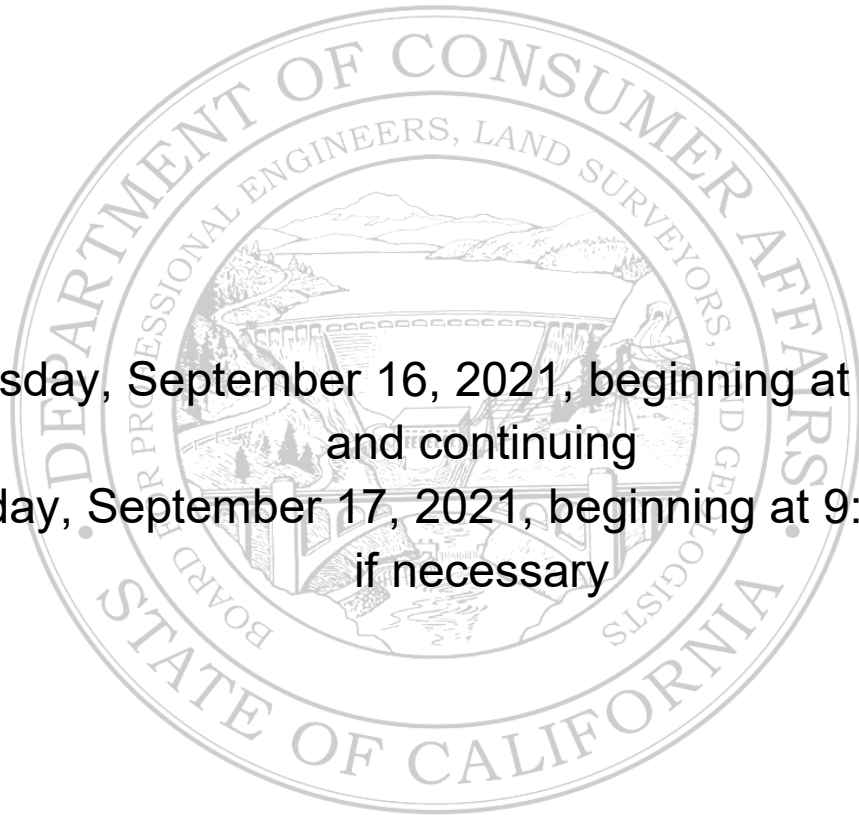




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, September 16, 2021, beginning at 9:00 a.m.
and continuing
Friday, September 17, 2021, beginning at 9:00 a.m.,
if necessary



Teleconference Public Board Meeting

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

BOARD MEETING

SEPTEMBER 16-17, 2021

TELECONFERENCE

BOARD MEMBERS

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

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<ul style="list-style-type: none"> XVI. Closed Session – The Board will meet in Closed Session to discuss, as needed: <ul style="list-style-type: none"> A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)] B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)] C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)] D. Pending Litigation [Pursuant to Government Code section 11126(e)] <ul style="list-style-type: none"> 1. <u>Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists</u>, Sacramento Superior Court Case No. 34-2020-80003553 	181
<ul style="list-style-type: none"> XVII. Adjournment <p>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.</p> 	183

I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

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VII. Administration

- A. Fiscal Year 2020/21 Year-End Summary
- B. Fiscal Year 2021/22 Budget Report

GUIDE TO READING THE FINANCIAL STATEMENT

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

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 FM 1 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	19%	-13,000
Temp Help	88,479	123,785	123,700	275%	-22,000
Statutory Exempt (EO)	89,056	135,526	135,000	-43%	19,000
Board Member Per Diem	6,100	10,000	10,000	-50%	25,000
Overtime/Flex Elect/Lump Sum	725	0	900	6%	-1,000
Staff Benefits	1,172,709	1,713,980	1,760,538	-17%	10,000
Total Personnel Services	3,313,845	4,907,716	4,954,563	19%	-13,000
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

		FY 20-21 FM 12 8/13 Activity Log	FY 20-21 FM 1 Projections	FY 20-21 Updated Projections	% Change	\$ Difference
Revenue						
1	Applications/Licensing Fees	1,673,330	1,508,000	1,673,330	11%	(165,330)
2, 13	Renewal fees	6,703,652	7,849,383	6,703,652	-15%	1,145,731
3	Delinquent fees	120,137	108,000	120,137	11%	(12,137)
	Other & Reimbursements	213,775	127,000	213,775	68%	(86,775)
4	Interest	27,980	160,000	28,000	-83%	132,000
Total Revenue:		8,738,873	9,752,383	8,738,894	-10%	1,013,498
Expense						
Personnel Services:						
5	Salary & Wages (Staff)	2,754,662	2,698,000	2,758,754	2%	(60,754)
	Temp Help	113,403	124,444	113,403	-9%	11,041
	Statutory Exempt (EO)	125,323	122,463	125,323	2%	(2,860)
	Board Member Per Diem	7,400	10,000	8,400	-16%	1,600
	Overtime/Flex Elect/Lump Sum	4,181	700	4,181	497%	(3,481)
	Staff Benefits	1,654,363	1,618,800	1,655,557	2%	(36,757)
Total Personnel Services		4,659,332	4,574,407	4,665,618	2%	(91,211)
Operating Expense and Equipment:						
	General Expense	60,817	80,000	66,500	-17%	13,500
6	Printing	44,218	27,000	44,218	64%	(17,218)
	Communication	19,981	25,000	20,000	-20%	5,000
	Postage	26,378	50,000	26,500	-47%	23,500
	Insurance	641	150	641	327%	(491)
	Travel In State	543	60,000	600	-99%	59,400
	Travel, Out-of-State	0	800	0	-100%	800
	Training	0	250	0	-100%	250
7	Facilities Operations	757,601	360,000	760,000	111%	(400,000)
8	C & P Services - Interdept.	749,125	670,000	749,125	12%	(79,125)
9	C & P Services - External	2,294,753	1,930,000	2,294,753	19%	(364,753)
10	DCA Pro Rata	1,557,233	1,748,000	1,748,000	0%	0
	DOI - Investigations	0	0	0	0%	0
11	Interagency Services	16,107	25,000	16,107	-36%	8,893
	Consolidated Data Center	41,841	22,000	41,841	90%	(19,841)
	Information Technology	110,587	32,000	115,000	259%	(83,000)
	Equipment	27,475	143,000	27,475	-81%	115,525
12	Other Items of Expense (ARF Deposit)	0	300,000	0	-100%	300,000
	Special Item of Expense	1,853	0	1,853	0%	(1,853)
Total OE&E		5,709,153	5,473,200	5,912,613	8%	(439,413)
Total Expense:		10,368,485	10,047,607	10,578,231	5%	(530,624)
Total Revenue:		8,738,873	9,752,383	8,738,894		
Total Expense:		10,368,485	10,047,607	10,578,231		
Difference:		(1,629,612)	(295,224)	(1,839,337)		

Financial Statement Notes

- 1 Applications/Licensing Fees** - The total amount collected for Applications and Licensing Fees is \$1,673,330 according to the August 13, 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. Renewal fees collected during FM 11 and FM 12 may be treated as Revenue in Advance (RIA) and accrued to and reported in FY 2021-22. RIA for 2019-2020 of \$1,553,268 was recorded in October 2021. RIA for 2020-21 is expected to exceed \$2.5m and the increase may be attributed to increase in renewal fees effective January 1, 2021.
- 3 Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 4 Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate.
- 5 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 SSA/AGPA, and 1.0 OT.
- 6 Printing** - \$25,000 in contract encumbrances in QBIRT reports (EDD mailers such as Pamphlets, Leaflets, and Brochures). Board staff is working with DCA Budgets to identify contracts.
- 7 Facilities Operations** - Includes Facilities maintenance, Facilities operations, Janitorial Services, Rent and Leases, Exam Rental Sites, Security, COVID-19 Sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 8 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 9 C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 10 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 11 Interagency Services** - DCA Pro Rata shows up in this line throughout the year because of accountings inability to charge accruals for department distributed pro rata until the previous fiscal year closes.
- 12 Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and majority of the costs will be new modular furniture procurement that has been moved over to Facilities Operations.
- 13 Renewal Fees - FY 20-21 FM1 Projections** - Renewal Fees for FM1 were created using a full Fiscal Year of fee increases with the anticipation of them beginning July 2020. Fee increases started in January 2021 therefore, projections have been updated to reflect the old fees collected from July-December 2020 and the new fees collected from January-July 2021.

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

Prepared 8/17/21

Analysis of Fund Condition

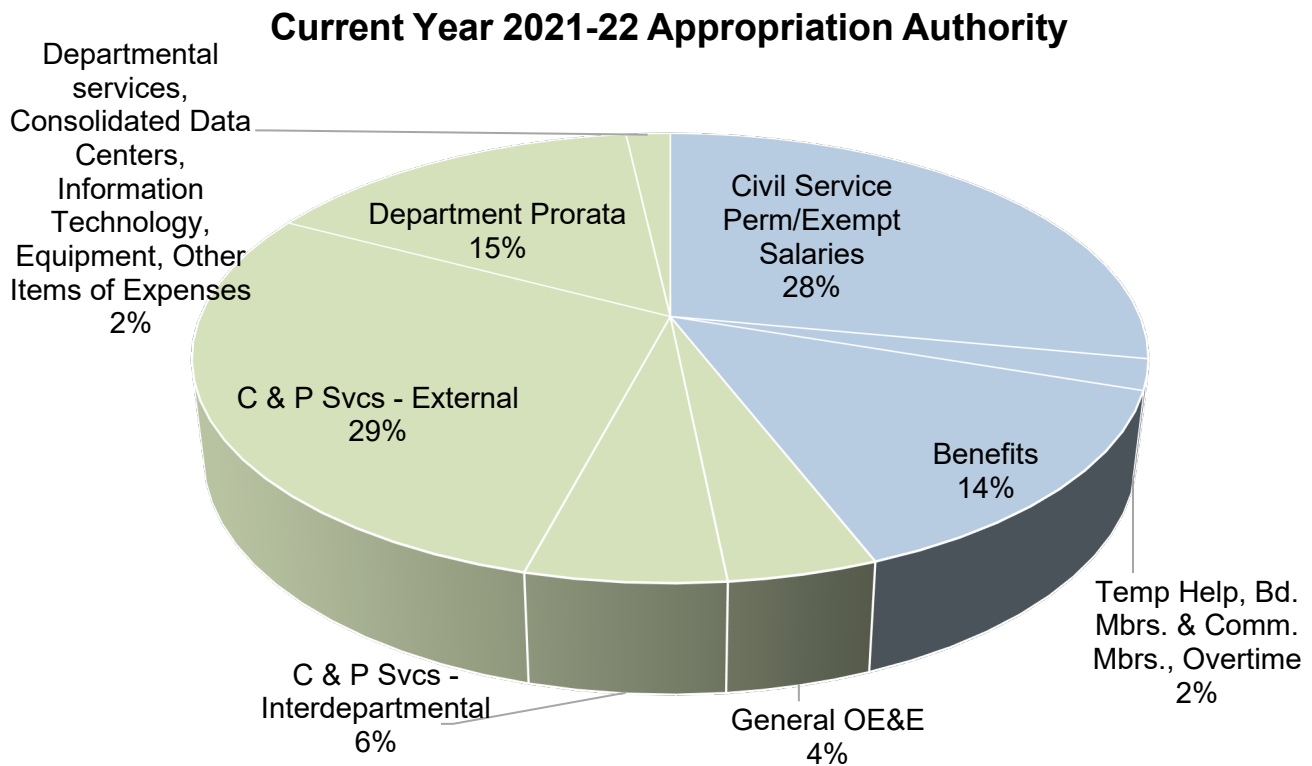
(Dollars in Thousands)

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	\$ 4,844	\$ 2,160	\$ 1,886
Prior Year Adjustment	\$ 300	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 7,207	\$ 4,844	\$ 2,160	\$ 1,886
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent Fees	\$ 70	\$ 120	\$ 116	\$ 117
4127400 Renewal Fees	\$ 6,833	\$ 6,704	\$ 10,376	\$ 10,480
4129200 Other Regulatory Fees	\$ 86	\$ 189	\$ 107	\$ 108
4129400 Other Regulatory Licenses and Permits	\$ 1,434	\$ 1,673	\$ 1,937	\$ 1,956
4150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -
4163000 Investment Income - Surplus Money Investments	\$ 126	\$ 28	\$ 259	\$ 17
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	\$ 22	\$ 22	\$ 22	\$ 22
4172500 Miscellaneous Revenue	\$ 1	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ -	\$ 1	\$ -	\$ -
Totals, Revenues	\$ 8,572	\$ 8,738	\$ 12,818	\$ 12,701
Totals, Revenues and Transfers	\$ 8,572	\$ 8,738	\$ 12,818	\$ 12,701
Totals, Resources	\$ 15,779	\$ 13,582	\$ 14,978	\$ 14,587
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ -	\$ -	\$ -	\$ -
1111 Department of Consumer Affairs (State Operations)	\$ 9,908	\$ 10,578	\$ 12,227	\$ 12,594
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	\$ 656	\$ 656
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 10,935	\$ 11,422	\$ 13,092	\$ 13,459
FUND BALANCE				
Reserve for economic uncertainties	\$ 4,844	\$ 2,160	\$ 1,886	\$ 1,129
Months in Reserve	5.1	2.0	1.7	0.9

<u>Current Year 2021-22 Appropriation Authority</u>	<u>Governor's Budget</u>
Civil Service Perm/Exempt Salaries	\$ 3,425,000
Temp Help, Bd. Mbrs. & Comm. Mbrs., Overtime	\$ 268,000
Benefits	\$ 1,703,000
Total Personal Services	\$ 5,396,000
General OE&E	\$ 523,000
C & P Svcs -Interdepartmental	\$ 696,000
C & P Svcs - External	\$ 3,504,000
Department Prorata	\$ 1,890,000
Departmental services, Consolidated Data Centers, Information Technology, Equipment, Other Items of Expenses	\$ 218,000
Total Operating Expenses & Equipment	\$ 6,831,000
Total Expenditures	\$ 12,227,000

Source: Galley - BY 2021-22 Governor's Budget



VIII. Legislation

A. 2021 Legislative Calendar

B. Discussion of Legislation for 2021 (**Possible Action**)

1. AB 107 Licensure: veterans and military spouses.
2. AB 1273 Interagency Advisory Committee on Apprenticeship:
the Director of Consumer Affairs and the State Public
Health Officer.
3. SB 607 Professions and vocations.
4. SB 826 Business and professions.

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 107 (Salas, D-Bakersfield; Coauthors: Assembly Members Bauer-Kahan, D-Orinda; Gallagher, R-Yuba City; Muratsuchi, D-Torrance; Smith, R-Apple Valley; Coauthors: Senators Allen, D-Santa Monica; Archuleta, D-Pico Rivera; Dodd, D-Napa; Jones, R-Santee; Melendez, R-Lake Elsinore; Newman, D-Fullerton; and Umberg, D-Santa Ana) Licensure: veterans and military spouses.

Status: 9/2/2021 – Read third time and amended. Ordered to second reading..

Location: 9/2/2021 – Senate Floor

Introduced: 12/16/2020

Last Amended: 9/2/2021

Board Position: Support (as of 7/23/2021, based on 8/26/2021 amendments)

Board Staff Analysis: 9/3/2021

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

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

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

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

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

The bill was further amended on August 26, 2021, to specify that the provisions relating to issuing temporary licenses would have to be implemented on or before January 1, 2023. It would also give the boards the authority to revoke a temporary license if the holder commits actions in violation of the applicable licensing laws.

AB 107 was amended again on September 2, 2021, to add language clarifying that the temporary license is not renewable; to remove the date of June 15, 2022, for submittal of draft regulations; and to change the operative date from January 1, 2023, to July 1, 2023.

Affected Laws: An act to amend Sections 115.6, 2946, and 5132 of, and to add Section 115.8, 115.9, and 10151.3 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

Staff Comment: Current law requires the applicant to submit certain documentation in applying for a temporary license under Section 115.6. That documentation, as specified in subdivision (c), includes verification that the applicant is married to an active duty member of the military who is assigned to a duty station in California under official active duty military orders; an application with an affidavit from the applicant attesting that they meet the requirements for a temporary license in the same area and scope of practice as they are licensed in another state and written verification from their original jurisdiction of licensure indicating they are licensed in good standing; and, if requested, a full set of fingerprints for the purpose of conducting a criminal background check. The bill would further require, in a new subdivision (d), that applicants pass a California law and ethics exam, if otherwise required by the board. Additionally, this bill would authorize the boards to revoke a temporary license if the holder violates the applicable licensing law. This bill would require a temporary license to be issued within 30 days after receiving the documentation required in subdivisions (c) and (d) 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 subdivisions (c) and (d).

At its July 23, 2021, meeting, the Board took an “Oppose Unless Amended” position on AB 107, as July 15, 2021, and requested that clarifying language be added to make it clear that the applicant must pass the required state examinations prior to the issuance of the temporary license. The Board further authorized a change in its position to “Support” if the requested changes were made.

AB 107 was amended on August 26, 2021. These amendments address the Board's concerns by including cross-references between the subdivision specific to the Board's state-specific examinations (re-lettered as subdivision (g)) and the requirements of subdivisions (c) and (d) so that it is clear that applicants must meet all of the requirements prior to the issuance of a temporary license.

Staff Recommendation: Staff recommends the Board take a position of "Support" on AB 107, as amended September 2, 2021.

AMENDED IN SENATE SEPTEMBER 2, 2021
AMENDED IN SENATE AUGUST 26, 2021
AMENDED IN SENATE JULY 15, 2021
AMENDED IN SENATE JUNE 21, 2021
AMENDED IN ASSEMBLY APRIL 20, 2021
AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Salas
(Coauthors: Assembly Members Bauer-Kahan, Gabriel, Gallagher,
Muratsuchi, and Smith)
(Coauthors: Senators *Allen*, Archuleta, Dodd, Jones, Melendez,
Newman, and Umberg)

December 16, 2020

An act to amend Sections 2946 and 5132 of, to amend, repeal, and add Section 115.6 of, and to add Sections ~~115.8 and 115.9~~ *115.8, 115.9, and 10151.3* to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses. 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, on and after January 1, 2023, would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure. 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 and would require a board to request the Department of Justice to conduct the criminal background check and to furnish the criminal background information in accordance with specified requirements. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions ~~by June 15, 2022.~~ *provisions.* 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 or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first. Existing law authorizes the immediate termination of a temporary license upon a finding that the temporary licenseholder failed to meet the requirements for temporary licensure or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure.

This bill, on and after ~~January~~ *July 1, 2023*, would instead provide that these temporary licenses *are nonrenewable and* shall expire 12 months after issuance, upon issuance *or denial* of a standard license, upon issuance *or denial* of a license by endorsement, or upon issuance *or denial* of an expedited license, whichever occurs first. The bill, on and after ~~January~~ *July 1, 2023*, would also require the board to revoke a temporary license if the board finds that the temporary licenseholder engaged in unprofessional conduct or any other act that is cause for discipline by the board.

This bill would require the Department of Consumer ~~Affairs~~, the ~~Department of Real Estate~~, and the ~~Commission on Teacher Credentialing~~ *Affairs* to compile an annual report to the Legislature containing specified information relating to the professional licensure of veterans, servicemembers, and their spouses. The bill would also require the Department of Consumer Affairs and each board within the department to post specified information on their internet websites relating to licensure for military spouses, the availability of temporary licenses, and permanent licensure by endorsement or credential for out-of-state applicants. *The bill would also require the Department of Real Estate to compile specified information on military, veteran, and spouse licensure into an annual report for the Legislature.*

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.

This bill would also authorize a psychologist certified or licensed in another state or Canadian province 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 and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.

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

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

This bill would incorporate additional changes to Section 2946 of the Business and Professions Code proposed by SB 801 to be operative only if this bill and SB 801 are enacted and this bill is enacted last.

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

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary
- 5 licenses to an applicant if the applicant meets the requirements set
- 6 forth in subdivision (c):
- 7 (1) Registered nurse license by the Board of Registered Nursing.
- 8 (2) Vocational nurse license issued by the Board of Vocational
- 9 Nursing and Psychiatric Technicians of the State of California.
- 10 (3) Psychiatric technician license issued by the Board of
- 11 Vocational Nursing and Psychiatric Technicians of the State of
- 12 California.

- 1 (4) Speech-language pathologist license issued by the
2 Speech-Language Pathology and Audiology and Hearing Aid
3 Dispensers Board.
- 4 (5) Audiologist license issued by the Speech-Language
5 Pathology and Audiology and Hearing Aid Dispensers Board.
- 6 (6) Veterinarian license issued by the Veterinary Medical Board.
- 7 (7) All licenses issued by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.
- 9 (8) All licenses issued by the Medical Board of California.
- 10 (9) All licenses issued by the Podiatric Medical Board of
11 California.
- 12 (b) The board may conduct an investigation of an applicant for
13 purposes of denying or revoking a temporary license issued
14 pursuant to this section. This investigation may include a criminal
15 background check.
- 16 (c) An applicant seeking a temporary license pursuant to this
17 section shall meet the following requirements:
- 18 (1) The applicant shall supply evidence satisfactory to the board
19 that the applicant is married to, or in a domestic partnership or
20 other legal union with, an active duty member of the Armed Forces
21 of the United States who is assigned to a duty station in this state
22 under official active duty military orders.
- 23 (2) The applicant shall hold a current, active, and unrestricted
24 license that confers upon the applicant the authority to practice,
25 in another state, district, or territory of the United States, the
26 profession or vocation for which the applicant seeks a temporary
27 license from the board.
- 28 (3) The applicant shall submit an application to the board that
29 shall include a signed affidavit attesting to the fact that the
30 applicant meets all of the requirements for the temporary license
31 and that the information submitted in the application is accurate,
32 to the best of the applicant's knowledge. The application shall also
33 include written verification from the applicant's original licensing
34 jurisdiction stating that the applicant's license is in good standing
35 in that jurisdiction.
- 36 (4) The applicant shall not have committed an act in any
37 jurisdiction that would have constituted grounds for denial,
38 suspension, or revocation of the license under this code at the time
39 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 may adopt regulations necessary to administer this
11 section.

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

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

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

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

35 SEC. 2. Section 115.6 is added to the Business and Professions
36 Code, to read:

37 115.6. (a) (1) Except as provided in subdivision ~~(i)~~; (j), a board
38 within the department shall, after appropriate investigation, issue
39 a temporary license to practice a profession or vocation to an

1 applicant who meets the requirements set forth in subdivisions (c)
2 and (d).

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

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

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

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

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

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

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

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

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

4 (B) The board shall request a fingerprint-based criminal history
5 information check from the Department of Justice in accordance
6 with subdivision (u) of Section 11105 of the Penal Code and the
7 Department of Justice shall furnish state or federal criminal history
8 information in accordance with subdivision (p) of Section 11105
9 of the Penal Code.

10 (d) The applicant shall pass a California law and ethics
11 examination if otherwise required by the board for the profession
12 or vocation for which the applicant seeks licensure.

13 (e) Except as specified in subdivision (g), a board shall issue a
14 temporary license pursuant to this section within 30 days of
15 receiving documentation that the applicant has met the
16 requirements specified in subdivisions (c) and (d) if the results of
17 the criminal background check do not show grounds for denial.

18 (f) (1) A temporary license issued pursuant to this section may
19 be immediately terminated upon a finding that the temporary
20 licenseholder failed to meet any of the requirements described in
21 subdivision (c) or (d) or provided substantively inaccurate
22 information that would affect the person's eligibility for temporary
23 licensure. Upon termination of the temporary license, the board
24 shall issue a notice of termination that shall require the temporary
25 licenseholder to immediately cease the practice of the licensed
26 profession upon receipt.

27 (2) Notwithstanding any other law, if, after notice and an
28 opportunity to be heard, a board finds that a temporary
29 licenseholder engaged in unprofessional conduct or any other act
30 that is a cause for discipline by the board, the board shall revoke
31 the temporary license.

32 (g) An applicant seeking a temporary license as a civil engineer,
33 geotechnical engineer, structural engineer, land surveyor,
34 professional geologist, professional geophysicist, certified
35 engineering geologist, or certified hydrogeologist pursuant to this
36 section shall successfully pass the appropriate California-specific
37 examination or examinations required for licensure in those
38 respective professions by the Board for Professional Engineers,
39 Land Surveyors, and Geologists. The board shall issue a temporary
40 license pursuant to this subdivision within 30 days of receiving

1 documentation that the applicant has met the requirements specified
2 in this subdivision and subdivisions (c) and (d) if the results of the
3 criminal background check do not show grounds for denial.

4 (h) A temporary license issued pursuant to this section *is*
5 *nonrenewable and* shall expire 12 months after issuance, upon
6 issuance *or denial* of a standard license, upon issuance *or denial*
7 of a license by endorsement, or upon issuance *or denial* of an
8 expedited license pursuant to Section 115.5, whichever occurs
9 first.

10 (i) A board shall submit to the department for approval, if
11 necessary to implement this section, draft regulations necessary
12 to administer this ~~section by June 15, 2022.~~ *section.* These
13 regulations shall be adopted pursuant to the Administrative
14 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
15 Part 1 of Division 3 of Title 2 of the Government Code).

16 (j) (1) This section shall not apply to a board that has a process
17 in place by which an out-of-state licensed applicant in good
18 standing who is married to, or in a domestic partnership or other
19 legal union with, an active duty member of the Armed Forces of
20 the United States is able to receive expedited, temporary
21 authorization to practice while meeting state-specific requirements
22 for a period of at least one year or is able to receive an expedited
23 license by endorsement with no additional requirements
24 superseding those described in subdivisions (c) and (d).

25 (2) This section shall apply only to the extent that it does not
26 amend an initiative or violate constitutional requirements.

27 (k) This section shall become operative on ~~January~~ *July 1, 2023.*

28 SEC. 3. Section 115.8 is added to the Business and Professions
29 Code, to read:

30 115.8. ~~The Department of Consumer Affairs, the Commission~~
31 ~~on Teacher Credentialing, and the Department of Real Estate~~
32 ~~Affairs~~ shall compile information on military, veteran, and spouse
33 licensure into an annual report for the Legislature, which shall be
34 submitted in conformance with Section 9795 of the Government
35 Code. The report shall include all of the following:

36 (a) The number of applications for a temporary license submitted
37 by active duty servicemembers, veterans, or military spouses per
38 calendar year, pursuant to Section 115.6.

1 (b) The number of applications for expedited licenses submitted
2 by veterans and active duty spouses pursuant to Sections 115.4
3 and 115.5.

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

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

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

10 (f) The average length of time between application and issuance
11 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board
12 and occupation.

13 SEC. 4. Section 115.9 is added to the Business and Professions
14 Code, to read:

15 115.9. The department and each board within the department
16 shall publish information pertinent to all licensing options available
17 to military spouses on the home page of the internet website of the
18 department or board, as applicable, including, but not limited to,
19 the following:

20 (a) The process for expediting applications for military spouses.

21 (b) The availability of temporary licensure, the requirements
22 for obtaining a temporary license, and length of time a temporary
23 license is active.

24 (c) The requirements for full, permanent licensure by
25 endorsement or credential for out-of-state applicants.

26 SEC. 5. Section 2946 of the Business and Professions Code is
27 amended to read:

28 2946. (a) The board shall grant a license to any person who
29 passes the board's supplemental licensing examination and, at the
30 time of application, has been licensed for at least five years by a
31 psychology licensing authority in another state or Canadian
32 province if the requirements for obtaining a certificate or license
33 in that state or province were substantially equivalent to the
34 requirements of this chapter.

35 (b) A psychologist certified or licensed in another state or
36 province and who has made application to the board for a license
37 in this state may perform activities and services of a psychological
38 nature without a valid license for a period not to exceed 180
39 calendar days from the time of submitting their application or from

1 the commencement of residency in this state, whichever first
2 occurs.

3 (c) A psychologist certified or licensed in another state or
4 province who is married to, or in a domestic partnership or other
5 legal union with, an active duty member of the Armed Forces of
6 the United States and who has made application to the board for
7 a license in this state may perform activities and services of a
8 psychological nature without a valid license for a period not to
9 exceed twelve months from the time of submitting their application
10 or from the commencement of residency in this state, whichever
11 first occurs.

12 (d) The board at its discretion may waive the examinations when
13 in the judgment of the board the applicant has already demonstrated
14 competence in areas covered by the examinations. The board at
15 its discretion may waive the examinations for diplomates of the
16 American Board of Professional Psychology.

17 *SEC. 5.5. Section 2946 of the Business and Professions Code*
18 *is amended to read:*

19 2946. (a) The board shall grant a license to any person who
20 passes the board's supplemental licensing examination and, at the
21 time of application, has been licensed for at least ~~five~~ *two* years
22 by a psychology licensing authority in another state or *territory of*
23 *the United States or* Canadian province if the requirements for
24 obtaining a certificate or license *to practice psychology* in that
25 ~~state~~ *state, territory,* or province were substantially equivalent to
26 the requirements of this chapter.

27 **A**

28 (b) A psychologist certified or licensed in another ~~state~~ *state,*
29 *territory,* or province ~~and who has made application~~ *applied* to the
30 board for a license in this state may perform activities and services
31 of a psychological nature without a valid *California* license for a
32 period not to exceed 180 calendar days from the time of submitting
33 ~~his or her~~ *their* application or from the commencement of residency
34 in this state, whichever first occurs.

35 (c) *A psychologist certified or licensed in another state or*
36 *province who is married to, or in a domestic partnership or other*
37 *legal union with, an active duty member of the Armed Forces of*
38 *the United States and who has made application to the board for*
39 *a license in this state may perform activities and services of a*
40 *psychological nature without a valid license for a period not to*

1 *exceed twelve months from the time of submitting their application*
2 *or from the commencement of residency in this state, whichever*
3 *first occurs.*

4 ~~The~~

5 *(d) The board at its discretion may waive the ~~examinations,~~*
6 *examinations when in the judgment of the board the applicant has*
7 *already demonstrated competence in areas covered by the*
8 *examinations. The board at its discretion may waive the*
9 *examinations for diplomates of the American Board of Professional*
10 *Psychology. An applicant shall take and pass the required*
11 *examinations unless waived by the board pursuant to this section.*

12 SEC. 6. Section 5132 of the Business and Professions Code is
13 amended to read:

14 5132. (a) All moneys received by the board under this chapter
15 from any source and for any purpose and from a temporary license
16 issued under Section 115.6 shall be accounted for and reported
17 monthly by the board to the Controller and at the same time the
18 moneys shall be remitted to the State Treasury to the credit of the
19 Accountancy Fund.

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

25 (c) The report of the Accountancy Fund, which shall be
26 published pursuant to Section 5008, shall include the revenues and
27 the related costs from examination, initial licensing, license
28 renewal, citation and fine authority, and cost recovery from
29 enforcement actions and case settlements.

