
2019/20	490
2020/21	317

Current Fiscal Year through February 28, 2021

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

Fiscal Year	Number of Days
2017/18	825
2018/19	923
2019/20	737
2020/21	493

Current Fiscal Year through February 28, 2021

VII. Exams/Licensing

- A. 2021 Examinations Update
- B. Presentation from Prometric, Inc. Regarding 2021 Civil Engineer Examinations Technical Issues

VIII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Discuss Dates for Strategic Plan Update
- D. Personnel
- E. ABET
- F. Association of State Boards of Geology (ASBOG)
 - 1. Spring 2021 Council of Examiners (COE) Workshop – April 9-10, 2021
- G. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2021 Western Zone Interim Meeting – May 13, 2021 – Voting Delegate
 - 2. 2021 Annual Meeting Update – August 18-21, 2021
- H. Update on Outreach Efforts

Rulemaking Overview

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

- Noticed for 45-day Public Comment period on February 26, 2021.
 - Approved by Agency on February 10, 2021.
 - Budgets approved on November 24, 2020 and forwarded to DCA Legal.
 - Submitted to DCA Budgets October 13, 2020.
 - Submitted for initial (pre-notice) review by DCA Legal on September 5, 2019.
 - Board directed staff to pursue rulemaking proposal on March 1, 2013.

2. Substantial Relationship Criteria and Criteria for Rehabilitation (416, 418, 3060, and 3061).

- Under final review by Office of Administrative Law (OAL).
 - Rulemaking file was transmitted to OAL for final review on December 2, 2020.
 - Agency approved on November 19, 2020.
 - Approved by DCA and sent to Agency on November 9, 2020.
 - Sent to DOF on October 1, 2020.
 - Rulemaking file submitted to DCA for final review on September 4, 2020.
 - Board approved final language and responses to comments on June 25, 2020.
 - 15-Day public comment period ended on May 13, 2020.
 - 45-Day public comment period ended on April 27, 2020.
 - Board approved modified language for 15-day public comment period on March 12, 2020.
 - DCA/Agency approved for filing with OAL for publication on March 2, 2020.
 - Submitted for initial (pre-notice) review by DCA Legal on June 11, 2019.
 - Board directed staff to pursue rulemaking proposal on February 21, 2019.

3. Definition of Traffic Engineering (404)

- Board staff working with DCA Legal to prepare documents for initial notice.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.

4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)

- Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at:

http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	12/01/2020 – 1/20/2021	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
<p>Product Increment 3 (PI3) of BPELSG Connect Scope for BPELSG is devoted to include the addition of professional-level application processes and refinements to the Board's online complaint submittal and investigation processes.</p>						

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Product Increment 2 (PI2) – Commenced immediately following release of MVP1.	Complete	Sept 2020	No
Go Live - PI2	Complete	1/20/2021	No
Product Increment 3 (PI3) – Commenced immediately following PI2 release	Commenced	Jan 2021	No
PI3 - Sprints 9 and 10 completed; Sprint 11 currently in process followed by Sprint 12	On-going	Mar 2021	No

Staff is working with DCA SOLID to plan/schedule the Board's next Strategic Planning update and a few items need to be discussed by the Board to finalize that planning. The schedule will generally proceed as follows:

- Possible Revisions to Mission and Vision Statements
- Develop online stakeholder survey
- Distribute survey link to stakeholders
- Individual phone interviews with Board Members
- Compile Draft results of survey/discuss at Board meeting
- Strategic Planning Session
- Adopt Strategic Plan
- Develop Action Plan

Working in reverse, we need the Board to decide on the following:


1. **Choose date** for Strategic Planning Session to coincide with either the September 16-17 or November 4-5 Board meeting dates.


At the May 27-28, board meeting, we will plan on tackling the first bullet item, decide if there are any necessary revisions to the Board's mission and vision statements. The remaining items will fall into place depending on when the Board chooses to conduct the planning session.




QUARTERLY OUTREACH REPORT (Q4)

SOCIAL MEDIA: October–December 2020

 TOP 5 FACEBOOK POSTS	DATE	VIEWS
COVID-19 Notice	November 25	454
COVID-19 Notice	November 13	401
COVID-19 Notice	November 20	395
COVID-19 Notice	November 7	371
COVID-19 Notice	October 29	339

 TOP 5 TWEETS	DATE	VIEWS
COVID-19 Notice	October 2	731
COVID-19 Notice	October 9	628
COVID-19 Notice	October 16	589
New Phone Numbers Listed	October 2	588
COVID-19 Notice	October 2	572

 WEB PAGE VIEWS	VIEWS
License Lookup	276,342
Board Home Page	169,075
Applicant Information	114,471
P.E. Application	89,504
Licensee Information	82,768



OUTREACH EVENTS (Virtual): October–December 2020

ALL VIRTUAL EVENTS HELD BY BOARD REGISTRARS

KEY

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

OCTOBER

October 7—**Geology webinar:** Frequently Asked Questions: How to apply for a GIT, P.G., PGp, CHG or CEG license or certificate. By Laurie Racca, P.G.

