



Gavin Newsom, Governor

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

Board for Professional Engineers,
Land Surveyors, and Geologists

Tuesday, October 3, 2023, beginning at 9:00 a.m.



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

TABLE OF CONTENTS

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

BOARD MEETING

OCTOBER 3, 2023

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

BOARD MEMBERS

President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas

I. Roll Call to Establish a Quorum	5
II. Pledge of Allegiance	7
III. Public Comment for Items Not on the Agenda NOTE: The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.	9
IV. Legislation	11
A. 2023 Legislative Calendar	13
B. Discussion of Legislation for 2023 (Possible Action)	
1. Assembly Bill (AB) 883 – Business licenses: United States Department of Defense SkillBridge program.	15
2. Senate Bill (SB) 143 – State Government. (Ch. 196, Stats.2023)	20
3. SB 372 – Department of Consumer Affairs: licensee and registrant records: name and gender changes.	
4. SB 447 – GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project. (Ch. 199, Stats.2023)	93
5. SB 544 – Bagley-Keene Open Meeting Act: teleconferencing.	101
V. Administration	119
A. Fiscal Year 2022/23 Budget Report	
VI. Enforcement	127
A. Enforcement Statistical Reports	
1. Fiscal Year 2022/23 Update	
VII. Exams/Licensing	141
A. 2023 Examination Update – First and Second Quarter Examination Results	
VIII. Strategic Plan Discussion	143
A. Objective 1.3 Continuing Education Committee Report	

B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations. (Possible Action)	
C. Review of Objective 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights to improve the public's awareness. (Possible Action)	
IX. Discussion regarding the Draft 2023-24 Sunset Review Report of the Board	147
A. Progress Update and Timeline	
B. Section 11 – New Issues	
1. Continuing Education (Strategic Plan Objective 1.3) (Possible Action)	
2. Experience In Lieu of Education Pathway to Certification/Licensure for Geologists-in-Training, Professional Geologists, and Professional Geophysicists (Possible Action)	
X. Executive Officer's Report	149
A. Rulemaking Status Report	151
B. Update on Board's Business Modernization Project	152
C. Personnel	
D. ABET	
E. Association of State Boards of Geology (ASBOG)	154
1. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update (Possible Action)	
F. National Council of Examiners for Engineering and Surveying (NCEES)	
1. 2023 NCEES Annual Meeting, August 15-18, 2023 – Report	
2. Nomination for President-Elect (Possible Action)	
G. Update on Outreach Efforts	157
XI. President's Report/Board Member Activities	159
XII. Approval of Meeting Minutes (Possible Action)	161
A. Approval of July 27, 2023, Board Meeting Minutes	
XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:	173
A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)	
B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:	
1. <u>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	
2. <u>Ryan Crownholm, et al. vs. Richard B. Moore, et al.</u> , United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD	
3. <u>Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.</u> , Sacramento County Superior Court. Case No. 34-2022-00328379	
XIV. Adjourn	174

I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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IV. Legislation

- A. 2023 Legislative Calendar
- B. Discussion of Legislation for 2023 (**Possible Action**)
 - 1. Assembly Bill (AB) 883 – Business licenses: United States Department of Defense SkillBridge program.
 - 2. Senate Bill (SB) 143 – State Government. (Ch. 196, Stats.2023)
 - 3. SB 372 – Department of Consumer Affairs: licensee and registrant records: name and gender changes.
 - 4. SB 447 – GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project. (Ch. 199, Stats.2023)
 - 5. SB 544 – Bagley-Keene Open Meeting Act: teleconferencing.

2023 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-4-22

DEADLINES

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Martin Luther King, Jr. Day.
- Jan. 20** Last day to submit **bill requests** to the Office of Legislative Counsel.

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

- Feb. 17** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).
- Feb. 20** Presidents' Day.

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

- Mar. 30** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).
- Mar. 31** Cesar Chavez Day observed.

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

- Apr. 10** Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- Apr. 28** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

MAY							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

- May 5** Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 12** Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 19** 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 5 (J.R. 61(a)(6)).
- May 29** Memorial Day.
- May 30-June 2** **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).

*Holiday schedule subject to final approval by Rules Committee.

2023 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-4-22

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.					1	2	3
Wk. 4	4	5	6	7	8	9	10
Wk. 1	11	12	13	14	15	16	17
Wk. 2	18	19	20	21	22	23	24
Wk. 3	25	26	27	28	29	30	

- June 2** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5** Committee meetings may resume (J.R. 61(a)(9)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

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

- July 4** Independence Day.
- July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).
- Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

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

- Aug. 14** Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

SEPTEMBER							
	S	M	T	W	TH	F	S
Wk. 4						1	2
No Hrgs.	3	4	5	6	7	8	9
No Hrgs.	10	11	12	13	14	15	16
Interim Recess	17	18	19	20	21	22	23
Interim Recess	24	25	26	27	28	29	30

- Sept. 1** Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(11)).
- Sept. 4** Labor Day.
- Sept. 5-14** **Floor session only.** No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(a)(12)).
- Sept. 8** Last day to **amend** on the Floor (J.R. 61(a)(13)).
- Sept. 14** Last day for each house to pass bills. (J.R. 61(a)(14)).
- Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2023

Oct. 14 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14 and in the Governor's possession on or after Sept. 14 (Art. IV, Sec. 10(b)(1)).

2024

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

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

*Holiday schedule subject to final approval by Rules Committee.

AB 883 (Mathis, R-Porterville)
(Coauthors: Assembly Members Alanis, Davies, Dixon, and Garcia)
(Coauthors: Senators Niello and Seyarto)
Business licenses: United States Department of Defense SkillBridge program.

Status/History: 9/19/2023 – Enrolled and presented to the Governor.

Location: 9/19/2023 – Enrolled and presented to the Governor.

Introduced: 2/14/2023

Last Amended: 5/18/2023

Board Position: Watch (as of 6/8/2023)

Board Staff Analysis: 9/21/2023

Bill Summary: Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions. This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

Affected Laws: An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

Staff Comment: This bill would expand the provisions of Business and Professions Code section to include active duty military who are enrolled in the U.S. Department of Defense SkillBridge program. It also clarifies that if the Board chooses to pursue regulations to administer these provisions, the regulations must be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

This bill was amended on May 18, 2023, to clarify that the provisions relating to the SkillBridge program will apply on and after July 1, 2024.

Board staff does not believe this expansion of applications to be expedited would have much impact on workload. We do not receive many applications from military members.

This bill passed both houses of the legislature and has been enrolled and presented to the Governor. The Governor has until October 14, 2023, to sign or veto the bill.

Staff Recommendation: No action needed at this time.

Assembly Bill No. 883

Passed the Assembly May 30, 2023

Chief Clerk of the Assembly

Passed the Senate September 12, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require, on and after July 1, 2024, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

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

SECTION 1. Section 115.4 of the Business and Professions Code is amended to read:

115.4. (a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as

an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) Notwithstanding any other law, on and after July 1, 2024, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code.

(c) A board may adopt regulations necessary to administer this section in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Approved _____, 2023

Governor

SB 143 (Committee on Budget and Fiscal Review)

State Government.

Status/History: 9/13/2023 – Signed by the Governor and filed with the Secretary of State. Effective upon signing.

Location: 9/13/2023 – Chapter 196, Statutes of 2023

Introduced: 1/18/2023

Last Amended: 8/28/2023

Board Position: No position

Board Staff Analysis: 9/21/2023

Bill Summary: As it pertains to this Board, this bill would add Section 115.10 to the Business and Professions Code and would add and repeal Section 11133 of the Government Code. Section 115.10 relates to “Portability of Professional Licenses for Servicemembers”; it conforms state statutes with recent federal law enabling the portability of professional licenses for servicemembers and spouses if certain requirements are met, as specified. Section 11133 is a provision within the Bagley-Keene Open Meeting Act; it authorizes state entities to hold public meetings, subject to specified notice and accessibility requirements, through teleconferencing and making public meetings accessible telephonically or otherwise electronically to the public, as specified; the bill sunsets these provisions on December 31, 2023.

Affected Laws: An act to amend Sections 2064.5, 2065, and 6219 of, and to add Sections 115.10 and 2064.6 to, the Business and Professions Code, to amend Sections 15490, 16344, and 65852.24 of, and to add and repeal Section 11133 of, the Government Code, to amend Sections 24213 and 34177.7 of, to amend, repeal, and add Section 25174 of, to add Sections 51528 and 51529 to, and to add and repeal Section 25205.5.2 of, the Health and Safety Code, to amend Sections 107.7.2, 2695.3, and 2695.4 of, and to amend the heading of Part 12 (commencing with Section 2695.1) of Division 2 of, the Labor Code, to amend Section 716 of the Public Resources Code, to amend Sections 17158.1 and 24311 of, and to add and repeal Section 43101.1 of, the Revenue and Taxation Code, and to amend Section 985 of the Unemployment Insurance Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Staff Comment: Section 19 of Public Law 117-333 establishes the Portability of Professional Licenses of Members of the Uniformed Services and Their Spouses, which allows a servicemember or their spouse who has a professional license in one state to practice in another state if certain specified conditions are met. However, while this federal law did list certain conditions that must be met for the individual to practice in another state without obtaining another license, it did not specify how a state would implement the program. Business and Professions Code section 115.10 provides more specific information and conditions on what needs to be done to implement this program.

Government Code section 11133 provides that state bodies, such as this Board, may hold meetings via teleconference without providing a physical location for the public to attend, if certain

conditions are met. The law was in effect during the pandemic but was sunset as of July 1, 2023. This bill adds this section back into the Bagley-Keene Open Meeting Act, with a sunset date of December 31, 2023.

This bill is a budget trailer bill. As such it contained an urgency clause so that it would become effective immediately upon signing by the Governor. The Governor signed the bill on September 13, 2023.

The Department of Consumer Affairs is developing an online system that all the boards and bureaus will be able to use to implement the license portability registration.

Staff Recommendation: No action is needed.

Senate Bill No. 143

CHAPTER 196

An act to amend Sections 2064.5, 2065, and 6219 of, and to add Sections 115.10 and 2064.6 to, the Business and Professions Code, to amend Sections 15490, 16344, and 65852.24 of, and to add and repeal Section 11133 of, the Government Code, to amend Sections 24213 and 34177.7 of, to amend, repeal, and add Section 25174 of, to add Sections 51528 and 51529 to, and to add and repeal Section 25205.5.2 of, the Health and Safety Code, to amend Sections 107.7.2, 2695.3, and 2695.4 of, and to amend the heading of Part 12 (commencing with Section 2695.1) of Division 2 of, the Labor Code, to amend Section 716 of the Public Resources Code, to amend Sections 17158.1 and 24311 of, and to add and repeal Section 43101.1 of, the Revenue and Taxation Code, and to amend Section 985 of the Unemployment Insurance Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 13, 2023. Filed with
Secretary of State September 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 143, Committee on Budget and Fiscal Review. State government.

(1) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference under specified conditions, including, among others, that each teleconference location be accessible to the public and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Prior to July 1, 2023, existing law authorized, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspended certain requirements of the act, including the requirements referenced above.

This bill, until December 31, 2023, would reinstate the above-described authorization for a state body to hold public meetings through teleconferencing.

(2) Existing law establishes a State Allocation Board and sets forth its powers and duties, including, among other things, requiring the board to apportion funds to eligible school districts pursuant to the Leroy F. Greene School Facilities Act of 1998, as provided. Under existing law, the board consists of the Director of Finance, the Director of General Services, the Superintendent of Public Instruction, 3 Senators appointed by the Senate

Committee on Rules, and 3 Assembly Members appointed by the Speaker of the Assembly, as provided.

This bill would instead vest the power of appointment for Senators to the board in the President pro Tempore of the Senate.

(3) Existing unemployment compensation disability law requires workers to pay contribution rates based on wages received in employment for payment into the Unemployment Compensation Disability Fund, a special fund in the State Treasury. Under existing law, those funds are continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions. Existing law authorizes the Director of Employment Development to increase or decrease the rate of worker contributions, up to a certain amount, if the director determines the adjustment is necessary to reimburse the Unemployment Compensation Disability Fund for disability benefits paid or estimated to be paid or to prevent the accumulation of funds in excess of those needed to maintain an adequate fund balance.

Under existing law, until January 1, 2024, the remuneration of a worker over a specified amount is not subject to the contribution levels described above. Under that law, specifically, the worker contribution provision does not apply, until January 1, 2024, to that part of a worker's remuneration which, after remuneration with respect to employment equal to 4 times the maximum weekly benefit for each calendar year specified, multiplied by 13 and divided by 55%, has been paid to an individual by an employer, is paid to the individual by the employer. Under existing law, that law is repealed as of January 1, 2024.

This bill would make a nonsubstantive change by, in lieu of repealing the provision, providing that the remuneration limitation described above does not apply with respect to wages paid on or after January 1, 2024.

(4) Existing law requires the Department of Industrial Relations, upon appropriation by the Legislature, to establish a Women in Construction Priority Unit, to be overseen by the Director of Industrial Relations, to coordinate and help ensure collaboration across the department's divisions, and maximize state and federal funding to support women and nonbinary individuals in the construction workforce. Existing law sets forth the duties of the unit, which include providing resources for employers and project owners to improve construction worksite culture.

This bill would specify that preapprenticeship programs are eligible for resources provided by the unit.

(5) Existing law establishes specified labor protections for goat herders, as defined, relating to wages, meal and rest periods, lodging, and other conditions of employment. Existing law defines goat herder for these purposes as an individual who is employed to perform specified tasks relating to goats, including, among others, assisting in the ewing, docking, or shearing of goats. Existing law imposes civil penalties, as prescribed, for violations of these provisions. Existing law requires the Labor Commissioner, on or before January 1, 2024, to issue a report to the Legislature on wage violations, including minimum wage and overtime, affecting sheepherders

and goat herders. These goat herder provisions are repealed on January 1, 2024.

This bill would remove from the definition of goat herding an individual who assists in the ewing, docking, or shearing of a goat, and would add to the definition an individual who assists in the kidding of a goat. The bill would delete the above-described reporting requirement, and would instead require the Department of Industrial Relations, in consultation with the Employment Development Department, on or before January 1, 2026, to issue a report on employment of sheepherders and goat herders in the state, as specified. The bill would appropriate one million dollars (\$1,000,000) from the Labor and Workforce Development Fund to the Department of Industrial Relations to develop the report. The bill would extend the repeal date of the goat herder provisions until July 1, 2026.

(6) Existing law authorizes the Department of Forestry and Fire Protection, upon approval by and subject to revocation by the Department of Finance, to plan, design, construct, and administer contracts and professional services for public works projects under the jurisdiction of the Department of Forestry and Fire Protection, as provided. Existing law authorizes the Department of Forestry and Fire Protection, upon approval of the Department of Finance, to use any civil service classifications necessary to carry out the purposes of that authority to plan, design, construct, and administer contracts and professional services for those public works projects. Existing law authorizes the Department of Finance to revoke this approval, in whole or in part, at any time.

This bill would remove the above-described authorization for the Department of Forestry and Fire Protection to use any civil service classifications necessary to carry out the purposes of that authority to plan, design, construct, and administer contracts and professional services for those public works projects.

(7) Under existing law, the Department of Consumer Affairs is composed of various boards, bureaus, and commissions that license and regulate the practice of various professions and vocations. Existing law provides that these entities are established to ensure that those private businesses and professions deemed to engage in activities that have potential impact upon the public health, safety, and welfare are adequately regulated to protect the people of California, as prescribed.