30 SEC. 7. Section 10151.3 is added to the Business and
31 Professions Code, to read:

32 10151.3. (a) *The Department of Real Estate shall compile*
33 *information on military, veteran, and spouse licensure into an*
34 *annual report for the Legislature, which shall be submitted in*
35 *conformance with Section 9795 of the Government Code. The*
36 *report shall include all of the following:*

37 *(1) The number of applications for expedited licenses submitted*
38 *by veterans and active duty spouses pursuant to paragraphs (c)*
39 *and (d) of Section 10151.2.*

1 (2) *The number of licenses issued and denied per calendar year*
2 *pursuant to paragraphs (c) and (d) of Section 10151.2.*

3 (3) *The average length of time between application and issuance*
4 *of licenses pursuant to paragraphs (c) and (d) of Section 10151.2*
5 *per license type.*

6 (b) *This section shall become operative only if Section 10151.2,*
7 *as proposed to be added by Senate Bill 800 of the 2021–22 Regular*
8 *Session, is enacted and takes effect.*

9 ~~SEC. 7.~~

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

19 SEC. 9. *Section 5.5 of this bill incorporates amendments to*
20 *Section 2946 of the Business and Professions Code proposed by*
21 *both this bill and Senate Bill 801. That section shall only become*
22 *operative if (1) both bills are enacted and become effective on or*
23 *before January 1, 2022, (2) each bill amends Section 294 of the*
24 *Business and Professions Code, and (3) this bill is enacted after*
25 *Senate Bill 801, in which case Section 5 of this bill shall not*
26 *become operative.*

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AB 1273 (Rodriguez, D-Pomona)
Interagency Advisory Committee on Apprenticeship:
the Director of Consumer Affairs and the State Public Health Officer:
earn and learn training.

Status: 9/2/2021 – Read second time. Ordered to third reading.

Location: 9/3/2021 – Senate Floor

Introduced: 2/19/2021

Last Amended: 9/1/2021

Board Position: Watch (as of 7/23/2021)

Board Staff Analysis: 9/3/2021

Bill Summary: As amended September 1, 2021, this bill would add Section 314 to the Business and Professions Code, to read as follows:

- (a) The department or board shall not ~~prohibit, or~~ approve an accrediting program that prohibits, entity that prohibits earn and learn programs for training in a profession licensed or certified by the board. A board shall use licensing or certification standards that authorize the use of earn and learn ~~trainings~~ training.
- (b) Notwithstanding subdivision (a), the department and its boards shall not be required to establish a mandate specifying an accrediting entity must provide earn and learn programs for training in a profession licensed or certified by a board.
- (c) As used in this section, “earn and learn” has the same meaning as defined in subdivision (q) of Section 14005 of the Unemployment Insurance Code.
- (d) This section shall become operative on January 1, 2024.

The bill would add similar requirements for the Department of Public Health in the Health and Safety Code and would add the Director of the Department of Consumer Affairs as an ex officio member of the Interagency Advisory Committee on Apprenticeship.

Affected Laws: An act to amend Section 3071.5 of the Labor Code, to add Section 314 to the Business and Professions Code, and to add Section 131088 to the Health and Safety Code, relating to job training.

Staff Comment: The bill uses the phrase “earn and learn,” and indicates it has the same meaning as defined in Section 14005, subdivision (q), of the Unemployment Insurance Code. That section defines “earn and learn” as follows:

- (1) “Earn and learn” includes, but is not limited to, a program that does either of the following:
 - (A) Combines applied learning in a workplace setting with compensation allowing workers or students to gain work experience and secure a wage as they develop skills and competencies directly relevant to the occupation or career for which they are preparing.
 - (B) Brings together classroom instruction with on-the-job training to combine both formal instruction and actual paid work experience.
- (2) “Earn and learn” programs include, but are not limited to, all of the following:
 - (A) Apprenticeships.
 - (B) Preapprenticeships.
 - (C) Incumbent worker training.
 - (D) Transitional and subsidized employment, particularly for individuals with barriers to employment.

- (E) Paid internships and externships.
- (F) Project-based compensated learning.

The proposed new provision of law would prohibit the Board from approving an accrediting entity that excludes earn and learn training programs.

The Board has approved ABET as the accrediting program for engineering, surveying, and geological science degrees. However, an ABET-accredited degree is not required for licensure.

Engineer and land surveyor applicants are not required to have a degree (or any education) in order to obtain a certificate or license. Education can be used as credit towards the required number of years of experience. The number of years credited for an engineering or surveying degree depends on whether or not the degree is accredited by ABET; an ABET accredited degree counts as four years, and a non-ABET accredited degree counts as two years. Geologist and geophysicist applicants must either have a degree or a specified number of units in certain course areas.

Since the Board accepts non-ABET accredited degrees and also provides credit for completion of coursework, the Board does not prohibit earn and learn programs. Additionally, ABET accredits “cooperative education” programs, which are programs that combine academic (“classroom”) components and internships or other similar experiences.

As such, the addition of this section would not impact the Board’s operations.

Staff Recommendation: No action necessary.

AMENDED IN SENATE SEPTEMBER 1, 2021

AMENDED IN SENATE JUNE 28, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1273

Introduced by Assembly Member Rodriguez

February 19, 2021

An act to amend Section 3071.5 of the Labor Code, to add Section 314 to the Business and Professions Code, and to add Section 131088 to the Health and Safety Code, relating to job training.

LEGISLATIVE COUNSEL'S DIGEST

AB 1273, as amended, Rodriguez. Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health ~~Officer~~. *Officer: earn and learn training.*

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Standards to perform various functions with respect to apprenticeship programs and the welfare of apprentices. Under existing law, the Director of Industrial Relations is the Administrator of Apprenticeship and is authorized to appoint assistants necessary to effectuate the purposes of state law governing apprenticeships.

Existing law establishes the Interagency Advisory Committee on Apprenticeship within the Division of Apprenticeship Standards. Existing law requires the committee to provide advice and guidance to the Administrator of Apprenticeship and the Chief of the Division of

Apprenticeship Standards on apprenticeship programs, standards, and agreements, as well as preapprenticeship, certification, and on-the-job training and retraining programs, in nonbuilding trades industries. Existing law prescribes the composition of the committee, which includes specified officials or their designees, serving as ex officio members, and 6 persons appointed by the Secretary of Labor and Workforce Development who are familiar with certain apprenticeable occupations, as specified.

Existing law establishes within the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, and is composed of various boards that license and regulate various professions and vocations. Existing law, the Consumer Affairs Act, establishes the powers and duties of the director.

Existing law establishes within the California Health and Human Services Agency the State Department of Public Health, which is under the control of the State Public Health Officer, with powers and responsibilities relating to public health, the licensing and certification of health facilities, and certain other functions.

This bill would additionally make the State Public Health Officer and the Director of Consumer Affairs ex officio members of the Interagency Advisory Committee on Apprenticeship.

Existing law requires the California Workforce Development Board, in consultation with the Division of Apprenticeship Standards, to identify opportunities for “earn and learn” job training opportunities that meet the industry’s workforce demands and that are in high-wage, high-demand jobs. Existing law defines “earn and learn” to include programs that combine applied learning in a workplace setting with compensation allowing workers or students to gain work experience and secure a wage as they develop skills and competencies directly relevant to the occupation or career for which they are preparing, and programs that bring together classroom instruction with on-the-job training to combine both formal instruction and actual paid work experience.

This bill would prohibit the Department of Consumer Affairs and its various boards from ~~prohibiting or~~ approving an accrediting program that prohibits earn and learn programs for training in a profession licensed or certified by the board. The bill would prohibit the State Department of Public ~~Health~~ *Health, in the licensing and certification of health professions*, from prohibiting earn and learn programs for

training of personnel. The bill would require boards of the Department of Consumer Affairs and the State Department of Public Health to use licensing or certification standards that authorize the use of earn and learn ~~trainings~~; *training*. *The bill would make these provisions operative on January 1, 2024.*

This bill would incorporate additional changes to Section 3071.5 of the Labor Code proposed by AB 565 to be operative only if this bill and AB 565 are enacted and this bill is enacted last.

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

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

1 SECTION 1. The Legislature finds and declares the following:

2 (a) It is the intent of the Legislature and in the interest of the
3 state and its communities, employers, employees, and consumers
4 to ensure a robust and diversified workforce.

5 (b) It is in the interest of the state’s economic recovery to remove
6 barriers to ensure California’s diverse workforce have equal access
7 to educational opportunities that result in family sustaining careers
8 in all industry and public health sectors.

9 SEC. 2. Section 314 is added to the Business and Professions
10 Code, to read:

11 314. (a) The department or board shall not ~~prohibit, or approve~~
12 an accrediting ~~program that prohibits~~; *entity that prohibits* earn
13 and learn programs for training in a profession licensed or certified
14 by the board. A board shall use licensing or certification standards
15 that authorize the use of earn and learn ~~trainings~~; *training*.

16 (b) *Notwithstanding subdivision (a), the department and its*
17 *boards shall not be required to establish a mandate specifying an*
18 *accrediting entity must provide earn and learn programs for*
19 *training in a profession licensed or certified by a board.*

20 ~~(b)~~
21 (c) As used in this section, “earn and learn” has the same
22 meaning as defined in subdivision (q) of Section 14005 of the
23 Unemployment Insurance Code.

24 (d) *This section shall become operative on January 1, 2024.*

25 SEC. 3. Section 131088 is added to the Health and Safety Code,
26 to read:

1 131088. (a) The department, in the licensing and certification
2 of health professions in accordance with this chapter, shall not
3 prohibit earn and learn programs for training of personnel. The
4 department shall use licensing and certification standards that
5 authorize the use of earn and learn ~~trainings~~: *training*.

6 (b) *Notwithstanding subdivision (a), the department shall not*
7 *be required to establish a mandate specifying an accrediting entity*
8 *must provide earn and learn programs for training in a profession*
9 *licensed or certified by the department.*

10 ~~(b)~~

11 (c) As used in this section, “earn and learn” has the same
12 meaning as defined in subdivision (q) of Section 14005 of the
13 Unemployment Insurance Code.

14 (d) *This section shall become operative on January 1, 2024.*

15 SEC. 4. Section 3071.5 of the Labor Code is amended to read:

16 3071.5. There is also in the Division of Apprenticeship
17 Standards the Interagency Advisory Committee on Apprenticeship.
18 The membership and duties of this committee shall be as follows:

19 (a) The following officials or their designees shall serve as ex
20 officio members of this committee:

21 (1) The Secretary of Labor and Workforce Development.

22 (2) The executive director of the California Workforce
23 Development Board.

24 (3) The Director of Industrial Relations.

25 (4) The executive director of the Employment Training Panel,
26 Superintendent of Public Instruction.

27 (5) The Chancellor of the California Community Colleges.

28 (6) The Director of Rehabilitation.

29 (7) The executive director of the State Council on
30 Developmental Disabilities.

31 (8) The State Public Health Officer.

32 (9) The Director of Consumer Affairs.

33 (b) The membership of this committee shall also include six
34 persons appointed by the Secretary of Labor and Workforce
35 Development who are familiar with apprenticeable occupations
36 not within the jurisdiction of the council established pursuant to
37 Section 3070. Two persons shall be representatives of employers
38 or employer organizations, two persons shall be representatives
39 of employee organizations, and two persons shall be public
40 representatives who are neither employers nor affiliated with any

1 employer or employee organization. Upon the operative date of
2 this section, the secretary shall appoint one representative of each
3 group appointed to two-year terms and one representative of each
4 group to four-year terms. Thereafter, members appointed by the
5 secretary pursuant to this subdivision shall serve for a term of four
6 years, and any member appointed to fill a vacancy occurring before
7 the expiration of the term of their predecessor shall be appointed
8 for the remainder of that term. Members appointed by the secretary
9 pursuant to this subdivision shall receive the sum of one hundred
10 dollars (\$100) for each day of actual attendance at meetings of the
11 committee and for each day of actual attendance at hearings by
12 the committee or a subcommittee thereof, together with actual and
13 necessary traveling expenses incurred in connection therewith.

14 (c) The Secretary of Labor and Workforce Development shall
15 designate one of the members as the committee's chair. The
16 committee shall meet quarterly at a designated date, and special
17 meetings may be held at the call of the chair. The committee shall
18 provide advice and guidance to the Administrator of Apprenticeship
19 and Chief of the Division of Apprenticeship Standards on
20 apprenticeship programs, standards, and agreements that are not
21 within the jurisdiction of the council established pursuant to Section
22 3070, and on the development and administration of standards
23 governing preapprenticeship, certification, and on-the-job training
24 and retraining programs outside the building and construction
25 trades and firefighters.

26 (d) The committee may create subcommittees as needed to
27 address specific industry sectors or projects and shall create a
28 subcommittee to address apprenticeship for the disabled
29 community.

30 *SEC. 4.5. Section 3071.5 of the Labor Code is amended to*
31 *read:*

32 3071.5. There is also in the Division of Apprenticeship
33 Standards the Interagency Advisory Committee on Apprenticeship.
34 The membership and duties of this committee shall be as follows:

35 (a) The following officials or their designees shall serve as ex
36 officio members of this committee:

37 (1) The Secretary of Labor and Workforce Development.

38 (2) The executive director of the California Workforce
39 Development Board.

40 (3) The Director of Industrial Relations.

1 (4) The executive director of the Employment Training ~~Panel,~~
2 ~~Superintendent of Public Instruction. Panel.~~
3 (5) *The Superintendent of Public Instruction.*
4 ~~(5)~~
5 (6) The Chancellor of the California Community Colleges.
6 ~~(6)~~
7 (7) The Director of Rehabilitation.
8 ~~(7)~~
9 (8) The executive director of the State Council on
10 Developmental Disabilities.
11 (9) *The director of the State Department of Social Services.*
12 (10) *The State Public Health Officer.*
13 (11) *The Director of Consumer Affairs.*
14 (b) The membership of this committee shall also include six
15 persons appointed by the Secretary of Labor and Workforce
16 Development who are familiar with apprenticeable occupations
17 not within the jurisdiction of the council established pursuant to
18 Section 3070. Two persons shall be representatives of employers
19 or employer organizations, two persons shall be representatives
20 of employee organizations, and two persons shall be public
21 representatives who are neither employers nor affiliated with any
22 employer or employee organization. Upon the operative date of
23 this section, the secretary shall appoint one representative of each
24 group appointed to two-year terms and one representative of each
25 group to four-year terms. Thereafter, members appointed by the
26 secretary pursuant to this subdivision shall serve for a term of four
27 years, and any member appointed to fill a vacancy occurring before
28 the expiration of the term of their predecessor shall be appointed
29 for the remainder of that term. Members appointed by the secretary
30 pursuant to this subdivision shall receive the sum of one hundred
31 dollars (\$100) for each day of actual attendance at meetings of the
32 committee and for each day of actual attendance at hearings by
33 the committee or a subcommittee thereof, together with actual and
34 necessary traveling expenses incurred in connection therewith.
35 (c) The Secretary of Labor and Workforce Development shall
36 designate one of the members as the committee's chair. The
37 committee shall meet quarterly at a designated date, and special
38 meetings may be held at the call of the chair. The committee shall
39 provide advice and guidance to the Administrator of Apprenticeship
40 and Chief of the Division of Apprenticeship Standards on

1 apprenticeship programs, standards, and agreements that are not
2 within the jurisdiction of the council established pursuant to Section
3 3070, and on the development and administration of standards
4 governing preapprenticeship, certification, and on-the-job training
5 and retraining programs outside the building and construction
6 trades and firefighters.

7 (d) The committee may create subcommittees as needed to
8 address specific industry sectors or projects and shall create a
9 subcommittee to address apprenticeship for the disabled
10 community.

11 *SEC. 5. Section 4.5 of this bill incorporates amendments to*
12 *Section 3071.5 of the Labor Code proposed by both this bill and*
13 *Assembly Bill 565. That section of this bill shall only become*
14 *operative if (1) both bills are enacted and become effective on or*
15 *before January 1, 2022, (2) each bill amends Section 3071.5 of*
16 *the Labor Code, and (3) this bill is enacted after Assembly Bill*
17 *565, in which case Section 4 of this bill shall not become operative.*

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**SB 607 (Min, D-Irvine, and Roth, D-Riverside)
Professions and vocations.**

Status/History: 8/31/2021 – Read second time. Ordered to third reading.

Location: 9/3/2021 – Assembly Floor

Introduced: 2/19/2021

Last Amended: 8/30/2021

Board Position: Watch (as of 7/23/2021)

Board Staff Analysis: 9/3/2021

Bill Summary: SB 607 is a Senate Business, Professions, and Economic Development Committee omnibus bill that makes technical and substantive changes to the operations of a number of boards and bureaus within the jurisdiction of the Department of Consumer Affairs (DCA). The comments below focus on only those sections that affect the Board.

Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. As amended July 6, 2021, this bill would require a board to waive the license application fee and the initial or original license fee charged by the board for an applicant who meets these expedited licensing requirements; this provision would become effective July 1, 2022.

Affected Laws: An act to amend Sections 1724, 1753, 1753.55, 1753.6, 1901, 1903, 4928, 4934, 6510, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, 7583.47, 8520, 8528, 9810, 9882, and 22259 of, to amend, repeal, and add Sections 115.5, 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5 and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

Staff Comment: SB 607 would amend Business and Professions Code section 115.5, which requires the Board to expedite the application process for military spouses, as defined, who meet certain specified criteria. As amended July 6, 2021, the Board would be required to waive the license application fee for any applicant applying under this provision of law. The Board does not charge an original or initial license fee.

This bill was amended on August 30, 2021, to add provisions relating to the Dental Hygiene Board, the Acupuncture Board, the Professional Fiduciaries Bureau, the Structural Pest Control Board, the Bureau of Household Goods and Services, the Bureau of Automotive Repair, and the California Tax Education Council.

Staff Recommendation: No action necessary.

AMENDED IN ASSEMBLY AUGUST 30, 2021

AMENDED IN ASSEMBLY JULY 13, 2021

AMENDED IN ASSEMBLY JULY 6, 2021

AMENDED IN ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 607

Introduced by Senators Min and Roth

February 18, 2021

An act to amend Sections 1724, 1753, 1753.55, 1753.6, 1901, 1903, 4928, 4934, 6510, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, ~~and 7583.47~~ 7583.47, 8520, 8528, 9810, 9882, and 22259 of, to amend, repeal, and add Sections 115.5, 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5, 1636.6, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Min. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and

Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

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

This bill, on and after July 1, 2022, would require a board to waive the licensure application fee and the initial or original license fee for an applicant who meets these expedited licensing requirements.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California within the Department of Consumer Affairs. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee. The act prohibits the board from accepting new applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was renewed by the board prior to January 1, 2020, through a date between January 1, 2024, and June 30, 2026, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process. The bill would also provide that graduates of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, are eligible for licensure.

The Dental Practice Act also provides for the licensure and regulation of dental hygienists by the Dental Hygiene Board of California. Existing law regulates the appointment of members to the board and authorizes the board to appoint an executive officer. Existing law repeals those provisions on January 1, 2023, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the repeal date of the board and related appointment provisions to January 1, 2024.

(3) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board within the Department of Consumer Affairs.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law, the Contractors State License Law, provides for the licensure and regulation of contractors by the Contractors State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met. Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the

bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

(6) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of

the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

Existing law requires the bureau to automatically revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law. Existing law additionally requires the bureau to seek an emergency order against the holder of the firearms permit if a specified event occurs, including that the permitholder was arrested for assault or battery, or the permitholder has been determined incapable of exercising appropriate judgment, restraint, and self-control, among other events, and the bureau determines that the holder of the firearm permit presents an undue hazard to public safety that may result in substantial injury to another.

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. The bill would require an applicant who is a registered security guard to have met the requirement of being found capable of exercising appropriate judgment, restraint, and self-control, for purposes of carrying and using a firearm during the course of their duties, within the 6 months preceding the date the application is submitted to the bureau. The bill would prohibit an applicant who fails the assessment from completing another assessment any earlier than 180 days after the results of the previous assessment are provided to the bureau.

This bill would instead authorize the bureau to revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law, and would instead authorize the bureau to seek an emergency order against a permitholder if a specified event occurs. The bill would remove from the list of specified events the determination that a permitholder is incapable of exercising appropriate judgment, restraint, and self-control.

(7) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists by the Acupuncture Board and authorizes the board to appoint an executive officer. Existing law repeals those provisions on January 1, 2023, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of the board and the authority to appoint an executive officer to January 1, 2024.

(8) Existing law, the Professional Fiduciaries Act, provides for the licensure and regulation of professional fiduciaries by the Professional Fiduciaries Bureau. Existing law repeals the bureau on January 1, 2023, at which time the bureau is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of the bureau to January 1, 2024.

(9) Existing law provides for the licensure and regulation of the practice of structural pest control by the Structural Pest Control Board, and authorizes the board to appoint a registrar to be the executive officer of the board. Existing law repeals those provisions on January 1, 2023, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of the board and the authority to appoint an executive officer to January 1, 2024.

(10) Existing law provides for the licensure and regulation of, among others, electronic and appliance repair dealers, upholstered furniture retailers, and household movers by the Bureau of Household Goods and Services. Existing law subjects the bureau to review by the appropriate policy committees of the Legislature and requires that review to be performed as if the provisions of law regulating the above-mentioned professions and vocations were scheduled to be repealed on January 1, 2023.

This bill would extend the above-described date to January 1, 2024.

(11) Existing law, the Automotive Repair Act, provides for the licensure and regulation of automotive repair dealers by the Bureau of Automotive Repair. Existing law subjects the bureau to review by the appropriate policy committees of the Legislature, as specified, and requires that review to be performed as if the act were scheduled to be repealed on January 1, 2023.

This bill would extend the above-described date to January 1, 2024.

(12) Existing law, the Tax Preparation Act, provides for the licensure and regulation of tax preparers by the California Tax Education Council. Existing law subjects the act to review by the appropriate policy committees of the Legislature and repeals the act on January 1, 2023.

This bill would extend the operation of the act to January 1, 2024.

(7)

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

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

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

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

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

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

16 (c) This section shall remain in effect only until July 1, 2022,
17 and as of that date is repealed.

18 SEC. 2. Section 115.5 is added to the Business and Professions
19 Code, to read:

20 115.5. (a) A board within the department shall expedite the
21 licensure process and waive the licensure application fee and the
22 initial or original license fee charged by the board for an applicant
23 who meets both of the following requirements:

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

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

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

6 (c) This section shall become operative on July 1, 2022.

7 SEC. 3. Section 1636.5 is added to the Business and Professions
8 Code, to read:

9 1636.5. Notwithstanding Section 1636.4, any foreign dental
10 school whose program was renewed by the board prior to January
11 1, 2020, through any date between January 1, 2024, and June 30,
12 2026, shall maintain approval through that date. Upon expiration
13 of the approval, the foreign dental school shall be required to
14 comply with the provisions of Section 1636.4.

15 SEC. 4. Section 1636.6 is added to the Business and Professions
16 Code, to read:

17 1636.6. Notwithstanding Section 1636.4, graduates of a foreign
18 dental school whose program was approved by the board prior to
19 January 1, 2020, through any date before January 1, 2024, and
20 who enrolled in the program prior to January 1, 2020, shall be
21 eligible for licensure pursuant to Section 1628.

22 SEC. 5. Section 1724 of the Business and Professions Code,
23 as added by Section 13 of Chapter 929 of the Statutes of 2018, is
24 amended to read:

25 1724. The amount of charges and fees for dentists licensed
26 pursuant to this chapter shall be established by the board as is
27 necessary for the purpose of carrying out the responsibilities
28 required by this chapter as it relates to dentists, subject to the
29 following limitations:

30 (a) The fee for an application for licensure qualifying pursuant
31 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
32 one thousand five hundred dollars (\$1,500). The fee for an
33 application for licensure qualifying pursuant to paragraph (2) of
34 subdivision (c) of Section 1632 shall not exceed one thousand
35 dollars (\$1,000).

36 (b) The fee for an application for licensure qualifying pursuant
37 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

38 (c) The fee for an application for licensure qualifying pursuant
39 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

1 (d) The fee for an initial license and for the renewal of a license
2 is five hundred twenty-five dollars (\$525). On and after January
3 1, 2016, the fee for an initial license shall not exceed six hundred
4 fifty dollars (\$650), and the fee for the renewal of a license shall
5 not exceed six hundred fifty dollars (\$650). On and after January
6 1, 2018, the fee for an initial license shall not exceed eight hundred
7 dollars (\$800), and the fee for the renewal of a license shall not
8 exceed eight hundred dollars (\$800).

9 (e) The fee for an application for a special permit shall not
10 exceed one thousand dollars (\$1,000), and the renewal fee for a
11 special permit shall not exceed six hundred dollars (\$600).

12 (f) The delinquency fee shall be 50 percent of the renewal fee
13 for such a license or permit in effect on the date of the renewal of
14 the license or permit.

15 (g) The penalty for late registration of change of place of
16 practice shall not exceed seventy-five dollars (\$75).

17 (h) The fee for an application for an additional office permit
18 shall not exceed seven hundred fifty dollars (\$750), and the fee
19 for the renewal of an additional office permit shall not exceed three
20 hundred seventy-five dollars (\$375).

21 (i) The fee for issuance of a replacement pocket license,
22 replacement wall certificate, or replacement engraved certificate
23 shall not exceed one hundred twenty-five dollars (\$125).

24 (j) The fee for a provider of continuing education shall not
25 exceed five hundred dollars (\$500) per year.

26 (k) The fee for application for a referral service permit and for
27 renewal of that permit shall not exceed twenty-five dollars (\$25).

28 (l) The fee for application for an extramural facility permit and
29 for the renewal of a permit shall not exceed twenty-five dollars
30 (\$25).

31 (m) The fee for an application for an elective facial cosmetic
32 surgery permit shall not exceed four thousand dollars (\$4,000),
33 and the fee for the renewal of an elective facial cosmetic surgery
34 permit shall not exceed eight hundred dollars (\$800).

35 (n) The fee for an application for an oral and maxillofacial
36 surgery permit shall not exceed one thousand dollars (\$1,000), and
37 the fee for the renewal of an oral and maxillofacial surgery permit
38 shall not exceed one thousand two hundred dollars (\$1,200).

39 (o) The fee for an application for a general anesthesia permit
40 shall not exceed one thousand dollars (\$1,000), and the fee for the

1 renewal of a general anesthesia permit shall not exceed six hundred
2 dollars (\$600).

3 (p) The fee for an onsite inspection and evaluation related to a
4 general anesthesia or moderate sedation permit shall not exceed
5 four thousand five hundred dollars (\$4,500).

6 (q) The fee for an application for a moderate sedation permit
7 shall not exceed one thousand dollars (\$1,000), and the fee for the
8 renewal of a conscious sedation permit shall not exceed six hundred
9 dollars (\$600).

10 (r) The fee for an application for an oral conscious sedation
11 permit shall not exceed one thousand dollars (\$1,000), and the fee
12 for the renewal of an oral conscious sedation permit shall not
13 exceed six hundred dollars (\$600).

14 (s) The fee for an application for a pediatric minimal sedation
15 permit shall not exceed one thousand dollars (\$1,000), and the fee
16 for the renewal of a pediatric minimal sedation permit shall not
17 exceed six hundred dollars (\$600).

18 (t) The fee for a certification of licensure shall not exceed one
19 hundred twenty-five dollars (\$125).

20 (u) The fee for an application for the law and ethics examination
21 shall not exceed two hundred fifty dollars (\$250).

22 (v) This section shall become operative on January 1, 2022.

23 SEC. 6. Section 1753 of the Business and Professions Code is
24 amended to read:

25 1753. (a) On and after January 1, 2010, the board may license
26 as a registered dental assistant in extended functions a person who
27 submits written evidence, satisfactory to the board, of all of the
28 following eligibility requirements:

29 (1) Current licensure as a registered dental assistant or
30 completion of the requirements for licensure as a registered dental
31 assistant.

32 (2) Successful completion of a board-approved course in the
33 application of pit and fissure sealants.

34 (3) Successful completion of either of the following:

35 (A) An extended functions postsecondary program approved
36 by the board in all of the procedures specified in Section 1753.5.

37 (B) An extended functions postsecondary program approved
38 by the board to teach the duties that registered dental assistants in
39 extended functions were allowed to perform pursuant to board
40 regulations prior to January 1, 2010, and a course approved by the

1 board in the procedures specified in paragraphs (1), (2), (5), and
2 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

3 (4) Passage of a written examination administered by the board.
4 The board shall designate whether the written examination shall
5 be administered by the board or by the board-approved extended
6 functions program.

7 (b) A registered dental assistant in extended functions may apply
8 for an orthodontic assistant permit or a dental sedation assistant
9 permit, or both, by providing written evidence of the following:

10 (1) Successful completion of a board-approved orthodontic
11 assistant or dental sedation assistant course, as applicable.

12 (2) Passage of a written examination administered by the board
13 that shall encompass the knowledge, skills, and abilities necessary
14 to competently perform the duties of the particular permit.

15 (c) A registered dental assistant in extended functions with
16 permits in either orthodontic assisting or dental sedation assisting
17 shall be referred to as an “RDAEF with orthodontic assistant
18 permit,” or “RDAEF with dental sedation assistant permit,” as
19 applicable. These terms shall be used for reference purposes only
20 and do not create additional categories of licensure.

21 (d) Completion of the continuing education requirements
22 established by the board pursuant to Section 1645 by a registered
23 dental assistant in extended functions who also holds a permit as
24 an orthodontic assistant or dental sedation assistant shall fulfill the
25 continuing education requirement for such permit or permits.

26 SEC. 7. Section 1753.4 of the Business and Professions Code
27 is repealed.

28 SEC. 8. Section 1753.55 of the Business and Professions Code
29 is amended to read:

30 1753.55. (a) A registered dental assistant in extended functions
31 is authorized to perform the additional duties as set forth in
32 subdivision (b) pursuant to the order, control, and full professional
33 responsibility of a supervising dentist, if the licensee meets one of
34 the following requirements:

35 (1) Is licensed on or after January 1, 2010.

36 (2) Is licensed prior to January 1, 2010, and has successfully
37 completed a board-approved course in the additional procedures
38 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
39 subdivision (b) of Section 1753.5.

1 (b) (1) Determine which radiographs to perform on a patient
2 who has not received an initial examination by the supervising
3 dentist for the specific purpose of the dentist making a diagnosis
4 and treatment plan for the patient. In these circumstances, the
5 dental assistant in extended functions shall follow protocols
6 established by the supervising dentist. This paragraph only applies
7 in the following settings:
8 (A) In a dental office setting.
9 (B) In public health settings, using telehealth, as defined by
10 Section 2290.5, for the purpose of communication with the
11 supervising dentist, including, but not limited to, schools, head
12 start and preschool programs, and community clinics, under the
13 general supervision of a dentist.