October 7—**Geology webinar:** For References: Completing the Independent Evaluation form for P.G., PGp, CHG or CEG applications. By Laurie Racca, P.G.

October 12—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

October 19—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

October 26—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

NOVEMBER

November 6—**Cal Poly San Luis Obispo CE-111 presentation to two Introduction to Civil Engineering classes.** First class was freshmen, 154 in attendance. Second class was transfer students and 28 were in attendance. By Natalie King, P.E.

November 9—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

November 10—**Terracon Consulting, Inc. (CA offices):** Virtual presentation and Q&A in which 15 young engineers attended. By Natalie King, P.E.

November 10—**Aera Energy Geoscience Forum:** An Introduction to State Licensing of Geologists. By Laurie Racca, P.G.

November 16—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

November 18—**Geology webinar:** After the Exams: Next steps in the process for GIT, P.G., PGp, CHG or CEG applications. By Laurie Racca, P.G.

November 18—**Geology webinar:** Introduction to the Laws and Regulations for Geology and Geophysics License Applicants and New Licensees. By Laurie Racca, P.G.

November 20—**Cal Poly San Luis Obispo Senior Civil and Environmental Engineering Professional Practices class, 200-250 students in attendance.** By Natalie King, P.E.

November 30—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

DECEMBER

December 14—**Geology webinar:** The Path to a Professional Geologist (P.G.) License Begins with the Geologist-in-Training (GIT) Certificate. By Laurie Racca, P.G.

December 30—**Geology webinar:** After the Exams: Next Steps in the Process for GIT, P.G., PGp, CHG or CEG applications. By Laurie Racca, P.G.

December 30—**Geology webinar:** Introduction to the Laws and Regulations for Geology and Geophysics License Applicants and New Licensees. By Laurie Racca, P.G.



IX. Technical Advisory Committees (TACs)

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

X. President's Report/Board Member Activities

XI. Approval of Meeting Minutes

A. Approval of the Minutes of the February 4, 2021, Board Meeting

DRAFT

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

Teleconference

Thursday, February 4, 2021, beginning at 9:00 a.m.

Board Members Present:	President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D’Antonio; Duane Friel; Michael Hartley; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
Board Members Absent:	Kathy Jones Irish
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Larry Kereszt (Examinations Manager); Celina Calderone (Board Liaison); and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

President Asgari called the meeting to order at 9:00 a.m., and a quorum was established.

President Asgari congratulated Board Member Coby King on his reappointment and welcomed the newest Board Member, Paul Novak.

II. Pledge of Allegiance

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

9:05 a.m. Board member Michael Hartley joined the meeting.

III. Public Comment for Items Not on the Agenda

During Public Comment, Rob McMillan, representing CLSA, announced he will be serving as the CLSA Board Liaison for the meeting until Annette Hovorka joins the meeting later. He welcomed the new Board members and expressed his appreciation to the Board.

IV. Administration

A. Fiscal Year 2020/21 Budget Report

Mr. Moore reported on the current financial statement which is current through Fiscal Month Five. There are no real changes from the projections except for one line item, Information Technology. There was an increase from our original Fiscal Month One projection which was due to the

Business Modernization Project. Each of the four programs signed a contract for the SLP platform for years 2-5. This was the cost of our share of the software.

9:10 a.m. Board member Mohammad Qureshi joined the meeting.

B. Budget Letter 20-37 – Permanent 5% Budget Reduction

At the December 10, 2020, Board meeting, Mr. Moore reported on Budget Letter 20-37 which was requested by the Governor's office for a permanent 5% reduction scheduled to begin next Fiscal Year. Initially, it was determined by DCA's Budget Office that 5% is equivalent to just slightly under \$300,000 which must be identified. Subsequent to this meeting, the Board was notified that DCA and the Department of Finance had defined which portions of our funds were subject to the 5% reduction which reduced the target amount from \$300,000 to \$180,000. Staff identified the savings could primarily come from transitioning the Exam Development meetings for the State exams to a virtual setting. This method of exam development was initiated in April 2020 when the pandemic began. Most of that savings was already realized and has been working very well. Overall, staff is feeling very optimistic about this method with the least amount of disruption to any of the operations or public services.