This bill would require a registering authority, defined as specified boards, bureaus, and commissions and the Department of Real Estate, to register a servicemember or a spouse of a servicemember who relocated to this state because of military orders for military service within this state and meets specified requirements, including that the applicant submits to the registering authority an affidavit attesting that the applicant meets all of these requirements and the information submitted to the registering authority is accurate to the best of the applicant's knowledge. The bill would require the registering authority to post specified information on the registering authority's internet website for each person registered pursuant to these provisions. The bill would provide that a person registered pursuant to these

provisions be deemed to be a licensee of the registering authority for purposes of the laws administered by that registering authority relating to standards of practice, discipline, and continuing education, as specified, and would authorize the registering authority to take specified enforcement actions against the person. The bill would prohibit a registering authority from collecting or requiring a fee for registration pursuant to these provisions. By expanding the scope of the crime of perjury and by expanding the application of professional licensing laws, the violation of some of which is a crime, this bill would impose a state-mandated local program.

(8) Existing law, the Medical Practice Act, establishes the Medical Board of California within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of the practice of medicine by physicians and surgeons.

Existing law requires a medical school graduate to obtain a physician's and surgeon's postgraduate training license within 180 days after enrollment in a board-approved postgraduate training program.

This bill would instead require a medical school graduate to obtain a physician's and surgeon's postgraduate training license within 180 days after beginning a board-approved postgraduate training program. The bill would, for any postgraduate training license that expires after June 1, 2023, and before December 31, 2023, extended the expiration date of that postgraduate training license to March 31, 2024.

Existing law requires an applicant for a physician's and surgeon's license who received credit for 12 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning that postgraduate training program.

This bill would extend that period to 180 days after beginning the postgraduate training program.

(9) Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law requires an attorney or law firm receiving or disbursing trust funds to establish and maintain an Interest On Lawyers' Trust Accounts (IOLTA) account in which the attorney or law firm is required to deposit or invest specified client deposits or funds. Existing law requires interest and dividends earned on IOLTA accounts to be paid to the State Bar of California and used for programs providing civil legal services without charge to indigent persons. Existing law requires the State Bar of California to distribute IOLTA funds and specified other funds to qualified legal services projects and qualified support centers, as defined, for the provision of civil legal services without charge to indigent persons in accordance with a specified statutory scheme. Existing law authorizes qualified legal services projects and qualified support centers to use those funds for specified purposes, including to provide loan repayment assistance for the purposes of recruiting and retaining attorneys in accordance with a loan repayment assistance program administered by the California Access to Justice Commission.

This bill would instead authorize qualified legal services projects and qualified support centers to use funds to provide loan repayment assistance in accordance with a loan repayment assistance program administered by the commission for the purposes of recruiting and retaining attorneys who perform described services.

(10) Existing law, the Middle Class Housing Act of 2022, provides that a housing development project is an allowable use on a parcel that is within a zone where office, retail, or parking is a principally permitted use, if the proposed development complies with specified requirements. Under that act, one of those requirements directs the developer to certify that the entirety of the development is a public work or will comply with certain wage-related requirements, which include the registration of contractors and subcontractors pursuant to a specified section of the Labor Code.

This bill would make a nonsubstantive change by correcting a cross-reference relating to that contractor and subcontractor registration requirement.

(11) Existing law establishes the California Dream for All Program, administered by the California Housing Finance Agency, to provide up to \$1,000,000,000 annually of shared appreciation loans, as defined, to qualified first-time homebuyers. Existing law establishes the California Dream for All Fund and continuously appropriates the moneys in the fund for the purposes of the program, as specified, and requires all loan repayments to be deposited into the fund for ongoing use in the program.

This bill would require the agency, in consultation with the Treasurer, the Legislature, and other relevant stakeholders, to evaluate options, including the issuance of revenue bonds, general obligation bonds, or other debt instruments, to finance the program, as specified. The bill would require the agency, on or before March 1, 2024, to submit a report to the Legislature on the evaluation. The bill would also require the agency, prior to the disbursement of funding for the program appropriated in the 2022 Budget Act or the 2023 Budget Act, to review the program terms and parameters, and to implement adjustments designed to achieve specified program improvements, including targeting funds to aid first-generation homebuyers.

(12) Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to, among other things, wind down the affairs of the dissolved redevelopment agencies and make payments due for enforceable obligations. Existing law, among other powers granted to successor agencies generally, additionally vests the successor agency to the former Redevelopment Agency of the City and County of San Francisco with the authority, rights, and powers of that former redevelopment agency solely for the purpose of issuing bonds or incurring other indebtedness, subject to the approval of the oversight board of the successor agency, to finance the construction of affordable housing and infrastructure required by specified development agreements, including the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement. Under existing law, these bonds and indebtedness are considered

indebtedness incurred by the dissolved redevelopment agency secured by moneys deposited in the Redevelopment Property Tax Trust Fund established for that agency. Existing law requires the bonds and indebtedness to be in full conformity with the applicable provisions of the Community Redevelopment Law, which imposed specified limitations on redevelopment plans.

This bill would exempt the project described in the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement from those above-described limitations relating to the time for establishing loans, advances, and indebtedness, the effectiveness of the redevelopment plans, the time to repay indebtedness, the time for applying tax increment, the number of tax dollars, and other matters, as specified, and would instead require the agreement to establish applicable limitations. The bill would require any amendments to establish or change the time limits to be approved by the oversight board and subject to department approval, as specified. The bill would require the Candlestick Point-Hunters Point Shipyard Phase 2 project agreements to establish the applicable limitations. The bill would specify that the above-described law providing for the dissolution of redevelopment agencies and designation of successor agencies does not limit the receipt and use of property tax revenues generated from specified redevelopment project areas within the City and County of San Francisco for the project described in the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement.

(13) The hazardous waste control laws require the Department of Toxic Substances Control to regulate the handling and management of hazardous waste and hazardous materials.

Existing law requires a generator of hazardous waste to pay to the California Department of Tax and Fee Administration a generation and handling fee for each generator site that generates an amount equal to, or more than, 5 tons for each calendar year, or portion of the calendar year. For the 2022–23 fiscal year, the fee rate is \$49.25 for each ton or fraction of a ton of hazardous waste generated in calendar year 2021. Existing law requires the generation and handling fee to be deposited in the Hazardous Waste Control Account, which may be expended, upon appropriation by the Legislature, for specified purposes.

This bill would create an exception to the above-mentioned fee for hazardous waste generated in calendar years 2021, 2022, or 2023 meeting specified criteria by instead establishing a fee rate of \$5.72 for each ton or fraction of a ton of hazardous waste, as provided. Among other criteria, the bill would require that the hazardous waste be generated from a project that will provide at least 2,000 new housing units and is legally obligated to produce a minimum amount of required affordable housing units, as specified, that the project is certified by the Governor as an environmental leadership development project, and that the generator of the hazardous waste acquired ownership of the property from which the hazardous waste was generated prior to July 1, 2022, and commenced the cleanup activity, as described, prior to July 1, 2022. The bill would, among other requirements,

require this fee, which is collected and administered by the Department of Toxic Substances Control, to be due and payable in one installment, as provided, and would require the generator of hazardous waste to both file an annual return in the form prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due and to amend the annual return filed in fiscal years 2021–22 and 2022–23 to reflect this fee rate, as provided. The bill would require a generator of hazardous waste that is generated from a project that meets these criteria to report to the Department of Toxic Substances Control and the California Department of Tax and Fee Administration certain information about the hazardous waste generated, as specified. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

This bill would require funds collected pursuant to the above-mentioned provisions to be deposited into the Hazardous Waste Control Account. The bill also would require every person, as defined, who is subject to the above-mentioned fee to register with the California Department of Tax and Fee Administration on forms provided by the department. The bill would repeal the above-mentioned provisions on January 1, 2026.

(14) Existing law establishes the California Microbusiness COVID-19 Relief Grant Program, administered by the Office of Small Business Advocate within the Governor’s Office of Business and Economic Development.

The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally define “gross income” as income from whatever source derived, except as specifically excluded, and provide various exclusions from gross income, including an exclusion for grant allocations received by a taxpayer pursuant to the California Microbusiness COVID-19 Relief Grant Program. Existing law applies this exclusion for taxable years beginning on or after January 1, 2020, and before January 1, 2023, in the case of the Personal Income Tax Law, and for taxable years beginning on or after September 1, 2020, and before January 1, 2023, in the case of the Corporation Tax Law.

This bill would extend the above-described exclusions for taxable years beginning on or after January 1, 2020, and before January 1, 2025, in the case of the Personal Income Tax Law, and for taxable years beginning on or after September 1, 2020, and before January 1, 2025, in the case of the Corporation Tax Law.

Existing law requires a bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives the tax expenditure will achieve, detailed performance indicators, and data collection requirements.

This bill would provide that those requirements do not apply to the extended tax exclusions.

(15) Existing law establishes the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board for the purpose of providing victim compensation to survivors of specified state-sponsored or coercive sterilization. Existing law

establishes the Forced or Involuntary Sterilization Compensation Account in the State Treasury, administered by the board, to be used for this program upon appropriation by the Legislature. Existing law authorizes an individual seeking victim compensation to submit an application no later than 2 years and 6 months after the start of the program, and requires the board to send a final payment to all qualified recipients after exhaustion of all appeals arising from the denial of an individual's application, but no later than 2 years and 9 months after the start date of the program. Existing law specifies how the payment is to be calculated.

This bill would instead require the board to send a final payment of \$20,000 to each qualified recipient after exhaustion of all appeals arising from the denial of an individual's application, but no later than 3 years and 3 months after the start date of the program.

(16) Existing law identifies the statutes constituting each budget act from the Budget Act of 2011 through the Budget Act of 2021.

This bill would identify the statutes constituting the Budget Act of 2022.

(17) This bill would make findings and declarations related to a gift of public funds.

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

This bill would make legislative findings to that effect.

(19) This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

(20) 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.

(21) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 115.10 is added to the Business and Professions Code, to read:

115.10. (a) For purposes of this section, the following definitions apply:

(1) "Applicant" means a servicemember or a spouse of a servicemember.

(2) "Board" means an entity described in Section 101.

(3) "Professional license" means an individual professional license and does not include a business or entity license.

(4) "Registering authority" means a board or the Department of Real Estate, as applicable.

(5) “Spouse” means an individual who is married to, or who is in a domestic partnership or other legal union with, a military servicemember.

(b) Notwithstanding any other law, a registering authority shall register an applicant who satisfies all of the following requirements:

(1) The applicant holds a professional license in good standing in another state, district, or territory of the United States that confers on the applicant the authority to practice a profession or vocation within a similar scope of practice as that regulated by the registering authority.

(2) The applicant relocated to this state because of military orders for military service within this state and the applicant submits to the registering authority a copy of the military orders.

(3) The applicant performed at least one activity within the scope and under the authority of their professional license during the two years immediately preceding the relocation to this state.

(4) For an applicant who is licensed within the same professional discipline in more than one jurisdiction, both of the following:

(A) The applicant maintains each license in good standing.

(B) The applicant submits to the registering authority written verification from, or documentation printed from an online licensing system for, each jurisdiction that the applicant’s license is in good standing in the jurisdiction.

(5) The applicant submits to the registering authority written verification from, or documentation printed from an online licensing system for, the applicant’s original licensing jurisdiction that the applicant’s license is in good standing in that jurisdiction.

(6) For an applicant that is a spouse, the applicant submits evidence to the registering authority that the applicant is married to, or in a domestic partnership or other legal union with, a servicemember who is subject to military orders described in paragraph (2).

(7) The applicant submits to the registering authority their California address of record and an affidavit attesting to both of the following:

(A) The applicant meets all of the requirements for registration under this section.

(B) The information submitted to the registering authority pursuant to this section is accurate to the best of the applicant’s knowledge.

(c) (1) The registering authority shall register an applicant within 30 days of receiving all applicable documentation described in subdivision (b).

(2) The registering authority shall not register an applicant who fails to provide all applicable documentation described in subdivision (b) and shall deem the applicant’s request for registration incomplete.

(d) For each person registered pursuant to this section, the registering authority shall post all of the following on the registering authority’s internet website:

(1) The person’s name.

(2) The person’s California address of record.

(3) The person’s registration status.

(4) The state name and license number of each license from each original licensing jurisdiction.

(e) A person registered pursuant to this section shall be deemed to be a licensee of the registering authority for purposes of the laws administered by that registering authority relating to standards of practice, discipline, and continuing education for the duration of the military orders described in paragraph (2) of subdivision (b), and the registration shall expire when those military orders expire.

(f) A registering authority may take appropriate enforcement action against a person registered pursuant to this section, including, but not limited to, revoking or suspending the registration of a person who does not meet the requirements of subdivision (b) or the laws applicable to licensees pursuant to subdivision (e).

(g) A registering authority shall not collect or require a fee for registration pursuant to this section.

(h) A registering authority may develop and publish guidance to implement this section.

SEC. 2. Section 2064.5 of the Business and Professions Code is amended to read:

2064.5. (a) Within 180 days after beginning a board-approved postgraduate training program pursuant to Section 2065, medical school graduates shall obtain a physician's and surgeon's postgraduate training license. To be considered for a postgraduate training license, the applicant shall submit the application forms and primary source documents required by the board, shall successfully pass all required licensing examinations, shall pay a nonrefundable application and processing fee, and shall not have committed any act that would be grounds for denial.

(1) Each application submitted pursuant to this section shall be made upon an online electronic form, or another form provided by the board, and each application form shall contain a legal verification by the applicant certifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in supporting documents provided by the applicant is true and correct.

(2) Each application shall include the following:

(A) A diploma issued by a board-approved medical school. The requirements of the school shall not have been less than those required under this chapter at the time the diploma was granted or by any preceding medical practice act at the time that the diploma was granted. In lieu of a diploma, the applicant may submit evidence satisfactory to the board of having possessed the same.

(B) An official transcript or other official evidence satisfactory to the board showing each approved medical school in which a resident course of professional instruction was pursued covering the minimum requirements for certification as a physician and surgeon, and that a diploma and degree were granted by the school.

(C) Other information concerning the professional instruction and preliminary education of the applicant as the board may require.

(D) An affidavit showing to the satisfaction of the board that the applicant is the person named in each diploma and transcript that the applicant submits,

that the applicant is the lawful holder thereof, and that the diploma or transcript was procured in the regular course of professional instruction and examination without fraud or misrepresentation.

(E) Either fingerprint cards or a copy of a completed Live Scan form from the applicant in order to establish the identity of the applicant and in order to determine whether the applicant has a record of any criminal convictions in this state or in any other jurisdiction, including foreign countries. The information obtained as a result of the fingerprinting of the applicant shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475) and Section 2221 of this code.

(F) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, an official Educational Commission for Foreign Medical Graduates (ECFMG) Certification Status Report confirming the graduate is ECFMG certified.

(b) The physician's and surgeon's postgraduate training license shall be valid until 90 days after the holder has received 12 months credit of board-approved postgraduate training for graduates of medical schools in the United States and Canada or 24 months of board-approved postgraduate training for graduates of foreign medical schools approved by the board pursuant to Section 2084 other than Canadian medical schools. The physician's and surgeon's postgraduate training licensee may engage in the practice of medicine only in connection with the licensee's duties as an intern or resident physician in a board-approved program, including its affiliated sites, or under those conditions as are approved in writing and maintained in the postgraduate licensee's file by the director of the program.

(c) The postgraduate training licensee may engage in the practice of medicine in locations authorized by subdivision (b), and as permitted by the Medical Practice Act and other applicable statutes and regulations, including, but not limited to, the following:

(1) Diagnose and treat patients.