14 (2) Place protective restorations, which for this purpose are
15 identified as interim therapeutic restorations, and defined as a
16 direct provisional restoration placed to stabilize the tooth until a
17 licensed dentist diagnoses the need for further definitive treatment.
18 An interim therapeutic restoration consists of the removal of soft
19 material from the tooth using only hand instrumentation, without
20 the use of rotary instrumentation, and subsequent placement of an
21 adhesive restorative material. Local anesthesia shall not be
22 necessary for interim therapeutic restoration placement. Interim
23 therapeutic restorations shall be placed only in accordance with
24 both of the following:
25 (A) In either of the following settings:
26 (i) In a dental office setting, under the direct or general
27 supervision of a dentist as determined by the dentist.
28 (ii) In public health settings, using telehealth, as defined by
29 Section 2290.5, for the purpose of communication with the
30 supervising dentist, including, but not limited to, schools, head
31 start and preschool programs, and community clinics, under the
32 general supervision of a dentist.
33 (B) After the diagnosis, treatment plan, and instruction to
34 perform the procedure provided by a dentist.

35 (c) The functions described in subdivision (b) may be performed
36 by a registered dental assistant in extended functions only after
37 completion of a program that includes training in performing those
38 functions, or after providing evidence, satisfactory to the board,
39 of having completed a board-approved course in those functions.

1 (d) No later than January 1, 2018, the board shall adopt
2 regulations to establish requirements for courses of instruction for
3 the procedures authorized to be performed by a registered dental
4 assistant in extended functions pursuant to this section using the
5 competency-based training protocols established by the Health
6 Workforce Pilot Project (HWPP) No. 172 through the Office of
7 Statewide Health Planning and Development. The board shall
8 submit to the committee proposed regulatory language for the
9 curriculum for the Interim Therapeutic Restoration to the
10 committee for the purpose of promulgating regulations for
11 registered dental hygienists and registered dental hygienists in
12 alternative practice as described in Section 1910.5. The language
13 submitted by the board shall mirror the instructional curriculum
14 for the registered dental assistant in extended functions. Any
15 subsequent amendments to the regulations that are promulgated
16 by the board for the Interim Therapeutic Restoration curriculum
17 shall be submitted to the committee.

18 (e) The board may issue a permit to a registered dental assistant
19 in extended functions who files a completed application, including
20 the fee, to provide the duties specified in this section after the board
21 has determined the registered dental assistant in extended functions
22 has completed the coursework required in subdivision (c).

23 (f) This section shall become operative on January 1, 2018.

24 SEC. 9. Section 1753.6 of the Business and Professions Code
25 is amended to read:

26 1753.6. (a) Each person who holds a license as a registered
27 dental assistant in extended functions on the operative date of this
28 section may only perform those procedures that a registered dental
29 assistant is allowed to perform as specified in and limited by
30 Section 1752.4, and the procedures specified in paragraphs (1) to
31 (6), inclusive, until the person provides evidence of having
32 completed a board-approved course in the additional procedures
33 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
34 subdivision (b) of Section 1753.5:

- 35 (1) Cord retraction of gingiva for impression procedures.
- 36 (2) Take final impressions for permanent indirect restorations.
- 37 (3) Formulate indirect patterns for endodontic post and core
38 castings.
- 39 (4) Fit trial endodontic filling points.
- 40 (5) Apply pit and fissure sealants.

1 (6) Remove excess cement from subgingival tooth surfaces with
2 a hand instrument.

3 (b) This section shall become operative on January 1, 2010.

4 *SEC. 10. Section 1901 of the Business and Professions Code*
5 *is amended to read:*

6 1901. (a) There is hereby created in the Department of
7 Consumer Affairs a Dental Hygiene Board of California in which
8 the administration of this article is vested.

9 (b) Whenever the terms “Dental Hygiene Committee of
10 California” or “committee” are used in this article, they mean the
11 Dental Hygiene Board of California.

12 (c) Whenever the term “Dental Hygiene Committee of
13 California” is used in any other law, it means the Dental Hygiene
14 Board of California.

15 (d) This section shall remain in effect only until January 1, ~~2023,~~
16 ~~2024,~~ and as of that date is repealed. Notwithstanding any other
17 law, the repeal of this section renders the hygiene board subject
18 to review by the appropriate policy committees of the Legislature.

19 *SEC. 11. Section 1903 of the Business and Professions Code*
20 *is amended to read:*

21 1903. (a) (1) The dental hygiene board shall consist of nine
22 members as follows:

23 (A) Seven members appointed by the Governor as follows:

24 (i) Two members shall be public members.

25 (ii) One member shall be a practicing general or public health
26 dentist who holds a current license in California.

27 (iii) Four members shall be registered dental hygienists who
28 hold current licenses in California. Of the registered dental
29 hygienist members, one shall be licensed either in alternative
30 practice or in extended functions, one shall be a dental hygiene
31 educator, and two shall be registered dental hygienists. No public
32 member shall have been licensed under this chapter within five
33 years of the date of their appointment or have any current financial
34 interest in a dental-related business.

35 (B) One public member appointed by the Senate Committee on
36 Rules.

37 (C) One public member appointed by the Speaker of the
38 Assembly.

39 (2) (A) The first appointment by the Senate Committee on
40 Rules or the Speaker of the Assembly pursuant to this subdivision

1 shall be made upon the expiration of the term of a public member
2 that is scheduled to occur, or otherwise occurs, on or after January
3 1, 2019.

4 (B) It is the intent of the Legislature that committee members
5 appointed prior to January 1, 2019, remain as hygiene board
6 members until their term expires or except as otherwise provided
7 in law, whichever occurs first.

8 (3) For purposes of this subdivision, a public health dentist is
9 a dentist whose primary employer or place of employment is in
10 any of the following:

11 (A) A primary care clinic licensed under subdivision (a) of
12 Section 1204 of the Health and Safety Code.

13 (B) A primary care clinic exempt from licensure pursuant to
14 subdivision (c) of Section 1206 of the Health and Safety Code.

15 (C) A clinic owned or operated by a public hospital or health
16 system.

17 (D) A clinic owned and operated by a hospital that maintains
18 the primary contract with a county government to fill the county's
19 role under Section 17000 of the Welfare and Institutions Code.

20 (b) (1) Except as specified in paragraph (2), members of the
21 dental hygiene board shall be appointed for a term of four years.
22 Each member shall hold office until the appointment and
23 qualification of the member's successor or until one year shall
24 have lapsed since the expiration of the term for which the member
25 was appointed, whichever comes first.

26 (2) For the term commencing on January 1, 2012, two of the
27 public members, the general or public health dentist member, and
28 two of the registered dental hygienist members, other than the
29 dental hygiene educator member or the registered dental hygienist
30 member licensed in alternative practice or in extended functions,
31 shall each serve a term of two years, expiring January 1, 2014.

32 (c) Notwithstanding any other provision of law and subject to
33 subdivision (e), the Governor may appoint to the dental hygiene
34 board a person who previously served as a member of the former
35 committee or hygiene board even if the person's previous term
36 expired.

37 (d) The dental hygiene board shall elect a president, a vice
38 president, and a secretary from its membership.

39 (e) No person shall serve as a member of the dental hygiene
40 board for more than two consecutive terms.

1 (f) A vacancy in the dental hygiene board shall be filled by
2 appointment to the unexpired term.

3 (g) Each member of the dental hygiene board shall receive a
4 per diem and expenses as provided in Section 103.

5 (h) The Governor shall have the power to remove any member
6 from the dental hygiene board for neglect of a duty required by
7 law, for incompetence, or for unprofessional or dishonorable
8 conduct.

9 (i) The dental hygiene board, with the approval of the director,
10 may appoint a person exempt from civil service who shall be
11 designated as an executive officer and who shall exercise the
12 powers and perform the duties delegated by the dental hygiene
13 board and vested in the executive officer by this article.

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

16 *SEC. 12. Section 4928 of the Business and Professions Code*
17 *is amended to read:*

18 4928. (a) The Acupuncture Board, which consists of seven
19 members, shall enforce and administer this chapter.

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

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

25 *SEC. 13. Section 4934 of the Business and Professions Code*
26 *is amended to read:*

27 4934. (a) The board, by and with the approval of the director,
28 may appoint an executive officer who is exempt from the State
29 Civil Service Act (Part 2 (commencing with Section 18500) of
30 Division 5 of Title 2 of the Government Code).

31 (b) This section shall remain in effect only until January 1, ~~2023,~~
32 ~~2024~~, and as of that date is repealed.

33 ~~SEC. 10.~~

34 *SEC. 14. Section 5650.5 is added to the Business and*
35 *Professions Code, to read:*

36 5650.5. (a) Pursuant to Section 144, the board has the authority
37 to obtain and review criminal offender record information. The
38 information obtained as a result of the fingerprinting shall be used
39 in accordance with Section 11105 of the Penal Code to determine
40 whether the applicant is subject to denial, suspension, or revocation

1 of a license pursuant to Division 1.5 (commencing with Section
2 475) or Section 5660, 5675, or 5676.

3 (b) As a condition of application for a license, each applicant
4 shall ~~furnish~~ *provide* to the Department of Justice a full set of
5 fingerprints for the purpose of conducting a criminal history record
6 check and to undergo a state- and federal- level criminal offender
7 record information search conducted through the Department of
8 Justice, as follows:

9 (1) ~~The board~~ *Department of Consumer Affairs, California*
10 *Architects Board* shall electronically submit to the Department of
11 Justice fingerprint images and related information required by the
12 Department of Justice of all landscape architect license applicants
13 *pursuant to subdivision (u) of Section 11105 of the Penal Code,*
14 *as defined by Section 5615,* for the purpose of obtaining
15 information as to the existence and content of a record of state or
16 federal arrests and state or federal convictions and also information
17 as to the existence and content of a record of state or federal arrests
18 for which the Department of Justice establishes that the person is
19 free on bail or on their recognizance pending trial or appeal.

20 (2) When received, the Department of Justice shall transmit
21 fingerprint images and related information received pursuant to
22 this section, to the Federal Bureau of Investigation for the purpose
23 of obtaining a federal criminal history records check. The
24 Department of Justice shall review the information returned from
25 the Federal Bureau of Investigation and compile and disseminate
26 a response to the ~~board~~ *California Architects Board*.

27 (3) The Department of Justice shall provide a state or federal
28 response to the ~~board~~ *California Architects Board* pursuant to
29 subdivision (p) of Section 11105 of the Penal Code.

30 (4) ~~The board~~ *California Architects Board* shall request from
31 the Department of Justice subsequent notification service, as
32 provided pursuant to Section 11105.2 of the Penal Code, for
33 persons described in paragraph (1).

34 (5) The Department of Justice shall charge the applicant a fee
35 sufficient to cover the cost of processing the request described in
36 this subdivision.

37 (c) The applicant shall certify, under penalty of perjury, when
38 applying for a license whether the applicant's fingerprints have
39 been furnished to the Department of Justice in compliance with
40 this section.

1 (d) Failure to comply with the requirements of this section
2 renders the application for a license incomplete, and the application
3 shall not be considered until the applicant demonstrates compliance
4 with all requirements of this section.

5 (e) Notwithstanding any other law, the results of any criminal
6 offender record information request by either state or federal law
7 enforcement authorities shall not be released by the board except
8 in accordance with state and federal requirements.

9 (f) As used in this section, the term “applicant” shall be limited
10 to an initial applicant who has never been registered or licensed
11 by the board or to an applicant for a new licensure or registration
12 category.

13 (g) As a condition of petitioning the board for reinstatement of
14 a revoked or surrendered license, an applicant shall comply with
15 subdivision (a).

16 *SEC. 15. Section 6510 of the Business and Professions Code*
17 *is amended to read:*

18 6510. (a) There is within the jurisdiction of the department
19 the Professional Fiduciaries Bureau. The bureau is under the
20 supervision and control of the director. The duty of enforcing and
21 administering this chapter is vested in the chief of the bureau, who
22 is responsible to the director. Every power granted or duty imposed
23 upon the director under this chapter may be exercised or performed
24 in the name of the director by a deputy director or by the chief,
25 subject to conditions and limitations as the director may prescribe.

26 (b) The Governor shall appoint, subject to confirmation by the
27 Senate, the chief of the bureau, at a salary to be fixed and
28 determined by the director with the approval of the Director of
29 Finance. The chief shall serve under the direction and supervision
30 of the director and at the pleasure of the Governor.

31 (c) (1) This section shall remain in effect only until January 1,
32 ~~2023~~, 2024, and as of that date is repealed.

33 (2) Notwithstanding any other provision of law, the repeal of
34 this section renders the bureau subject to review by the appropriate
35 policy committees of the Legislature.

36 (3) Notwithstanding any other law, upon the repeal of this
37 section, the responsibilities and jurisdiction of the bureau shall be
38 transferred to the Professional Fiduciaries Advisory Committee,
39 as provided by Section 6511.

1 ~~SEC. 11.~~

2 *SEC. 16.* Section 7071.6 of the Business and Professions Code
3 is amended to read:

4 7071.6. (a) The board shall require as a condition precedent
5 to the issuance, reinstatement, reactivation, renewal, or continued
6 maintenance of a license, that the applicant or licensee file or have
7 on file a contractor's bond in the sum of fifteen thousand dollars
8 (\$15,000).

9 (b) Excluding the claims brought by the beneficiaries specified
10 in subdivision (a) of Section 7071.5, the aggregate liability of a
11 surety on claims brought against a bond required by this section
12 shall not exceed the sum of seven thousand five hundred dollars
13 (\$7,500). The bond proceeds in excess of seven thousand five
14 hundred dollars (\$7,500) shall be reserved exclusively for the
15 claims of the beneficiaries specified in subdivision (a) of Section
16 7071.5. However, nothing in this section shall be construed so as
17 to prevent any beneficiary specified in subdivision (a) of Section
18 7071.5 from claiming or recovering the full measure of the bond
19 required by this section.

20 (c) A bond shall not be required of a holder of a license that has
21 been inactivated on the official records of the board during the
22 period the license is inactive.

23 (d) Notwithstanding any other law, as a condition precedent to
24 licensure, the board may require an applicant to post a contractor's
25 bond in twice the amount required pursuant to subdivision (a) until
26 the time that the license is renewed, under the following conditions:

27 (1) The applicant has either been convicted of a violation of
28 Section 7028 or has been cited pursuant to Section 7028.7.

29 (2) If the applicant has been cited pursuant to Section 7028.7,
30 the citation has been reduced to a final order of the registrar.

31 (3) The violation of Section 7028, or the basis for the citation
32 issued pursuant to Section 7028.7, constituted a substantial injury
33 to the public.

34 (e) (1) The board shall conduct a study to obtain information
35 to evaluate whether the current fifteen-thousand-dollar (\$15,000)
36 amount of the contractor bond is sufficient, or whether an increase
37 may be necessary.

38 (2) The board shall report its findings and recommendations to
39 the appropriate policy committees of the Legislature, in accordance
40 with Section 9795 of the Government Code, by January 1, 2021.

1 (f) This section shall remain in effect only until January 1, 2023,
2 and as of that date is repealed.

3 ~~SEC. 12.~~

4 *SEC. 17.* Section 7071.6 is added to the Business and
5 Professions Code, to read:

6 7071.6. (a) The board shall require as a condition precedent
7 to the issuance, reinstatement, reactivation, renewal, or continued
8 maintenance of a license, that the applicant or licensee file or have
9 on file a contractor's bond in the sum of twenty-five thousand
10 dollars (\$25,000).

11 (b) Excluding the claims brought by the beneficiaries specified
12 in subdivision (a) of Section 7071.5, the aggregate liability of a
13 surety on claims brought against a bond required by this section
14 shall not exceed the sum of seven thousand five hundred dollars
15 (\$7,500). The bond proceeds in excess of seven thousand five
16 hundred dollars (\$7,500) shall be reserved exclusively for the
17 claims of the beneficiaries specified in subdivision (a) of Section
18 7071.5. However, nothing in this section shall be construed so as
19 to prevent any beneficiary specified in subdivision (a) of Section
20 7071.5 from claiming or recovering the full measure of the bond
21 required by this section.

22 (c) A bond shall not be required of a holder of a license that has
23 been inactivated on the official records of the board during the
24 period the license is inactive.

25 (d) Notwithstanding any other law, as a condition precedent to
26 licensure, the board may require an applicant to post a contractor's
27 bond in twice the amount required pursuant to subdivision (a) until
28 the time that the license is renewed, under the following conditions:

29 (1) The applicant has either been convicted of a violation of
30 Section 7028 or has been cited pursuant to Section 7028.7.

31 (2) If the applicant has been cited pursuant to Section 7028.7,
32 the citation has been reduced to a final order of the registrar.

33 (3) The violation of Section 7028, or the basis for the citation
34 issued pursuant to Section 7028.7, constituted a substantial injury
35 to the public.

36 (e) This section shall become operative on January 1, 2023.

37 ~~SEC. 13.~~

38 *SEC. 18.* Section 7071.8 of the Business and Professions Code
39 is amended to read:

1 7071.8. (a) This section applies to an application for a license,
2 for renewal or restoration of a license, an application to change
3 officers or members of a corporation or a limited liability company,
4 or for continued valid use of a license which has been disciplined,
5 whether or not the disciplinary action has been stayed, made by
6 any of the following persons or firms:

7 (1) A person whose license has been suspended or revoked as
8 a result of disciplinary action, or a person who was a qualifying
9 individual for a licensee at any time during which cause for
10 disciplinary action occurred resulting in suspension or revocation
11 of the licensee's license, whether or not the qualifying individual
12 had knowledge or participated in the prohibited act or omission.

13 (2) A person who was an officer, director, manager, partner, or
14 member of the personnel of record of a licensee at any time during
15 which cause for disciplinary action occurred resulting in suspension
16 or revocation of the licensee's license and who had knowledge of
17 or participated in the act or omission which was the cause for the
18 disciplinary action.

19 (3) A partnership, corporation, limited liability company, firm,
20 or association of which an existing or new officer, director,
21 manager, partner, qualifying person, or member of the personnel
22 of record has had a license suspended or revoked as a result of
23 disciplinary action.

24 (4) A partnership, corporation, limited liability company, firm,
25 or association of which a member of the personnel of record,
26 including, but not limited to, an officer, director, manager, partner,
27 or qualifying person was, likewise, a manager, officer, director,
28 or partner of a licensee at any time during which cause for
29 disciplinary action occurred resulting in suspension or revocation
30 of the license, and who had knowledge of or participated in the
31 act or omission which was the cause for the disciplinary action.

32 (b) The board shall require as a condition precedent to the
33 issuance, reissuance, renewal, or restoration of a license to the
34 applicant, or to the approval of an application to change officers
35 of a corporation or a limited liability company, or removal of
36 suspension, or to the continued valid use of a license which has
37 been suspended or revoked, but which suspension or revocation
38 has been stayed, that the applicant or licensee file or have on file
39 a contractor's bond in a sum to be fixed by the registrar based upon
40 the seriousness of the violation, but which sum shall not be less

1 than fifteen thousand dollars (\$15,000) nor more than 10 times
2 that amount required by Section 7071.6.

3 (c) The bond is in addition to, may not be combined with, and
4 does not replace any other type of bond required by this chapter.
5 The bond shall remain on file with the registrar for a period of at
6 least two years and for any additional time that the registrar
7 determines. The bond period shall run only while the license is
8 current, active, and in good standing, and shall be extended until
9 the license has been current, active, and in good standing for the
10 required period. Each applicant or licensee shall be required to file
11 only one disciplinary contractor's bond of the type described in
12 this section for each application or license subject to this bond
13 requirement.

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

16 ~~SEC. 14.~~

17 *SEC. 19.* Section 7071.8 is added to the Business and
18 Professions Code, to read:

19 7071.8. (a) This section applies to an application for a license,
20 for renewal or restoration of a license, an application to change
21 officers or members of a corporation or a limited liability company,
22 or for continued valid use of a license which has been disciplined,
23 whether or not the disciplinary action has been stayed, made by
24 any of the following persons or firms:

25 (1) A person whose license has been suspended or revoked as
26 a result of disciplinary action, or a person who was a qualifying
27 individual for a licensee at any time during which cause for
28 disciplinary action occurred resulting in suspension or revocation
29 of the licensee's license, whether or not the qualifying individual
30 had knowledge or participated in the prohibited act or omission.

31 (2) A person who was an officer, director, manager, partner, or
32 member of the personnel of record of a licensee at any time during
33 which cause for disciplinary action occurred resulting in suspension
34 or revocation of the licensee's license and who had knowledge of
35 or participated in the act or omission which was the cause for the
36 disciplinary action.

37 (3) A partnership, corporation, limited liability company, firm,
38 or association of which an existing or new officer, director,
39 manager, partner, qualifying person, or member of the personnel

1 of record has had a license suspended or revoked as a result of
2 disciplinary action.

3 (4) A partnership, corporation, limited liability company, firm,
4 or association of which a member of the personnel of record,
5 including, but not limited to, an officer, director, manager, partner,
6 or qualifying person was, likewise, a manager, officer, director,
7 or partner of a licensee at any time during which cause for
8 disciplinary action occurred resulting in suspension or revocation
9 of the license, and who had knowledge of or participated in the
10 act or omission which was the cause for the disciplinary action.

11 (b) The board shall require as a condition precedent to the
12 issuance, reissuance, renewal, or restoration of a license to the
13 applicant, or to the approval of an application to change officers
14 of a corporation or a limited liability company, or removal of
15 suspension, or to the continued valid use of a license which has
16 been suspended or revoked, but which suspension or revocation
17 has been stayed, that the applicant or licensee file or have on file
18 a contractor's bond in a sum to be fixed by the registrar based upon
19 the seriousness of the violation, but which sum shall not be less
20 than twenty-five thousand dollars (\$25,000) nor more than 10
21 times that amount required by Section 7071.6.

22 (c) The bond is in addition to, may not be combined with, and
23 does not replace any other type of bond required by this chapter.
24 The bond shall remain on file with the registrar for a period of at
25 least two years and for any additional time that the registrar
26 determines. The bond period shall run only while the license is
27 current, active, and in good standing, and shall be extended until
28 the license has been current, active, and in good standing for the
29 required period. Each applicant or licensee shall be required to file
30 only one disciplinary contractor's bond of the type described in
31 this section for each application or license subject to this bond
32 requirement.

33 (d) This section shall become operative on January 1, 2023.

34 ~~SEC. 15.~~

35 *SEC. 20.* Section 7071.9 of the Business and Professions Code
36 is amended to read:

37 7071.9. (a) If the qualifying individual, as referred to in
38 Sections 7068 and 7068.1, is neither the proprietor, a general
39 partner, nor a joint licensee, the qualifying individual shall file or
40 have on file a qualifying individual's bond as provided in Section

1 7071.10 in the sum of twelve thousand five hundred dollars
2 (\$12,500). This bond is in addition to, and shall not be combined
3 with, any contractor's bond required by Sections 7071.5 to 7071.8,
4 inclusive, and is required for the issuance, reinstatement,
5 reactivation, or continued valid use of a license.

6 (b) Excluding the claims brought by the beneficiaries specified
7 in paragraph (1) of subdivision (a) of Section 7071.10, the
8 aggregate liability of a surety on claims brought against the bond
9 required by this section shall not exceed the sum of seven thousand
10 five hundred dollars (\$7,500). The bond proceeds in excess of
11 seven thousand five hundred dollars (\$7,500) shall be reserved
12 exclusively for the claims of the beneficiaries specified in
13 paragraph (1) of subdivision (a) of Section 7071.10. However,
14 nothing in this section shall be construed to prevent any beneficiary
15 specified in paragraph (1) of subdivision (a) of Section 7071.10
16 from claiming or recovering the full measure of the bond required
17 by this section. This bond is in addition to, and shall not be
18 combined with, any contractor's bond required by Sections 7071.5
19 to 7071.8, inclusive, and is required for the issuance, reinstatement,
20 reactivation, or continued valid use of a license.

21 (c) The responsible managing officer of a corporation shall not
22 be required to file or have on file a qualifying individual's bond,
23 if the responsible managing officer owns 10 percent or more of
24 the voting stock of the corporation and certifies to that fact on a
25 form prescribed by the registrar.

26 (d) The qualifying individual for a limited liability company
27 shall not be required to file or have on file a qualifying individual's
28 bond if the qualifying individual owns at least a 10-percent
29 membership interest in the limited liability company and certifies
30 to that fact on a form prescribed by the registrar.

31 (e) This section shall remain in effect only until January 1, 2023,
32 and as of that date is repealed.

33 ~~SEC. 16.~~

34 *SEC. 21.* Section 7071.9 is added to the Business and
35 Professions Code, to read:

36 7071.9. (a) If the qualifying individual, as referred to in
37 Sections 7068 and 7068.1, is neither the proprietor, a general
38 partner, nor a joint licensee, the qualifying individual shall file or
39 have on file a qualifying individual's bond as provided in Section
40 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This

1 bond is in addition to, and shall not be combined with, any
2 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,
3 and is required for the issuance, reinstatement, reactivation, or
4 continued valid use of a license.

5 (b) Excluding the claims brought by the beneficiaries specified
6 in paragraph (1) of subdivision (a) of Section 7071.10, the
7 aggregate liability of a surety on claims brought against the bond
8 required by this section shall not exceed the sum of seven thousand
9 five hundred dollars (\$7,500). The bond proceeds in excess of
10 seven thousand five hundred dollars (\$7,500) shall be reserved
11 exclusively for the claims of the beneficiaries specified in
12 paragraph (1) of subdivision (a) of Section 7071.10. However,
13 nothing in this section shall be construed to prevent any beneficiary
14 specified in paragraph (1) of subdivision (a) of Section 7071.10
15 from claiming or recovering the full measure of the bond required
16 by this section. This bond is in addition to, and shall not be
17 combined with, any contractor's bond required by Sections 7071.5
18 to 7071.8, inclusive, and is required for the issuance, reinstatement,
19 reactivation, or continued valid use of a license.

20 (c) The responsible managing officer of a corporation shall not
21 be required to file or have on file a qualifying individual's bond,
22 if the responsible managing officer owns 10 percent or more of
23 the voting stock of the corporation and certifies to that fact on a
24 form prescribed by the registrar.

25 (d) The qualifying individual for a limited liability company
26 shall not be required to file or have on file a qualifying individual's
27 bond if the qualifying individual owns at least a 10-percent
28 membership interest in the limited liability company and certifies
29 to that fact on a form prescribed by the registrar.

30 (e) This section shall become operative on January 1, 2023.

31 ~~SEC. 17.~~

32 *SEC. 22.* Section 7137 of the Business and Professions Code
33 is amended to read:

34 7137. (a) The board may set fees by regulation. These fees
35 shall be set according to the following schedule:

36 (1) Application fees shall be set as follows:

37 (A) The application fee for an original license in a single
38 classification shall be four hundred fifty dollars (\$450) and may
39 be increased to not more than five hundred sixty-three dollars
40 (\$563).

1 (B) The application fee for each additional classification applied
2 for in connection with an original license shall be one hundred
3 fifty dollars (\$150) and may be increased to not more than one
4 hundred eighty-eight dollars (\$188).

5 (C) The application fee for each additional classification
6 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
7 and may be increased to not more than two hundred eighty-eight
8 dollars (\$288).

9 (D) The application fee to replace a responsible managing
10 officer, responsible managing manager, responsible managing
11 member, or responsible managing employee pursuant to Section
12 7068.2 shall be two hundred thirty dollars (\$230) and may be
13 increased to not more than two hundred eighty-eight dollars (\$288).

14 (E) The application fee to add personnel, other than a qualifying
15 individual, to an existing license shall be one hundred twenty-five
16 dollars (\$125) and may be increased to not more than one hundred
17 fifty-seven dollars (\$157).

18 (F) The application fee for an asbestos certification examination
19 shall be one hundred twenty-five dollars (\$125) and may be
20 increased to not more than one hundred fifty-seven dollars (\$157).

21 (G) The application fee for a hazardous substance removal or
22 remedial action certification examination shall be one hundred
23 twenty-five dollars (\$125) and may be increased to not more than
24 one hundred fifty-seven dollars (\$157).

25 (2) Examination scheduling fees shall be set as follows:

26 (A) The fee for rescheduling an examination for an applicant
27 who has applied for an original license, additional classification,
28 a change of responsible managing officer, responsible managing
29 manager, responsible managing member, or responsible managing
30 employee, or for an asbestos certification or hazardous substance
31 removal certification, shall be one hundred dollars (\$100) and may
32 be increased to not more than one hundred twenty-five dollars
33 (\$125).

34 (B) The fee for scheduling or rescheduling an examination for
35 a licensee who is required to take the examination as a condition
36 of probation shall be one hundred dollars (\$100) and may be
37 increased to not more than one hundred twenty-five dollars (\$125).

38 (3) Initial license and registration fees shall be set as follows:

1 (A) The initial license fee for an active or inactive license for
2 an individual owner shall be two hundred dollars (\$200) and may
3 be increased to not more than two hundred fifty dollars (\$250).

4 (B) The initial license fee for an active or inactive license for a
5 partnership, corporation, limited liability company, or joint venture
6 shall be three hundred fifty dollars (\$350) and may be increased
7 to not more than four hundred thirty-eight dollars (\$438).

8 (C) The registration fee for a home improvement salesperson
9 shall be two hundred dollars (\$200) and may be increased to not
10 more than two hundred fifty dollars (\$250).

11 (4) License and registration renewal fees shall be set as follows:

12 (A) The renewal fee for an active license for an individual owner
13 shall be four hundred fifty dollars (\$450) and may be increased to
14 not more than five hundred sixty-three dollars (\$563).

15 (B) The renewal fee for an inactive license for an individual
16 owner shall be three hundred dollars (\$300) and may be increased
17 to not more than three hundred seventy-five dollars (\$375).

18 (C) The renewal fee for an active license for a partnership,
19 corporation, limited liability company, or joint venture shall be
20 seven hundred dollars (\$700) and may be increased to not more
21 than eight hundred seventy-five dollars (\$875).

22 (D) The renewal fee for an inactive license for a partnership,
23 corporation, limited liability company, or joint venture shall be
24 five hundred dollars (\$500) and may be increased to not more than
25 six hundred twenty-five dollars (\$625).

26 (E) The renewal fee for a home improvement salesperson
27 registration shall be two hundred dollars (\$200) and may be
28 increased to not more than two hundred fifty dollars (\$250).

29 (5) The delinquency fee is an amount equal to 50 percent of the
30 renewal fee, if the license is renewed after its expiration.

31 (6) Miscellaneous fees shall be set as follows:

32 (A) In addition to any other fees charged to C-10 contractors,
33 the board shall charge a fee of twenty dollars (\$20), to be assessed
34 with the renewal fee for an active license, which shall be used by
35 the board to enforce provisions of the Labor Code related to
36 electrician certification.