V. Legislation

A. 2021 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar.

B. Discussion of Legislation for 2020

1. AB 29: State Bodies: Meetings

MOTION:	Mr. King and Vice-President Alavi moved to take an “oppose unless amended” position and ask that AB 29 be amended to include clarifying language regarding exemptions for Closed Session materials and legislative, regulatory, and budgetary materials.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				

Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

Ms. Eissler added that Bill AB 339, regarding the Bagley-Keene Open Meeting Act, was introduced last week and will be brought to the Board at the April meeting.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the Enforcement Statistics.

Mr. King inquired if the pandemic has affected enforcement. Ms. Criswell noted that there was a period of adjustment in the beginning while looking for more electronic means of communications and handling complaints. There were some delays in being able to assist the public and maintaining communication. Complaints, in general, have not really changed. She reported that the public has been very patient and understanding. At times, there is a higher level of emotions in dealing with the public in terms of enforcement related issues but is indicative of what everyone is going through currently. The Attorney General’s Office and the Office of Administrative Hearings had to adjust heavily to teleworking and the administrative hearing process. There were delays in the beginning but have leveled off. She believes the pandemic has had no affect on the discipline process; in fact, they have improved greatly.

VII. Exams/Licensing

A. 2020 Examination Results

Mr. Kereszt shared the exam results for 2020. He noted that as a result of the pandemic, Prometric test centers were closed for exams for three months which impacted the statistics for the end of quarter 1 and quarter 2 in its entirety. Testing resumed July 1, which was the first day of quarter 3.

The CSE exam for the spring was administered since it was at the beginning of March, while the land surveyor exam had to be cancelled as it was scheduled in April. The statistics for the land surveyor exam are only for the October exam administration. NCEES and ASBOG all had to cancel their spring exam administration. The statistics presented are just for the fall 2020 exam administration.

As for 2021, the pandemic continues to impact the administration of the exams, both state and national. NCEES had scheduled a civil engineer exam for California candidates that was supposed to have been administered on January 29th in Pomona. This was an effort to offset the limited number of examinees that they could have for the fall but due to the pandemic, they had to cancel that exam. As for ASBOG, they were supposed to administer the Fundamentals of Geology and the Practice of Geology in Long Beach in March, but it was moved to Sacramento because of the ongoing challenges in Southern California. The state specific civil exams are also being impacted by cancellations, closures, and reschedules partly due to Prometric testing centers closing for pandemic related issues. Staff is working daily with Prometric to identify and contact affected exam candidates. At this point, staff does not solely rely on Prometric to contact any of the candidates that are impacted. Staff also follows up with them just to ensure that they understand that their exam has been affected and to help them reschedule. Prometric also has been overwhelmed with their own pandemic concerns.

Mr. Kereszt expressed how important communication is during these times and assures that there is ongoing communication with Prometric, NCEES, and ASBOG to relay changes that occur and to attempt to mitigate the effects on exam candidates.

B. 2021 Examinations Update

During Public Comment, Rob McMillan thanked Board staff for continuing to assist candidates.

Alan Escarda, representing PEEG, asked if the changes made for the pandemic will permanently change the examination process. Mr. Kereszt noted that for the state exams, it is difficult to say. He would like to see more consistency and stability and does not foresee many changes at this point.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported on the various Rulemaking items. The Repeal of the Professional Engineer and Land Surveyor Appeals regulation has been approved by DCA and sent to Agency on December 17, 2020. If Agency comes back without comments, then it will proceed to the public comment period.

Substantial Relationship Criteria and Criteria for Rehabilitation regulatory package is under final review by Office of Administrative Law (OAL) as of December 2020

Board staff is working with DCA Legal to prepare documents for initial

notice for the definition of traffic engineering regulatory proposal.

Staff continues to work on the Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists.