(2) Prescribe medications without a cosigner, including prescriptions for controlled substances, if the licensee has the appropriate Drug Enforcement Agency registration or permit and is registered with the Department of Justice CURES program.

(3) Sign birth certificates without a cosigner.

(4) Sign death certificates without a cosigner.

(5) Sign any other forms a physician and surgeon is authorized to sign.

(d) The postgraduate training licensee may be disciplined by the board at any time for any of the grounds that would subject the holder of a physician's and surgeon's certificate to discipline.

(e) If the medical school graduate fails to obtain a postgraduate license within 180 days after beginning a board-approved postgraduate training program or if the board denies the graduate's application for a postgraduate license, all privileges and exemptions under this section shall automatically cease.

(f) Each medical school graduate who was issued a postgraduate training authorization letter by the board prior to January 1, 2020, and is enrolled in a board-approved postgraduate training program by April 30, 2025, will be issued a postgraduate training license automatically by June 30, 2020, or by June 30 of the year following initial enrollment into a board-approved postgraduate training program, whichever is earlier, upon proof of enrollment in the postgraduate training program.

(g) The board shall confidentially destroy the file of each medical school graduate who was issued a postgraduate training authorization letter by the board prior to January 1, 2020, who did not enroll in a postgraduate training program by April 30, 2025.

SEC. 3. Section 2064.6 is added to the Business and Professions Code, to read:

2064.6. Notwithstanding subdivision (b) of Section 2064.5, the expiration date for any postgraduate training license that expires after June 1, 2023, and before December 31, 2023, shall be extended to March 31, 2024.

SEC. 4. Section 2065 of the Business and Professions Code is amended to read:

2065. (a) Unless otherwise provided by law, a postgraduate training licensee, intern, resident, postdoctoral fellow, or instructor shall not engage in the practice of medicine, or receive compensation therefor, or offer to engage in the practice of medicine unless they hold a valid, unrevoked, and unsuspended physician's and surgeon's certificate issued by the board. However, a graduate of an approved medical school may engage in the practice of medicine whenever and wherever required as a part of a postgraduate training program under the following conditions:

(1) The medical school graduate has taken and passed the board-approved medical licensing examinations required to qualify the applicant to participate in an approved postgraduate training program.

(2) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, the Educational Commission for Foreign Medical Graduates (ECFMG) has submitted an official ECFMG Certification Status Report directly to the board confirming the graduate is ECFMG certified.

(3) The medical school graduate is enrolled in a postgraduate training program approved by the board.

(4) The board-approved postgraduate training program has submitted the required board-approved form to the board documenting the medical school graduate is enrolled in an approved postgraduate training program.

(5) The medical school graduate obtains a physician's and surgeon's postgraduate training license in accordance with Section 2064.5.

(b) A medical school graduate enrolled in an approved first-year postgraduate training program in accordance with this section may engage in the practice of medicine whenever and wherever required as a part of the training program, and may receive compensation for that practice.

(c) A graduate who has completed the first year of postgraduate training may, in an approved residency or fellowship, engage in the practice of

medicine whenever and wherever required as part of that residency or fellowship, and may receive compensation for that practice. The resident or fellow shall qualify for, take, and pass the next succeeding written examination for licensure. If the resident or fellow fails to receive a license to practice medicine under this chapter within 27 months from the commencement of the residency or fellowship, except as otherwise allowed under subdivision (g) or (h), or if the board denies their application for licensure, all privileges and exemptions under this section shall automatically cease.

(d) All approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the 15-month license exemption for graduates of medical schools in the United States and Canada or 27-month license exemption for graduates of foreign medical schools approved by the board pursuant to Section 2084 other than Canadian medical schools, except as otherwise allowed under subdivision (h).

(e) The program director for an approved postgraduate training program in California shall report to the board, on a form approved by the board, and provide any supporting documents as required by the board, the following actions within 30 days of the action:

(1) A postgraduate training licensee is notified that they have received partial or no credit for a period of postgraduate training, and their postgraduate training period is extended.

(2) A postgraduate training licensee takes a leave of absence or any break from their postgraduate training, and they are notified that their postgraduate training period is extended.

(3) A postgraduate training licensee is terminated from the postgraduate training program.

(4) A postgraduate training licensee resigns, dies, or otherwise leaves the postgraduate training program.

(5) A postgraduate training licensee has completed a one-year contract approved by the postgraduate training program.

(f) Upon review of supporting documentation, the board, in its discretion, may grant an extension beyond 15 months to a postgraduate training licensee who graduated from a medical school in the United States or Canada, or beyond 27 months to a postgraduate training licensee who graduated from a foreign medical school approved by the board pursuant to Section 2084 other than a Canadian medical school, to receive credit for the 12 months of required approved postgraduate training for graduates of medical schools in the United States and Canada and 24 months of required approved postgraduate training for graduates of foreign medical schools other than Canadian medical schools.

(g) An applicant for a physician's and surgeon's license who has received credit for 12 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California shall obtain their physician's and surgeon's license

within 180 days after beginning that postgraduate training program or all privileges and exemptions under this section shall automatically cease.

(h) Upon review of supporting documentation, the board, in its discretion, may grant a physician's and surgeon's license to an applicant who demonstrates substantial compliance with this section.

SEC. 5. Section 6219 of the Business and Professions Code is amended to read:

6219. Qualified legal services projects and support centers may use funds provided under this article for the following:

(a) To provide work opportunities with pay, and where feasible, scholarships for disadvantaged law students to help defray their law school expenses.

(b) To provide loan repayment assistance in accordance with a loan repayment assistance program administered by the California Access to Justice Commission for the purposes of recruiting and retaining attorneys who perform services as described in Section 6218 and permitted by Section 6223.

SEC. 6. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

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

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical

location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

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

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until December 31, 2023, and as of that date is repealed.

SEC. 7. Section 15490 of the Government Code is amended to read:

15490. (a) There is in the state government the State Allocation Board, consisting of the Director of Finance, the Director of General Services, a person appointed by Governor, and the Superintendent of Public Instruction. The board shall also include three Members of the Senate appointed by the

President pro Tempore of the Senate, two of whom shall belong to the majority party and one of whom shall belong to the minority party, and three Members of the Assembly appointed by the Speaker of the Assembly, two of whom shall belong to the majority party and one of whom shall belong to the minority party.

(b) The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties.

(c) The Director of General Services shall provide assistance to the board as the board requires. The board may, by a majority vote of all members, do one or more of the following:

(1) Appoint an employee to report directly to the board as assistant executive officer.

(2) Fix the salary and other compensation of the assistant executive officer.

(3) Employ additional staff members, and secure office space and furnishings, as necessary to support the assistant executive officer in the performance of their duties.

SEC. 8. Section 16344 of the Government Code is amended to read:

16344. The Budget Act for each fiscal year commencing with the 2011–12 fiscal year consists of the following statutes:

(a) Budget Act of 2011

(1) Chapter 33 of the Statutes of 2011 (Senate Bill No. 87)

(2) Chapter 41 of the Statutes of 2011 (Assembly Bill No. 121)

(3) Chapter 16 of the Statutes of 2011, First Extraordinary Session (Assembly Bill No. 30)

(4) Chapter 10 of the Statutes of 2012 (Senate Bill No. 83)

(5) Chapter 27 of the Statutes of 2012 (Assembly Bill No. 1485)

(b) Budget Act of 2012

(1) Chapter 21 of the Statutes of 2012 (Assembly Bill No. 1464)

(2) Chapter 29 of the Statutes of 2012 (Assembly Bill No. 1497)

(3) Chapter 31 of the Statutes of 2012 (Assembly Bill No. 1502)

(4) Chapter 152 of the Statutes of 2012 (Senate Bill No. 1029)

(5) Chapter 630 of the Statutes of 2012 (Assembly Bill No. 1477)

(6) Chapter 3 of the Statutes of 2013 (Assembly Bill No. 113)

(7) Chapter 5 of the Statutes of 2013 (Senate Bill No. 68)

(8) Chapter 36 of the Statutes of 2013 (Senate Bill No. 89)

(c) Budget Act of 2013

(1) Chapter 20 of the Statutes of 2013 (Assembly Bill No. 110)

(2) Chapter 354 of the Statutes of 2013 (Assembly Bill No. 101)

(3) Chapter 2 of the Statutes of 2014 (Senate Bill No. 103)

(4) Chapter 38 of the Statutes of 2014 (Senate Bill No. 865)

(d) Budget Act of 2014

(1) Chapter 25 of the Statutes of 2014 (Senate Bill No. 852)

(2) Chapter 663 of the Statutes of 2014 (Assembly Bill No. 1476)

(3) Chapter 1 of the Statutes of 2015 (Assembly Bill No. 91)

- (4) Chapter 15 of the Statutes of 2015 (Assembly Bill No. 116)
- (e) Budget Act of 2015
 - (1) Chapter 10 of the Statutes of 2015 (Assembly Bill No. 93)
 - (2) Chapter 11 of the Statutes of 2015 (Senate Bill No. 97)
 - (3) Chapter 321 of the Statutes of 2015 (Senate Bill No. 101)
 - (4) Chapter 2 of the Statutes of 2016 (Assembly Bill No. 133)
 - (5) Chapter 9 of the Statutes of 2016 (Senate Bill No. 93)
 - (6) Chapter 11 of the Statutes of 2016 (Assembly Bill No. 120)
 - (7) Chapter 28 of the Statutes of 2016 (Senate Bill No. 827)
- (f) Budget Act of 2016
 - (1) Chapter 23 of the Statutes of 2016 (Senate Bill No. 826)
 - (2) Chapter 44 of the Statutes of 2016 (Assembly Bill No. 1622)
 - (3) Chapter 318 of the Statutes of 2016 (Assembly Bill No. 1623)
 - (4) Chapter 370 of the Statutes of 2016 (Assembly Bill No. 1613)
 - (5) Chapter 2 of the Statutes of 2017 (Senate Bill No. 47)
 - (6) Chapter 7 of the Statutes of 2017 (Senate Bill No. 132)
 - (7) Chapter 12 of the Statutes of 2017 (Assembly Bill No. 98)
 - (8) Chapter 53 of the Statutes of 2017 (Senate Bill No. 107)
- (g) Budget Act of 2017
 - (1) Chapter 14 of the Statutes of 2017 (Assembly Bill No. 97)
 - (2) Chapter 22 of the Statutes of 2017 (Assembly Bill No. 120)
 - (3) Chapter 54 of the Statutes of 2017 (Senate Bill No. 108)
 - (4) Chapter 181 of the Statutes of 2017 (Senate Bill No. 113)
 - (5) Chapter 249 of the Statutes of 2017 (Assembly Bill No. 109)
 - (6) Chapter 254 of the Statutes of 2017 (Assembly Bill No. 134)
 - (7) Chapter 5 of the Statutes of 2018 (Assembly Bill No. 105)
 - (8) Chapter 31 of the Statutes of 2018 (Senate Bill No. 841)
- (h) Budget Act of 2018
 - (1) Chapter 29 of the Statutes of 2018 (Senate Bill No. 840)
 - (2) Chapter 30 of the Statutes of 2018 (Senate Bill No. 856)
 - (3) Chapter 449 of the Statutes of 2018 (Senate Bill No. 862)
 - (4) Chapter 1 of the Statutes of 2019 (Assembly Bill No. 72)
 - (5) Chapter 35 of the Statutes of 2019 (Senate Bill No. 93)
- (i) Budget Act of 2019
 - (1) Chapter 23 of the Statutes of 2019 (Assembly Bill No. 74)
 - (2) Chapter 55 of the Statutes of 2019 (Senate Bill No. 106)
 - (3) Chapter 80 of the Statutes of 2019 (Assembly Bill No. 110)
 - (4) Chapter 363 of the Statutes of 2019 (Senate Bill No. 109)
 - (5) Chapter 2 of the Statutes of 2020 (Senate Bill No. 89)
 - (6) Chapter 9 of the Statutes of 2020 (Assembly Bill No. 75)
 - (7) Chapter 40 of the Statutes of 2020 (Senate Bill No. 115)
- (j) Budget Act of 2020
 - (1) Chapter 6 of the Statutes of 2020 (Senate Bill No. 74)
 - (2) Chapter 7 of the Statutes of 2020 (Assembly Bill No. 89)
 - (3) Chapter 40 of the Statutes of 2020 (Senate Bill No. 115)
 - (4) Chapter 1 of the Statutes of 2021 (Senate Bill No. 89)
 - (5) Chapter 4 of the Statutes of 2021 (Assembly Bill No. 85)

- (6) Chapter 14 of the Statutes of 2021 (Senate Bill No. 85)
- (7) Chapter 40 of the Statutes of 2021 (Senate Bill No. 147)
- (k) Budget Act of 2021
- (1) Chapter 21 of the Statutes of 2021 (Assembly Bill No. 128)
- (2) Chapter 43 of the Statutes of 2021 (Assembly Bill No. 161)
- (3) Chapter 69 of the Statutes of 2021 (Senate Bill No. 129)
- (4) Chapter 84 of the Statutes of 2021 (Assembly Bill No. 164)
- (5) Chapter 240 of the Statutes of 2021 (Senate Bill No. 170)
- (6) Chapter 2 of the Statutes of 2022 (Senate Bill No. 115)
- (7) Chapter 9 of the Statutes of 2022 (Senate Bill No. 119)
- (8) Chapter 44 of the Statutes of 2022 (Assembly Bill No. 180)
- (9) Chapter 3 of the Statutes of 2023 (Assembly Bill No. 100)
- (10) Chapter 33 of the Statutes of 2023 (Assembly Bill No. 103)

(l) Budget Act of 2022

- (1) Chapter 43 of the Statutes of 2022 (Senate Bill No. 154)
- (2) Chapter 45 of the Statutes of 2022 (Assembly Bill No. 178)
- (3) Chapter 249 of the Statutes of 2022 (Assembly Bill No. 179)
- (4) Chapter 3 of the Statutes of 2023 (Assembly Bill No. 100)
- (5) Chapter 33 of the Statutes of 2023 (Assembly Bill No. 103)

SEC. 9. Section 65852.24 of the Government Code is amended to read: 65852.24. (a) (1) This section shall be known, and may be cited, as the

Middle Class Housing Act of 2022.

(2) The Legislature finds and declares all of the following:

(A) Creating more affordable housing is critical to the achievement of regional housing needs assessment goals, and that housing units developed at higher densities may generate affordability by design for California residents, without the necessity of public subsidies, income eligibility, occupancy restrictions, lottery procedures, or other legal requirements applicable to deed restricted affordable housing to serve very low and low-income residents and special needs residents.

(B) The state has made historic investments in deed-restricted affordable housing. According to the Legislative Analyst's Office, the state budget provided nearly five billion dollars (\$5,000,000,000) in the 2021–22 budget year for housing-related programs. The 2022–23 budget further built on that sum by allocating nearly one billion two hundred million dollars (\$1,200,000,000) to additional affordable housing programs.

(C) There is continued need for housing development at all income levels, including missing middle housing that will provide a variety of housing options and configurations to allow every Californian to live near where they work.

(D) The Middle Class Housing Act of 2022 will unlock the development of additional housing units for middle-class Californians near job centers, subject to local inclusionary requirements that are set based on local conditions.

(b) A housing development project shall be deemed an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use if it complies with all of the following:

(1) The density for the housing development shall meet or exceed the applicable density deemed appropriate to accommodate housing for lower income households in that jurisdiction as specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

(2) (A) The housing development shall be subject to local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in a zone that allows for the housing with the density described in paragraph (1).