37 (B) The service fee to deposit with the registrar lawful money
38 or cashier's check pursuant to paragraph (1) of subdivision (a) of
39 Section 995.710 of the Code of Civil Procedure for purposes of
40 compliance with any provision of Article 5 (commencing with

1 Section 7065) shall be one hundred dollars (\$100), which shall be
2 used by the board only to process each deposit filed with the
3 registrar, to cover the reasonable costs to the registrar for holding
4 money or cashier's checks in trust in interest bearing deposit or
5 share accounts, and to offset the costs of processing payment of
6 lawful claims against a deposit in a civil action.

7 (C) The fee for the processing and issuance of a duplicate copy
8 of any certificate of licensure or other form evidencing licensure
9 or renewal of licensure pursuant to Section 122 shall be twenty-five
10 dollars (\$25).

11 (D) The fee to change the business name of a license as it is
12 recorded under this chapter shall be one hundred dollars (\$100)
13 and may be increased to not more than one hundred twenty-five
14 dollars (\$125).

15 (E) The service charge for a dishonored check authorized by
16 Section 6157 of the Government Code shall be twenty-five dollars
17 (\$25) for each check.

18 (b) The board shall, by regulation, establish criteria for the
19 approval of expedited processing of applications. Approved
20 expedited processing of applications for licensure or registration,
21 as required by other provisions of law, shall not be subject to this
22 subdivision.

23 ~~SEC. 18.~~

24 *SEC. 23.* Section 7583.22 of the Business and Professions Code
25 is amended to read:

26 7583.22. (a) A licensee, qualified manager of a licensee, or
27 security guard who, in the course of their employment, may be
28 required to carry a firearm shall, prior to carrying a firearm, do all
29 of the following:

30 (1) Complete a course of training in the carrying and use of
31 firearms.

32 (2) Receive a firearms qualification card or be otherwise
33 qualified to carry a firearm as provided in Section 7583.12.

34 (b) A security guard who, in the course of their employment,
35 may be required to carry a firearm, shall, prior to carrying a firearm,
36 be found capable of exercising appropriate judgment, restraint,
37 and self-control for the purposes of carrying and using a firearm
38 during the course of their duties, pursuant to Section 7583.47.

39 (c) A licensee shall not permit an employee to carry or use a
40 loaded or unloaded firearm, whether or not it is serviceable or

1 operative, unless the employee possesses a valid and current
2 firearms qualification card issued by the bureau or is so otherwise
3 qualified to carry a firearm as provided in Section 7583.12.

4 (d) A pocket card issued by the bureau pursuant to Section
5 7582.13 may also serve as a firearms qualification card if so
6 indicated on the face of the card.

7 (e) Paragraph (1) of subdivision (a) shall not apply to a peace
8 officer as defined in Chapter 4.5 (commencing with Section 830)
9 of Title 3 of Part 2 of the Penal Code, who has successfully
10 completed a course of study in the use of firearms or to a federal
11 qualified law enforcement officer, as defined in Section 926B of
12 Title 18 of the United States Code, who has successfully completed
13 a course of study in the use of firearms.

14 ~~SEC. 19.~~

15 *SEC. 24.* Section 7583.23 of the Business and Professions Code
16 is amended to read:

17 7583.23. The bureau shall issue a firearms permit when all of
18 the following conditions are satisfied:

19 (a) The applicant is a licensee, a qualified manager of a licensee,
20 or a registered security guard subject to the following:

21 (1) The firearms permit may only be associated with the
22 following:

23 (A) A sole owner of a sole ownership licensee, pursuant to
24 Section 7582.7 or 7525.1.

25 (B) A partner of a partnership licensee, pursuant to Section
26 7582.7 or 7525.1.

27 (C) A qualified manager of a licensee, pursuant to Section 7536
28 or 7582.22.

29 (D) A security guard registrant.

30 (2) If the firearms permit is associated with a security guard
31 registration, they are subject to the provisions of Section 7583.47,
32 regardless of any other license possessed or associated with the
33 firearms permit.

34 (b) A certified firearms training instructor has certified that the
35 applicant has successfully completed a written examination
36 prepared by the bureau and training course in the carrying and use
37 of firearms approved by the bureau.

38 (c) The applicant has filed with the bureau a classifiable
39 fingerprint card, a completed application for a firearms permit on
40 a form prescribed by the director, dated and signed by the applicant,

1 certifying under penalty of perjury that the information in the
2 application is true and correct. In lieu of a classifiable fingerprint
3 card, the applicant may submit fingerprints into an electronic
4 fingerprinting system administered by the Department of Justice.
5 An applicant who submits their fingerprints by electronic means
6 shall have their fingerprints entered into the system through a
7 terminal operated by a law enforcement agency or other facility
8 authorized by the Department of Justice to conduct electronic
9 fingerprinting. The terminal operator may charge a fee sufficient
10 to reimburse it for the costs incurred in providing this service.

11 (d) The applicant is at least 21 years of age and the bureau has
12 determined, after investigation, that the carrying and use of a
13 firearm by the applicant, in the course of their duties, presents no
14 apparent threat to the public safety, or that the carrying and use of
15 a firearm by the applicant is not in violation of the Penal Code.

16 (e) The applicant has produced evidence to the firearm training
17 facility that the applicant is a citizen of the United States or has
18 permanent legal alien status in the United States. Evidence of
19 citizenship or permanent legal alien status shall be deemed
20 sufficient by the bureau to ensure compliance with federal laws
21 prohibiting possession of firearms by persons unlawfully in the
22 United States and may include, but not be limited to, United States
23 Department of Justice, Immigration and Naturalization Service
24 Form I-151 or I-551, Alien Registration Receipt Card,
25 naturalization documents, or birth certificates evidencing lawful
26 residence or status in the United States.

27 (f) The application is accompanied by the application fees
28 prescribed in this chapter.

29 (g) (1) If the applicant is a registered security guard and they
30 have been found capable of exercising appropriate judgment,
31 restraint, and self-control, for the purposes of carrying and using
32 a firearm during the course of their duties, pursuant to Section
33 7583.47.

34 (2) The requirement in paragraph (1) shall be completed within
35 six months preceding the date the application is submitted to the
36 bureau.

37 ~~SEC. 20.~~

38 *SEC. 25.* Section 7583.24 of the Business and Professions Code
39 is amended to read:

1 7583.24. (a) The bureau shall not issue a firearm permit if the
2 applicant is prohibited from possessing, receiving, owning, or
3 purchasing a firearm pursuant to state or federal law.

4 (b) Before issuing an initial firearm permit the bureau shall
5 provide the Department of Justice with the name, address, social
6 security number, and fingerprints of the applicant.

7 (c) The Department of Justice shall inform the bureau, within
8 60 days from receipt of the information specified in subdivision
9 (b), of the applicant's eligibility to possess, receive, purchase, or
10 own a firearm pursuant to state and federal law.

11 (d) An applicant who has been denied a firearm permit based
12 upon subdivision (a) may reapply for the permit after the
13 prohibition expires. The bureau shall treat this application as an
14 initial application and shall follow the required screening process
15 as specified in this section.

16 ~~SEC. 21.~~

17 *SEC. 26.* Section 7583.27 of the Business and Professions Code
18 is amended to read:

19 7583.27. (a) A firearm permit may be revoked if at any time
20 the Department of Justice notifies the bureau that the holder of the
21 firearm permit is prohibited from possessing, receiving, or
22 purchasing a firearm pursuant to state or federal law. Following
23 the automatic revocation, an administrative hearing shall be
24 provided upon written request to the bureau in accordance with
25 Chapter 5 (commencing with Section 11500) of Part 1 of Division
26 3 of Title 2 of the Government Code.

27 (b) The bureau may seek an emergency order pursuant to Article
28 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1
29 of Division 3 of Title 2 of the Government Code against the holder
30 of the firearms permit if, after the bureau's investigation relating
31 to any of the following events, the bureau determines that the
32 holder of the firearms permit presents an undue hazard to public
33 safety that may result in substantial injury to another:

34 (1) Receipt of subsequent arrest information of an arrest for any
35 of the following:

36 (A) Assault.

37 (B) Battery.

38 (C) Any use of force or violence on any person committed by
39 the permitholder.

1 (2) A report from a bureau-approved firearms training facility
2 or instructor made pursuant to Section 7585.18.

3 (3) A report from the permitholder's employer or former
4 employer that the permitholder may be a threat to public safety.

5 (4) A complaint filed by any member of the public that the
6 permitholder may be a threat to public safety.

7 ~~SEC. 22.~~

8 *SEC. 27.* Section 7583.29 of the Business and Professions Code
9 is amended to read:

10 7583.29. If a firearms permit is denied, the denial of the permit
11 shall be in writing and shall describe the basis for the denial. The
12 denial shall inform the applicant that if the applicant desires a
13 review by a disciplinary review committee to contest the denial,
14 the review shall be requested of the director within 30 days
15 following notice of the issuance of the denial. A review or hearing
16 shall be held pursuant to Section 7581.3. However, no review or
17 hearing shall be granted to an individual who is otherwise
18 prohibited by law from carrying a firearm.

19 ~~SEC. 23.~~

20 *SEC. 28.* Section 7583.47 of the Business and Professions Code
21 is amended to read:

22 7583.47. (a) As used in this section, "assessment" means the
23 application of a testing instrument identified by the bureau that
24 evaluates whether an applicant for a firearms permit who is a
25 registered security guard, at the time of the assessment, possesses
26 appropriate judgment, restraint, and self-control for the purposes
27 of carrying and using a firearm during the course of their security
28 guard duties.

29 (b) The applicant shall complete the assessment, as specified
30 in this section.

31 (c) (1) The bureau shall implement a process to administer the
32 assessment specified in this section. The establishment of the
33 assessment and the process for administering the assessment shall
34 not be subject to the requirements of Chapter 3.5 (commencing
35 with Section 11340) of Part 1 of Division 3 of Title 2 of the
36 Government Code.

37 (2) The bureau shall consult with a California licensed
38 psychologist, psychologists, or other persons with subject matter
39 expertise, whose minimum duties shall include, but are not limited
40 to, assisting the bureau with all of the following:

1 (A) Establishing criteria for a contract with a vendor to
2 administer the assessment.

3 (B) Identifying minimum standards for the assessment.

4 (C) Evaluating currently available assessments.

5 (D) Providing consultative services on the bids received by the
6 bureau from third-party vendors seeking to administer and interpret
7 the assessment, to ensure both of the following:

8 (i) Compliance with the applicable standards of care for the
9 administration and interpretation of such assessments.

10 (ii) The assessment will be administered in accordance with the
11 assessment manufacturer's requirements.

12 (3) The bureau shall contract with a third-party vendor to
13 administer the assessment. All third-party vendors seeking to
14 administer the assessment must meet the minimum standards
15 established by the bureau, its consultants, and the assessment
16 manufacturer's requirements for administering the assessment.
17 Considerations for the third-party vendor contract shall include,
18 but are not limited to, all of the following:

19 (A) Cost to the applicant to complete the assessment.

20 (B) Geographic accessibility statewide of the assessment to
21 applicants.

22 (C) Assessment compliance with the established minimum
23 standards for the assessment and assessment process.

24 (D) Ensuring an assessment carried out on an applicant complies
25 with the applicable professional standards of care for such
26 assessments, as well as the assessment manufacturer's requirements
27 for administering the assessment.

28 (d) The applicant, or the applicant's designee or employer if the
29 employer voluntarily chooses, shall bear the cost of the assessment.

30 (e) Within 30 days of administering an applicant's assessment,
31 the vendor shall directly provide the bureau, on a form and in a
32 manner prescribed by the bureau, the applicant's assessment results.
33 If the results of the applicant's assessment indicate that the
34 applicant is incapable of exercising appropriate judgment, restraint,
35 and self-control for the purposes of carrying and using a firearm
36 during the course of the applicant's duties, at the point in time of
37 the evaluation, the bureau shall not issue a firearms permit. If the
38 applicant fails the assessment, the applicant may complete another
39 assessment no earlier than 180 days after the results of the previous
40 assessment are provided to the bureau.

1 (f) The application shall be deemed incomplete until the bureau
2 receives the results of the applicant's assessment and the results
3 indicate that the applicant is capable of exercising appropriate
4 judgment, restraint, and self-control for the purposes of carrying
5 and using a firearm during the course of the applicant's duties.

6 (g) Notwithstanding any other law, an applicant who fails the
7 assessment shall not be entitled to an administrative hearing or an
8 appeal subject to Chapter 5 (commencing with Section 11500) of
9 Part 1 of Division 3 of Title 2 of the Government Code. However,
10 such an applicant who is denied a firearms permit may request
11 review of the denial pursuant to Section 7583.29.

12 (h) The bureau may prescribe, adopt, and enforce emergency
13 regulations, and promulgate regulations to implement this section.
14 Any emergency regulation prescribed, adopted, or enforced
15 pursuant to this section shall be adopted in accordance with Chapter
16 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
17 Title 2 of the Government Code, and for purposes of that chapter,
18 including Section 11349.6 of the Government Code, the adoption
19 of the regulation is an emergency and shall be considered by the
20 Office of Administrative Law as necessary for the immediate
21 preservation of the public peace, health and safety, and general
22 welfare.

23 (i) The assessment required pursuant to this section shall be
24 subject to review by the appropriate policy committees of the
25 Legislature. The review shall be performed as if this section was
26 scheduled to be repealed as of January 1, 2025.

27 (j) Nothing in this section requires any private business entity
28 that contracts with the bureau for the administration of the
29 assessment to produce documents related to the content,
30 methodology, results, or scoring criteria of the assessment, or any
31 trade secret, as defined in subdivision (d) of Section 3426.1 of the
32 Civil Code, for any private individual, firm, copartnership,
33 association, or corporation.

34 *SEC. 29. Section 8520 of the Business and Professions Code*
35 *is amended to read:*

36 8520. (a) There is in the Department of Consumer Affairs a
37 Structural Pest Control Board, which consists of seven members.

38 (b) Subject to the jurisdiction conferred upon the director by
39 Division 1 (commencing with Section 100), the board is vested

1 with the power to and shall administer the provisions of this
2 chapter.

3 (c) It is the intent of the Legislature that consumer protection
4 is the primary mission of the board.

5 (d) This section shall remain in effect only until January 1, ~~2023,~~
6 2024, and as of that date is repealed, unless a later enacted statute,
7 that is enacted before January 1, ~~2023,~~ 2024, deletes or extends
8 that date. Notwithstanding any other law, the repeal of this section
9 renders the board subject to review by the appropriate policy
10 committees of the Legislature.

11 *SEC. 30. Section 8528 of the Business and Professions Code*
12 *is amended to read:*

13 8528. (a) With the approval of the director, the board shall
14 appoint a registrar, fix ~~his or her~~ *the registrar's* compensation, and
15 prescribe ~~his or her~~ *the registrar's* duties.

16 (b) The registrar is the executive officer and secretary of the
17 board.

18 (c) This section shall remain in effect only until January 1, ~~2023,~~
19 2024, and as of that date is repealed, unless a later enacted statute,
20 that is enacted before January 1, ~~2023,~~ 2024, deletes or extends
21 that date.

22 *SEC. 31. Section 9810 of the Business and Professions Code*
23 *is amended to read:*

24 9810. (a) (1) There is in the Department of Consumer Affairs
25 a Bureau of Household Goods and Services, under the supervision
26 and control of the director. The director shall administer and
27 enforce the provisions of this chapter and Chapter 3 (commencing
28 with Section 19000) and Chapter 3.1 (commencing with Section
29 19225) of Division 8.

30 (2) There is a Division of Household Movers within the bureau
31 for purposes of administering Chapter 3.1 (commencing with
32 Section 19225) of Division 8. The Division of Household Movers
33 shall be overseen by the chief of the bureau.

34 (b) The Governor shall appoint, subject to confirmation by the
35 Senate, a chief of the bureau at a salary to be fixed and determined
36 by the director with the approval of the Director of Finance. The
37 chief shall serve under the direction and supervision of the director
38 and at the pleasure of the Governor.

39 (c) Every power granted to or duty imposed upon the director
40 under this chapter and Chapter 3 (commencing with Section 19000)

1 and Chapter 3.1 (commencing with Section 19225) of Division 8
2 may be exercised or performed in the name of the director by a
3 deputy or assistant director or by the chief, subject to conditions
4 and limitations that the director may prescribe.

5 (d) Whenever the laws of this state refer to the Bureau of
6 Electronic Repair Dealer Registration or the Bureau of Electronic
7 and Appliance Repair, the reference shall be construed to be to the
8 Bureau of Household Goods and Services.

9 (e) Notwithstanding any other law, the powers and duties of the
10 Bureau of Household Goods and Services, as set forth in this
11 chapter and Chapter 3 (commencing with Section 19000) and
12 Chapter 3.1 (commencing with Section 19225) of Division 8, shall
13 be subject to review by the appropriate policy committees of the
14 Legislature. The review shall be performed as if this chapter and
15 Chapter 3 (commencing with Section 19000) and Chapter 3.1
16 (commencing with Section 19225) of Division 8 were scheduled
17 to be repealed on January 1, ~~2023~~: 2024.

18 *SEC. 32. Section 9882 of the Business and Professions Code*
19 *is amended to read:*

20 9882. (a) There is in the Department of Consumer Affairs a
21 Bureau of Automotive Repair under the supervision and control
22 of the director. The duty of enforcing and administering this chapter
23 is vested in the chief who is responsible to the director. The director
24 may adopt and enforce those rules and regulations that ~~he or she~~
25 *the director* determines are reasonably necessary to carry out the
26 purposes of this chapter and declaring the policy of the bureau,
27 including a system for the issuance of citations for violations of
28 this chapter as specified in Section 125.9. These rules and
29 regulations shall be adopted pursuant to Chapter 3.5 (commencing
30 with Section 11340) of Part 1 of Division 3 of Title 2 of the
31 Government Code.

32 (b) Notwithstanding any other law, the powers and duties of the
33 bureau, as set forth in this article and under the Automotive Repair
34 Act, shall be subject to review by the appropriate policy committees
35 of the Legislature. In that review, the bureau shall have the burden
36 of demonstrating a compelling public need for the continued
37 existence of the bureau and its regulatory program, and that its
38 function is the least restrictive regulation consistent with the public
39 health, safety, and welfare.

1 (c) The review shall be performed as if this chapter were
2 scheduled to be repealed as of January 1, ~~2023~~, 2024.

3 *SEC. 33. Section 22259 of the Business and Professions Code*
4 *is amended to read:*

5 22259. (a) This chapter shall be subject to review by the
6 appropriate policy committees of the Legislature.

7 (b) This chapter shall remain in effect only until January 1,
8 ~~2023~~, 2024, and as of that date is repealed.

9 ~~SEC. 24.~~

10 *SEC. 34. Section 17973 of the Health and Safety Code is*
11 *amended to read:*

12 17973. (a) Exterior elevated elements that include load-bearing
13 components in all buildings containing three or more multifamily
14 dwelling units shall be inspected. The inspection shall be performed
15 by a licensed architect; licensed civil or structural engineer; a
16 building contractor holding any or all of the “A,” “B,” or “C-5”
17 license classifications issued by the Contractors State License
18 Board, with a minimum of five years’ experience, as a holder of
19 the aforementioned classifications or licenses, in constructing
20 multistory wood frame buildings; or an individual certified as a
21 building inspector or building official from a recognized state,
22 national, or international association, as determined by the local
23 jurisdiction. These individuals shall not be employed by the local
24 jurisdiction while performing these inspections. The purpose of
25 the inspection is to determine that exterior elevated elements and
26 their associated waterproofing elements are in a generally safe
27 condition, adequate working order, and free from any hazardous
28 condition caused by fungus, deterioration, decay, or improper
29 alteration to the extent that the life, limb, health, property, safety,
30 or welfare of the public or the occupants is not endangered. The
31 person or business performing the inspection shall be hired by the
32 owner of the building.

33 (b) For purposes of this section, the following terms have the
34 following definitions:

35 (1) “Associated waterproofing elements” include flashings,
36 membranes, coatings, and sealants that protect the load-bearing
37 components of exterior elevated elements from exposure to water
38 and the elements.

39 (2) “Exterior elevated element” means the following types of
40 structures, including their supports and railings: balconies, decks,

1 porches, stairways, walkways, and entry structures that extend
2 beyond exterior walls of the building and which have a walking
3 surface that is elevated more than six feet above ground level, are
4 designed for human occupancy or use, and rely in whole or in
5 substantial part on wood or wood-based products for structural
6 support or stability of the exterior elevated element.

7 (3) "Load-bearing components" are those components that
8 extend beyond the exterior walls of the building to deliver structural
9 loads from the exterior elevated element to the building.

10 (c) The inspection required by this section shall at a minimum
11 include:

12 (1) Identification of each type of exterior elevated element that,
13 if found to be defective, decayed, or deteriorated to the extent that
14 it does not meet its load requirements, would, in the opinion of the
15 inspector, constitute a threat to the health or safety of the occupants.

16 (2) Assessment of the load-bearing components and associated
17 waterproofing elements of the exterior elevated elements identified
18 in paragraph (1) using methods allowing for evaluation of their
19 performance by direct visual examination or comparable means
20 of evaluating their performance. For purposes of this section, a
21 sample of at least 15 percent of each type of exterior elevated
22 element shall be inspected.

23 (3) The evaluation and assessment shall address each of the
24 following as of the date of the evaluation:

25 (A) The current condition of the exterior elevated elements.

26 (B) Expectations of future performance and projected service
27 life.

28 (C) Recommendations of any further inspection necessary.

29 (4) A written report of the evaluation stamped or signed by the
30 inspector presented to the owner of the building or the owner's
31 designated agent within 45 days of completion of the inspection.
32 The report shall include photographs, any test results, and narrative
33 sufficient to establish a baseline of the condition of the components
34 inspected that can be compared to the results of subsequent
35 inspections. In addition to the evaluation required by this section,
36 the report shall advise which, if any, exterior elevated element
37 poses an immediate threat to the safety of the occupants, and
38 whether preventing occupant access or conducting emergency
39 repairs, including shoring, are necessary.

1 (d) The inspection shall be completed by January 1, 2025, and
2 by January 1 every six years thereafter. The inspector conducting
3 the inspection shall produce an initial report pursuant to paragraph
4 (4) of subdivision (c) and, if requested by the owner, a final report
5 indicating that any required repairs have been completed. A copy
6 of any report that recommends immediate repairs, advises that any
7 building assembly poses an immediate threat to the safety of the
8 occupants, or that preventing occupant access or emergency repairs,
9 including shoring, are necessary, shall be provided by the inspector
10 to the owner of the building and to the local enforcement agency
11 within 15 days of completion of the report. Subsequent inspection
12 reports shall incorporate copies of prior inspection reports,
13 including the locations of the exterior elevated elements inspected.
14 Local enforcement agencies may determine whether any additional
15 information is to be provided in the report and may require a copy
16 of the initial or final reports, or both, be submitted to the local
17 jurisdiction. Copies of all inspection reports shall be maintained
18 in the building owner's permanent records for not less than two
19 inspection cycles, and shall be disclosed and delivered to the buyer
20 at the time of any subsequent sale of the building.

21 (e) The inspection of buildings for which a building permit
22 application has been submitted on or after January 1, 2019, shall
23 occur no later than six years following issuance of a certificate of
24 occupancy from the local jurisdiction and shall otherwise comply
25 with the provisions of this section.

26 (f) If the property was inspected within three years prior to
27 January 1, 2019, by an inspector as described in subdivision (a)
28 and a report of that inspector was issued stating that the exterior
29 elevated elements and associated waterproofing elements are in
30 proper working condition and do not pose a threat to the health
31 and safety of the public, no new inspection pursuant to this section
32 shall be required until January 1, 2025.

33 (g) An exterior elevated element found by the inspector that is
34 in need of repair or replacement shall be corrected by the owner
35 of the building. All necessary permits for repair or replacement
36 shall be obtained from the local jurisdiction. All repair and
37 replacement work shall be performed by a qualified and licensed
38 contractor in compliance with all of the following:

39 (1) The recommendations of a licensed professional described
40 in subdivision (a).

1 (2) Any applicable manufacturer's specifications.

2 (3) The California Building Standards Code, consistent with
3 subdivision (d) of Section 17922 of the Health and Safety Code.

4 (4) All local jurisdictional requirements.

5 (h) (1) An exterior elevated element that the inspector advises
6 poses an immediate threat to the safety of the occupants, or finds
7 preventing occupant access or emergency repairs, including
8 shoring, or both, are necessary, shall be considered an emergency
9 condition and the owner of the building shall perform required
10 preventive measures immediately. Immediately preventing
11 occupant access to the exterior elevated element until emergency
12 repairs can be completed constitutes compliance with this
13 paragraph. Repairs of emergency conditions shall comply with the
14 requirements of subdivision (g), be inspected by the inspector, and
15 reported to the local enforcement agency.

16 (2) The owner of the building requiring corrective work to an
17 exterior elevated element that, in the opinion of the inspector, does
18 not pose an immediate threat to the safety of the occupants, shall
19 apply for a permit within 120 days of receipt of the inspection
20 report. Once the permit is approved, the owner of the building
21 shall have 120 days to make the repairs unless an extension of time
22 is granted by the local enforcement agency.

23 (i) (1) The owner of the building shall be responsible for
24 complying with the requirements of this section.

25 (2) If the owner of the building does not comply with the repair
26 requirements within 180 days, the inspector shall notify the local
27 enforcement agency and the owner of the building. If within 30
28 days of the date of the notice the repairs are not completed, the
29 owner of the building shall be assessed a civil penalty based on
30 the fee schedule set by the local authority of not less than one
31 hundred dollars (\$100) nor more than five hundred dollars (\$500)
32 per day until the repairs are completed, unless an extension of time
33 is granted by the local enforcement agency.

34 (3) In the event that a civil penalty is assessed pursuant to this
35 section, a building safety lien may be recorded in the county
36 recorder's office by the local jurisdiction in the county in which
37 the parcel of land is located and from the date of recording shall
38 have the force, effect, and priority of a judgment lien.

39 (j) (1) A building safety lien authorized by this section shall
40 specify the amount of the lien, the name of the agency on whose

1 behalf the lien is imposed, the street address, the legal description
2 and assessor's parcel number of the parcel on which the lien is
3 imposed, and the name and address of the recorded owner of the
4 building.

5 (2) In the event that the lien is discharged, released, or satisfied,
6 either through payment or foreclosure, notice of the discharge
7 containing the information specified in paragraph (1) shall be
8 recorded by the governmental agency. A safety lien and the release
9 of the lien shall be indexed in the grantor-grantee index.

10 (3) A building safety lien may be foreclosed by an action
11 brought by the appropriate local jurisdiction for a money judgment.

12 (4) Notwithstanding any other law, the county recorder may
13 impose a fee on the city to reimburse the costs of processing and
14 recording the lien and providing notice to the owner of the building.
15 A city may recover from the owner of the building any costs
16 incurred regarding the processing and recording of the lien and
17 providing notice to the owner of the building as part of its
18 foreclosure action to enforce the lien.

19 (k) The continued and ongoing maintenance of exterior elevated
20 elements in a safe and functional condition in compliance with
21 these provisions shall be the responsibility of the owner of the
22 building.

23 (l) Local enforcement agencies shall have the ability to recover
24 enforcement costs associated with the requirements of this section.

25 (m) For any building subject to the provisions of this section
26 that is proposed for conversion to condominiums to be sold to the
27 public after January 1, 2019, the inspection required by this section
28 shall be conducted prior to the first close of escrow of a separate
29 interest in the project and shall include the inspector's
30 recommendations for repair or replacement of any exterior elevated
31 element found to be defective, decayed, or deteriorated to the extent
32 that it does not meet its load requirements, and would, in the
33 opinion of the inspector, constitute a threat to the health or safety
34 of the occupants. The inspection report and written confirmation
35 by the inspector that any repairs or replacements recommended
36 by the inspector have been completed shall be submitted to the
37 Department of Real Estate by the proponent of the conversion and
38 shall be a condition to the issuance of the final public report. A
39 complete copy of the inspection report and written confirmation
40 by the inspector that any repairs or replacements recommended

1 by the inspector have been completed shall be included with the
2 written statement of defects required by Section 1134 of the Civil
3 Code, and provided to the local jurisdiction in which the project
4 is located. The inspection, report, and confirmation of completed
5 repairs shall be a condition of the issuance of a final inspection or
6 certificate of occupancy by the local jurisdiction.

7 (n) This section shall not apply to a common interest
8 development, as defined in Section 4100 of the Civil Code.

9 (o) The governing body of any city, county, or city and county,
10 may enact ordinances or laws imposing requirements greater than
11 those imposed by this section.

12 ~~SEC. 25.~~

13 *SEC. 35.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution for certain
15 costs that may be incurred by a local agency or school district
16 because, in that regard, this act creates a new crime or infraction,
17 eliminates a crime or infraction, or changes the penalty for a crime
18 or infraction, within the meaning of Section 17556 of the
19 Government Code, or changes the definition of a crime within the
20 meaning of Section 6 of Article XIII B of the California
21 Constitution.

22 However, if the Commission on State Mandates determines that
23 this act contains other costs mandated by the state, reimbursement
24 to local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

O

**SB 826 (Committee on Business, Professions and Economic Development)
Business and professions.**

Status/History: 9/1/2021 – Assembly amendments concurred in. To engrossing and enrolling.

Location: 9/1/2021 – Engrossing and enrolling

Introduced: 2/19/2021

Last Amended: 8/16/2021

Board Position: Support (as of 7/23/2021)

Board Staff Analysis: 9/3/2021

Bill Summary: SB 826 is a Senate Business, Professions, and Economic Development Committee omnibus bill that makes technical and clarifying changes related to programs within the Department of Consumer Affairs (DCA). The comments below focus on only those sections that affect the Board.

Existing law prescribes various requirements and fees relating to examinations for licensure for certain professions, including professional engineers, geologists and geophysicists, and land surveyors.

This bill would specify that, upon failing in an examination, applicants may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

Affected Laws: An act to amend Sections 27, 144, 5659, 6533, 6758, 7011.4, 7017.3, 7058.5, 7058.6, 7124.6, 7169, 7846, 8746, 9802, 19004, 19031, 19051, 19055, 19059.5, 19100, and 19161 of, and to repeal Section 13470.1 of, the Business and Professions Code, relating to business and professions.

Staff Comment: SB 826 would amend Business and Professions Code sections 6758, 7846, and 8746 to clarify the sections of the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act relating to what applicants need to do to retake an examination that they have failed.

In reviewing the laws, Board staff realized that these three sections did not clearly indicate that the applicant would be required to pay the examination fee, but not the application fee, again if they failed an examination and needed to retake it. Since the proposed amendments are non-substantive and simply provide clarity, Board staff requested that the Senate Business, Professions and Economic Development Committee include these sections in its omnibus bill. That request was granted, and the sections were added to the bill when it was amended on July 12, 2021.