B. Update on Board's Business Modernization Project

Product Increment 2 (PI2) of the Business Modernization Project launched January 20, 2021. Refinements were added to the current EIT and LSIT application process which enabled access to the external user and to our office staff. License renewal process for all licensees who are eligible for renewal was enabled. The former online electronic renewal process that the Board utilized for approximately 5 years was disabled. There was a transition time when the former renewal processes were offline for about 2 weeks before PI2 of the Connect system launched. For the most part, the changes are working very well and have received positive feedback from most of our licensees that the overall process was a little bit smoother than with the former version. Licensees encountered some issues which were anticipated mainly due to when a licensee registers in Connect, they are offered the opportunity to link to any other licenses in our current databases. Once those links are established, they see the status of the other licenses they hold. However, we use certain criteria in the information they used to register to ensure that linking is accurate. Due to the manner in which data was collected over the last few decades in our former systems, specifically date of birth, some licensees would encounter issues. Staff has been able to resolve those issues very quickly which is enabling everybody to renew their license. Mr. Moore reported that since its launch on January 20 through January 30, 260 licenses were renewed which was expected for that portion of the month based on previous years. On February 1, there were over 200 licenses renewed in one day due to licenses that are set to expire at the end of March. Staff is very excited and are already in the planning stages for the next sprint to further the application and enforcement processes.

Mr. King congratulated staff on the progress so far and looks forward to reports on the next phase which will include professional level application processes and refinements to the Board's online complaint submittal and monitoring processes. He inquired what is to come in Product Increment 3 and 4. Mr. Moore reported that Product Increment 3 has begun and will end sometime in April and Product Increment 4 will begin shortly after the completion of PI3 and run through August when the four programs that are in this project's initial development contract is scheduled to end. There is Maintenance and Operations option after that to allow us to develop, build, and refine our system over the next few years. At the end of the initial contract, part of the project scope is to transfer knowledge and expertise from the developer to DCA Project Management Staff and the

Office of Information Services (OIS). The other programs participating in the process are experiencing success as well. Mr. Moore noted that along with our Board, Bureau for Private Post-Secondary Education is similarly complex based on the licensee population. DCA currently has Project Management Staff working with other boards that were not in the BreZE transition and not in this cohort, that are now in various stages in their own Business Modernization Process.

C. Personnel

Mr. Moore reported that the vacant receptionist position has been filled by Francesca LaFleur. Mr. Moore announced that a number of applications were received for the Administrative Unit Manager position, and it is anticipated that interviews will be held soon.

D. ABET

Last summer it was reported that the Board was invited to virtually participate in two ABET reviews. They were cancelled as it was not deemed necessary to have an observer when no one can be there.

E. Association of State Boards of Geology (ASBOG)

Staff continues to work with ASBOG to continue exam administrations.

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

1. Report from 2021 Board President's Assembly

NCEES has been experiencing the impact of the pandemic and the effect it has on their exam candidates. In the fall of 2020, there was one site open in California (Visalia) and most of the remaining California examinees were afforded an opportunity to travel to Nevada at two locations (Las Vegas and Reno) to take the examinations. This was in no small part due to NCEES's efforts and the Nevada Board's efforts to arrange for those sites. NCEES also arranged for an additional 15-20 regional locations around the country to administer exams in late January. One site was in Pomona for approximately 500 candidates for the NCEES Professional Civil Engineering exam. Mr. Kereszt spent quite a bit of time in communication with NCEES and the Los Angeles County Department of Health. It was a late decision, but the exams were cancelled for California. Currently, the April paper and pencil exams are scheduled and NCEES has reported that registration for the California sites filled up quickly and they are working diligently to accommodate everyone.

The Western Zone interim meeting will be held virtually and is scheduled for mid-May. Details will be provided as they become available.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach report.

IX. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs
No report given.

B. Appointment of TAC Members
No report given.

C. Reports from the TACs
No report given.

X. President’s Report/Board Member Activities

President Asgari participated in the Structural Engineering Licensing and Regulation meeting between California, Oregon, Washington, Alaska, and Hawaii. Topics discussed were structural engineering exams transitioning to CBT (Computer Based Testing), structural licensing requirements, applications from other states and countries, and the possibility of establishing similar policies throughout the states.

President Asgari attended the NCEES Board President’s Assembly and indicated it was very informative.

XI. Approval of Meeting Minutes

A. Approval of the Minutes of the December 10, 2020, Board Meeting

MOTION:	Mr. Ruffino and Mr. Sanchez moved to approve the meeting minutes as amended.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Asha Lang			X		
Betsy Mathieson	X				
Paul Novak			X		
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting
During public comment, Rob McMillan commended President Asgari and the moderator. Additionally, Mr. Moore mentioned that he would like to discuss dates for a future strategic planning session with the Board.

XIII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 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)]

XIV. Adjournment

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

PUBLIC PRESENT

Rob McMillan, CLSA
Alan Escarda, PECG

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XIV. Adjournment