(B) If more than one zoning designation of the local agency allows for housing with the density described in paragraph (1), the zoning standards applicable to a parcel that allows residential use pursuant to this section shall be the zoning standards that apply to the closest parcel that allows residential use at a density that meets the requirements of paragraph (1).

(C) If the existing zoning designation for the parcel, as adopted by the local government, allows residential use at a density greater than that required in paragraph (1), the existing zoning designation shall apply.

(3) The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the local agency on a housing development in the applicable zoning designation identified in paragraph (2).

(4) The project site is 20 acres or less.

(5) The housing development complies with all other objective local requirements for a parcel, other than those that prohibit residential use, or allow residential use at a lower density than provided in paragraph (1), including, but not limited to, impact fee requirements and inclusionary housing requirements.

(6) The development and the site on which it is located satisfy both of the following:

(A) It is a legal parcel or parcels that meet either of the following:

(i) It is within a city where the city boundaries include some portion of an urban area, as designated by the United States Census Bureau.

(ii) It is in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urban area, as designated by the United States Census Bureau.

(B) (i) It is not on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use.

(ii) For purposes of this subparagraph, parcels only separated by a street or highway shall be considered to be adjoined.

(iii) For purposes of this subparagraph, “dedicated to industrial use” means either of the following:

(I) The square footage is currently being used as an industrial use.

(II) The most recently permitted use of the square footage is an industrial use.

(III) The site was designated for industrial use in the latest version of a local government’s general plan adopted before January 1, 2022.

(7) The housing development is consistent with any applicable and approved sustainable community strategy or alternative plan, as described in Section 65080.

(8) The developer has done both of the following:

(A) Certified to the local agency that either of the following is true:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) The development is not in its entirety a public work for which prevailing wages must be paid under Article 2 (commencing with Section 1720) of Chapter 1 of Part 2 of Division 2 of the Labor Code, but all construction workers employed on construction of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The developer shall ensure that the prevailing wage requirement is included in all contracts for the performance of all construction work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, or by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and

provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(VII) All contractors and subcontractors shall be registered in accordance with Section 1725.6 of the Labor Code.

(VIII) The development proponent shall provide notice of all contracts for the performance of the work to the Department of Industrial Relations, in accordance with Section 1773.3 of the Labor Code.

(B) Certified to the local agency that a skilled and trained workforce will be used to perform all construction work on the development.

(i) For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(ii) If the developer has certified that a skilled and trained workforce will be used to construct all work on development and the application is approved, the following shall apply:

(I) The developer shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to construct the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to construct the development.

(III) Except as provided in subclause (IV), the developer shall provide to the local agency, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the local government pursuant to this subclause shall be a public record under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection. A developer that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage

and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(iii) Notwithstanding subclause (II) of clause (ii), a contractor or subcontractor shall not be in violation of the apprenticeship graduation requirements of subdivision (d) of Section 2601 of the Public Contract Code to the extent that all of the following requirements are satisfied:

(I) All contractors and subcontractors performing work on the development are subject to a project labor agreement that includes the local building and construction trades council as a party, that requires compliance with the apprenticeship graduation requirements, and that provides for enforcement of that obligation through an arbitration procedure.

(II) The project labor agreement requires the contractor or subcontractor to request the dispatch of workers for the project through a hiring hall or referral procedure.

(III) The contractor or subcontractor is unable to obtain sufficient workers to meet the apprenticeship graduation percentage requirement within 48 hours of its request, Saturdays, Sundays, and holidays excepted.

(9) Notwithstanding subparagraph (B) of paragraph (8), a contract or subcontract may be awarded without a requirement for the use of a skilled and trained workforce to the extent that all of the following requirements are satisfied:

(A) At least seven days before issuing any invitation to prequalify or bid solicitation for the project, the developer sends a notice of the invitation or solicitation that describes the project to the following entities within the jurisdiction of the proposed project site:

(i) Any bona fide labor organization representing workers in the building and construction trades who may perform work necessary to complete the project.

(ii) Any organization representing contractors that may perform work necessary to complete the project.

(B) The developer seeks bids containing an enforceable commitment that all contractors and subcontractors at every tier will use a skilled and trained workforce to perform work on the project that falls within an apprenticeable occupation in the building and construction trades.

(C) For the purpose of establishing a bidder pool of eligible contractors and subcontractors, the developer establishes a process to prequalify prime contractors and subcontractors that agree to meet skilled and trained workforce requirements.

(D) The bidding process for the project includes, but is not limited to, all of the following requirements:

(i) The prime contractor shall be required to list all subcontractors that will perform work in an amount in excess of one-half of 1 percent of the prime contractor's total bid.

(ii) The developer shall only accept bids from prime contractors that have been prequalified.

(iii) If the developer receives at least two bids from prequalified prime contractors, a skilled and trained workforce must be used by all contractors and subcontractors, except as provided in clause (vi).

(iv) If the developer receives fewer than two bids from prequalified prime contractors, the contract may be rebid and awarded without the skilled and trained workforce requirement applying to the prime contractor's scope of work.

(v) Prime contractors shall request bids from subcontractors on the prequalified list and shall only accept bids and list subcontractors from the prequalified list. If the prime contractor receives bids from at least two subcontractors in each tier listed on the prequalified list, the prime contractor shall require that the contract for that tier or scope of work will require a skilled and trained workforce.

(vi) If the prime contractor fails to receive at least two bids from subcontractors listed on the prequalified list in any tier, the prime contractor may rebid that scope of work. The prime contractor need not require that a skilled and trained workforce be used for that scope of work and may list subcontractors for that scope of work that do not appear on the prequalified list.

(E) The developer shall establish minimum requirements for prequalification of prime contractors and subcontractors that are, to the maximum extent possible, quantifiable and objective. Only criterion, and minimum thresholds for any criterion, that are reasonably necessary to ensure that any bidder awarded a project can successfully complete the proposed scope shall be used by the developer. The developer shall not impose any obstacles to prequalification that go beyond what is commercially reasonable and customary.

(F) The developer shall, within 24 hours of a request by a labor organization that represents workers in the geographic area of the project, provide all of the following information to the labor organization:

(i) The names and Contractors State License Board numbers of the prime contractors and subcontractors that have prequalified.

(ii) The names and Contractors State License Board numbers of the prime contractors that have submitted bids and their respective listed subcontractors.

(iii) The names and Contractors State License Board numbers of the prime contractor that was awarded the work and its listed subcontractors.

(G) An interested party, including a labor organization that represents workers in the geographic area of the project, may bring an action for injunctive relief against a developer or prime contractor that is proceeding

with a project in violation of the bidding requirements of this paragraph applicable to developers and prime contractors. The court in such an action may issue injunctive relief to halt work on the project and to require compliance with the requirements of this subdivision. The prevailing plaintiff in such an action shall be entitled to recover its reasonable attorney's fees and costs.

(c) (1) The development proponent shall provide written notice of the pending application to each commercial tenant on the parcel when the application is submitted.

(2) The development proponent shall provide relocation assistance to each eligible commercial tenant located on the site as follows:

(A) For a commercial tenant operating on the site for at least one year but less than five years, the relocation assistance shall be equivalent to six months' rent.

(B) For a commercial tenant operating on the site for at least 5 years but less than 10 years, the relocation assistance shall be equivalent to nine months' rent.

(C) For a commercial tenant operating on the site for at least 10 years but less than 15 years, the relocation assistance shall be equivalent to 12 months' rent.

(D) For a commercial tenant operating on the site for at least 15 years but less than 20 years, the relocation assistance shall be equivalent to 15 months' rent.

(E) For a commercial tenant operating on the site for at least 20 years, the relocation assistance shall be equivalent to 18 months' rent.

(3) The relocation assistance shall be provided to an eligible commercial tenant upon expiration of the lease of that commercial tenant.

(4) For purposes of this subdivision, a commercial tenant is eligible for relocation assistance if the commercial tenant meets all of the following criteria:

(A) The commercial tenant is an independently owned and operated business with its principal office located in the county in which the property on the site that is leased by the commercial tenant is located.

(B) The commercial tenant's lease expired and was not renewed by the property owner.

(C) The commercial tenant's lease expired within the three years following the development proponent's submission of the application for a housing development pursuant to this article.

(D) The commercial tenant employs 20 or fewer employees and has an annual average gross receipts under one million dollars (\$1,000,000) for the three taxable year period ending with the taxable year that precedes the expiration of their lease.

(E) The commercial tenant is still in operation on the site at the time of the expiration of its lease.

(5) Notwithstanding paragraph (4), for purposes of this subdivision, a commercial tenant is ineligible for relocation assistance if the commercial tenant meets both of the following criteria:

(A) The commercial tenant entered into a lease on the site after the development proponent's submission of the application for a housing development pursuant to this article.

(B) The commercial tenant had not previously entered into a lease on the site.

(6) (A) The commercial tenant shall utilize the funds provided by the development proponent to relocate the business or for costs of a new business.

(B) Notwithstanding paragraph (2), if the commercial tenant elects not to use the funds provided as required by subparagraph (A), the development proponent shall provide only assistance equal to three months' rent, regardless of the duration of the commercial tenant's lease.

(7) For purposes of this subdivision, monthly rent is equal to one-twelfth of the total amount of rent paid by the commercial tenant in the last 12 months.

(d) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(e) (1) A local agency may exempt a parcel from this section if the local agency makes written findings supported by substantial evidence of either of the following:

(A) The local agency concurrently reallocated the lost residential density to other lots so that there is no net loss in residential density in the jurisdiction.

(B) The lost residential density from each exempted parcel can be accommodated on a site or sites allowing residential densities at or above those specified in paragraph (2) of subdivision (b) and in excess of the acreage required to accommodate the local agency's share of housing for lower income households.

(2) A local agency may reallocate the residential density from an exempt parcel pursuant to this subdivision only if all of the following requirements are met:

(A) The exempt parcel or parcels are subject to an ordinance that allows for residential development by right.

(B) The site or sites chosen by the local agency to which the residential density is reallocated meet both of the following requirements:

(i) The site or sites are suitable for residential development at densities specified in paragraph (1) of subdivision (b) of Section 65852.24. For purposes of this clause, "site or sites suitable for residential development" shall have the same meaning as "land suitable for residential development," as defined in Section 65583.2.

(ii) The site or sites are subject to an ordinance that allows for development by right.

(f) (1) This section does not alter or lessen the applicability of any housing, environmental, or labor law applicable to a housing development authorized by this section, including, but not limited to, the following:

(A) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(B) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) The Housing Accountability Act (Section 65589.5).

(D) The Density Bonus Law (Section 65915).

(E) Obligations to affirmatively further fair housing, pursuant to Section 8899.50.

(F) State or local affordable housing laws.

(G) State or local tenant protection laws.

(2) All local demolition ordinances shall apply to a project developed pursuant to this section.

(3) For purposes of the Housing Accountability Act (Section 65589.5), a proposed housing development project that is consistent with the provisions of subdivision (b) shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(4) Notwithstanding any other provision of this section, for purposes of the Density Bonus Law (Section 65915), an applicant for a housing development under this section may apply for a density bonus pursuant to Section 65915.

(g) Notwithstanding Section 65913.4, a project subject to this section shall not be eligible for streamlining pursuant to Section 65913.4 if it meets either of the following conditions:

(1) The site has previously been developed pursuant to Section 65913.4 with a project of 10 units or fewer.

(2) The developer of the project or any person acting in concert with the developer has previously proposed a project pursuant to Section 65913.4 of 10 units or fewer on the same or an adjacent site.

(h) A local agency may adopt an ordinance to implement the provisions of this article. An ordinance adopted to implement this section shall not be considered a "project" under Division 13 (commencing with Section 21000) of the Public Resources Code.

(i) Each local agency shall include the number of sites developed and the number of units constructed pursuant to this section in its annual progress report required pursuant to paragraph (2) of subdivision (a) of Section 65400.

(j) The department shall undertake at least two studies of the outcomes of this chapter. One study shall be completed on or before January 1, 2027, and one shall be completed on or before January 1, 2031.

(1) The studies required by this subdivision shall include, but not be limited to, the number of projects built, the number of units built, the jurisdictional and regional location of the housing, the relative wealth and access to resources of the communities in which they are built, the level of affordability, the effect on greenhouse gas emissions, and the creation of construction jobs that pay the prevailing wage.

(2) The department shall publish a report of the findings of a study required by this subdivision, post the report on its internet website, and submit the report to the Legislature pursuant to Section 9795.

(k) For purposes of this section:

(1) “Housing development project” means a project consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential retail commercial or office uses, and at least 50 percent of the square footage of the new construction associated with the project is designated for residential use. None of the square footage of any such development shall be designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel.

(2) “Local agency” means a city, including a charter city, county, or a city and county.

(3) “Office or retail commercial zone” means any commercial zone, except for zones where office uses and retail uses are not permitted, or are permitted only as an accessory use.

(4) “Residential hotel” has the same meaning as defined in Section 50519 of the Health and Safety Code.

(l) The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

(m) (1) This section shall become operative on July 1, 2023.

(2) This section shall remain in effect only until January 1, 2033, and as of that date is repealed.

SEC. 10. Section 24213 of the Health and Safety Code is amended to read:

24213. (a) (1) An individual seeking victim compensation pursuant to the program shall submit an application to the board beginning six months after the start date of the program and no later than two years and six months after the start date of the program.

(2) An individual incarcerated or otherwise under the control of the Department of Corrections and Rehabilitation at the time of filing an application need not exhaust administrative remedies before submitting an application for, or receiving, victim compensation pursuant to the program and shall not be disqualified from receiving compensation based on the individual’s incarcerated status.

(3) The board shall screen the application and accompanying documentation for completeness. If the board determines that an application is incomplete, it shall notify the claimant or the claimant’s lawfully authorized representative that the application is not complete in writing by certified mail no later than 30 calendar days following the screening of the application. The notification shall specify the additional documentation required to complete the application. If the application is incomplete, the claimant shall have 60 calendar days from the receipt of the notification to submit the required documentation. If the required documentation is not received within 60 calendar days, the application will be closed and the claimant shall submit a new application if the claimant seeks victim compensation pursuant to the program, to be reviewed without prejudice.

(4) The board shall not consider an application or otherwise act on it until the board determines the application is complete with all required documentation.

(5) If a claimant receives an adverse claim decision, the claimant may file an appeal to the board within 30 days of the receipt of the notice of decision. After receiving the appeal, the board shall again attempt to verify the claimant's identity pursuant to paragraph (2) of subdivision (a) of Section 24211. If the claimant's identity cannot be verified, then the claimant shall produce sufficient evidence to establish, by a preponderance of the evidence, that it is more likely than not that the claimant is a qualified recipient. This evidence may include, but is not limited to, documentation of the individual's sterilization, sterilization recommendation, surgical consent forms, relevant court or institutional records, or a sworn statement by the survivor or another individual with personal knowledge of the sterilization. The board shall make a determination on the appeal within 30 days of the date of the appeal and notify the claimant of the decision. A claimant who is successful in an appeal shall receive compensation in accordance with subdivision (b).

(b) The board shall award victim compensation to a qualified recipient pursuant to the following payment schedule:

(1) A claimant who is determined to be a qualified recipient by the board shall receive an initial payment within 60 days of the board's determination. This initial payment shall be calculated by dividing the funds described in subdivision (b) of Section 24212 for victim compensation payments by the anticipated number of qualified recipients who are expected to apply for compensation, as determined by the board, and then dividing that dollar amount in half.