This bill was amended on August 16, 2021, to include a provision relating to the Professional Fiduciaries Bureau. It has now passed both houses of the Legislature and will be presented to the Governor for signature.

Staff Recommendation: No action necessary.

AMENDED IN ASSEMBLY AUGUST 16, 2021

AMENDED IN ASSEMBLY JULY 12, 2021

AMENDED IN SENATE MAY 4, 2021

AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 826

Introduced by Committee on Business, Professions and Economic Development (Senators Roth (Chair), Archuleta, Bates, Becker, Dodd, Eggman, Hurtado, Jones, Leyva, Melendez, Min, Newman, Ochoa Bogh, and Pan)

March 23, 2021

An act to amend Sections 27, 144, 5659, 6533, 6758, 7011.4, 7017.3, 7058.5, 7058.6, 7124.6, 7169, 7846, 8746, 9802, 19004, 19031, 19051, 19055, 19059.5, 19100, and 19161 of, and to repeal Section 13470.1 of, the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 826, as amended, Committee on Business, Professions and Economic Development. Business and professions.

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

(1) Existing law establishes the Bureau of Household Goods and Services within the Department of Consumer Affairs under the supervision and control of the Director of Consumer Affairs. The bureau is responsible for the licensure and regulation of, among others, upholstered furniture retailers, household movers, and electronic and appliance repair dealers. Existing law requires the bureau to disclose

prescribed information on the internet regarding its licensees and registrants and to comply with the department's guidelines for access to public records.

This bill would additionally require the bureau to disclose information on its permitholders.

(2) Under existing law, specified agencies must require an applicant to provide a full set of fingerprints for purposes of conducting criminal history record checks.

This bill would include in the list of agencies the Bureau of Household Goods and Services with respect to household movers.

(3) *Existing law, until January 1, 2023, establishes the Professional Fiduciaries Bureau within the department, and requires the bureau to license and regulate professional fiduciaries. Existing law prescribes specified qualifications, including education and work experience, for licensure as a professional fiduciary.*

This bill would revise the work experience requirements that an applicant may satisfy to qualify for licensure as a professional fiduciary.

(3)

(4) Existing law, the Contractors State License Law, provides for the licensure and regulation of contractors by the Contractors State License Board within the department. Existing law establishes an enforcement division within the board that is required to enforce prohibitions against all forms of unlicensed activity, as specified. Existing law authorizes the board's enforcement representatives, recently reclassified as special investigators, who are designated by the Director of Consumer Affairs to issue a written notice to appear in court, as specified.

This bill would make nonsubstantive changes to those provisions by instead referring to the above-described enforcement representatives as special investigators and would make additional conforming changes.

Existing law requires the Contractors State License Board to report annually to the Legislature specified statistical information for the prior fiscal year, including, for the board's Investigation Center closures, the total number of complaints closed after referral for a field investigation per enforcement representative.

This bill would revise the reporting requirement to instead include the total number of complaints closed after referral for a field investigation per investigator and special investigator.

Existing law prohibits a contractor from engaging in asbestos-related work, as specified, without passing an asbestos certification examination.

Existing law prohibits the Contractors State License Board from issuing an asbestos certification to a contractor who is not registered with the Division of Occupational Safety and Health, as specified. Under existing law, a contractor who is not certified pursuant to these provisions may bid on and contract to perform a project involving asbestos-related work as long as the asbestos-related work is performed by a contractor who is certified and registered, as specified.

This bill would additionally permit a contractor who holds a C-22 Asbestos Abatement classification to engage in asbestos-related work, as specified, and to perform the asbestos-related work in connection with the above-described project.

Existing law requires a solar energy system company, before completing a sale, financing, or lease of a solar energy system, to provide a consumer with a disclosure document, developed by the board, as specified, that provides a consumer with accurate, clear, and concise information regarding the installation of a solar energy system. Existing law requires the disclosure document to contain specified information, including the consumer's right to a cooling off period of 3 days, pursuant to provisions outlining the contract requirements for projects requiring a home improvement contract. Under existing law, those provisions generally provide for a 3-, 5-, or 7-day right to cancel the contract, depending on the specific circumstances of the consumer.

This bill would revise the requirement that the disclosure document include information relating to the consumer's right to a 3-day cooling off period to instead include information relating to the applicable cancellation period, pursuant to the above-described provisions outlining specified contract requirements.

(4)

(5) Existing law requires a person selling at retail motor vehicle fuel to the public to post and maintain the maximum lawful selling price, as defined under obsolete federal law, of each type and grade of gasoline.

This bill would repeal that provision.

(5)

(6) Existing law prescribes various requirements and fees relating to examinations for licensure for certain professions, including professional engineers, geologists and geophysicists, and land surveyors.

This bill would specify that, upon failing in an examination, applicants may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

(6)

(7) This bill would make other conforming and nonsubstantive changes, including replacing gendered terms with nongendered terms, updating cross-references, and deleting obsolete 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 27 of the Business and Professions Code
2 is amended to read:
3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
4 shall provide on the internet information regarding the status of
5 every license issued by that entity in accordance with the California
6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
7 of Division 7 of Title 1 of the Government Code) and the
8 Information Practices Act of 1977 (Chapter 1 (commencing with
9 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
10 The public information to be provided on the internet shall include
11 information on suspensions and revocations of licenses issued by
12 the entity and other related enforcement action, including
13 accusations filed pursuant to the Administrative Procedure Act
14 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
15 Division 3 of Title 2 of the Government Code) taken by the entity
16 relative to persons, businesses, or facilities subject to licensure or
17 regulation by the entity. The information may not include personal
18 information, including home telephone number, date of birth, or
19 social security number. Each entity shall disclose a licensee's
20 address of record. However, each entity shall allow a licensee to
21 provide a post office box number or other alternate address, instead
22 of the licensee's home address, as the address of record. This
23 section shall not preclude an entity from also requiring a licensee,
24 who has provided a post office box number or other alternative
25 mailing address as the licensee's address of record, to provide a
26 physical business address or residence address only for the entity's
27 internal administrative use and not for disclosure as the licensee's
28 address of record or disclosure on the internet.
29 (b) In providing information on the internet, each entity specified
30 in subdivisions (c) and (d) shall comply with the Department of
31 Consumer Affairs' guidelines for access to public records.

1 ~~(e) Each of the following entities within the Department of~~
2 ~~Consumer Affairs shall comply with the requirements of this~~
3 ~~section:~~

4 ~~(1) The Board for Professional Engineers, Land Surveyors, and~~
5 ~~Geologists shall disclose information on its registrants and~~
6 ~~licensees.~~

7 ~~(2) The Bureau of Automotive Repair shall disclose information~~
8 ~~on its licensees, including auto repair dealers, smog stations, lamp~~
9 ~~and brake stations, smog check technicians, and smog inspection~~
10 ~~certification stations.~~

11 ~~(3) The Bureau of Household Goods and Services shall disclose~~
12 ~~information on its licensees, registrants, and permitholders.~~

13 ~~(4) The Cemetery and Funeral Bureau shall disclose information~~
14 ~~on its licensees, including cemetery brokers, cemetery salespersons,~~
15 ~~cemetery managers, crematory managers, cemetery authorities,~~
16 ~~crematories, cremated remains disposers, embalmers, funeral~~
17 ~~establishments, and funeral directors.~~

18 ~~(5) The Professional Fiduciaries Bureau shall disclose~~
19 ~~information on its licensees.~~

20 ~~(6) The Contractors State License Board shall disclose~~
21 ~~information on its licensees and registrants in accordance with~~
22 ~~Chapter 9 (commencing with Section 7000) of Division 3. In~~
23 ~~addition to information related to licenses as specified in~~
24 ~~subdivision (a), the board shall also disclose information provided~~
25 ~~to the board by the Labor Commissioner pursuant to Section 98.9~~
26 ~~of the Labor Code.~~

27 ~~(7) The Bureau for Private Postsecondary Education shall~~
28 ~~disclose information on private postsecondary institutions under~~
29 ~~its jurisdiction, including disclosure of notices to comply issued~~
30 ~~pursuant to Section 94935 of the Education Code.~~

31 ~~(8) The California Board of Accountancy shall disclose~~
32 ~~information on its licensees and registrants.~~

33 ~~(9) The California Architects Board shall disclose information~~
34 ~~on its licensees, including architects and landscape architects.~~

35 ~~(10) The State Athletic Commission shall disclose information~~
36 ~~on its licensees and registrants.~~

37 ~~(11) The State Board of Barbering and Cosmetology shall~~
38 ~~disclose information on its licensees.~~

39 ~~(12) The Acupuncture Board shall disclose information on its~~
40 ~~licensees.~~

1 ~~(13) The Board of Behavioral Sciences shall disclose~~
2 ~~information on its licensees and registrants.~~

3 ~~(14) The Dental Board of California shall disclose information~~
4 ~~on its licensees.~~

5 ~~(15) The State Board of Optometry shall disclose information~~
6 ~~on its licensees and registrants.~~

7 ~~(16) The Board of Psychology shall disclose information on its~~
8 ~~licensees, including psychologists, psychological assistants, and~~
9 ~~registered psychologists.~~

10 ~~(17) The Veterinary Medical Board shall disclose information~~
11 ~~on its licensees, registrants, and permitholders.~~

12 ~~(d) The State Board of Chiropractic Examiners shall disclose~~
13 ~~information on its licensees.~~

14 ~~(e) The Structural Pest Control Board shall disclose information~~
15 ~~on its licensees, including applicators, field representatives, and~~
16 ~~operators in the areas of fumigation, general pest and wood~~
17 ~~destroying pests and organisms, and wood roof cleaning and~~
18 ~~treatment.~~

19 ~~(f) The Bureau of Cannabis Control shall disclose information~~
20 ~~on its licensees.~~

21 ~~(g) "Internet" for the purposes of this section has the meaning~~
22 ~~set forth in paragraph (6) of subdivision (f) of Section 17538.~~

23 ~~SEC. 2. Section 144 of the Business and Professions Code is~~
24 ~~amended to read:~~

25 ~~144. (a) Notwithstanding any other law, an agency designated~~
26 ~~in subdivision (b) shall require an applicant to furnish to the agency~~
27 ~~a full set of fingerprints for purposes of conducting criminal history~~
28 ~~record checks. Any agency designated in subdivision (b) may~~
29 ~~obtain and receive, at its discretion, criminal history information~~
30 ~~from the Department of Justice and the United States Federal~~
31 ~~Bureau of Investigation.~~

32 ~~(b) Subdivision (a) applies to the following:~~

33 ~~(1) California Board of Accountancy.~~

34 ~~(2) State Athletic Commission.~~

35 ~~(3) Board of Behavioral Sciences.~~

36 ~~(4) Court Reporters Board of California.~~

37 ~~(5) Dental Board of California.~~

38 ~~(6) California State Board of Pharmacy.~~

39 ~~(7) Board of Registered Nursing.~~

40 ~~(8) Veterinary Medical Board.~~

1 ~~(9) Board of Vocational Nursing and Psychiatric Technicians~~
2 ~~of the State of California.~~
3 ~~(10) Respiratory Care Board of California.~~
4 ~~(11) Physical Therapy Board of California.~~
5 ~~(12) Physician Assistant Board.~~
6 ~~(13) Speech-Language Pathology and Audiology and Hearing~~
7 ~~Aid Dispensers Board.~~
8 ~~(14) Medical Board of California.~~
9 ~~(15) State Board of Optometry.~~
10 ~~(16) Acupuncture Board.~~
11 ~~(17) Cemetery and Funeral Bureau.~~
12 ~~(18) Bureau of Security and Investigative Services.~~
13 ~~(19) Division of Investigation.~~
14 ~~(20) Board of Psychology.~~
15 ~~(21) California Board of Occupational Therapy.~~
16 ~~(22) Structural Pest Control Board.~~
17 ~~(23) Contractors State License Board.~~
18 ~~(24) Naturopathic Medicine Committee.~~
19 ~~(25) Professional Fiduciaries Bureau.~~
20 ~~(26) Board for Professional Engineers, Land Surveyors, and~~
21 ~~Geologists.~~
22 ~~(27) Bureau of Cannabis Control.~~
23 ~~(28) Podiatric Medical Board of California.~~
24 ~~(29) Osteopathic Medical Board of California.~~
25 ~~(30) California Architects Board, beginning January 1, 2021.~~
26 ~~(31) Landscape Architects Technical Committee, beginning~~
27 ~~January 1, 2022.~~
28 ~~(32) Bureau of Household Goods and Services with respect to~~
29 ~~household movers as described in Chapter 3.1 (commencing with~~
30 ~~Section 19225) of Division 8.~~
31 ~~(e) For purposes of paragraph (26) of subdivision (b), the term~~
32 ~~“applicant” shall be limited to an initial applicant who has never~~
33 ~~been registered or licensed by the board or to an applicant for a~~
34 ~~new licensure or registration category.~~
35 *SECTION 1. Section 27 of the Business and Professions Code*
36 *is amended to read:*
37 27. (a) Each entity specified in subdivisions (c), (d), and (e)
38 shall provide on the internet information regarding the status of
39 every license issued by that entity in accordance with the California
40 Public Records Act (Chapter 3.5 (commencing with Section 6250))

1 of Division 7 of Title 1 of the Government Code) and the
2 Information Practices Act of 1977 (Chapter 1 (commencing with
3 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
4 The public information to be provided on the internet shall include
5 information on suspensions and revocations of licenses issued by
6 the entity and other related enforcement action, including
7 accusations filed pursuant to the Administrative Procedure Act
8 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code) taken by the entity
10 relative to persons, businesses, or facilities subject to licensure or
11 regulation by the entity. The information may not include personal
12 information, including home telephone number, date of birth, or
13 social security number. Each entity shall disclose a licensee's
14 address of record. However, each entity shall allow a licensee to
15 provide a post office box number or other alternate address, instead
16 of the licensee's home address, as the address of record. This
17 section shall not preclude an entity from also requiring a licensee,
18 who has provided a post office box number or other alternative
19 mailing address as the licensee's address of record, to provide a
20 physical business address or residence address only for the entity's
21 internal administrative use and not for disclosure as the licensee's
22 address of record or disclosure on the internet.

23 (b) In providing information on the internet, each entity specified
24 in subdivisions (c) and (d) shall comply with the Department of
25 Consumer Affairs' guidelines for access to public records.

26 (c) Each of the following entities within the Department of
27 Consumer Affairs shall comply with the requirements of this
28 section:

29 (1) The Board for Professional Engineers, Land Surveyors, and
30 Geologists shall disclose information on its registrants and
31 licensees.

32 (2) The Bureau of Automotive Repair shall disclose information
33 on its licensees, including auto repair dealers, smog stations, lamp
34 and brake stations, smog check technicians, and smog inspection
35 certification stations.

36 (3) The Bureau of Household Goods and Services shall disclose
37 information on its ~~licensees and registrants, including major~~
38 ~~appliance repair dealers, combination dealers (electronic and~~
39 ~~appliance), electronic repair dealers, service contract sellers, service~~

1 ~~contract administrators, and household movers.~~ *licensees,*
2 *registrants, and permitholders.*

3 (4) The Cemetery and Funeral Bureau shall disclose information
4 on its licensees, including cemetery brokers, cemetery salespersons,
5 cemetery managers, crematory managers, cemetery authorities,
6 crematories, cremated remains disposers, embalmers, funeral
7 establishments, and funeral directors.

8 (5) The Professional Fiduciaries Bureau shall disclose
9 information on its licensees.

10 (6) The Contractors State License Board shall disclose
11 information on its licensees and registrants in accordance with
12 Chapter 9 (commencing with Section 7000) of Division 3. In
13 addition to information related to licenses as specified in
14 subdivision (a), the board shall also disclose information provided
15 to the board by the Labor Commissioner pursuant to Section 98.9
16 of the Labor Code.

17 (7) The Bureau for Private Postsecondary Education shall
18 disclose information on private postsecondary institutions under
19 its jurisdiction, including disclosure of notices to comply issued
20 pursuant to Section 94935 of the Education Code.

21 (8) The California Board of Accountancy shall disclose
22 information on its licensees and registrants.

23 (9) The California Architects Board shall disclose information
24 on its licensees, including architects and landscape architects.

25 (10) The State Athletic Commission shall disclose information
26 on its licensees and registrants.

27 (11) The State Board of Barbering and Cosmetology shall
28 disclose information on its licensees.

29 (12) The Acupuncture Board shall disclose information on its
30 licensees.

31 (13) The Board of Behavioral Sciences shall disclose
32 information on its licensees and registrants.

33 (14) The Dental Board of California shall disclose information
34 on its licensees.

35 (15) The State Board of Optometry shall disclose information
36 on its licensees and registrants.

37 (16) The Board of Psychology shall disclose information on its
38 licensees, including psychologists, psychological assistants, and
39 registered psychologists.

1 (17) The Veterinary Medical Board shall disclose information
2 on its licensees, registrants, and permit holders.

3 (d) The State Board of Chiropractic Examiners shall disclose
4 information on its licensees.

5 (e) The Structural Pest Control Board shall disclose information
6 on its licensees, including applicators, field representatives, and
7 operators in the areas of fumigation, general pest and wood
8 destroying pests and organisms, and wood roof cleaning and
9 treatment.

10 (f) "Internet" for the purposes of this section has the meaning
11 set forth in paragraph (6) of subdivision (f) of Section 17538.

12 *SEC. 2. Section 144 of the Business and Professions Code is*
13 *amended to read:*

14 144. (a) Notwithstanding any other law, an agency designated
15 in subdivision (b) shall require an applicant to furnish to the agency
16 a full set of fingerprints for purposes of conducting criminal history
17 record checks. Any agency designated in subdivision (b) may
18 obtain and receive, at its discretion, criminal history information
19 from the Department of Justice and the United States Federal
20 Bureau of Investigation.

21 (b) Subdivision (a) applies to the following:

- 22 (1) California Board of Accountancy.
- 23 (2) State Athletic Commission.
- 24 (3) Board of Behavioral Sciences.
- 25 (4) Court Reporters Board of California.
- 26 (5) Dental Board of California.
- 27 (6) California State Board of Pharmacy.
- 28 (7) Board of Registered Nursing.
- 29 (8) Veterinary Medical Board.
- 30 (9) Board of Vocational Nursing and Psychiatric ~~Technicians.~~
31 *Technicians of the State of California.*
- 32 (10) Respiratory Care Board of California.
- 33 (11) Physical Therapy Board of California.
- 34 (12) Physician Assistant ~~Committee.~~ *Board.*
- 35 (13) Speech-Language Pathology and Audiology and Hearing
36 Aid Dispensers Board.
- 37 (14) Medical Board of California.
- 38 (15) State Board of Optometry.
- 39 (16) Acupuncture Board.
- 40 (17) Cemetery and Funeral Bureau.

- 1 (18) Bureau of Security and Investigative Services.
2 (19) Division of Investigation.
3 (20) Board of Psychology.
4 (21) California Board of Occupational Therapy.
5 (22) Structural Pest Control Board.
6 (23) Contractors State License Board.
7 (24) Naturopathic Medicine Committee.
8 (25) Professional Fiduciaries Bureau.
9 (26) Board for Professional Engineers, Land Surveyors, and
10 Geologists.
11 (27) Podiatric Medical Board of California.
12 (28) Osteopathic Medical Board of California.
13 (29) California Architects Board, beginning January 1, 2021.
14 (30) Landscape Architects Technical Committee, beginning
15 January 1, 2022.
16 (31) *Bureau of Household Goods and Services with respect to*
17 *household movers as described in Chapter 3.1 (commencing with*
18 *Section 19225) of Division 8.*
19 (c) For purposes of paragraph (26) of subdivision (b), the term
20 “applicant” shall be limited to an initial applicant who has never
21 been registered or licensed by the board or to an applicant for a
22 new licensure or registration category.
23 SEC. 3. Section 5659 of the Business and Professions Code is
24 amended to read:
25 5659. Each person licensed under this chapter shall sign, date,
26 and seal or stamp using a seal or stamp described in this section,
27 all plans, specifications, and other instruments of service therefor,
28 prepared for others as evidence of the person’s responsibility for
29 those documents. Failure to comply with this section constitutes
30 a ground for disciplinary action. Each person licensed under this
31 chapter shall use a seal or stamp of the design authorized by the
32 board, bearing the person’s name, license number, the legend
33 “licensed landscape architect,” the legend “State of California”
34 and a means of providing a signature, the renewal date of the
35 license, and date of signing and sealing or stamping.
36 SEC. 4. *Section 6533 of the Business and Professions Code is*
37 *amended to read:*
38 6533. In order to meet the qualifications for licensure as a
39 professional fiduciary a person shall meet all of the following
40 requirements:

- 1 (a) Be at least 21 years of age.
- 2 (b) Have not committed any acts that are grounds for denial of
3 a license under Section 480 or 6536.
- 4 (c) Submit fingerprint images as specified in Section 6533.5 in
5 order to obtain criminal offender record information.
- 6 (d) Have completed the required prelicensing education
7 described in Section 6538.
- 8 (e) Have passed the licensing examination administered by the
9 bureau pursuant to Section 6539.
- 10 (f) Have at least one of the following:
- 11 (1) A baccalaureate degree of arts or sciences from a college or
12 university accredited by a nationally recognized accrediting body
13 of colleges and universities or a higher level of education.
- 14 (2) An associate of arts or sciences degree from a college or
15 university accredited by a nationally recognized accrediting body
16 of colleges and universities, and at least three years of experience
17 with either of the following substantive fiduciary responsibilities:
- 18 (A) Serving as a conservator of a person, estate, or person and
19 estate, a guardian of ~~an estate or person and estate~~, *a person, estate,*
20 *or person and estate*, a trustee, an agent under a durable power of
21 attorney for health care, ~~or an agent under a durable power of~~
22 ~~attorney for finances~~, *finances*, or a personal representative of a
23 *decendent's estate, as specified in Section 6501.*
- 24 (B) Working for a professional fiduciary, a public agency, or a
25 financial institution acting as a conservator of a person, estate, or
26 person and estate, a guardian of ~~an estate or person and estate~~, *a*
27 *person, estate, or person and estate*, a trustee, an agent under a
28 durable power of attorney for health care, ~~or an agent under a~~
29 ~~durable power of attorney for finances~~, *finances*, or a personal
30 *representative of a decendent's estate, as specified in Section 6501.*
- 31 (3) At least five years of experience with either of the following
32 substantive fiduciary responsibilities:
- 33 (A) Serving as a conservator of a person, estate, or person and
34 estate, a guardian of ~~an estate or person and estate~~, *a person, estate,*
35 *or person and estate*, a trustee, an agent under a durable power of
36 attorney for health care, ~~or an agent under a durable power of~~
37 ~~attorney for finances~~, *finances*, or a personal representative of a
38 *decendent's estate, as specified in Section 6501.*
- 39 (B) Working for a professional fiduciary, a public agency, or a
40 financial institution acting as a conservator of a person, estate, or

1 person and estate, a guardian of ~~an estate or person and estate, a~~
2 *person, estate, or person and estate*, a trustee, an agent under a
3 durable power of attorney for health care, ~~or~~ an agent under a
4 durable power of attorney for ~~finances~~. *finances, or a personal*
5 *representative of a decedent's estate, as specified in Section 6501.*

6 (g) Agree to adhere to the Professional Fiduciaries Code of
7 Ethics and to all statutes and regulations.

8 (h) Consent to the bureau conducting a credit check on the
9 applicant.

10 (i) File a completed application for licensure with the bureau
11 on a form provided by the bureau and signed by the applicant under
12 penalty of perjury.

13 (j) Submit with the license application a nonrefundable
14 application fee, as specified in this chapter.

15 ~~SEC. 4.~~

16 *SEC. 5.* Section 6758 of the Business and Professions Code is
17 amended to read:

18 6758. An applicant failing in an examination may be examined
19 again upon filing a new application and the payment of the
20 examination fee fixed by the board.

21 ~~SEC. 5.~~

22 *SEC. 6.* Section 7011.4 of the Business and Professions Code
23 is amended to read:

24 7011.4. (a) Notwithstanding Section 7011, there is in the
25 Contractors State License Board, a separate enforcement division
26 that shall rigorously enforce this chapter prohibiting all forms of
27 unlicensed activity and shall enforce the obligation to secure the
28 payment of valid and current workers' compensation insurance in
29 accordance with Section 3700.5 of the Labor Code.

30 (b) Persons employed as special investigators of the Contractors
31 State License Board and designated by the Director of Consumer
32 Affairs shall have the authority to issue a written notice to appear
33 in court pursuant to Chapter 5C (commencing with Section 853.5)
34 of Title 3 of Part 2 of the Penal Code. An employee so designated
35 is not a peace officer and does not have the power of arrest.

36 (c) When participating in the activities of the Joint Enforcement
37 Strike Force on the Underground Economy pursuant to Section
38 329 of the Unemployment Insurance Code, the enforcement
39 division shall have free access to all places of labor.

1 ~~SEC. 6.~~

2 *SEC. 7.* Section 7017.3 of the Business and Professions Code
3 is amended to read:

4 7017.3. The Contractors State License Board shall report
5 annually to the Legislature, not later than October 1 of each year,
6 the following statistical information for the prior fiscal year. The
7 following data shall be reported on complaints filed with the board
8 against licensed contractors, registered home improvement
9 salespersons, and unlicensed persons acting as licensees or
10 registrants:

11 (a) The number of complaints received by the board categorized
12 by source, such as public, trade, profession, government agency,
13 or board-initiated, and by type of complaint, such as licensee or
14 nonlicensee.

15 (b) The number of complaints closed prior to referral for field
16 investigation, categorized by the reason for the closure, such as
17 settled, referred for mandatory arbitration, or referred for voluntary
18 arbitration.

19 (c) The number of complaints referred for field investigation
20 categorized by the type of complaint, such as licensee or
21 nonlicensee.

22 (d) The number of complaints closed after referral for field
23 investigation categorized by the reason for the closure, such as
24 settled, referred for mandatory arbitration, or referred for voluntary
25 arbitration.

26 (e) For the board's Intake/Mediation Center and the board's
27 Investigation Center closures, respectively, the total number of
28 complaints closed prior to a field investigation per consumer
29 services representative, and the total number of complaints closed
30 after referral for a field investigation per investigator and special
31 investigator. Additionally, the board shall report the total number
32 of complaints closed by other board staff during the year.

33 (f) The number of complaints pending at the end of the fiscal
34 year grouped in 90-day increments, and the percentage of total
35 complaints pending, represented by the number of complaints in
36 each grouping.

37 (g) The number of citations issued to licensees categorized by
38 the type of citation such as order of correction only or order of
39 correction and fine, and the number of citations issued to licensees
40 that were vacated or withdrawn.

- 1 (h) The number of citations issued to nonlicensees and the
2 number of these citations that were vacated or withdrawn.
- 3 (i) The number of complaints referred to a local prosecutor for
4 criminal investigation or prosecution, the number of complaints
5 referred to the Attorney General for the filing of an accusation,
6 and the number of complaints referred to both a local prosecutor
7 and the Attorney General, categorized by type of complaint, such
8 as licensee and nonlicensee.
- 9 (j) Actions taken by the board, including, but not limited to, the
10 following:
- 11 (1) The number of disciplinary actions categorized by type, such
12 as revocations or suspensions, categorized by whether the
13 disciplinary action resulted from an accusation, failure to comply
14 with a citation, or failure to comply with an arbitration award.
- 15 (2) The number of accusations dismissed or withdrawn.
- 16 (k) For subdivisions (g) and (j), the number of cases containing
17 violations of Sections 7121 and 7121.5, and paragraph (5) of
18 subdivision (a) of Section 7159.5, categorized by section.
- 19 (l) The number of interim suspension orders sought, the number
20 of interim suspension orders granted, the number of temporary
21 restraining orders sought, and the number of temporary restraining
22 orders granted.
- 23 (m) The amount of cost recovery ordered and the amount
24 collected.
- 25 (n) Case aging data, including data for each major stage of the
26 enforcement process, including the following:
- 27 (1) The average number of days from the filing of a complaint
28 to its closure by the board's Intake/Mediation Center prior to the
29 referral for an investigation categorized by the type of complaint,
30 such as licensee or nonlicensee.
- 31 (2) The average number of days from the referral of a complaint
32 for an investigation to its closure by the Investigation Center
33 categorized by the type of complaint, such as licensee or
34 nonlicensee.
- 35 (3) The average number of days from the filing of a complaint
36 to the referral of the completed investigation to the Attorney
37 General.
- 38 (4) The average number of days from the referral of a completed
39 investigation to the Attorney General to the filing of an accusation
40 by the Attorney General.

1 (5) The average number of days from the filing of an accusation
2 to the first hearing date or date of a stipulated settlement.

3 (6) The average number of days from the receipt of the
4 administrative law judge's proposed decision to the registrar's
5 final decision.

6 ~~SEC. 7.~~

7 *SEC. 8.* Section 7058.5 of the Business and Professions Code
8 is amended to read:

9 7058.5. (a) A contractor shall not engage in asbestos-related
10 work, as defined in Section 6501.8 of the Labor Code, that involves
11 100 square feet or more of surface area of asbestos containing
12 materials, unless the contractor holds a C-22 Asbestos Abatement
13 classification or the qualifier for the license passes an asbestos
14 certification examination. Additional updated asbestos certification
15 examinations may be required based on new health and safety
16 information. The decision on whether to require an updated
17 certification examination shall be made by the Contractors State
18 License Board, in consultation with the Division of Occupational
19 Safety and Health in the Department of Industrial Relations and
20 the Division of Environmental and Occupational Disease Control
21 in the State Department of Public Health.

22 No asbestos certification examination shall be required for
23 contractors involved with the installation, maintenance, and repair
24 of asbestos cement pipe or sheets, vinyl asbestos floor materials,
25 or asbestos bituminous or resinous materials.

26 "Asbestos," as used in this section, has the same meaning as
27 defined in Section 6501.7 of the Labor Code.

28 (b) The Contractors State License Board shall make available
29 to all applicants, either on the board's internet website or, if
30 requested, in hard copy, a booklet containing information relative
31 to handling and disposal of asbestos, together with an open book
32 examination concerning asbestos-related work. All applicants for
33 an initial contractor license shall complete the open book
34 examination and, prior to the issuance of a contractor's license,
35 submit it to the board electronically or by mail if the applicant
36 elects to use the hard-copy format.

37 ~~SEC. 8.~~

38 *SEC. 9.* Section 7058.6 of the Business and Professions Code
39 is amended to read:

1 7058.6. (a) The board shall not issue an asbestos certification,
2 as required by Section 7058.5, unless the contractor is registered
3 with the Division of Occupational Safety and Health of the
4 Department of Industrial Relations pursuant to Section 6501.5 of
5 the Labor Code. The board may issue an asbestos certification to
6 a contractor who is not registered, provided the contractor in a
7 written statement acknowledges that they do not perform
8 asbestos-related work. The board shall notify both the division and
9 the contractor, in writing, of the contractor's passage of the
10 certification examination, for the purpose of allowing the contractor
11 to satisfy the requirement of paragraph (1) of subdivision (a) of
12 Section 6501.5 of the Labor Code. The contractor shall register
13 with the division within 90 days from the date the contractor is
14 notified of the passage of the certification examination. The board
15 may require a reexamination if the contractor fails to register within
16 90 days following issuance of the notification. Applicable test fees
17 shall be paid for any reexamination required under this section.

18 (b) Any contractor who is certified to engage in asbestos-related
19 work shall present proof of current registration with the division
20 pursuant to Section 6501.5 of the Labor Code upon application
21 for renewal of the contractor's license, if the contractor engages
22 in asbestos-related work, as defined in Section 6501.8 of the Labor
23 Code.

24 (c) A contractor who is not certified pursuant to this section
25 may bid on and contract to perform a project involving
26 asbestos-related work as long as the asbestos-related work is
27 performed by a contractor who holds the C-22 Asbestos Abatement
28 classification or is certified and registered pursuant to this section
29 and Section 6501.5 of the Labor Code.

30 (d) The board shall obtain and periodically update the list of
31 contractors certified to engage in asbestos-related work who are
32 registered pursuant to Section 6501.5 of the Labor Code.

33 ~~SEC. 9.~~

34 *SEC. 10.* Section 7124.6 of the Business and Professions Code
35 is amended to read:

36 7124.6. (a) The registrar shall make available to members of
37 the public the date, nature, and status of all complaints on file
38 against a licensee that do either of the following:

39 (1) Have been referred for accusation.

1 (2) Have been referred for investigation after a determination
2 by board enforcement staff that a probable violation has occurred,
3 and have been reviewed by a supervisor, and regard allegations
4 that if proven would present a risk of harm to the public and would
5 be appropriate for suspension or revocation of the contractor's
6 license or criminal prosecution.

7 (b) The board shall create a disclaimer that shall accompany
8 the disclosure of a complaint that shall state that the complaint is
9 an allegation. The disclaimer may also contain any other
10 information the board determines would be relevant to a person
11 evaluating the complaint.

12 (c) (1) A complaint resolved in favor of the contractor shall not
13 be subject to disclosure.

14 (2) A complaint resolved by issuance of a letter of
15 admonishment pursuant to Section 7099.9 shall not be deemed
16 resolved in favor of the contractor for the purposes of this section.
17 A letter of admonishment issued to a licensee shall be disclosed
18 for a period of one year from the date of service described in
19 subdivision (c) of Section 7099.9.

20 (d) Except as described in subdivision (e), the registrar shall
21 make available to members of the public the date, nature, and
22 disposition of all legal actions.

23 (e) Disclosure of legal actions shall be limited as follows:

24 (1) (A) Citations shall be disclosed from the date of issuance
25 and for five years after the date of compliance if no additional
26 disciplinary actions have been filed against the licensee during the
27 five-year period. If additional disciplinary actions were filed against
28 the licensee during the five-year period, all disciplinary actions
29 shall be disclosed for as long as the most recent disciplinary action
30 is subject to disclosure under this section. At the end of the
31 specified time period, those citations shall no longer be disclosed.

32 (B) Any disclosure pursuant to this paragraph shall also appear
33 on the license record of any other license that includes a qualifier
34 that is listed as one of the members of personnel of record of the
35 license that was issued the citation.

36 (C) The disclosure described in subparagraph (B) shall be for
37 the period of disclosure of the citation.

38 (2) Accusations that result in suspension, stayed suspension, or
39 stayed revocation of the contractor's license shall be disclosed
40 from the date the accusation is filed and for seven years after the

1 accusation has been settled, including the terms and conditions of
2 probation if no additional disciplinary actions have been filed
3 against the licensee during the seven-year period. If additional
4 disciplinary actions were filed against the licensee during the
5 seven-year period, all disciplinary actions shall be posted for as
6 long as the most recent disciplinary action is subject to disclosure
7 under this section. At the end of the specified time period, those
8 accusations shall no longer be disclosed.

9 (3) All revocations that are not stayed shall be disclosed
10 indefinitely from the effective date of the revocation.

11 ~~SEC. 10.~~

12 *SEC. 11.* Section 7169 of the Business and Professions Code
13 is amended to read:

14 7169. (a) The board, in collaboration with the Public Utilities
15 Commission, shall develop and make available a “solar energy
16 system disclosure document” or documents that provide a
17 consumer, at a minimum, accurate, clear, and concise information
18 regarding the installation of a solar energy system, total costs of
19 installation, anticipated savings, the assumptions and inputs used
20 to estimate the savings, and the implications of various financing
21 options.

22 (b) On or before July 1, 2018, the board, in collaboration with
23 the Public Utilities Commission, shall develop, and make available
24 on its internet website the disclosure document described in
25 subdivision (a) that a solar energy system company shall provide
26 to a consumer prior to completion of a sale, financing, or lease of
27 a solar energy system. The “solar energy system disclosure
28 document” shall be printed on the front page or cover page of every
29 solar energy contract. The “solar energy system disclosure
30 document” shall be printed in boldface 16-point type and include
31 the following types of primary information:

32 (1) The total cost and payments for the system, including
33 financing costs.

34 (2) Information on how and to whom customers may provide
35 complaints.

36 (3) The consumer’s right to the applicable cancellation period
37 pursuant to Section 7159 of the Business and Professions Code.

38 (c) At the board’s discretion, other types of supporting
39 information the board and the commission deem appropriate or
40 useful in furthering the directive described in subdivision (a) may

1 be included in the solar energy disclosure document following the
2 front page or cover page, including, but not limited to:

- 3 (1) The amounts and sources of financing obtained.
- 4 (2) The calculations used by the home improvement salesperson
5 to determine how many panels the homeowner needs to install.
- 6 (3) The calculations used by the home improvement salesperson
7 to determine how much energy the panels will generate.
- 8 (4) Any additional monthly fees the homeowner's electric
9 company may bill, any turn-on charges, and any fees added for
10 the use of an internet monitoring system of the panels or inverters.
- 11 (5) The terms and conditions of any guaranteed rebate.
- 12 (6) The final contract price, without the inclusion of possible
13 rebates.
- 14 (7) The solar energy system company's contractor's license
15 number.
- 16 (8) The impacts of solar energy system installations not
17 performed to code.
- 18 (9) Types of solar energy system malfunctions.
- 19 (10) Information about the difference between a solar energy
20 system lease and a solar energy system purchase.
- 21 (11) The impacts that the financing options, lease agreement
22 terms, or contract terms will have on the sale of the consumer's
23 home, including any balloon payments or solar energy system
24 relocation that may be required if the contract is not assigned to
25 the new owner of the home.
- 26 (12) A calculator that calculates performance of solar projects
27 to provide solar customers the solar power system's projected
28 output, which may include an expected performance-based
29 buy-down calculator.

30 (d) A contract for sale, financing, or lease of a solar energy
31 system and the solar energy system disclosure document shall be
32 written in the same language as was principally used in the oral
33 sales presentation made to the consumer or the print or digital
34 marketing material given to the consumer.

35 (e) For solar energy systems utilizing Property Assessed Clean
36 Energy (PACE) financing, the Financing Estimate and Disclosure
37 form required by subdivision (b) of Section 5898.17 of the Streets
38 and Highways Code shall satisfy the requirements of this section
39 with respect to the financing contract only, but not, however, with

1 respect to the underlying contract for installation of the solar energy
2 system.

3 (f) The board shall post the PACE Financing Estimate and
4 Disclosure form required by subdivision (b) of Section 5898.17
5 of the Streets and Highways Code on its internet website.

6 (g) For purposes of this section, “solar energy system” means
7 a solar energy device to be installed on a residential building that
8 has the primary purpose of providing for the collection and
9 distribution of solar energy for the generation of electricity, that
10 produces at least one kW, and not more than five MW, alternating
11 current rated peak electricity, and that meets or exceeds the
12 eligibility criteria established pursuant to Section 25782 of the
13 Public Resources Code.

14 (h) This section does not apply to a solar energy system that is
15 installed as a standard feature on new construction.

16 ~~SEC. 11.~~

17 *SEC. 12.* Section 7846 of the Business and Professions Code
18 is amended to read:

19 7846. An applicant failing in an examination may be examined
20 again upon filing a new application and the payment of the
21 examination fee fixed by the board.

22 ~~SEC. 12.~~

23 *SEC. 13.* Section 8746 of the Business and Professions Code
24 is amended to read:

25 8746. An applicant failing an examination may be examined
26 again upon filing a new application and the payment of the
27 examination fee fixed by the board.

28 ~~SEC. 13.~~

29 *SEC. 14.* Section 9802 of the Business and Professions Code
30 is amended to read:

31 9802. This chapter does not apply to:

32 (a) Any employee of a service dealer while the employee is
33 engaged in activities within the normal scope of the employer’s
34 business.

35 (b) The repair, service, or maintenance of equipment used in
36 commercial, nonresidential, industrial, or governmental
37 establishments.

38 (c) The repair, services, or maintenance of equipment the
39 ordinary and usual use of which requires a license or permit issued
40 by the Federal Communications Commission.

1 (d) Any person licensed under Chapter 9 (commencing with
2 Section 7000) as an electrical contractor (C-10) or a low-voltage
3 communications systems contractor (C-7) and acting within the
4 scope of their license.

5 ~~SEC. 14.~~

6 *SEC. 15.* Section 13470.1 of the Business and Professions Code
7 is repealed.

8 ~~SEC. 15.~~

9 *SEC. 16.* Section 19004 of the Business and Professions Code
10 is amended to read:

11 19004. (a) “Bureau” refers to the Bureau of Household Goods
12 and Services, as established in Section 9810.

13 (b) “Chief” refers to the chief of the bureau.

14 (c) “Inspector” refers to an inspector or investigator either
15 employed by, or under contract to, the bureau.

16 (d) “Director” refers to the Director of Consumer Affairs.

17 (e) “Department” refers to the Department of Consumer Affairs.

18 ~~SEC. 16.~~

19 *SEC. 17.* Section 19031 of the Business and Professions Code
20 is amended to read:

21 19031. The duty of enforcing and administering this chapter,
22 Chapter 3.1 (commencing with Section 19225), and Chapter 20
23 (commencing with Section 9800) of Division 3 is vested in the
24 chief who is responsible to the director therefor.

25 ~~SEC. 17.~~

26 *SEC. 18.* Section 19051 of the Business and Professions Code
27 is amended to read:

28 19051. Every upholstered-furniture retailer, unless they hold
29 an importer’s license, a furniture and bedding manufacturer’s
30 license, a wholesale furniture and bedding dealer’s license, a
31 custom upholsterer’s license, or a retail furniture and bedding
32 dealer’s license shall hold a retail furniture dealer’s license.

33 (a) This section does not apply to a person whose sole business
34 is designing and specifying for interior spaces, and who purchases
35 specific amenable upholstered furniture items on behalf of a client,
36 provided that the furniture is purchased from an appropriately
37 licensed importer, wholesaler, or retailer. This section does not
38 apply to a person who sells “used” and “antique” furniture as
39 defined in Sections 19008.1 and 19008.2.

1 (b) This section does not apply to a person who is licensed as
2 a home medical device retail facility by the State Department of
3 Public Health, provided that the furniture is purchased from an
4 appropriately licensed importer, wholesaler, or retailer.

5 ~~SEC. 18.~~

6 *SEC. 19.* Section 19055 of the Business and Professions Code
7 is amended to read:

8 19055. Every bedding retailer, unless they hold an importer's
9 license, an upholstered-furniture and bedding manufacturer's
10 license, a wholesale upholstered-furniture and bedding dealer's
11 license, or a retail furniture and bedding dealer's license, shall hold
12 a retail bedding dealer's license.

13 (a) This section does not apply to a person whose sole business
14 is designing and specifying for interior spaces, and who purchases
15 specific amenable bedding items on behalf of a client, provided
16 that the bedding is purchased from an appropriately licensed
17 importer, wholesaler, or retailer.

18 (b) This section does not apply to a person who is licensed as
19 a home medical device retail facility by the State Department of
20 Public Health, provided that the bedding is purchased from an
21 appropriately licensed importer, wholesaler, or retailer.

22 ~~SEC. 19.~~

23 *SEC. 20.* Section 19059.5 of the Business and Professions Code
24 is amended to read:

25 19059.5. Every sanitizer shall hold a sanitizer's license unless
26 they are licensed as a home medical device retail facility by the
27 State Department of Public Health or as an upholstered furniture
28 and bedding manufacturer, retail furniture and bedding dealer,
29 retail bedding dealer, or custom upholsterer.

30 ~~SEC. 20.~~

31 *SEC. 21.* Section 19100 of the Business and Professions Code
32 is amended to read:

33 19100. For the purposes of this article, the following definitions
34 apply:

35 (a) "Chemical" has the same meaning as in subdivision (a) of
36 Section 19094.

37 (b) "Consumer price index" has the same meaning as in
38 subdivision (a) of Section 19094.

39 (c) (1) "Covered flame retardant chemical" means any chemical
40 that meets both of the following criteria:

1 (A) A functional use for the chemical is to resist or inhibit the
2 spread of fire or as a synergist to chemicals that resist or inhibit
3 the spread of fire, including, but not limited to, any chemical for
4 which the term “flame retardant” appears on the Occupational
5 Safety and Health Administration substance safety data sheet
6 pursuant to subdivision (g) of Section 1910.1200 of Title 29 of the
7 Code of Federal Regulations as it read on January 1, 2019.

8 (B) The chemical is one of the following:

9 (i) A halogenated, organophosphorus, organonitrogen, or
10 nanoscale chemical.

11 (ii) A chemical defined as a “designated chemical” in Section
12 105440 of the Health and Safety Code.

13 (iii) A chemical listed on the Washington State Department of
14 Ecology’s list of Chemicals of High Concern to Children in Section
15 173-334-130 of Title 173 of the Washington Administrative Code
16 as of January 1, 2019, and identified as a flame retardant or as a
17 synergist to flame retardants in the rationale for inclusion in the
18 list.

19 (2) As used in this subdivision:

20 (A) “Halogenated chemical” means any chemical that contains
21 one or more halogen elements, including fluorine, chlorine,
22 bromine, or iodine.

23 (B) “Organophosphorus chemical” is any chemical that contains
24 one or more carbon elements and one or more phosphorus
25 elements.

26 (C) “Organonitrogen chemical” is any chemical that contains
27 one or more carbon elements and one or more nitrogen elements.

28 (d) “Juvenile product” means a product subject to this chapter
29 and designed for residential use by infants and children under 12
30 years of age, including, but not limited to, a bassinet, booster seat,
31 changing pad, floor playmat, highchair, highchair pad, infant
32 bouncer, infant carrier, infant seat, infant swing, infant walker,
33 nursing pad, nursing pillow, playpen side pad, playard, portable
34 hook-on chair, stroller, and children’s nap mat.

35 (e) Juvenile products do not include any of the following:

36 (1) Products that are not primarily intended for use in the home,
37 such as products or components for motor vehicles, watercraft,
38 aircraft, or other vehicles.

1 (2) Products subject to Part 571 of Title 49 of the Code of
2 Federal Regulations regarding parts and products used in vehicles
3 and aircraft.

4 (3) Products required to meet state flammability standards in
5 Technical Bulletin 133, entitled “Flammability Test Procedure for
6 Seating Furniture for Use in Public Occupancies.”

7 (4) Consumer electronic products that do not fall under the
8 bureau’s jurisdiction for flammability standards.

9 (f) “Mattress” has the same definition as that term is defined in
10 Section 1632.1 of Title 16 of the Code of Federal Regulations.

11 (g) “Reupholstered furniture” means furniture whose original
12 fabric, padding, decking, barrier material, foam, or other resilient
13 filling has been replaced by a custom upholsterer, that has not been
14 sold since the time of the replacement, and that is required to meet
15 the flammability standards set forth in Technical Bulletin 117-2013
16 entitled “Requirements, Test Procedure and Apparatus for Testing
17 the Smolder Resistance of Materials Used in Upholstered
18 Furniture.” Reupholstered furniture shall not include products
19 required to meet Technical Bulletin 133.

20 (h) “Upholstered furniture” has the same meaning as “covered
21 products” does in subdivision (a) of Section 19094.

22 ~~SEC. 21.~~

23 *SEC. 22.* Section 19161 of the Business and Professions Code
24 is amended to read:

25 19161. (a) All mattresses and mattress sets manufactured for
26 sale in this state shall be fire retardant. “Fire retardant,” as used in
27 this section, means a product that meets the standards for resistance
28 to open-flame test adopted by the United States Consumer Product
29 Safety Commission and set forth in Section 1633 and following
30 of Title 16 of the Code of Federal Regulations. The bureau may
31 adopt regulations it deems necessary to implement those standards.

32 (b) All other bedding products that the bureau determines
33 contribute to mattress bedding fires shall comply with regulations
34 adopted by the bureau specifying that those products be resistant
35 to open-flame ignition.

36 (c) All seating furniture sold or offered for sale by an importer,
37 manufacturer, or wholesaler for use in this state, including any
38 seating furniture sold to or offered for sale for use in a hotel, motel,
39 or other place of public accommodation in this state, and
40 reupholstered furniture to which filling materials are added, shall

1 be fire retardant and shall be labeled in a manner specified by the
2 bureau. This does not include furniture used exclusively for the
3 purpose of physical fitness and exercise.

4 (d) Regulations adopted by the bureau for other bedding
5 products shall not apply to any hotel, motel, bed and breakfast,
6 inn, or similar transient lodging establishment that has an automatic
7 fire extinguishing system that conforms to the specifications
8 established in Section 904.1 of Title 24 of the California Code of
9 Regulations.

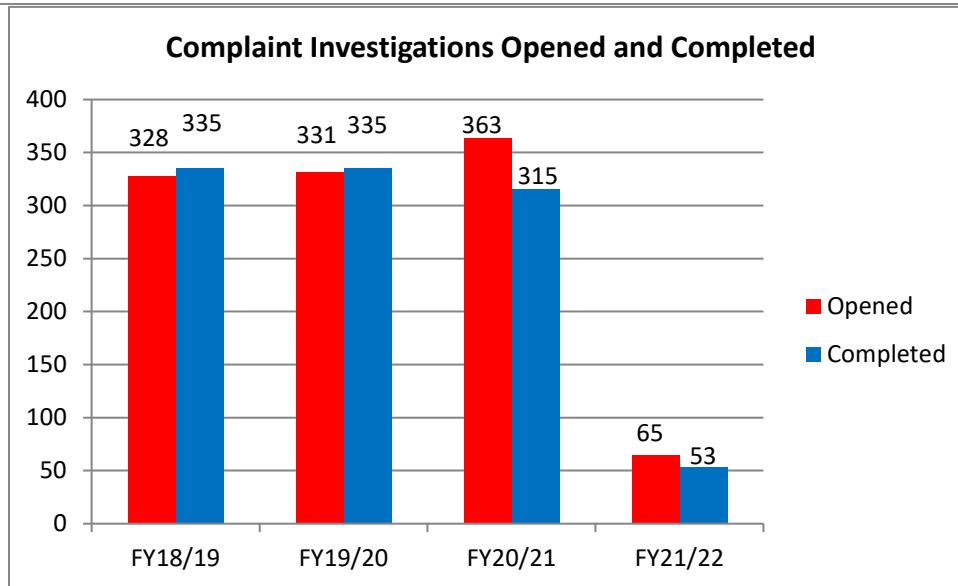
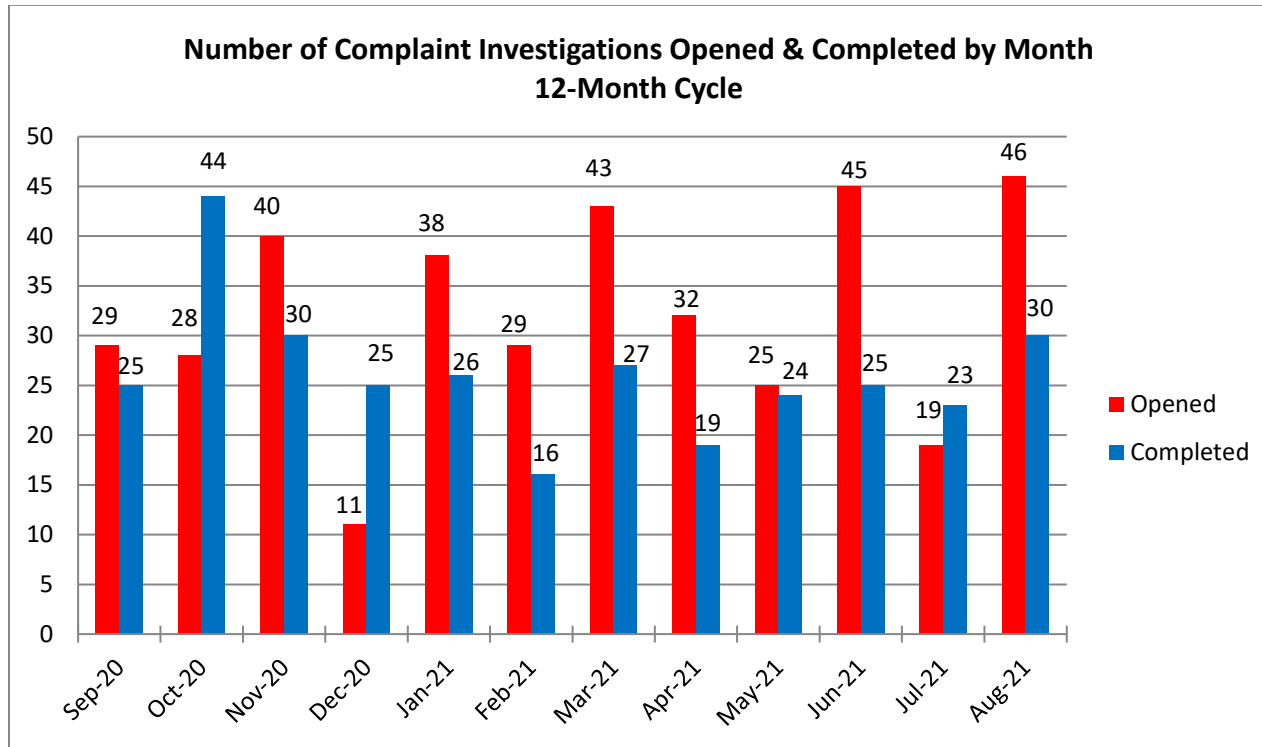
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IX. Enforcement

A. Enforcement Statistical Reports

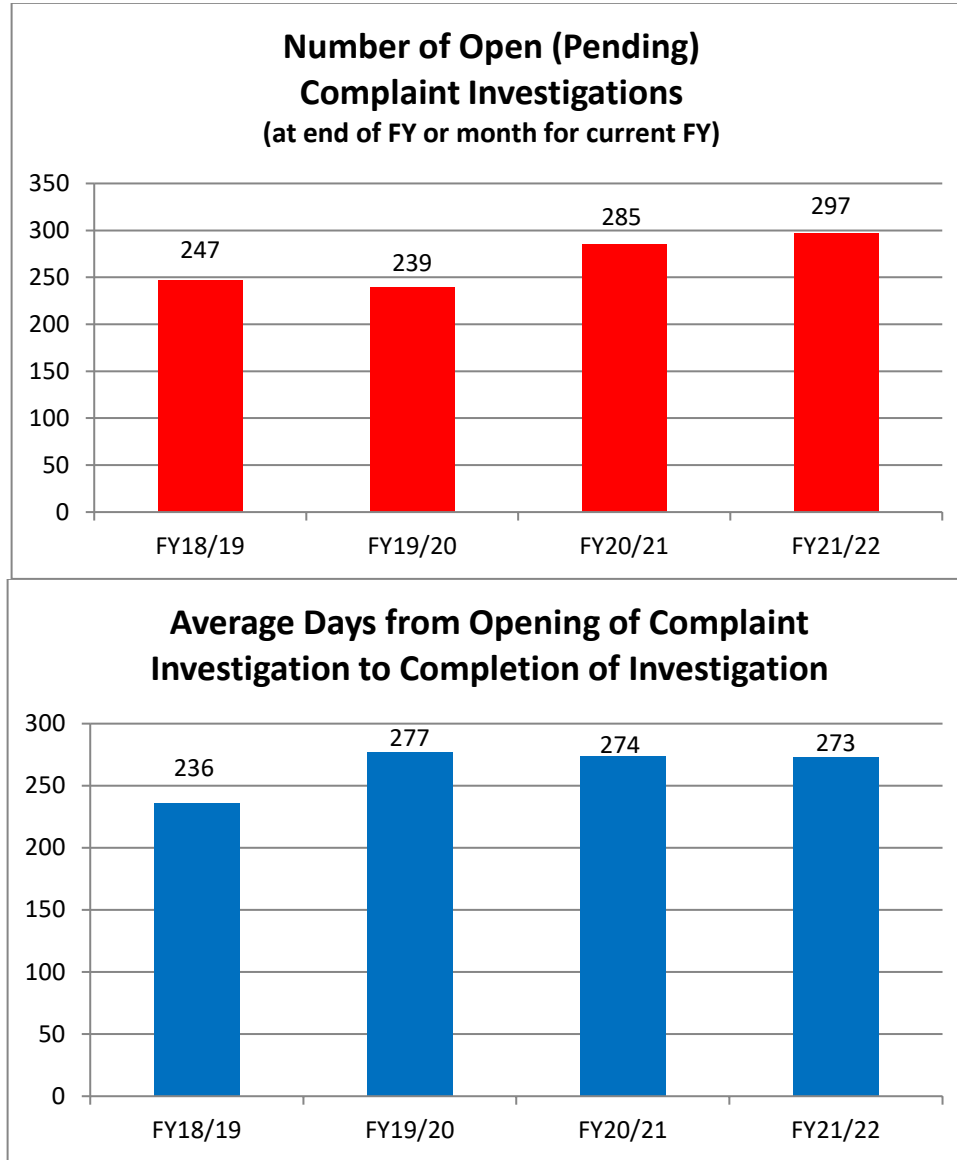
1. Fiscal Year 2020/21 Update

Complaint Investigation Phase



NOTE: FY20/21 statistics are through August 31, 2021

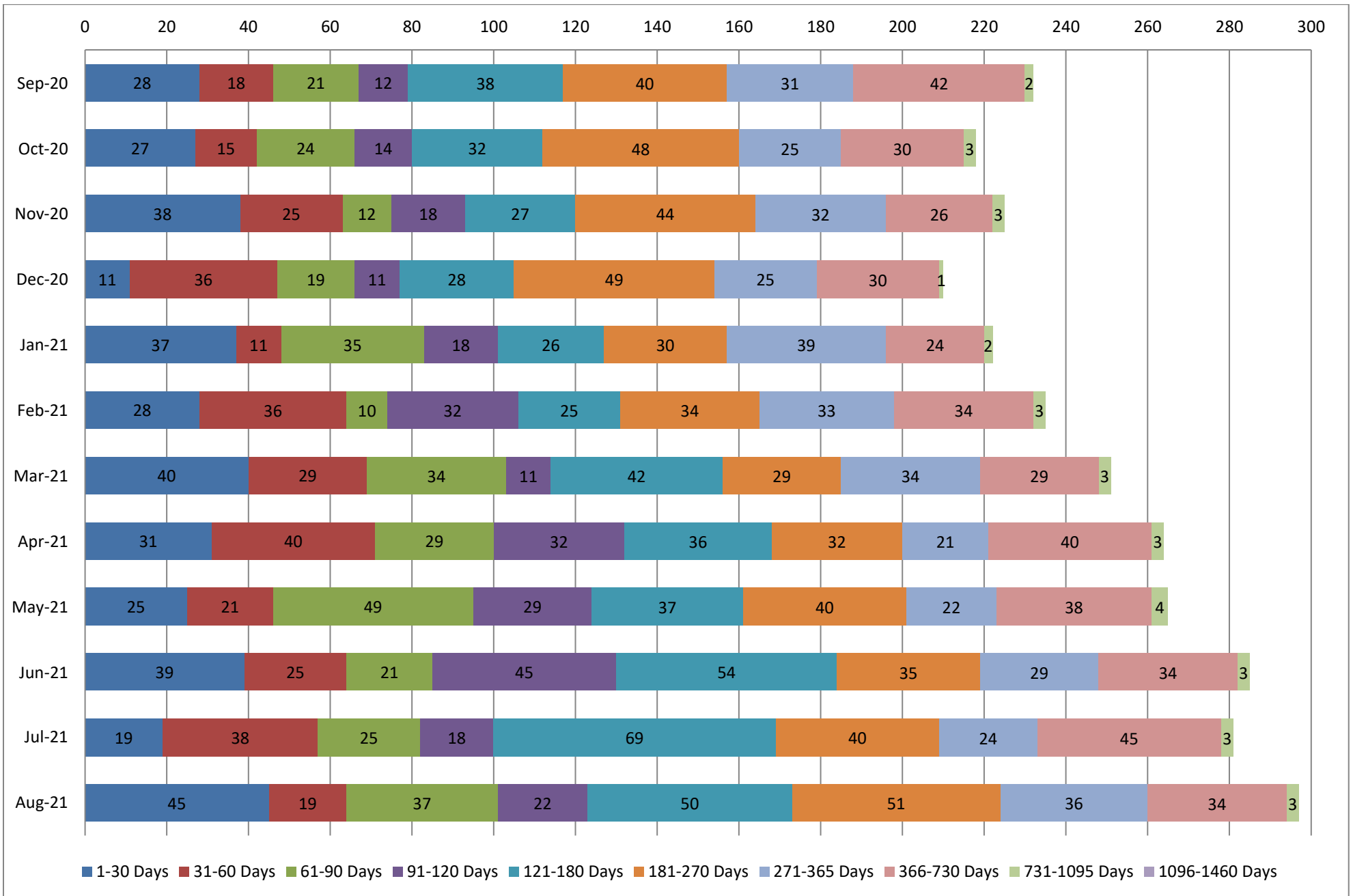
Complaint Investigation Phase



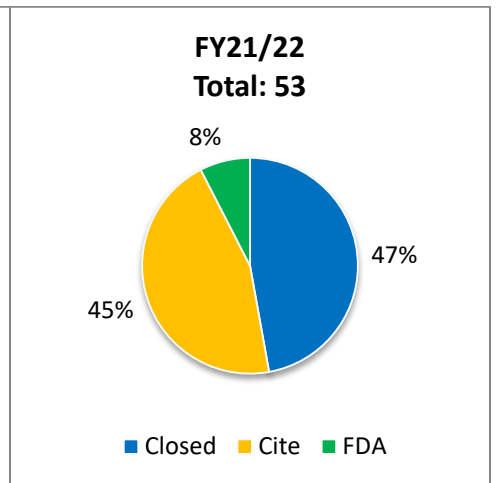
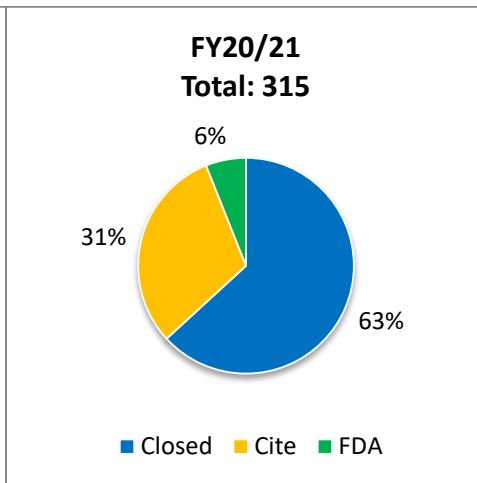
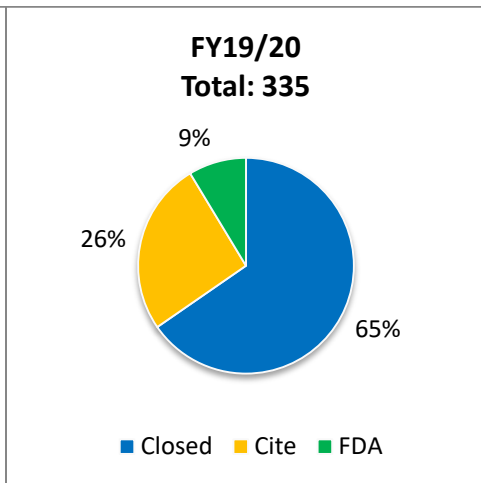
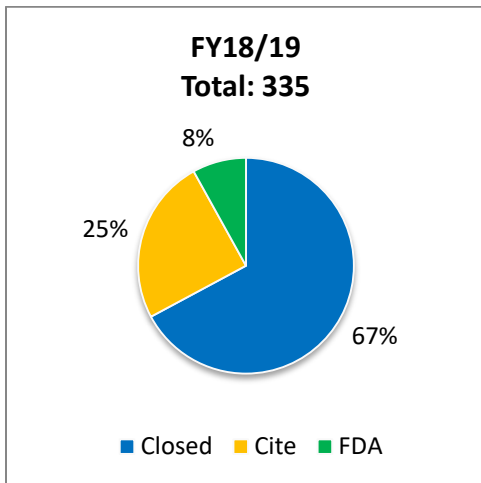
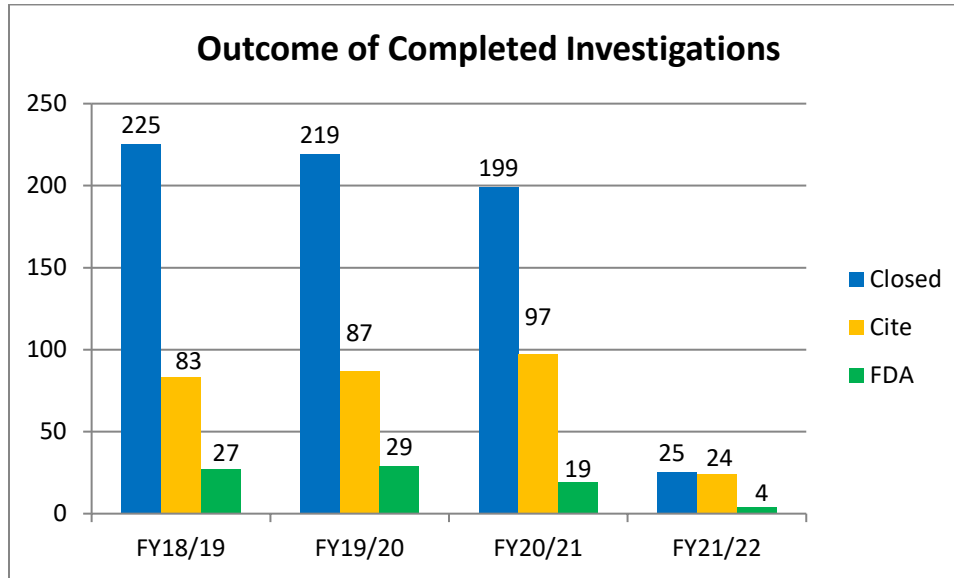
NOTE: FY20/21 statistics are through August 31, 2021