(2) The board shall send a final payment to each qualified recipient in the amount of twenty thousand dollars (\$20,000). The board shall conclude the program after exhaustion of all appeals arising from the denial of an individual's application, but by no later than three years and three months after the start date of the program.

SEC. 11. Section 25174 of the Health and Safety Code is amended to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account, pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Sections 25205.5 and 25205.5.2.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act to pay for department costs at sites or activities at sites other than

those operated by a hazardous waste facility authorized to operate under this chapter.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for the costs to administer and implement this chapter, but not including the costs of regulatory activities at sites operated by a hazardous waste facility authorized to operate under this chapter, and not including regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(2) To the department for allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Section 25205.5 that are deposited into the Hazardous Waste Control Account.

(3) (A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General in carrying out investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, for purposes of this chapter, but not for purposes related to a site operated by a hazardous waste facility authorized to operate under this chapter or related to the owner or operator of a hazardous waste facility authorized to operate under this chapter, and not for regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(4) To the department for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(5) To the department for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) (1) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

(2) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Section 25205.5, and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) The Director of Finance, upon the request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

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

SEC. 12. Section 25174 is added to the Health and Safety Code, to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account, pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.5.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act to pay for department costs at sites or activities at sites other than those operated by a hazardous waste facility authorized to operate under this chapter.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for the costs to administer and implement this chapter, but not including the costs of regulatory activities at sites operated by a hazardous waste facility authorized to operate under this chapter, and not including regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(2) To the department for allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Section 25205.5 that are deposited into the Hazardous Waste Control Account.

(3) (A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General in carrying out investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, for purposes of this chapter, but not for purposes related to a site operated by a hazardous waste facility authorized to operate under this chapter or related to the owner or operator of a hazardous waste facility authorized to operate under this chapter, and not for regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(4) To the department for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(5) To the department for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) (1) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

(2) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Section 25205.5, and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) The Director of Finance, upon the request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

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

SEC. 13. Section 25205.5.2 is added to the Health and Safety Code, to read:

25205.5.2. (a) Notwithstanding Section 25205.5, a generator of hazardous waste that is generated from a project that meets the criteria in subdivision (b) shall pay to the Department of Toxic Substances Control a generation and handling fee for each generator site that generates an amount equal to, or more than, five tons for each calendar year, or portion of the calendar year, of hazardous waste that meets the criteria in subdivision (c).

(b) The fee imposed pursuant to this section shall apply only to projects that meet all of the following criteria:

(1) The project is certified by the Governor as an environmental leadership development project pursuant to Section 21183 of the Public Resources Code.

(2) The project will provide at least 2,000 new housing units and is legally obligated to produce a minimum amount of required affordable housing units, including via in-lieu fee.

(3) The generator of the hazardous waste acquired ownership of the property from which the hazardous waste was generated prior to July 1, 2022, and commenced the cleanup activity of hazardous waste that is non-RCRA hazardous waste, as described in paragraph (1) of subdivision (c), before July 1, 2022.

(c) The fee imposed pursuant to this section shall apply only to hazardous waste that meets all of the following criteria:

(1) The hazardous waste was generated in calendar years 2021, 2022, or 2023.

(2) The hazardous waste is non-RCRA hazardous waste, excluding asbestos.

(3) The hazardous waste was generated in a remedial action, a removal action, or corrective action taken pursuant to, or generated in a soil disturbance conducted in compliance with a risk management plan approved pursuant to, this chapter, Chapter 6.65 (commencing with Section 25260), Chapter 6.7 (commencing with Section 25280), Chapter 6.75 (commencing with Section 25299.10), Chapter 6.8 (commencing with Section 25300), or Division 45 (commencing with Section 78000), or generated in any other required or voluntary cleanup, removal, or remediation.

(d) All of the following shall apply to the fee imposed pursuant to this section:

(1) The fee shall be in an amount of five dollars and seventy-two cents (\$5.72) for each ton or fraction of a ton of hazardous waste.

(2) The fee shall be collected and administered by the Department of Toxic Substances Control and is due and payable in one installment, on or before February 28 of each fiscal year.

(3) For purposes of calculating the amount of the fee imposed pursuant to paragraph (1), all exemptions and exclusions applicable to the fee imposed pursuant to Section 25205.5 shall apply.

(e) (1) The generator of hazardous waste shall file an annual return in the form prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(2) The generator of hazardous waste shall amend the annual return filed in fiscal years 2021–22 and 2022–23 to reflect the appropriate fee rates imposed pursuant to Section 25205.5 and this section for hazardous waste generated in calendar year 2021.

(3) The generator of hazardous waste shall file an annual return for fiscal years 2023–24 and 2024–25 to reflect the appropriate fee rates imposed pursuant to Section 25205.5 and this section for hazardous waste generated in calendar years 2022 and 2023.

(f) A generator of hazardous waste that is generated from a project that meets the criteria in subdivision (b) shall report to the directors of the Department of Toxic Substances Control and the California Department of Tax and Fee Administration by January 1 of the fiscal year in which the fee is assessed all of the following information:

(1) All identification numbers issued by the Department of Toxic Substances Control or by the United States Environmental Protection Agency that are associated with the project that meets the criteria in subdivision (b). If multiple identification numbers are used by a single company, all of the company's identification numbers shall be included.

(2) All account numbers issued by the California Department of Tax and Fee Administration.

(3) For each identification number issued by the Department of Toxic Substances Control or by the United States Environmental Protection Agency, the total tonnage of hazardous waste generated from the project that meets the criteria in subdivision (b), itemized as follows:

(A) The type and total tonnage of hazardous waste generated, identified by federal or state waste codes and the organic or inorganic chemical constituent or constituents causing the waste to be hazardous.

(B) Any exemptions or exclusions the generator claims is applicable to the hazardous waste generated and the total tonnage to which each of those exemptions applies.

(g) Hazardous waste generated from a project meeting all of the criteria in subdivision (b) that does not meet all of the criteria in subdivision (c) shall be subject to the fee imposed pursuant to Section 25205.5 and shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

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

SEC. 14. Section 34177.7 of the Health and Safety Code is amended to read:

34177.7. (a) (1) In addition to the powers granted to each successor agency, and notwithstanding anything in the act adding this part, including, but not limited to, Sections 34162 and 34189, the successor agency to the Redevelopment Agency of the City and County of San Francisco shall have the authority, rights, and powers of the Redevelopment Agency to which it succeeded solely for the purpose of issuing bonds or incurring other indebtedness to finance:

(A) The affordable housing required by the Mission Bay North Owner Participation Agreement, the Mission Bay South Owner Participation Agreement, the Disposition and Development Agreement for Hunters Point Shipyard Phase 1, the Candlestick Point-Hunters Point Shipyard Phase 2

Disposition and Development Agreement, and the Transbay Implementation Agreement.

(B) The infrastructure required by the Transbay Implementation Agreement.

(2) The successor agency to the Redevelopment Agency of the City and County of San Francisco may pledge to the bonds or other indebtedness the property tax revenues available in the successor agency's Redevelopment Property Tax Trust Fund that are not otherwise obligated.

(b) Bonds issued pursuant to this section may be sold pursuant to either a negotiated or a competitive sale. The bonds issued or other indebtedness obligations incurred pursuant to this section may be issued or incurred on a parity basis with outstanding bonds or other indebtedness obligations of the successor agency to the Redevelopment Agency of the City and County of San Francisco and may pledge the revenues pledged to those outstanding bonds or other indebtedness obligations to the issuance of bonds or other obligations pursuant to this section. The pledge, when made in connection with the issuance of bonds or other indebtedness obligations under this section, shall have the same lien priority as the pledge of outstanding bonds or other indebtedness obligations, and shall be valid, binding, and enforceable in accordance with its terms.

(c) (1) Prior to issuing any bonds or incurring other indebtedness pursuant to this section, the successor agency to the Redevelopment Agency of the City and County of San Francisco may subordinate to the bonds or other indebtedness the amount required to be paid to an affected taxing entity pursuant to paragraph (1) of subdivision (a) of Section 34183, provided that the affected taxing entity has approved the subordinations pursuant to this subdivision.

(2) At the time the agency requests an affected taxing entity to subordinate the amount to be paid to it, the agency shall provide the affected taxing entity with substantial evidence that sufficient funds will be available to pay both the debt service on the bonds or other indebtedness and the payments required by paragraph (1) of subdivision (a) of Section 34183, when due.

(3) Within 45 days after receipt of the agency's request, the affected taxing entity shall approve or disapprove the request for subordination. An affected taxing entity may disapprove a request for subordination only if it finds, based upon substantial evidence, that the successor agency will not be able to pay the debt service payments and the amount required to be paid to the affected taxing entity. If the affected taxing entity does not act within 45 days after receipt of the agency's request, the request to subordinate shall be deemed approved and shall be final and conclusive.

(d) An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds or other obligations authorized by this section, the pledge of revenues to those bonds or other obligations authorized by this section, the legality and validity of all proceedings theretofore taken and, as provided in the resolution of the legislative body of the successor agency

to the Redevelopment Agency of the City and County of San Francisco authorizing the bonds or other indebtedness obligations authorized by this section, proposed to be taken for the authorization, execution, issuance, sale, and delivery of the bonds or other obligations authorized by this section, and for the payment of debt service on the bonds or the payment of amounts under other obligations authorized by this section. Subdivision (c) of Section 33501 shall not apply to any such action. The department shall be notified of the filing of any action as an affected party.

(e) Notwithstanding any other law, including, but not limited to, Section 33501, an action to challenge the issuance of bonds or the incurrence of indebtedness by the successor agency to the Redevelopment Agency of the City and County of San Francisco shall be brought within 30 days after the date on which the oversight board approves the resolution of the agency approving the issuance of bonds or the incurrence of indebtedness under this section.

(f) The actions authorized in this section shall be subject to the approval of the oversight board, as provided in Section 34180. Additionally, the oversight board may direct the successor agency to the Redevelopment Agency of the City and County of San Francisco to commence any of the transactions described in subdivision (a) so long as the agency is able to recover its related costs in connection with the transaction. After the agency, with approval of the oversight board, issues any bonds or incurs any indebtedness pursuant to subdivision (a), the oversight board shall not unilaterally approve any amendments to or early termination of the bonds or indebtedness. If, under the authority granted to it by subdivision (h) of Section 34179, the department either reviews and approves or fails to request review within five business days of an oversight board approval of an action authorized by this section, the scheduled payments on the bonds or other indebtedness shall be listed in the Recognized Obligation Payment Schedule and shall not be subject to further review and approval by the department or the Controller. The department may extend its review time to 60 days for actions authorized in this section and may seek the assistance of the Treasurer in evaluating proposed actions under this section.

(g) Any bonds or other indebtedness authorized by this section shall be considered indebtedness incurred by the dissolved redevelopment agency, with the same legal effect as if the bonds or other indebtedness had been issued, incurred, or entered into prior to June 28, 2011, in full conformity with the applicable provisions of the Community Redevelopment Law that existed prior to that date, shall be included in the successor agency to the Redevelopment Agency of the City and County of San Francisco's Recognized Obligation Payment Schedule, and shall be secured by a pledge of, and lien on, and shall be repaid from moneys deposited from time to time in the Redevelopment Property Tax Trust Fund established pursuant to subdivision (c) of Section 34172, as provided in paragraph (2) of subdivision (a) of Section 34183. Property tax revenues pledged to any bonds or other indebtedness obligations authorized by this section are taxes

allocated to the successor agency pursuant to subdivision (b) of Section 33670 and Section 16 of Article XVI of the California Constitution.

(h) The successor agency to the Redevelopment Agency of the City and County of San Francisco shall make diligent efforts to ensure that the lowest long-term cost financing is obtained. The financing shall not provide for any bullets or spikes and shall not use variable rates. The agency shall make use of an independent financial advisor in developing financing proposals and shall make the work products of the financial advisor available to the department at its request.

(i) (1) (A) For the development of the project described in the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement, the limitations relating to time for establishing loans, advances, and indebtedness, the effectiveness of the redevelopment plans, the time to repay indebtedness, the time for applying tax increment, the number of tax dollars, or any other matters set forth in Section 33333.2 and Section 33492.13 shall not apply.

(B) The Candlestick Point-Hunters Point Shipyard Phase 2 project agreements shall establish the applicable limitations relating to time for establishing loans, advances, and indebtedness, the effectiveness of the redevelopment plans, the time to repay indebtedness, the time for applying tax increment, number of tax dollars, or any other matters set forth in Section 33333.2 and Section 33492.13. Any amendments to Candlestick Point-Hunters Point Shipyard Phase 2 project agreements to establish or change those time limits shall be approved by the oversight board, and shall be subject to department approval, as described in this part.

(2) This part shall not be construed to limit the receipt and use of property tax revenues generated from the Hunters Point Redevelopment Plan project area or Zone 1 of the Bayview Hunters Point Redevelopment Plan project area for the project described in the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement.

SEC. 15. Section 51528 is added to the Health and Safety Code, to read:

51528. (a) The agency shall evaluate options to finance the program with one billion dollars (\$1,000,000,000) to two billion dollars (\$2,000,000,000) annually. Options evaluated may include, but are not limited to, the issuance of revenue bonds, general obligation bonds, or other debt instruments, or other available alternatives.

(b) In developing the scope of the evaluation required by this section, the agency shall consult with the State Treasurer, the Legislature, and any other relevant stakeholders.

(c) On or before March 1, 2024, the agency shall submit a report on the evaluation to the Legislature in accordance with Section 9795 of the Government Code.

SEC. 16. Section 51529 is added to the Health and Safety Code, to read:

51529. Prior to the disbursement of the remainder of funding for the program appropriated in the 2022 Budget Act, and prior to the disbursement of any funding for the program that may be appropriated in the 2023 Budget Act, the agency shall review the program terms and parameters, and shall

implement adjustments designed to achieve the following program improvements:

- (a) Defining first-generation homebuyers.
- (b) Targeting funds to aid first-generation homebuyers.
- (c) Supporting an equitable distribution of program funds in different regions of the state.
- (d) Prioritizing participation by homebuyers in the lower tiers of the income eligibility structure.

SEC. 17. Section 107.7.2 of the Labor Code is amended to read:

107.7.2. The unit shall do all of the following:

(a) Assist and provide resources to women and nonbinary individuals, including, but not limited to, apprentices and journeypersons in the construction industry, including developing materials for employers and unions to promote the recruitment and retention of women and nonbinary individuals in construction, maintaining an internet website listing workers' rights, developing training materials specific to women and nonbinary individuals to navigate health and safety and wage and hour laws, and leadership training to increase the upward mobility of women and nonbinary individuals in construction careers.

(b) Provide resources for employers and project owners, including public agencies, to improve construction worksite culture, address barriers to employment, develop training and materials for workforce pipeline professionals specific to women and nonbinary individuals in construction, and interagency training.

(c) Upon request by a state agency and approval by the Secretary of Labor and Workforce Development, establish interagency agreements that shall include the requirements in subdivisions (a) and (b) to promote the recruitment and retention of women and nonbinary individuals in construction.

(d) Notwithstanding Section 3100, preapprenticeship programs shall be eligible for resources provided under this chapter.

SEC. 18. The heading of Part 12 (commencing with Section 2695.1) of Division 2 of the Labor Code is amended to read:

PART 12. SHEEPHERDERS AND GOAT HERDERS

SEC. 19. Section 2695.3 of the Labor Code is amended to read:

2695.3. (a) It is the intent of the Legislature to codify certain labor protections that should be afforded to goat herders. The provisions of this section are in addition to, and are entirely independent from, any other statutory or legal protections, rights, or remedies that are or may be available under this code or any other state law or regulation to goat herders either as individuals, employees, or persons.