Complaint Investigation Phase

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



Complaint Investigation Phase Outcome of Completed Investigations



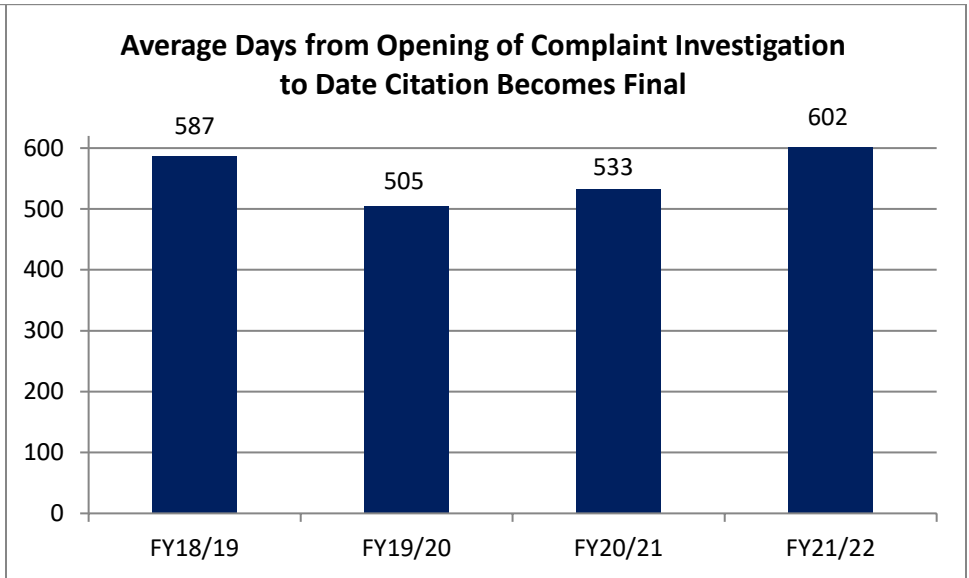
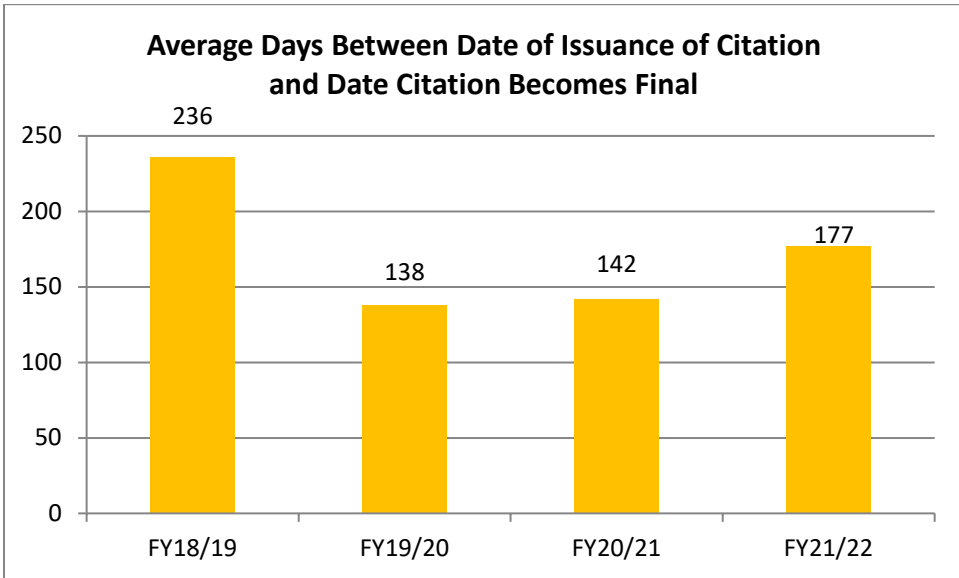
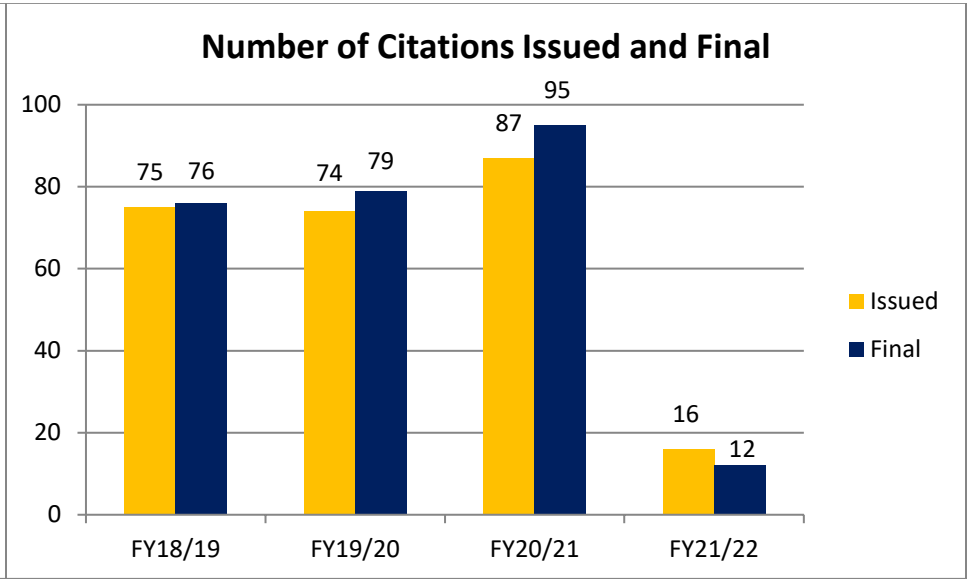
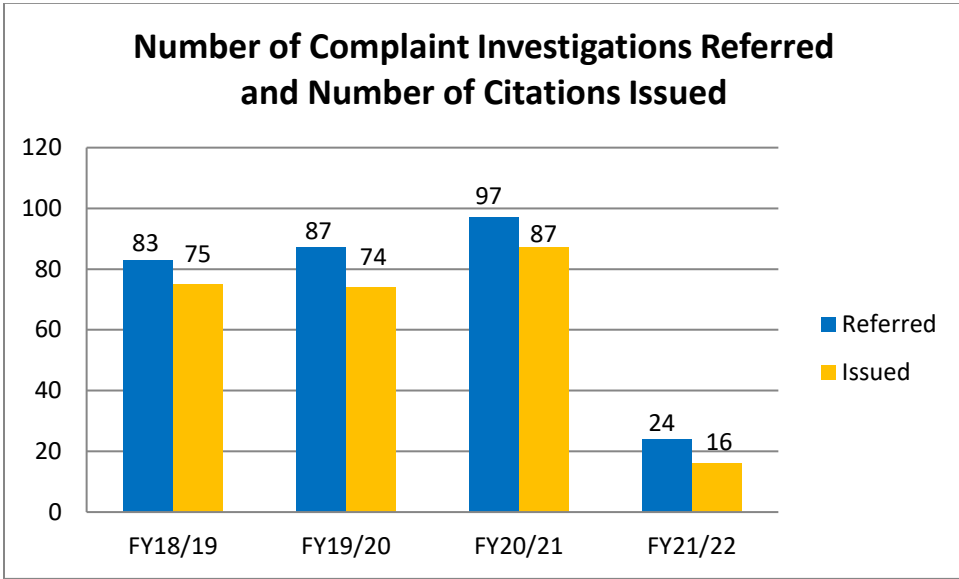
NOTE: FY20/21 statistics are through August 31, 2021

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

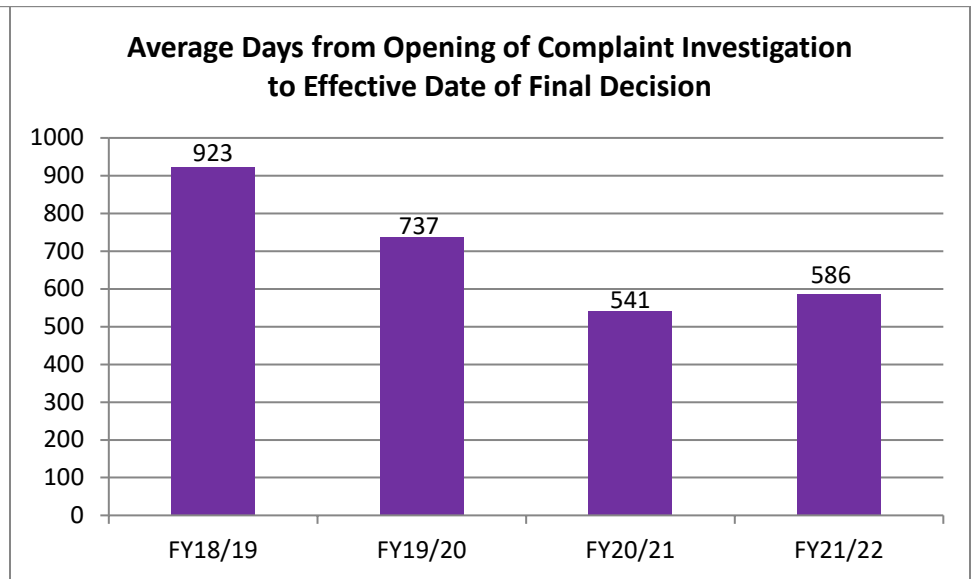
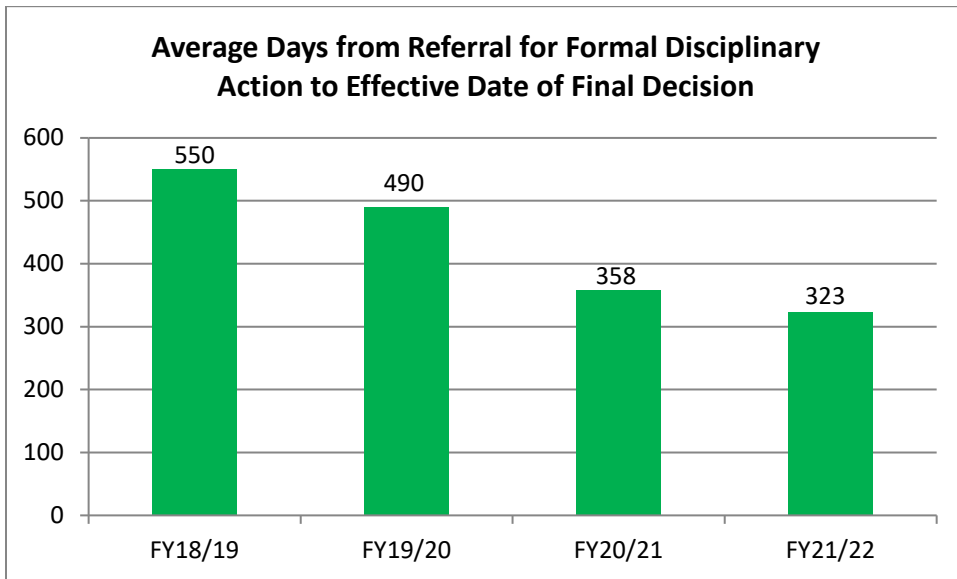
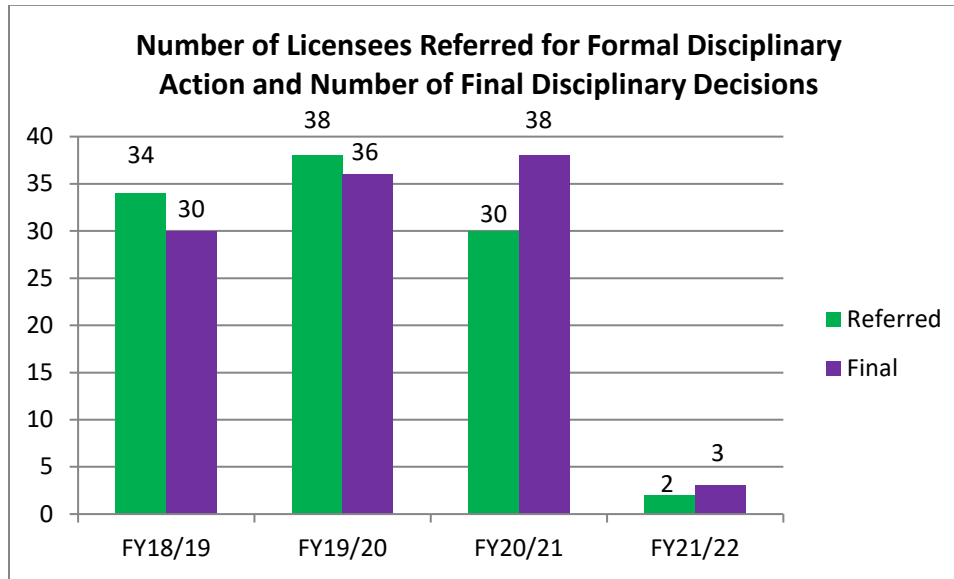
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through August 31, 2021

Formal Disciplinary Actions Against Licensees



NOTE: FY20/21 statistics are through August 31, 2021

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
September 2020	29	25
October 2020	28	41
November 2020	40	30
December 2020	11	25
January 2021	38	26
February 2021	29	16
March 2021	43	27
April 2021	32	19
May 2021	25	24
June 2021	45	25
July 2021	19	23
August 2021	46	30

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

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2018/19	328	335
2019/20	331	335
2020/21	363	315
2021/22	65	53

Current Fiscal Year through August 31, 2021

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2018/19	247
2019/20	239
2020/21	285
2021/22	297

Current Fiscal Year through August 31, 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
2018/19	236
2019/20	277
2020/21	274
2021/22	273

Current Fiscal Year through August 31, 2021

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	25	47%	24	45%	4	8%

Current Fiscal Year through August 31, 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
September 2020	28	18	21	12	38	40	31	42	2	0
October 2020	27	15	24	14	32	48	25	30	3	0
November 2020	38	25	12	18	27	44	32	26	3	0
December 2020	11	36	19	11	28	49	25	30	1	0
January 2021	37	11	35	18	26	30	39	24	2	0
February 2021	28	36	10	32	25	34	33	34	3	0
March 2021	40	29	34	11	42	29	34	29	3	0
April 2021	31	40	29	32	36	32	21	40	3	0
May 2021	25	21	49	29	37	40	22	38	4	0
June 2021	39	25	21	45	54	35	29	34	3	0
July 2021	19	38	25	18	69	40	24	45	3	0
August 2021	45	19	37	22	50	51	36	34	3	0

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2018/19	83	75
2019/20	87	74
2020/21	97	87
2021/22	24	16

Current Fiscal Year through August 31, 2021

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2018/19	75	76
2019/20	74	79
2020/21	87	95
2021/22	16	12

Current Fiscal Year through August 31, 2021

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

Fiscal Year	Number of Days
2018/19	236
2019/20	138
2020/21	142
2021/22	177

Current Fiscal Year through August 31, 2021

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

Fiscal Year	Number of Days
2018/19	587
2019/20	505
2020/21	533
2021/22	602

Current Fiscal Year through August 31, 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
2018/19	34	30
2019/20	38	35
2020/21	30	38
2021/22	2	3

Current Fiscal Year through August 31, 2021

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

Fiscal Year	Number of Days
2018/19	550
2019/20	490
2020/21	358
2021/22	323

Current Fiscal Year through August 31, 2021

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

Fiscal Year	Number of Days
2018/19	923
2019/20	737
2020/21	541
2021/22	586

Current Fiscal Year through August 31, 2021

X. Exams/Licensing

A. 2021 Examination Update

XI. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
 - 1. Connect Presentation
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. 2021 Annual Meeting – October 25-30, 2021 (**Possible Action**)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2021 Annual Meeting – Report from September 15, 2021 (Virtual) Meeting
- G. Update on Outreach Efforts
- H. Strategic Plan 2021-22 Update

Rulemaking Overview

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

- Approved by Office of Administrative Law (OAL) and filed with the Secretary of State on August 26, 2021. Effective on October 1, 2021.
- Rulemaking file was transmitted to OAL for final review on July 15, 2021.
- Agency Approved final rulemaking on July 12, 2021.
- Board adopted final rulemaking proposal on May 27, 2021.
- Noticed for 45-day Public Comment period on February 26, 2021.
- Approved by Agency on February 10, 2021.
- Budgets approved on November 24, 2020 and forwarded to DCA Legal.
- Submitted to DCA Budgets October 13, 2020.
- Submitted for initial (pre-notice) review by DCA Legal on September 5, 2019.
- Board directed staff to pursue rulemaking proposal on March 1, 2013.

2. 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.

3. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)

- Board staff working on pre-notice documents on September 3, 2021.
- Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at:

http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 9/02/2021	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

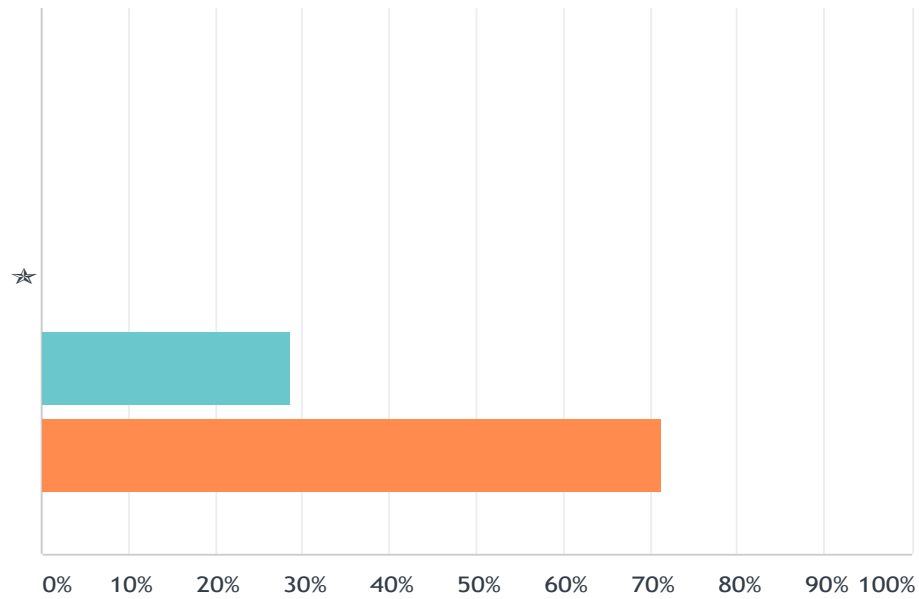
Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
<p>Development of PI4 scope, consisting of additional application types for Civil and Land Surveyor plus investigation monitoring, began in June 2021 and was originally slated to be completed by October 2021. Due to the inclusion of additional sprints for multiple boards/bureaus in the cohort, there will be a delay for PI4 release. However, BPELSG is planning for an interim PI3.5 release near end of October 2021 for the civil engineer and land surveyor applications.</p>						

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Product Increment 4 (PI4) – Commenced shortly after PI3 Go Live	On-going	Dec. 2021	No
Product Increment 3.5 (PI4 – BPELSG Only) anticipated Go Live	On-going	End of Oct. 2021	No
Go Live – PI4	Estimated	Jan. 2022	No

Q1 How would you rate your overall experience submitting your application using BPELSG Connect online platform?

Answered: 14 Skipped: 0

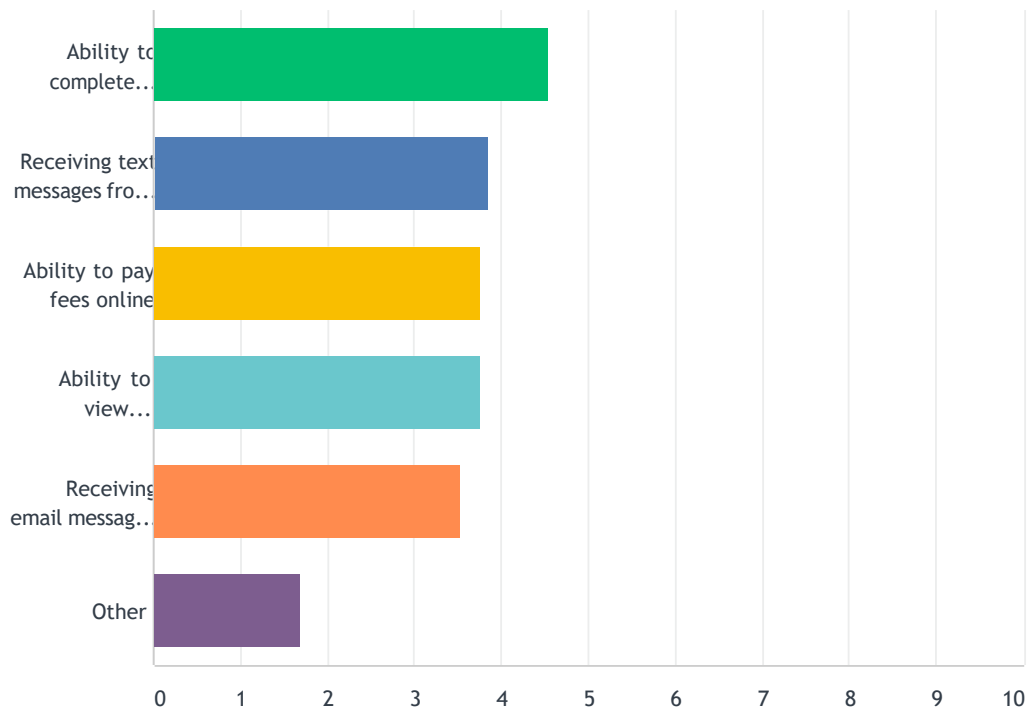


■ Very Poor
 ■ Poor
 ■ Neutral
 ■ Good
 ■ Excellent

	VERY POOR	POOR	NEUTRAL	GOOD	EXCELLENT	TOTAL	WEIGHTED AVERAGE
★	0.00% 0	0.00% 0	0.00% 0	28.57% 4	71.43% 10	14	4.71

Q2 Please rank these features in order of importance (5 Most Important, 1 Least Important)

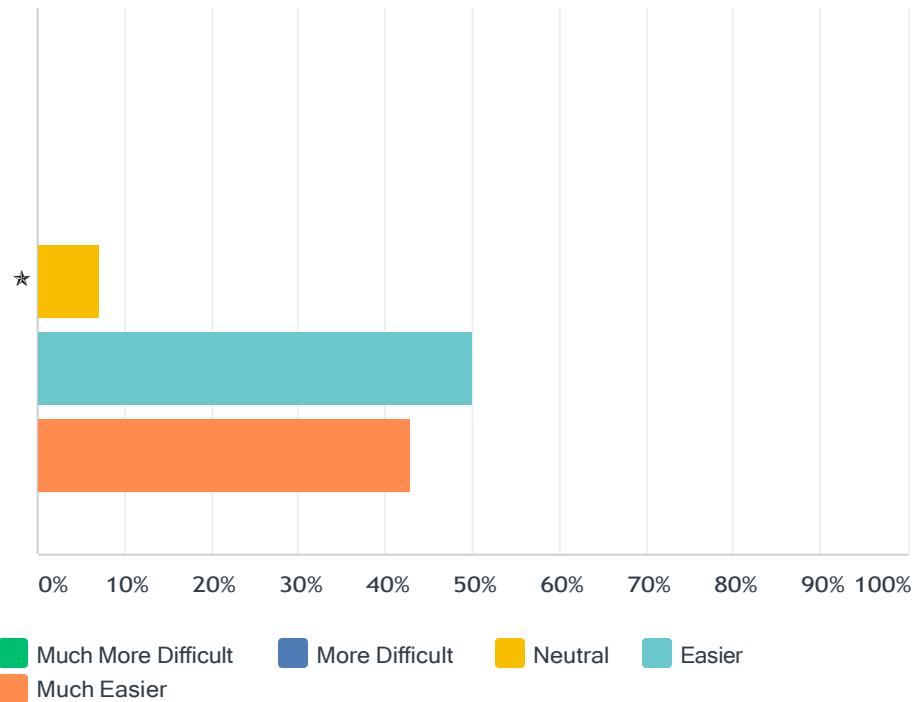
Answered: 13 Skipped: 1



	1	2	3	4	5	6	TOTAL	SCORE
Ability to complete application online	53.85% 7	7.69% 1	7.69% 1	7.69% 1	15.38% 2	7.69% 1	13	4.54
Receiving text messages from the Board through portal	30.77% 4	15.38% 2	0.00% 0	23.08% 3	23.08% 3	7.69% 1	13	3.85
Ability to pay fees online	0.00% 0	23.08% 3	46.15% 6	15.38% 2	15.38% 2	0.00% 0	13	3.77
Ability to view application status online	7.69% 1	30.77% 4	15.38% 2	23.08% 3	23.08% 3	0.00% 0	13	3.77
Receiving email messages from the Board through portal	0.00% 0	23.08% 3	30.77% 4	23.08% 3	23.08% 3	0.00% 0	13	3.54
Other	10.00% 1	0.00% 0	0.00% 0	10.00% 1	0.00% 0	80.00% 8	10	1.70

Q3 Compared to your initial expectations, was BPELSG Connect easier or more difficult to use in submitting your application online?

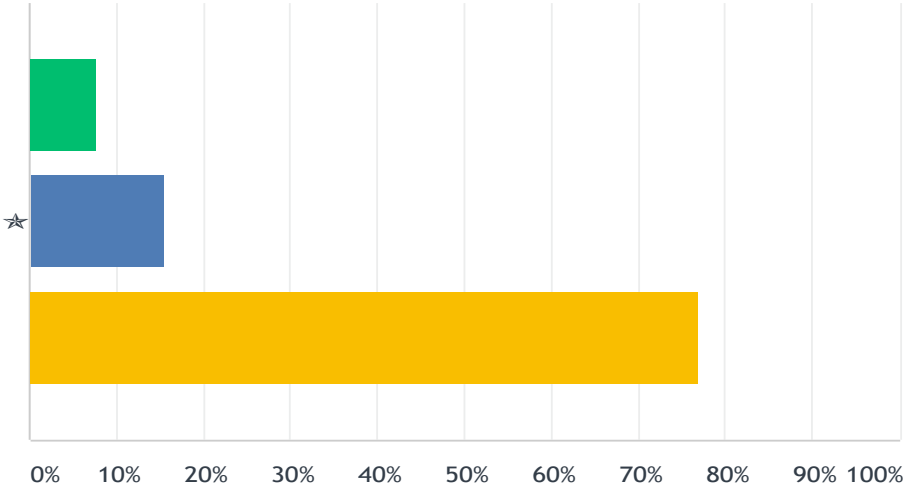
Answered: 14 Skipped: 0



	MUCH MORE DIFFICULT	MORE DIFFICULT	NEUTRAL	EASIER	MUCH EASIER	TOTAL	WEIGHTED AVERAGE
☆	0.00%	0.00%	7.14%	50.00%	42.86%	14	4.36
	0	0	1	7	6		

Q4 Did you require assistance from Board staff in completing your application?