(b) All terms used in this section and in Section 2695.4 have the meanings assigned to them by this code or any other state law or regulation.

(c) On or before January 1, 2026, the Department of Industrial Relations, in consultation with the Employment Development Department, shall issue a report, pursuant to Section 9795 of the Government Code, to the Legislature on employment of shepherders and goat herders in California. In preparing the report, the agency shall consult with stakeholders, including, but limited to, shepherd and goat herder employers and employees. The report shall, at a minimum, cover the following information:

(1) The results of the consultations with stakeholders, including shepherd and goat herder employers and employees.

(2) Wage violations, including minimum wage and overtime, and compliance with the labor standards in Sections 2695.2 and 2695.4.

(3) Demographic information on the employment of shepherders and goat herders, including the number of employers and number of employees.

(4) The use of H-2A visas in shepherding and goat herding.

(d) For purposes of this section and Section 2695.4, “goat herder” means an individual who is employed to do any of the following, including with the use of trained dogs:

(1) Tend herds of goats grazing or browsing on range or pasture.

(2) Move goats to and about an area assigned for grazing or browsing.

(3) Prevent goats from wandering or becoming lost.

(4) Protect goats against predators and the eating of poisonous plants.

(5) Assist in the kidding of goats.

(6) Provide water or feed supplementary rations to goats.

(e) This section shall remain in effect only until July 1, 2026, and as of that date is repealed.

SEC. 20. Section 2695.4 of the Labor Code is amended to read:

2695.4. (a) (1) For a goat herder employed on a regularly scheduled 24-hour shift on a seven-day-a-week “on-call” basis, an employer may, as an alternative to paying the minimum wage for all hours worked, instead pay no less than the monthly minimum wage specified in Section 4(E) of Wage Order No. 14-2001 of the Industrial Welfare Commission. Any goat herder who performs non-goat-herding work on any workday shall be fully covered for that workweek by the provisions of any applicable laws or regulations relating to that work.

(2) The amount of the monthly minimum wage permitted under paragraph (1) shall be increased each time that the state minimum wage is increased and shall become effective on the same date as any increase in the state minimum wage. The amount of the increase shall be determined by calculating the percentage increase of the new rate over the previous rate, and then by applying the same percentage increase to the minimum monthly wage rate.

(3) An employer shall not credit meals or lodging against the minimum wage owed to goat herders under this subdivision. Every employer shall provide to each goat herder not less than the minimum monthly meal and lodging benefits required to be provided by employers of goat herders under the provisions of the H-2A visa program of the federal Immigration and Nationality Act (8 U.S.C. Section 1101) or any successor provisions.

(b) (1) When tools or equipment are required by the employer or are necessary to the performance of a job, the tools and equipment shall be provided and maintained by the employer, except that a goat herder whose wages are at least two times the minimum wage provided herein, or if paid on a monthly basis, at least two times the monthly minimum wage, may be required to provide and maintain handtools and equipment customarily required by the trade or craft.

(2) A reasonable deposit may be required as security for the return of the items furnished by the employer under provisions of paragraph (1) upon issuance of a receipt to the goat herder for the deposit. The deposits shall be made pursuant to Article 2 (commencing with Section 400) of Chapter 3 of Part 1. Alternatively, with the prior written authorization of the goat herder, an employer may deduct from the goat herder's last check the cost of any item furnished pursuant to paragraph (1) when the item is not returned. No deduction shall be made at any time for normal wear and tear. All items furnished by the employer shall be returned by the goat herder upon completion of the job.

(c) No employer of goat herders shall employ a goat herder for a work period of more than five hours without a meal period of no less than 30 minutes, except that when a work period of not more than six hours will complete a day's work, the meal period may be waived by the mutual consent of the employer and the goat herder. An employer may be relieved of this obligation if a meal period of 30 minutes cannot reasonably be provided because no one is available to relieve a goat herder tending flock alone on that day. Where a meal period of 30 minutes can be provided but not without interruption, a goat herder shall be allowed to complete the meal period during that day.

(d) To the extent practicable, every employer shall authorize and permit all goat herders to take rest periods. The rest period, insofar as is practicable, shall be in the middle of each work period. The authorized rest times shall be based on the total hours worked daily at the rate of 10 minutes net rest time per four hours, or major fraction thereof, of work. However, a rest period need not be authorized for goat herders whose total daily worktime is less than three and one-half hours.

(e) When the nature of the work reasonably permits the use of seats, suitable seats shall be provided for goat herders working on or at a machine.

(f) During times when a goat herder is lodged in mobile housing units where it is feasible to provide lodging that meets the minimum standards established by this section because there is practicable access for mobile housing units, the lodging provided shall include at a minimum all of the following:

(1) Toilets and bathing facilities, which may include portable toilets and portable shower facilities.

(2) Heating.

(3) Inside lighting.

(4) Potable hot and cold water.

(5) Adequate cooking facilities and utensils.

(6) A working refrigerator, which may include a butane or propane gas refrigerator, or for no more than a one-week period during which a nonworking refrigerator is repaired or replaced, a means of refrigerating perishable food items, which may include ice chests, provided that ice is delivered to the shepherd, as needed, to maintain a continuous temperature required to retard spoilage and ensure food safety.

(g) All goat herders shall be provided with all of the following at each worksite:

(1) Regular mail service.

(2) (A) A means of communication through telephone or radio solely for use in a medical emergency affecting the goat herder or for an emergency relating to the herding operation. If the means of communication is provided by telephone, the goat herder may be charged for the actual cost of nonemergency telephone use, except where prohibited by Section 2802.

(B) Nothing in this paragraph shall preclude an employer from providing additional means of communication to the goat herder which are appropriate because telephones or radios are out of range or otherwise inoperable

(3) Visitor access to the housing.

(4) Upon request and to the extent practicable, access to transportation to and from the nearest locale where shopping, medical, or cultural facilities and services are available on a weekly basis.

(h) In addition to any other civil penalties provided by law, any employer or any other person acting on behalf of the employer who violates or causes to be violated the provisions of this section shall be subject to a civil penalty, as follows:

(1) For the initial violation, one hundred dollars (\$100) for each underpaid employee for each pay period during which the employee was underpaid, plus an amount sufficient to recover the unpaid wages.

(2) For any subsequent violation, two hundred fifty dollars (\$250) for each underpaid employee for each pay period during which the employee was underpaid, plus an amount sufficient to recover the unpaid wages.

(3) The affected employee shall receive payment of all wages recovered.

(i) If the application of any provision of any subdivision, sentence, clause, phrase, word, or portion of this legislation is held invalid, unconstitutional, unauthorized, or prohibited by statute, the remaining provisions thereof shall not be affected and shall continue to be given full force and effect as if the part held invalid or unconstitutional had not been included.

(j) Every employer of goat herders shall post a copy of this part in an area frequented by goat herders where it may be easily read during the workday. Where the location of work or other conditions make posting impractical, every employer shall make a copy of this part available to goat herders upon request. Copies of this part shall be posted and made available in a language understood by the goat herder. An employer is deemed to have complied with this subdivision if the employer posts where practical, or makes available upon request where posting is impractical, a copy of the Industrial Welfare Commission Order 14-2001, updated pursuant to subdivision (c) of Section 2695.1, relating to goat herders, provided that

the posted material includes a sufficient summary of each of the provisions of this part.

(k) This section shall remain in effect only until July 1, 2026, and as of that date is repealed.

SEC. 21. Section 716 of the Public Resources Code is amended to read:

716. (a) Upon approval by the Department of Finance, the department may exercise the same authority granted to the Division of the State Architect and the Real Estate Services Division in the Department of General Services, to plan, design, construct, and administer contracts and professional services for public works projects under the jurisdiction of the department.

(b) Any right afforded to the department pursuant to subdivision (a) to exercise project planning, design, construction, and administration of contracts and professional services may be revoked, in whole or in part, by the Department of Finance at any time.

SEC. 22. Section 17158.1 of the Revenue and Taxation Code is amended to read:

17158.1. (a) For taxable years beginning on or after January 1, 2020, and before January 1, 2025, gross income does not include grant allocations received by a taxpayer pursuant to the California Microbusiness COVID-19 Relief Program that is administered by the Office of Small Business Advocate pursuant to Article 9 (commencing with Section 12100.90) of Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code.

(b) Section 41 shall not apply to the exclusion allowed by this section.

SEC. 23. Section 24311 of the Revenue and Taxation Code is amended to read:

24311. (a) For taxable years beginning on or after September 1, 2020, and before January 1, 2025, gross income does not include grant allocations received by a taxpayer pursuant to the California Microbusiness COVID-19 Relief Program that is administered by the Office of Small Business Advocate pursuant to Article 9 (commencing with Section 12100.90) of Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code.

(b) Section 41 shall not apply to the exclusion allowed by this section.

SEC. 24. Section 43101.1 is added to the Revenue and Taxation Code, to read:

43101.1. (a) Every person, as defined in Section 25118 of the Health and Safety Code, who is subject to the fee imposed pursuant to Section 25205.5.2 of the Health and Safety Code shall register with the California Department of Tax and Fee Administration on forms provided by the California Department of Tax and Fee Administration.

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

SEC. 25. Section 985 of the Unemployment Insurance Code is amended to read:

985. (a) Section 984 shall not apply to that part of the remuneration which, after remuneration with respect to employment equal to four times the maximum weekly benefit for each calendar year specified in Section

2655 multiplied by 13 and divided by 55 percent has been paid to an individual by an employer, is paid to the individual by the employer.

(b) This section shall not apply with respect to wages paid on or after January 1, 2024.

SEC. 26. The Legislature hereby finds and declares that the exclusion authorized by Sections 17158.1 and 24311 of the Revenue and Taxation Code, as extended by this act, serves the public purpose of securing the financial condition of businesses that were economically harmed by the COVID-19 pandemic and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

SEC. 27. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order No. N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 6 of this act, which adds and repeals Section 11133 of the Government Code, increases and potentially limits the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

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

SEC. 28. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs of the Candlestick Point-Hunters Point Shipyard projects located in the City and County of San Francisco.

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

SEC. 30. The sum of one million dollars (\$1,000,000) is hereby appropriated from the Labor and Workforce Development Fund to the Department of Industrial Relations, in consultation with the Employment Development Department, to develop a report on the employment of shepherders and goat herders pursuant to Section 2695.3 of the Labor Code, as amended by this act. These funds shall be available for encumbrance or expenditure until June 30, 2026.

SEC. 31. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

O

Public Law 117–333
117th Congress

An Act

To make permanent certain educational assistance benefits under the laws administered by the Secretary of Veterans Affairs in the case of changes to courses of education by reason of emergency situations, and for other purposes.

Jan. 5, 2023

[H.R. 7939]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Auto and Education Improvement Act of 2022”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Educational assistance benefits during emergency situations.
- Sec. 3. Extension of time limitations for use of entitlement.
- Sec. 4. Extension of payment of vocational rehabilitation subsistence allowances.
- Sec. 5. Payment of work-study allowances during emergency situations.
- Sec. 6. Payment of allowances to veterans enrolled in educational institutions closed for emergency situations.
- Sec. 7. Apprenticeship or on-job training requirements.
- Sec. 8. Prohibition of charge to entitlement of students unable to pursue a program of education due to an emergency situation.
- Sec. 9. Department of Veterans Affairs approval of certain study-abroad programs.
- Sec. 10. Eligibility for educational assistance under Department of Veterans Affairs Post-9/11 Educational Assistance Program of certain individuals who receive sole survivorship discharges.
- Sec. 11. Uniform application for Department of Veterans Affairs approval of courses of education.
- Sec. 12. Notice requirements for Department of Veterans Affairs education surveys.
- Sec. 13. Exception to requirement to submit verification of enrollment of certain individuals.
- Sec. 14. Expansion of eligibility for self-employment assistance under veteran readiness and employment program.
- Sec. 15. Possible definitions of certain terms relating to educational assistance.
- Sec. 16. Extension of certain limits on payments of pension.
- Sec. 17. Termination of certain consumer contracts by servicemembers and dependents who enter into contracts after receiving military orders for permanent change of station but then receive stop movement orders due to an emergency situation.
- Sec. 18. Residence for tax purposes.
- Sec. 19. Portability of professional licenses of members of the uniformed services and their spouses.
- Sec. 20. Provision of nonarticulating trailers as adaptive equipment.
- Sec. 21. Eligibility for Department of Veterans Affairs provision of additional automobile or other conveyance.
- Sec. 22. Department of Veterans Affairs treatment of certain vehicle modifications as medical services.
- Sec. 23. Determination of budgetary effects.

SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING EMERGENCY SITUATIONS.

(a) **IN GENERAL.**—Chapter 36 of title 38, United States Code, is amended—

Veterans Auto
and Education
Improvement Act
of 2022.
38 USC 101 note.

38 USC
prec. 3670, 3680.

(1) by redesignating subchapters I and II as subchapters II and III, respectively; and

(2) by inserting before subchapter II, as so redesignated, the following new subchapter:

38 USC
prec. 3601.

“SUBCHAPTER I—EMERGENCY SITUATIONS

38 USC 3601.

“§ 3601. Definition of emergency situation

“In this chapter, the term ‘emergency situation’ means a situation that—

President.
Determination.

“(1) the President declares is an emergency; and

“(2) the Secretary determines is an emergency for purposes of the laws administered by the Secretary.

38 USC 3602.

“§ 3602. Continuation of educational assistance benefits during emergency situations

“(a) AUTHORITY.—(1) If the Secretary determines under subsection (c) that an individual is negatively affected by an emergency situation, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur.

“(2) The authority under this section is in addition to the other authorities of the Secretary to provide benefits in emergency situations, but in no case may the Secretary provide more than a total of four weeks of additional educational assistance by reason of any other such authority and this section.

“(b) HOUSING AND ALLOWANCES.—In providing educational assistance to an individual pursuant to subsection (a), the Secretary may—

“(1) continue to pay a monthly housing stipend under chapter 33 of this title, during a month the individual would have been enrolled in a program of education or training but for the emergency situation at the same rate such stipend would have been payable if the individual had not been negatively affected by the emergency situation, except that the total number of weeks for which stipends may continue to be so payable may not exceed four weeks; and

“(2) continue to pay payments or subsistence allowances under chapters 30, 31, 32, 33, and 35 of this title and chapter 1606 of title 10 during a month for a period of time that the individual would have been enrolled in a program of education or training but for the emergency situation, except that the total number of weeks for which payments or allowances may continue to be so payable may not exceed four weeks.

“(c) DETERMINATION OF NEGATIVE EFFECTS.—The Secretary shall determine that an individual was negatively affected by an emergency situation if—

“(1) the individual is enrolled in a covered program of education of an educational institution or enrolled in training at a training establishment and is pursuing such program or training using educational assistance under the laws administered by the Secretary;

Certification.

“(2) the educational institution or training establishment certifies to the Secretary that such program or training is truncated, delayed, relocated, canceled, partially canceled, converted from being on-site to being offered by distance learning,

or otherwise modified or made unavailable by reason of the emergency situation; and

“(3) the Secretary determines that the modification to such program or training specified under paragraph (2) would reduce the amount of educational assistance (including with respect to monthly housing stipends, payments, or subsistence allowances) that would be payable to the individual but for the emergency situation.

“(d) **EFFECT ON ENTITLEMENT PERIOD.**—If the Secretary determines that an individual who received assistance under this section did not make progress toward the completion of the program of education in which the individual is enrolled during the period for which the individual received such assistance, any assistance provided pursuant to this section shall not be counted for purposes of determining the total amount of an individual’s entitlement to educational assistance, housing stipends, or payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10. Determination.