Answered: 13 Skipped: 1

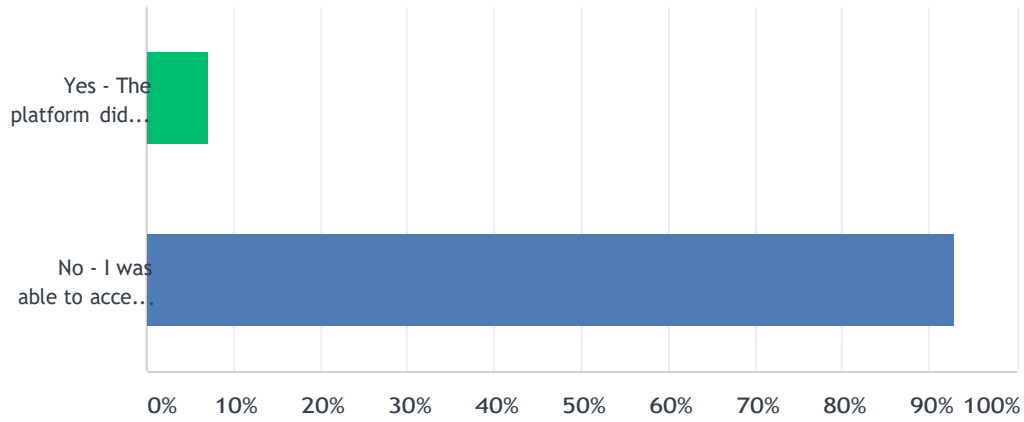


■ More assistance was needed than expected
 ■ Some assistance was needed
 ■ No assistance was needed

	MORE ASSISTANCE WAS NEEDED THAN EXPECTED	SOME ASSISTANCE WAS NEEDED	NO ASSISTANCE WAS NEEDED	TOTAL	WEIGHTED AVERAGE
★	7.69% 1	15.38% 2	76.92% 10	13	2.69

Q5 Did you contact the Board for a status update on your application?

Answered: 14 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes - The platform did not provide enough information regarding application status.	7.14%	1
No - I was able to access status updates in BPELSG Connect portal	92.86%	13
Total Respondents: 14		

Q6 Please provide any comments you have that may help us to improve BPELSG Connect Platform.

Answered: 7 Skipped: 7

#	RESPONSES	DATE
1	Using BPELSG made the application process very easy	8/30/2021 4:49 AM
2	I had a great experience using the platform. Easy to use, and the available updates on status were helpful.	8/29/2021 5:28 PM
3	Everything went well! Had a bit of confusion on where to send electronic transcript at first but it was answered by an email to BPELSG connect.	8/24/2021 10:48 AM
4	Online application process was great. I wish there was a better way to deal with the finger print requirement for comity applicants. As a good standing engineer in Texas who has already submitted fingerprints to the home state I think this requirement is above and beyond what should be required.	8/23/2021 12:19 PM
5	Would be great to see this method also apply to new PE registration applications.	8/20/2021 9:30 AM
6	1- There should be some instructions on the board website that if you do an online application by comity and submit NCEES record, there is no need to get new references and start the process all over again. The website, should be able to tell you whether the board received the NCEES record and whether any further action regarding that is needed. 2- I had one person who was not able to send a reference. May be her browser was not supported? She tried multiple time from different browsers but it never worked 3- I was initially told to pay fingerprint fees on top of what I paid online. I told the admin who was handling my case that the paper work I have says otherwise. Maybe there is a disconnect there as well.	8/19/2021 6:50 AM
7	My references had to do double the work because it was my understanding that I needed to submit by mail at first and then I was required to switch to online-based. I imagine this will not be a problem for future applicants.	8/18/2021 3:53 PM

2022 SLATE OF OFFICERS

**ASBOG® EXECUTIVE COMMITTEE
2022 SLATE OF OFFICERS**

President	David Svingen (NE)
President Elect	Douglas Rambo (DE)
Treasurer	Rachel Kirkman (NC)
Secretary	Keith Rapp (MN)
Past President	Jason Patton (AR)

PROPOSED BUDGET

ANNUAL INCOME/EXPENDITURES SUMMARY- NOVEMBER 2021

YEAR END REPORT- FISCAL YEAR 2020 (January 1- December 31, 2020)
ADOPTED 2021 BUDGET (As amended - November 2020)
AMENDED 2022 BUDGET (To be adopted - November 2021)
PROPOSED 2023 BUDGET (To be adopted - November 2021)
(All numbers have been rounded to the nearest dollar)

	FISCAL YEAR 2020 Actual	ADOPTED AS AMENDED 2021 Budget	AMENDED 2022 Budget	PROPOSED 2023 Budget
<u>INCOME</u>				
TOTAL INCOME	\$ <u>509,175</u>	\$ <u>654,000</u>	\$ <u>654,000</u>	\$ <u>694,000</u>
<u>EXPENDITURES</u>				
GENERAL ADMINISTRATION	\$ 205,216	\$ 249,150	\$ 252,650	\$ 255,820
EXAMINATION PRODUCTION	\$ 175,982	\$ 337,850	\$ 452,701 ¹	\$ 390,565 ²
ANNUAL MEETING	\$ 1,238	\$ 24,500	\$ 31,300	\$ 44,075
TOTAL EXPENDITURES	\$ <u>382,436</u>	\$ <u>611,500</u>	\$ <u>736,651</u>	\$ <u>690,460</u>
<u>INC OVER/(UNDER) EXP</u>	\$ <u>126,739</u>	\$ <u>42,500</u>	\$ <u>(82,651)</u>	\$ <u>3,540</u>
TRANSFER (TO)/FROM CASH RESERVES	\$ <u>(126,739)</u>	\$ <u>(42,500)</u>	\$ <u>82,651</u>	\$ <u>(3,540)</u>
BALANCED BUDGET	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

¹ Examination Production estimated expense includes \$103,735 for Task Analysis Survey (TAS) to be conducted in 2022.

² Examination Production estimated expense includes \$29,265 for TAS reports to be prepared in 2023

2021 PROPOSED BYLAW CHANGES

Bylaws

(As amended October 31, 2018)

(use Ctrl+f to search)

ARTICLE 1. Name

Section 1.01- Name. The name of this organization shall be the National Association of State Boards of Geology (ASBOG®).

ARTICLE 2. Purpose and Objective

Section 2.01- Purpose and Objective. The purpose and objective of ASBOG® shall be to provide an organization and resource through which Member Boards may act and counsel together to foster and advance common interests and better discharge their responsibilities in administering the practice of geology. ASBOG® shall not be organized for profit.

ARTICLE 3. Membership

Section 3.01- Member Board. A Member Board shall be a State Board, or other legal entity constituted by respective states, territories, and the District of Columbia of the United States of America to administer the practice of geology, which is a member of ASBOG®. Member Boards shall pay dues as set forth in Article 11, Section 11.01 of these Bylaws.

Section 3.01.01- Member. A Member shall be a licensed/registered geologist who is a member or a designated representative of a Member Board.

Section 3.01.02- Associate Member. An Associate Member shall be a designated representative of a Member Board who is not a licensed/registered geologist.

Section 3.01.03- Voting Delegate. A Voting Delegate shall be a Member, Associate Member, or Member-at-Large who is designated by a Member Board to represent that Member Board at Annual or Special Meetings. A Member Board shall have only one Voting Delegate at each Annual or Special Meeting. The roll of Voting Delegates shall be confirmed at the beginning of each Annual or Special Meeting.

Section 3.02- Participating Organization. A Participating Organization shall be a national or international society, institute, association or organization whose membership is composed predominantly of geologists engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure and which has been invited to join ASBOG® on an annual basis. Participating Organizations shall pay dues as set forth in Article 11, Section 11.01 of these Bylaws.

Section 3.02.01- Participating Member. A Participating Member shall be a member of a Participating Organization who is designated to represent that organization at meetings of ASBOG®. Participating Members may be members of committees but may not chair committees; they may have the floor in discussions at Annual Meetings, but do not have the privilege of a vote.

Section 3.03- Member-at-Large. A Member-at-Large shall be a licensed/registered geologist who has formerly been a Member or Participating Member or who has been selected by the Executive Committee. Members-at-Large shall serve at the pleasure of the Executive Committee. Members-at-Large may be members of committees and may chair committees; they may have the floor in discussions at Annual Meetings, but do not have the privilege of a vote unless they have been designated as a Voting Delegate by a Member Board.

Section 3.04- Withdrawal of Membership. ASBOG® membership may be withdrawn by giving written notice to the Executive Committee at least six months in advance of the proposed withdrawal date. Withdrawal of membership does not abrogate or abolish in any manner the legal obligation to satisfy any outstanding indebtedness at the time of withdrawal. In no event shall there be a refund of any previous payments made to ASBOG®. Reinstatement of membership shall be subject to the provisions of Article 11, Section 11.02 of these Bylaws.

Section 3.05- Termination of Membership. ASBOG® may terminate membership by providing written notice of at least six months in advance of the next scheduled Annual Meeting. A two-thirds vote at an Annual or Special Meeting shall be required for termination. All Member Boards shall be notified of the pending action. Reinstatement of membership shall be subject to the provisions of Article 11, Section 11.02 of these Bylaws.

ARTICLE 4. Officers

Section 4.01- Officers. The officers of ASBOG® shall be the President, President Elect, Treasurer, Secretary, and Immediate Past President.

Section 4.02- Term of Office. The term of office for each officer shall be for one year, beginning January 1 of each year.

Section 4.02.01-The President Elect, Treasurer, and Secretary shall progressively succeed to the presidency.

Section 4.02.02-The Immediate Past President shall serve for one year immediately following the term as President.

Section 4.02.03- The slate of officers shall be adopted by ASBOG® at each Annual Meeting in a manner prescribed in Article 12, Section 12.02 of these Bylaws. Newly adopted officers shall assume their offices on January 1 following that Annual Meeting.

Section 4.03- Qualifications. Any person who is a citizen of the United States of America and a geologist licensed/registered by a Member Board at the time of nomination is eligible to hold an elective office. A Participating Member who holds an executive office or executive position in a Participating Organization is not eligible to be an executive officer of ASBOG® while holding such office or position in that Participating Organization. An Associate Member is not eligible to be an officer of ASBOG®.

Section 4.04- Vacancies. A vacancy in the office of President shall be passed to the President Elect. All other vacancies, except that of President Elect, shall be filled by appointment by the President.

ARTICLE 5. Duties of Officers

Section 5.01- President. The President shall, when present, preside at all meetings and shall present to ASBOG® Members at the Annual Meeting a report of ASBOG® activities since the last

Annual Meeting. The President shall be a non-voting member of the Nominations Committee and an *ex officio* member of all other committees and shall perform all other duties ordinarily pertaining to the office of President.

Section 5.02- President-Elect. The President Elect shall, in the absence of the President, exercise the duties of and possess all the powers of the President, including the appointment of committee chairpersons and Special Committees.

Section 5.03- Treasurer. The Treasurer shall, under the direction of the President and the Executive Committee, oversee the financial operation of ASBOG®. The Treasurer shall submit an Annual Financial Report at each Annual Meeting. The Treasurer shall serve as an *ex officio* member of the Committee on Finances.

Section 5.04- Secretary. The Secretary shall, under the direction of the President, be the official recorder of the minutes for all meetings of the Executive Committee and for the Annual Meeting and any Special Meetings.

Section 5.05- Immediate Past President. The Immediate Past President shall exercise the duties of, and possess all the powers of, the President when both the President and President Elect are absent and shall chair the Committee on Nominations.

Section 5.06- Recovery of Expenses. With prior approval of the President, the Executive Committee shall be reimbursed for actual travel and subsistence expenses while traveling on ASBOG® business.

ARTICLE 6. Staff

Section 6.01- Administrative Services. ASBOG® shall contract for the services of an Executive Director and other support staff authorized by the Executive Committee.

Section 6.02- Executive Director. The Executive Director selected and contracted by the Executive Committee shall conduct the daily business of ASBOG® at the direction of the President.

ARTICLE 7. Executive Committee

Section 7.01- Executive Committee. The general business of ASBOG® shall be conducted by the Executive Committee. The Executive Committee shall be composed of the President, President Elect, Treasurer, Secretary, Immediate Past President, and Executive Director. A quorum for the transaction of general business shall be a majority of the officers.

The Executive Director shall be a non-voting member of the Executive Committee.

Section 7.02-Duties of the Executive Committee. The Executive Committee shall authorize all expenditures of ASBOG®, set qualifications for membership on committees, and recommend the policies of ASBOG®. Decisions of the Executive Committee shall be made by a majority vote of the officers present and voting. The Executive Committee shall not be authorized to make expenditures in excess of ASBOG's® annual income and general reserves.

Executive Committee meetings may be called by the President, or upon request in writing by a majority of the Executive Committee members, or upon request in writing by a majority of Member Boards directed to the President, who shall call such a meeting within thirty days after receipt of such request.

~~Committee meetings (Executive, Standing, and Special) may be conducted by electronic means using equipment allowing simultaneous aural communications between participants in the meeting.~~

ARTICLE 8. Meetings

Section 8.01- Annual Meetings. The Annual Meeting shall be held at the time and place selected by the Executive Committee and announced at the preceding Annual Meeting. The Executive Director shall send a proposed agenda to each Member Board at least sixty days prior to each Annual Meeting.

Section 8.02- Quorum. A quorum for the transaction of business at Annual Meetings of ASBOG® shall be Voting Delegates from a majority of Member Boards.

Section 8.03- Order of Business. The order of business for Annual Meetings shall include:

- Meeting called to order by the President or other presiding officer
- Confirmation of Voting Delegates and Proxies
- Verification by the Executive Director that a quorum of the Member Boards is present
- President's report
- Secretary's report: Approval of Minutes of preceding Annual Meeting
- Treasurer's report
- Executive Director's report
- Membership reports
- Unfinished business
- New business
- Committee reports
- Resolutions
- Announcement of next meeting place and time
- Adoption of slate of officers
- Adjournment

Section 8.04- Special Meetings. Special Meetings may be called by the President or the Executive Committee. In calling a Special Meeting, the Executive Director shall, either at the instruction of the President or the Executive Committee, send a notice to all Member Boards at least sixty days in advance of the Special Meeting. The notice must state the time, date, and location of the Special Meeting. Additionally, the notice must state the purpose of the Special Meeting. The Bylaws relative to procedure and conduct of business at the Annual Meeting shall apply for Special Meetings.

Section 8.05- Rules of Order. ASBOG® shall be governed by the current edition of Robert's Rules of Order Newly Revised, when not in conflict with these Bylaws, or the South Carolina Nonprofit Corporation Act.

ARTICLE 9. Committees

Section 9.01- Standing Committees. The Standing Committees of ASBOG® shall be the following:

- Committee on Bylaws
- Committee on Ethics
- Committee on Examinations
- Committee on Finances
- Committee on International Relations
- Committee on Nominations
- Committee on Outreach and Uniform Procedures
- Committee for Organizational Development

Other Standing Committees may be created by a two-thirds vote at an Annual or Special Meeting.

Chairpersons of all Standing Committees shall be appointed by the President and report to the President. Only ASBOG® Members or Members-at-Large shall chair Standing Committees. A Standing Committee chairperson's appointment shall be at the discretion of the President. Members, Participating Members, and Members-at-Large shall be eligible to serve on any Standing Committee. All Standing Committees shall submit written and oral reports at the Annual Meeting, summarizing their activities and making recommendations. All items requiring action at the Annual Meeting shall be first transmitted to the Executive Committee at its quarterly meeting immediately prior to the Annual Meeting for review and concurrence before the committee brings the recommendations to the floor at the Annual Meeting or a Special Meeting.

Section 9.02- Special Committees. Special Committees may be appointed by the President. The chairperson of a Special Committee shall report to the President. Special Committees shall be limited to a life of no more than two years, unless exceptions are approved by the Executive Committee.

Section 9.03- Duties. The duties of the Standing and Special Committees shall be charged by the President and approved by the Executive Committee prior to the commencement of activities.

Section 9.04- Funding. All funding of activities conducted by committees must be authorized by the Executive Committee prior to any expenditures.

Section 9.05- Committee meetings. Committee meetings (Executive, Standing, and Special) may be conducted by electronic means using equipment allowing simultaneous aural communications between participants in the meeting.

Section 9.06- ASBOG® Coordinators.

Coordinators help the Executive Committee carry out specific activities crucial to the ASBOG® organization that do not fall under the responsibilities of the Executive Committee officers. Only ASBOG® Members or Members-at-Large shall serve as Coordinators.

Section 9.06.01- Appointment. Coordinators are appointed annually by the President. Additional Coordinators can be appointed or dismissed by the President with approval of the Executive Committee, as needed.

Section 9.06.02- Duties. The duties/activities of a Coordinator shall be charged by the President and approved by the Executive Committee prior to the commencement of activities.

Section 9.06.03- Funding. All funding of activities conducted by Coordinators must be authorized by the Executive Committee prior to any expenditures.

ARTICLE 10. Finances

Section 10.01- Budget Preparation. A budget projection covering the two fiscal years succeeding the Annual Meeting shall be prepared each year by the Treasurer and submitted to the Executive Committee, which shall review, accept, or amend, and approve such submission. The fiscal year shall begin January 1 and extend through December 31. This two-year budget projection shall be adopted at Annual Meetings by a simple majority vote of the ~~seated-Voting~~ Delegates ~~present and voting~~.

Section 10.02- Budget Format. The budget shall be prepared in a chart-of-accounts format, identifying all significant items of income and expense of ASBOG® so that conformance with, or deviation from, such budget may be readily compared.

Section 10.03- Accounting Procedures. A system of accounting shall be followed using the same chart-of-accounts format that was used preparing the budget so that income and expenses may be readily compared.

Section 10.04- Quarterly Financial Reports. Financial Reports shall be made at not less than quarterly intervals by the Executive Director to the Executive Committee.

Section 10.05- Annual Financial Reports. The Annual Financial Reports, to include an Independent Accountant's Agreed-Upon Procedures Report, shall be presented at each Annual Meeting and ratified by a simple majority vote of the ~~seated-Voting~~ Delegates ~~present and voting~~. If it is determined that there is a need for an independent review, or audit, by a certified public accountant, such determination shall require a simple majority vote by the ~~seated-Voting~~ Delegates ~~present and voting~~. Any review or audit shall be conducted and reported in accordance with generally accepted accounting principles.

Section 10.06- Funds. All funds of ASBOG® shall be deposited to an account or accounts in banks or other financial institutions insured by an agency of the Federal government or invested in Federal government securities. Surplus funds shall be invested or deposited to draw interest, subject to restrictions dictated by ASBOG's® non-profit status.

ARTICLE 11. Dues and Fees

Section 11.01- Dues and Fees. Membership dues for Member Boards and Participating Organizations, as well as all other fees, shall be determined by the Executive Committee consistent with Section 10.01 of these Bylaws. Dues and fee changes shall be adopted at Annual Meetings by a simple majority vote of the ~~seated-Voting~~ Delegates ~~present and voting~~.

Section 11.02- Inactive Status. Any Member Board or Participating Organization that is in arrears in dues or fees shall be placed in Inactive Status and shall not be in good standing. Reinstatement to active status, and to all rights and privileges thereto, may require payment of all dues and fees in arrears, plus those that have accrued during the Inactive Status period

ARTICLE 12. Selection of New Officers

Section 12.01- Nominations. The Immediate Past President shall chair the Committee on Nominations and shall select two active Past Presidents and two licensed/registered Members, as defined in Section 3.01.01 of these Bylaws, to serve as members of the committee. No two members of the Committee shall be Members of the same Member Board. The Committee on Nominations shall initiate a call for nominations for Secretary in the spring of each year. The Committee on Nominations shall make its recommendation for Secretary ~~and any other position left vacant by interruption of Executive Committee member succession~~ and present the full slate of ASBOG® officers to the Executive Committee. Nominations from the floor at the Annual Meeting shall not be in order. The slate of officers as presented shall be adopted at each Annual Meeting.

Section 12.02- Voting. The slate of officers as presented shall be adopted at each Annual Meeting by a simple majority vote of the delegates present and voting.

ARTICLE 13. Proxy Votes

Section 13.01- Proxy Votes. Member Board proxy votes must be submitted in writing on an official ASBOG® form as provided for by the Executive Committee.

Section 13.02- Provision. All proxies shall be confirmed at the beginning of each Annual Meeting.

ARTICLE 14. Amendments

Section 14.01- Amendments. These Bylaws may be amended or suspended at any Annual Meeting by an affirmative vote of two-thirds of the ~~seated Voting~~ Delegates **present and voting**. Proposed amendments to these Bylaws shall be sent in writing to Member Boards at least ninety days prior to the Annual Meeting at which the proposed amendments are to be considered. Voting shall be by Article and Section.

Section 14.02- Effective Date of Amendments. Any amendment to these Bylaws shall become effective immediately upon its adoption.

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

XIII. President's Report/Board Member Activities

XIV. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the July 23, 2021, Board Meeting

DRAFT

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

Teleconference

Friday, July 23, 2021

Board Members Present:	President Betsy Mathieson; Vice-President Rossana D’Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Eric Johnson; Coby King; 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); Celina Calderone (Board Liaison); Dawn Hall (Administration Manager); Larry Kereszt (Examinations Manager); and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

President Mathieson called the meeting to order at 9:08 a.m., and a quorum was established.

II. Pledge of Allegiance

Mr. Ruffino led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Caleb McCallister, PLS, Caltrans Chief of Survey Standards, introduced himself as the liaison to the Board.

David M. Schwegel, PE Industry Oversight Consultant representing the US High-Speed Rail Association, is in support of promoting Traffic Engineering to a regulated practice.

Alan Escarda, representing PEEG, thanked Mr. Moore for the presentation that he gave in June.

IV. Administration

A. Fiscal Year 2020/21 Budget Report

Ms. Hall reported on the financial statement. There has been an increase in initial application volume in fees and an increase in revenue for delinquency fees. She anticipates having the full Fiscal Year 2020/21 and Fiscal Year 2021/22 projections available at the September Board meeting.

The Fund Condition reflects the current year projected results and the Governor’s Budget for the next Fiscal Year.

Mr. King thanked Ms. Hall for the report and noted that in the Governor’s budget year, there is a rather substantial increase in renewal fees. Ms. Hall acknowledged the significant increase and believes there are two factors. The fee increase will be in effect for the full Fiscal Year and the renewals are on a biannual cycle and next year renewal cycle represents an increase in volume.

Mr. Ruffino asked about the months in reserve and noted they are progressively declining. Ms. Hall explained that in the expenditures for the Fund Condition report are appropriated for months of expenses and not the actual expenses. By September she will be able to project the actual expenditures which are less than the appropriated amount. She does not predict that the Months in Reserve will continue to trend downward. Mr. Moore indicated that it is recommended by DCA that the Board maintain 3-6 months in reserve.

V. Legislation

A. 2021 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. The Legislature is currently in their summer recess and will return in August.

B. Discussion of Legislation for 2021

1. **AB 107** Licensure: veterans and military spouses.

MOTION:	Mr. King and Mr. Novak moved that the Board take a position of “oppose unless amended” on AB 107, as amended July 15, 2021, and to authorize a change in the position to support if AB 107 is amended as requested by the Board.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

2. **AB 225** Department of Consumer Affairs: boards: veterans: military spouses: licenses.

MOTION	Mr. King and Mr. Amistad moved that the Board take a position of “watch” on AB 225, as amended June 28, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

3. **AB 646** Department of Consumer Affairs: boards: expunged convictions.
No action taken.

4. **AB 1273** Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.

MOTION	Mr. Ruffino and Mr. Amistad moved that the Board take a position of “watch” on AB 1273, as amended June 28, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				

Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

5. **AB 1291** State bodies: open meetings.
No action taken.

6. **SB 414** Land.
No action taken.

7. **SB 607** Professions and vocations.

MOTION	Mr. Novak and Mr. King moved to take a position of “watch” on SB 607, as amended July 6, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

8. **SB 826** Business and professions.

MOTION	Mr. Ruffino and Mr. Johnson moved to take a position of “support” on SB 826, as amended July 12, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	

Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the enforcement statistics. Mr. King noted that the aging is increasing rapidly into timelines that the Board has not seen in quite a while. Ms. Criswell noted that the number of cases have increased this last fiscal year. Much of it is attributed to the Connect system which has really provided ease of access within the last several months. While she agrees the cases are aging, she does not think there is a huge cause for concern, while the numbers increased, she did note that the average days of investigation from the last fiscal year remained consistent. While she prefers to see it decreasing, she does not see it as a cause for alarm but is mindful of that increase.

Ms. Criswell noted that the aging of formal disciplinary cases from the opening of investigations to the effective date of the decisions has dramatically decreased. The original goal set many years ago by the Department of Consumer Affairs was 540 days, and the Board’s average is now down to 541 days. She credited the Office of the Attorney General and the Office of Administrative Hearings for their concerted efforts to work on decreasing their timeframes as well as the Board’s Liaison Deputy Attorney General, Amie Flynn, and the Office of Administrative Hearings.

During public comment, Alan Escarda asked about the types of complaints, especially those related to unlicensed practice, being processed through the new Connect system. Ms. Criswell noted that while the complaints are similar, there may be an increase in unlicensed practice. She has not tracked it to any specific degree.

VII. Exams/Licensing

A. 2021 Examination Update – First and Second Quarter Examination Results

Mr. Kereszt reviewed the examination results for Quarter 1 and 2 for the State Specific Civil Engineering exams. He reminded the Board examinations were halted for the month of March as a result of Prometric working through some technical issues. Exams resumed April 1. Prometric announced that they will begin to evolve their test center operations to better align with COVID-19 restrictions while closely monitoring guidelines.

B. Update on NCEES Examinations’ transition to Computer-Based Testing (CBT)

The NCEES Civil, Control Systems, and Metallurgical engineering exams will be administered by paper and pencil this fall but will be transitioning to CBT next year. The Structural engineering exam will continue to be administered by paper and pencil for the foreseeable future.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reviewed the Rulemaking Overview and reported that staff is currently working with the DCA Legal Office to submit the Repeal of the Professional Engineer and Land Surveyor Appeals (16 CCR 443 and 444) rulemaking proposal to the Office of Administrative Law.

B. Update on Board's Business Modernization Project

Mr. Moore reported that since the last Board meeting, Phase 3 was launched which allows applicants for Professional Engineer licenses that do not require state exams to submit applications online and refinements to the ability for consumers to file complaints online.

C. Personnel

Mr. Moore announced there are two vacancies in the Board's Licensing Unit. Mr. Moore introduced the Board's Staff Registrars, Dallas Sweeney, (Professional Land Surveyor); Natalie King, (Civil Engineer); and Laurie Racca, (Geologist).

D. ABET

Mr. Moore recalled that ABET provided the Board with observer opportunities and announced they would be in a virtual format. So far, Dr. Amistad has offered to be an observer. If anyone else is interested, please let Mr. Moore know by the end of the month as it is a good opportunity to see how accreditation works. Dr. Qureshi encouraged all Board members to participate to understand the importance of accreditation.

Ms. D'Antonio asked about the observers' responsibilities and commitments. Mr. Moore explained that they are committed for the entire time. In-person visits start Sunday afternoon and continue until Tuesday evening. As an observer, you would follow along with the accreditation team. You are not in the role of being a reviewer and developing a report however, depending on the team's make-up, you will be asked questions to gain feedback.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that the ASBOG Annual Meeting Out-of-State travel request for Arkansas was denied. However, the travel to the Spring 2022 meeting was approved.

F. National Council of Examiners for Engineering and Surveying (NCEES)
The Out-of-State travel request to the Annual Meeting in New Orleans was approved, and all three delegates are registered. In addition, the Out-of-State travel request to the Western Zone Interim meeting in Stateline, Nevada, was also approved.

1. Resolution of Cooperation Update

Mr. Moore reported that as requested by the Board, a letter was sent to the Chair of the Member Board Administrators Committee documenting the Board's concerns. It is Mr. Moore's understanding that not all of the member boards have notified NCEES of their position, but 12 boards, including California, have stated that they have met and have taken no action or have met and decided not to sign the resolution and just as many boards have indicated they will sign it. He anticipates that there will be some discussion at the Member Board Administrator forum next week and possibly during the in-person Annual Meeting.

2. 2021 Annual Meeting – August 2021 - Expected Motions

Mr. Moore presented the motions and noted there are three motions that have been brought to the Board's attention that will be pulled from the consent calendar:

1. **ACCA Motion 2** related to associate and emeritus members.
2. **Education Motion 3** related to the evaluation of applicants with degrees in technology.
3. **UPLG Motion 3** related to Continuing Professional Competency.

G. Update on Outreach Efforts

Mr. Moore reviewed the Board's outreach report for the second quarter. President Mathieson thanked the registrars for their outreach efforts.

Mr. Moore reported that the September Board meeting will most likely be two days and may possibly be held in person or virtually as a contingency. The current Governor's emergency order that allows boards to meet virtually is scheduled to expire September 30, which is after the September Board meeting. There is approval to meet in person, in a limited capacity, if it is something the Board wishes to pursue. If the Board decides to meet in person, then all Board members must be present. While the meeting space is secured, there is a possibility that guidelines may change. If nothing changes, it is possible that the November Board meeting may be held as a teleconference with all locations noticed on the Official Notice and Agenda. These locations would need to be ADA compliant and open to the public. Staff will continue to monitor closely.

Mr. Novak expressed his preference to plan on holding the September meeting virtually.

Dr. Qureshi would prefer to be in person.

Mr. Sanchez prefers to meet virtually due to logistics and the state of the world.

During Public Comment, David Schwegel sees tremendous value in face to face meetings.

Mr. Moore proposed having a BPELSG Connect presentation at the next Board meeting.

IX. President’s Report/Board Member Activities

Ms. Mathieson reported that she registered her profile with BPELSG Connect to utilize the renewal portal. She participated in the DCA Board President orientation and has attended DCA Board/Bureau leadership quarterly meetings.

Dr. Qureshi registered with BPELSG Connect as well.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the May 27, 2021, Board Meeting

MOTION	Mr. King and Mr. Ruffino moved to approve the meeting minutes.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

XI. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

XII. Adjournment

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT

Caleb McCallister, Caltrans
David Schwegel, High Speed Rail Association
Alan Escarda, PECC

XV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XVI. Closed Session – The Board will meet in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

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