“§ 3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations 38 USC 3603.

“In the case of a program of education approved by a State approving agency, or the Secretary when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution or training establishment to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any—

“(1) monthly housing stipends under chapter 33 of this title; or

“(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10.

“§ 3604. Effects of closure of educational institution and modification of courses by reason of emergency situation 38 USC 3604.

“(a) **CLOSURE OR DISAPPROVAL.**—Any payment of educational assistance described in subsection (b) shall not—

“(1) be charged against any entitlement to educational assistance of the individual concerned; or

“(2) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

“(b) **EDUCATIONAL ASSISTANCE DESCRIBED.**—Subject to subsection (d), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, if the Secretary determines that the individual— Determination.

“(1) was unable to complete such course or program as a result of—

Applicability.	<p>“(A) the closure of the educational institution, or the full or partial cancellation of a course or program of education, by reason of an emergency situation; or</p> <p>“(B) the disapproval of the course or a course that is a necessary part of that program under this chapter because the course was modified by reason of such emergency; and</p> <p>“(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.</p>
Time period.	<p>“(c) HOUSING ASSISTANCE.—In this section, educational assistance includes, as applicable—</p> <p>“(1) monthly housing stipends payable under chapter 33 of this title for any month the individual would have been enrolled in a course or program of education; and</p> <p>“(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10 during a month the individual would have been enrolled in a course or program of education.</p> <p>“(d) PERIOD NOT CHARGED.—The period for which, by reason of this section, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—</p> <p>“(1) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and</p> <p>“(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.</p>
Determination.	<p>“(e) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a programmatic basis, that—</p> <p>“(A) such disapproval is the result of an action described in subsection (b)(1)(B); and</p> <p>“(B) continuing pursuing such course is in the best interest of the individual.</p> <p>“(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, as of the date on which the course is disapproved as described in subsection (b)(1)(B).</p> <p>“(f) STATUS AS FULL-TIME STUDENT FOR PURPOSES OF HOUSING STIPEND CALCULATION.—In the case of an individual who, as of the first day of an emergency situation was enrolled on a full-time basis in a program of education and was receiving educational assistance under chapter 33 of this title or subsistence allowance under chapter 31 of this title, and for whom the Secretary makes a determination under subsection (b), the individual shall be treated as an individual enrolled in a program of education on a full-time basis for the purpose of calculating monthly housing stipends payable under chapter 33 of this title, or subsistence allowance payable under chapter 31 of this title, for any month the individual is enrolled in the program of education on a part-time basis to complete any course of education that was partially or fully canceled by reason of the emergency situation.</p>

“(g) NOTICE OF CLOSURES.—Not later than five business days after the date on which the Secretary receives notice that an educational institution will close or is closed by reason of an emergency situation, the Secretary shall provide to each individual who is enrolled in a course or program of education at such educational institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 of title 10 notice of—

Deadline.

“(1) such closure and the date of such closure; and

“(2) the effect of such closure on the individual’s entitlement to educational assistance pursuant to this section.

“§ 3605. Payment of educational assistance in cases of withdrawal 38 USC 3605.

“(a) IN GENERAL.—In the case of any individual who withdraws from a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title for a covered reason during the period of an emergency situation, the Secretary shall find mitigating circumstances for purposes of section 3680(a)(1)(C)(ii) of this title.

“(b) COVERED REASON.—In this section, the term ‘covered reason’ means any reason related to an emergency situation, including—

Definition.

“(1) illness, quarantine, or social distancing requirements;

“(2) issues associated with accessibility;

“(3) access or availability of childcare;

“(4) providing care for a family member or cohabitants;

“(5) change of location or residence due to the emergency situation or associated school closures;

“(6) employment changes or financial hardship; and

“(7) issues associated with changes in format or medium of instruction.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended—

38 USC prec. 3601.

(1) by striking the item relating to subchapter II and inserting the following new item:

“SUBCHAPTER III—MISCELLANEOUS PROVISIONS”.

(2) by striking the item relating to subchapter I and inserting the following new item:

“SUBCHAPTER II—STATE APPROVING AGENCIES”.

(3) by inserting before the item relating to subchapter II the following new items:

“SUBCHAPTER I—EMERGENCY SITUATIONS

“3601. Definition of emergency situation.

“3602. Continuation of educational assistance benefits during emergency situations.

“3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations.

“3604. Effects of closure of educational institution and modification of courses by reason of emergency situation.

“3605. Payment of educational assistance in cases of withdrawal.”

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Sections 1102, 1103, and 1104 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315).

(2) Public Law 116–128.

38 USC note prec. 3001.
38 USC note prec. 3001.

SEC. 3. EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT.

(a) MONTGOMERY BI BILL.—Section 3031 of title 38, United States Code, is amended by adding at the end the following new subsection:

Time period.

“(i) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual’s chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, such 10-year period—

“(1) shall not run during the period the individual is so prevented from pursuing such program; and

“(2) shall again begin running on the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter.”.

(b) POST-9/11 EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 3321(b)(1) of such title is amended—

(A) by inserting “(A)” before “Subsections”;

(B) in subparagraph (A), as designated by subparagraph (A), by striking “and (d)” and inserting “(d), and (i)”;

(C) by adding at the end the following new subparagraph:

Applicability.

“(B) Subsection (i) of section 3031 shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.”.

(2) TRANSFER PERIOD.—Section 3319(h)(5) of such title is amended—

(A) in subparagraph (A), by inserting “or (C)” after “subparagraph (B)”;

(B) by adding at the end the following new subparagraph:

Determination.
Extension.

“(C) EMERGENCY SITUATIONS.—In any case in which the Secretary determines that an individual to whom entitlement is transferred under this section has been prevented from pursuing the individual’s chosen program of education before the individual attains the age of 26 years because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, the Secretary shall extend the period during which the individual may use such entitlement for a period equal to the number of months that the individual was so prevented from pursuing the program of education, as determined by the Secretary.”.

(c) VOCATIONAL REHABILITATION AND TRAINING.—

(1) PERIOD FOR USE.—Section 3103 of such title is amended—

(A) in subsection (a), by striking “or (g)” and inserting “(g), or (h)”;

(B) by adding at the end the following new subsection:

“(h) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the 12-year period of eligibility prescribed in subsection (a) due to an emergency situation, such 12-year period—

Determination.
Deadline.

“(1) shall not run during the period the individual is so prevented from participating such program; and

“(2) shall again begin running on the first day after the individual is able to resume participation in such program.”.

(2) DURATION OF PROGRAM.—Section 3105(b) of such title is amended—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by adding at the end the following new paragraph:

“(3)(A) In any case in which the Secretary determines that a veteran has been prevented from participating in counseling and placement and postplacement services described in paragraphs (2) and (5) of section 3104(a) of this title due to an emergency situation, the Secretary shall extend the period during which the Secretary may provide such counseling and placement and postplacement services for the veteran for a period equal to the number of months that the veteran was so prevented from participating in such counseling and services, as determined by the Secretary.

Determinations.
Extensions.

“(B) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter due to an emergency situation, the Secretary shall extend the period of the veteran’s vocational rehabilitation program for a period equal to the number of months that the veteran was so prevented from participating in the vocational rehabilitation program, as determined by the Secretary.”.

(d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) In any case in which the Secretary concerned determines that a person entitled to educational assistance under this chapter has been prevented from using such person’s entitlement due to an emergency situation, the Secretary concerned shall extend the period of entitlement prescribed in subsection (a) for a period equal to the number of months that the person was so prevented from using such entitlement, as determined by the Secretary.”.

Determination.
Extension.

(e) EMERGENCY SITUATION DEFINED.—

(1) POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.—Section 3301 of title 38, United States Code, is amended—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The term ‘emergency situation’ has the meaning given such term in section 3601 of this title.”.

(2) MGIB.—Section 3002 of such title is amended by adding at the end the following new paragraph:

“(9) The term ‘emergency situation’ has the meaning given such term in section 3601 of this title.”.

(3) VOCATIONAL REHABILITATION AND TRAINING.—

(A) IN GENERAL.—Section 3101 of such title is amended—

(i) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following new paragraph:

“(10) The term ‘emergency situation’ has the meaning given such term in section 3601 of this title.”

(B) CONFORMING AMENDMENTS.—Such title is amended—

(i) in section 1728(a)(4)(A), by striking “section 3101(9) of” and inserting “section 3101 of”; and

(ii) in section 3695(b), by striking “in section 3101(5)” and inserting “in section 3101”.

(4) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section 16133 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) In this section, the term ‘emergency situation’ has the meaning given such term in section 3601 of title 38.”

(f) CONFORMING REPEAL.—Section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES.

(a) IN GENERAL.—Section 3104 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e) In the case of any veteran whom the Secretary determines is satisfactorily following a program of employment services provided under subsection (a)(5) during the period of an emergency situation, the Secretary may pay the veteran a subsistence allowance, as prescribed in section 3108 of this title for full-time training for the type of program that the veteran was pursuing, for two additional months, if the Secretary determines that the veteran is negatively affected by the emergency situation.”

(b) CONFORMING REPEAL.—Section 8 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 5. PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3485 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) In case of an individual who is in receipt of work-study allowance pursuant to an agreement described in subsection (a)(3) as of the date on which an emergency situation occurs and who is unable to continue to perform qualifying work-study activities described in subsection (a)(4) by reason of the emergency situation—

“(A) the Secretary may continue to pay work-study allowance under this section or make deductions described in subsection (e)(1) during the period of such emergency situation, notwithstanding the inability of the individual to perform such work-study activities by reason of such emergency situation; and

“(B) at the option of the individual, the Secretary shall extend the agreement described in subsection (a)(3) with the individual for any subsequent period of enrollment initiated during the emergency situation, notwithstanding the inability

10 USC 16133
note; 38 USC
3031 note, 3105
note, 3319 note,
3321 note.

Determination.

38 USC 3108
note.

of the individual to perform work-study activities described in subsection (a)(4) by reason of such emergency situation.

“(2) The amount of work-study allowance payable to an individual under paragraph (1)(A) during the period of an emergency situation shall be an amount determined by the Secretary but may not exceed the amount that would be payable under subsection (a)(2) if the individual worked 25 hours per week paid during such period.

Determination.

“(3) The term ‘emergency situation’ has the meaning given that term in section 3601 of this title.”.

Definition.

(b) CONFORMING REPEAL.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

38 USC 3485
note.

SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS ENROLLED IN EDUCATIONAL INSTITUTIONS CLOSED FOR EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3680 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h) PAYMENTS DURING EMERGENCY SITUATIONS.—(1) The Secretary may pay allowances to an eligible veteran or eligible person under subsection (a)(2)(A), if the veteran or person is enrolled in a program or course of education that—

“(A) is provided by an educational institution or training establishment that is closed by reason of an emergency situation; or

“(B) is suspended by reason of an emergency situation.

“(2) The total number of weeks for which allowances may be paid by reason of this subsection may not exceed four weeks.

“(3) Any amount paid under this subsection shall not be counted for purposes of the limitation on allowances under subsection (a)(2)(A).”.

(b) CONFORMING REPEAL.—Section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

38 USC 3680
note.

SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.

(a) IN GENERAL.—Section 3687(e) of title 38, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2)(A) Subject to subparagraphs (B) and (C), for any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

“(B) In the case of an individual who is unemployed by reason of an emergency situation during any month, the 120-hour requirement under subparagraph (A) for that month shall be reduced proportionately to reflect the individual’s period of unemployment, except that the amount of monthly training assistance otherwise payable to the individual under subsection (b)(3) shall not be reduced.

“(C) Any period during which an individual is unemployed by reason of an emergency situation shall not—

“(i) be charged against any entitlement to educational assistance of the individual; or

“(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

“(D) Any amount by which the entitlement of an individual is reduced under subparagraph (A) shall not—

“(i) be charged against any entitlement to educational assistance of the individual; or

“(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

“(E)(i) In the case of an individual who fails to complete 120 hours of training during a month, but who completed more than 120 hours of training during the preceding month, the individual may apply the number of hours in excess of 120 that the individual completed for that month to the month for which the individual failed to complete 120 hours. If the addition of such excess hours results in a total of 120 hours or more, the individual shall be treated as an individual who has completed 120 hours of training for that month. Any excess hours applied to a different month under this subparagraph may only be applied to one such month.

Applicability.

“(F) This paragraph applies to amounts described in section 3313(g)(3)(B)(iv) and section 3032(c)(2) of this title and section 16131(d)(2) of title 10.

Definition.

“(G) In this paragraph:

“(i) The term ‘unemployed’ includes being furloughed or being scheduled to work zero hours.

“(ii) The term ‘fails to complete 120 hours of training’ means, with respect to an individual, that during any month, the individual completes at least one hour, but fewer than 120 hours, of training, including in a case in which the individual is unemployed for part of, but not the whole, month.”.

(b) CONFORMING REPEAL.—Section 1106 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is repealed.

38 USC 3687
note.

SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF STUDENTS UNABLE TO PURSUE A PROGRAM OF EDUCATION DUE TO AN EMERGENCY SITUATION.

(a) PERMANENT APPLICABILITY.—Section 3699(b)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B)(ii), by striking “and” at the end and inserting “or” ; and

(3) by adding at the end the following new subparagraph:

“(C) the temporary closure of an educational institution or training establishment or the temporary closure or termination of a course or program of education by reason of an emergency situation; and”.

(b) CONFORMING REPEAL.—Section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

38 USC 3699
note.
Time period.

SEC. 9. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN STUDY-ABROAD PROGRAMS.

(a) IN GENERAL.—Section 3680A(f) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The Secretary” and inserting “(1) Except as provided in paragraph (2), the Secretary”; and

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a covered study-abroad course, the Secretary may approve the course for a period of not more than five years, if the contract or other written agreement under which the course is offered provides that—

Contracts.

“(i) the educational institution that offers a course that is approved under this chapter agrees—

“(I) to assume responsibility for the quality and content of the covered study-abroad course; and

“(II) to serve as the certifying official for the course for purposes of this chapter; and

“(ii) the educational institution that offers the covered study-abroad course agrees to seek the approval of the course under this chapter by not later than five years after the date of the agreement.

Deadline.

“(B) In this paragraph, the term ‘covered study-abroad course’ means a course that—

Definition.

“(i) is provided as a part of a program of education offered by an educational institution under a contract or other written agreement by another educational institution that offers a course that is approved under this chapter;

“(ii) is provided at a location in a foreign country; and

“(iii) has not been approved under this chapter.”.

(b) TREATMENT OF CERTAIN COURSES.—In the case of any covered study-abroad course, under the meaning given such term in subparagraph (B) of paragraph (2) of subsection (f) of section 3680A of title 38, United States Code, as added by subsection (a), that is being offered under a contract or other written agreement as of the date of the enactment of this Act, the Secretary of Veterans Affairs may approve such course under such paragraph (2) for the five-year period beginning on the date of the enactment of this Act, if such contract or other written agreement meets the criteria provided in subparagraph (A) of such paragraph.

Effective date.
38 USC 3680A
note.

SEC. 10. ELIGIBILITY FOR EDUCATIONAL ASSISTANCE UNDER DEPARTMENT OF VETERANS AFFAIRS POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF CERTAIN INDIVIDUALS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGES.

Sgt. Wolf Kyle
Weninger
Veterans
Education
Fairness Act of
2022.
38 USC 101 note.

(a) SHORT TITLE.—This section may be cited as the “Sgt. Wolf Kyle Weninger Veterans Education Fairness Act of 2022”.

(b) ELIGIBILITY.—Subsection (b)(2) of section 3311 of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “who”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting such clause two ems to the right;

(3) by inserting before clause (i), as so redesignated, the following new subparagraph (A):

“(A) who—”;

(4) in subparagraph (A)(ii), as so redesignated—

(A) by striking “in subparagraph (A)” and inserting “in clause (i)”; and

(B) by striking the period and inserting “or by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10); or”;

(5) by adding at the end the following new subparagraph

(B):

“(B) who—

“(i) commencing on or after September 11, 2001, completes at least 30 continuous days of service described in subsection (d) (1) or (2); and

“(ii) after completion of service described in clause (i), is discharged or released by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).”.

(c) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking “The following” and inserting “Except as provided in subsection (b)(2)(B), the following”.

Requirements.
State and local
governments.

SEC. 11. UNIFORM APPLICATION FOR DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF COURSES OF EDUCATION.

(a) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by inserting after section 3672 the following new section:

38 USC 3672A.

“§ 3672A. Uniform application

“(a) IN GENERAL.—(1) The Secretary, in partnership with State approving agencies, educational institutions, and training establishments, shall require the use of a uniform application by any educational institution or training establishment seeking the approval of a new course of education under this chapter.

“(2) The Secretary shall maintain one uniform application for institutions of higher learning and one such application for other educational institutions and training establishments.

“(3) In the case of any State that uses approval criteria not covered by a uniform application under this section, the State approving agency for that State shall require the use of the uniform application and may require the submittal of additional information.

“(b) REQUIREMENTS.—The uniform application required under subsection (a) shall meet the following requirements:

“(1) A requirement that the appropriate executive of the educational institution or training establishment seeking the approval of a course of education attests on behalf of the educational institution or training establishment that the educational institution or training establishment—

“(A) is in compliance with all applicable laws and regulations relating to the approval of courses of education under this chapter; and

“(B) during the five-year period preceding the date of the application—

Time period.

“(i) has not been subject to, or been party to a contract with any individual or entity that has been subject to, any adverse administrative or judicial action that—

“(I) related to the instruction or training, including with respect to the quality of education, provided by the institution or establishment; and

“(II) resulted in a fine or penalty in an amount equal to or more than five percent of the amount of funding provided to the institution or establishment under title IV of the Higher Education Act of 1965 for the fiscal year preceding the year in which the application is submitted; or

“(ii) has not employed an individual, or been party to a contract with any individual or entity, that has been convicted of a Federal fraud charge related to the instruction or training provided by the institution or establishment.

“(2) In the case of any educational institution or training establishment that is not participating in title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a requirement for the inclusion of—

“(A) a copy of—

Records.

“(i) the articles of incorporation filed on behalf of the institution or establishment or proof of licensing to operate as an educational institution or training establishment in the State where the institution or establishment is located; and

“(ii) the financial position of the institution or establishment, as prepared by an appropriate third-party entity; or

“(B) other adequate evidence, as determined by the Secretary, that the institution or establishment is authorized to provide post-secondary education or training in the State where the institution or establishment is located.

Determination.

“(3) In the case of any course of education that is offered by an educational institution or training establishment that has never offered a course of education that was approved under this chapter, a requirement for the inclusion of information about the course of education covered by the application, including—

“(A) the number of students who have entered and graduated from the course during the preceding two-year period; and

Time period.

“(B) if available, the cohort default rate for funds provided to the institution or establishment under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(4) In the case of any educational institution or training establishment that is not an institution of higher learning, a requirement for the inclusion of—

Lists.

“(A) a list of individuals who will serve as fully qualified instructors for the course of education, as of the date of the application, and an attestation that such individuals—

“(i) have a degree or other training, as appropriate, in the field of the course;

“(ii) effectively teach the skills offered under the course; and

“(iii) have demonstrated relevant industry experience in the field of the course; and

“(B) a list of individuals who will serve as career services employees for students enrolled in the course and an attestation that such individuals are skilled at identifying professions in the relevant industry that are in need of new employees to hire, tailoring the course of education to meet market needs, and identifying the employers likely to hire graduates.

“(c) REQUIREMENTS FOR STATE APPROVING AGENCIES.—During the approval process with respect to a uniform application submitted

Determination.

by an educational institution or training establishment, a State approving agency, or the Secretary when acting in the role of a State approving agency, shall contact the Secretary of Education to determine whether the course of education subject to such approval process has withdrawn, or been denied or suspended, from receiving for benefits under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(d) APPROPRIATE EXECUTIVE.—In this section, the appropriate executive of an educational institution or training establishment is a senior executive official, senior administrator, owner, or operator designated by the institution or establishment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3672 the following new item:

“3672A. Uniform application.”.

(c) APPLICABILITY.—The application required by section 3672A of title 38, United States Code, as added by subsection (a), shall—

- (1) be developed by not later than October 1, 2023; and
- (2) be required for the approval of any new course of education proposed on or after that day.

38 USC
prec. 3601.

38 USC 3672A
note.

Deadline.

Time periods.

SEC. 12. NOTICE REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS EDUCATION SURVEYS.

(a) RISK-BASED SURVEY.—Section 3673A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) NOTICE.—To the maximum amount feasible, the Secretary, or a State approving agency, as applicable, shall provide not more than one business day of notice to an educational institution before conducting a targeted risk-based survey of the institution under this section.”.

(b) COMPLIANCE SURVEYS.—Section 3693 of title 38, United States Code, is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following new subsection (c):

“(c) To the maximum extent feasible, the Secretary, or a State approving agency, as applicable, shall provide not more than 10 business days of notice to an educational institution or training establishment before conducting a compliance survey of the institution or establishment under this section.”.

SEC. 13. EXCEPTION TO REQUIREMENT TO SUBMIT VERIFICATION OF ENROLLMENT OF CERTAIN INDIVIDUALS.

Section 3313(l) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking “The Secretary” and inserting “Except as provided in paragraph (4), the Secretary”; and

(2) by striking paragraph (4) and inserting the following new paragraph (4):

“(4) EXCEPTION.—An educational institution is not required to submit verification of an individual under paragraph (1)(A) if—

“(A) the individual is enrolled in a course or program of education offered by the educational institution on at

least a full-time basis before the date on which the individual is able to withdraw from the course or program of education without penalty;

“(B) the educational institution charges the same amount of tuition and fees for students who are enrolled on a full-time basis and students who are enrolled on a more-than-full-time basis; and

“(C) the individual remains enrolled in the course or program of education after the date on which the individual is able to withdraw from the course or program of education without penalty.”

SEC. 14. EXPANSION OF ELIGIBILITY FOR SELF-EMPLOYMENT ASSISTANCE UNDER VETERAN READINESS AND EMPLOYMENT PROGRAM.

(a) **EXPANSION OF ELIGIBILITY.**—Paragraph (12) of subsection (a) of section 3104 of title 38, United States Code, is amended to read as follows:

“(12) Such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for a veteran to begin self-employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.”

Criteria.
Costs.
Regulations.

(b) **PRIORITY.**—Subsection (c)(1) of such section is amended by inserting before the first period the following: “, including with respect to providing priority for services under subsection (a)(12) to veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment”.

(c) **TECHNICAL AMENDMENTS.**—Section 3117 of such title is amended—

(1) in subsection (a)(2)(C), by striking “this clause” and inserting “this subparagraph”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “insure” and inserting “ensure”; and

(B) in paragraph (2), by striking “clause” both places it appears and inserting “paragraph”.

SEC. 15. POSSIBLE DEFINITIONS OF CERTAIN TERMS RELATING TO EDUCATIONAL ASSISTANCE.

Reports.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report containing possible definitions of the Secretary for each of the following terms:

(1) Student services.

(2) Marketing.

(3) Classroom instruction.

SEC. 16. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF PENSION.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “October 30, 2028” and inserting “November 30, 2031”.

SEC. 17. TERMINATION OF CERTAIN CONSUMER CONTRACTS BY SERVICEMEMBERS AND DEPENDENTS WHO ENTER INTO CONTRACTS AFTER RECEIVING MILITARY ORDERS FOR PERMANENT CHANGE OF STATION BUT THEN RECEIVE STOP MOVEMENT ORDERS DUE TO AN EMERGENCY SITUATION.

(a) **IN GENERAL.**—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) in the section heading, by striking “**TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, AND INTERNET ACCESS SERVICE**” and inserting “**CERTAIN CONSUMER**”;

(2) in subsection (a)—

(A) in the heading, by adding “**OR DEPENDENT OF A SERVICEMEMBER**” at the end;

(B) in paragraph (1)—

(i) by striking “after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.” and inserting “after—”; and

(ii) by adding at the end the following:

“(A) the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract; or

“(B) the date the servicemember, while in military service, receives military orders for a permanent change of station, thereafter enters into the contract, and then receives a stop movement order issued by the Secretary of Defense or the Secretary of Homeland Security in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, that prevents the servicemember from using the services provided under the contract.”; and

(C) in paragraph (4), by adding at the end the following new subparagraph:

“(D) The spouse or dependent of a servicemember, described in paragraph (1)(B), who accompanies such servicemember during the period of relocation.”;

(3) by striking subsection (b) and inserting the following:

“(b) **COVERED CONTRACTS.**—A contract described in this subsection is a contract—

“(1) for—

“(A) commercial mobile service;

“(B) telephone exchange service;

“(C) internet access service;

“(D) multichannel video programming service;

“(E) a gym membership or fitness program; or

“(F) home security services; and

“(2) entered into by a servicemember before receiving the military orders referred to in subsection (a)(1).”; and

(4) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting, after paragraph (1), the following new paragraph (2):

“(2) The terms ‘military orders’ and ‘permanent change of station’ have the meanings given such terms in section 305.”.

Time periods.

(b) **RETROACTIVE APPLICATION.**—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020. 50 USC 3956 note.

SEC. 18. RESIDENCE FOR TAX PURPOSES.

Section 511(a) of the Servicemembers Civil Relief Act (50 U.S.C. 4001(a)) is amended by striking paragraph (2) and inserting the following:

“(2) **SPOUSES.**—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember’s military orders.

“(3) **ELECTION.**—For any taxable year of the marriage, a servicemember and the spouse of such servicemember may elect to use for purposes of taxation, regardless of the date on which the marriage of the servicemember and the spouse occurred, any of the following:

“(A) The residence or domicile of the servicemember.

“(B) The residence or domicile of the spouse.

“(C) The permanent duty station of the servicemember.”.

SEC. 19. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) **IN GENERAL.**—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES. 50 USC 4025a.

“(a) **IN GENERAL.**—In any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

“(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located; Records.

“(2) remains in good standing with—

“(A) the licensing authority that issued the covered license; and

“(B) every other licensing authority that has issued to the servicemember or the spouse of a servicemember a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority;

“(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

“(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.

“(c) COVERED LICENSE DEFINED.—In this section, the term ‘covered license’ means a professional license or certificate—

“(1) that is in good standing with the licensing authority that issued such professional license or certificate;

“(2) that the servicemember or spouse of a servicemember has actively used during the two years immediately preceding the relocation described in subsection (a); and

“(3) that is not a license to practice law.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

“Sec. 705A. Portability of professional licenses of servicemembers and their spouses.”.

SEC. 20. PROVISION OF NONARTICULATING TRAILERS AS ADAPTIVE EQUIPMENT.

Section 3901(2) of title 38, United States Code, is amended—

(1) by striking “and special” and inserting “special”; and

(2) by striking “conveyance.” and inserting “conveyance, and nonarticulating trailers solely designed to transport powered wheelchairs, powered scooters, or other similar mobility devices.”.

SEC. 21. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ADDITIONAL AUTOMOBILE OR OTHER CONVEYANCE.

Section 3903(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

Time periods.

“(3) The Secretary may provide or assist in providing an eligible person with an additional automobile or other conveyance under this chapter—

“(A) if more than 30 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter; or

Effective date.

“(B) beginning on the day that is 10 years after date of the enactment of the Veterans Auto and Education Improvement Act of 2022, if more than 10 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter.”.

SEC. 22. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF CERTAIN VEHICLE MODIFICATIONS AS MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(I) The provision of medically necessary van lifts, raised doors, raised roofs, air conditioning, and wheelchair tie-downs for passenger use.”.

SEC. 23. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 5, 2023.

LEGISLATIVE HISTORY—H.R. 7939:**CONGRESSIONAL RECORD, Vol. 168 (2022):**

Sept. 13, considered in House.

Sept. 14, prior proceedings vacated; considered and passed House.

Dec. 20, considered and passed Senate, amended.

Dec. 21, 22, House considered and concurred in Senate amendment.



**SB 372 (Menjivar, D-San Fernando Valley/Burbank)
(Coauthors: Senators Cortese (D-San Jose) and Wiener (D-San Francisco))
(Coauthors: Assembly Members Haney (D-San Francisco), Lee (D-San Jose),
Pellerin (D-Santa Cruz), and Wallis (R-Palm Springs))**

**Department of Consumer Affairs: licensee and registrant records:
name and gender changes.**

Status/History: 9/11/2023 – Enrolled and presented to the Governor.

Location: 9/11/2023 – Enrolled and presented to the Governor.

Introduced: 2/9/2023

Last Amended: 9/1/2023

Board Position: Support (as of 7/27/2023)

Board Staff Analysis: 9/21/2023

Bill Summary: This bill would require a board to update a licensee’s records, including records contained within an online verification system, to include the licensee’s updated legal name or gender if the board receives government-issued documentation, as described, from the licensee demonstrating that the licensee’s legal name or gender has been changed. The bill would also require the board to remove the licensee’s former name or gender from its online verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. Additionally, the bill would require the board, if requested, to reissue specified documents issued to the licensee with their updated legal name or gender.

Affected Laws: An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill is co-sponsored by the California Association of Marriage and Family Therapists, California State Association of Psychiatrists, California Association of Social Rehabilitation Agencies, California Council of Community Behavioral Health Agencies, California Psychological Association, California Association for Licensed Professional Clinical Counselors, National Association of Social Workers – CA Chapter, and Psychiatric Physicians Alliance of California. According to the Author, “Deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online. When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people. It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system.”

At its April 13, 2023, meeting, the Board voted to take a position of “Watch” on the bill and also directed that a letter be sent to the author expressing the Board’s concerns that the final language strike an appropriate balance between the legitimate need to preserve the confidentiality of gender and name changes with the public’s legitimate need for access to disciplinary information under the former name and gender.

SB 372 was amended on April 20, 2023, to address concerns that had been raised regarding the use of the term “complaint” rather than “enforcement action.” Staff does not believe these amendments sufficiently address the Board’s concerns to warrant a change in the Board’s position.

The bill was amended on June 20, 2023, and again on June 28, 2023. The June 20 amendments were based on suggestions provided by the Department of Consumer Affairs’ Legal Affairs Office (DCA-Legal) and various licensing boards due to concerns with the terminology originally used and the ability of boards to comply with the requirements specified in the bill while still ensuring public protection. In addition to clarifying the terminology to better align with board documents and processes, language has been added to indicate that if an individual was previously subject to an enforcement action, the board is required to post online a statement directing the public to contact the board for more information rather than posting the records online. This amendment relieves the boards from having to determine how to reflect the change of name in historical legal documents. Additionally, language has been added to clarify what official court documents the individual must submit as proof of the reason for the name change. The June 28 amendments clarified that the requirement to post the statement applies to enforcement actions taken under the individual’s previous name. The Board determined that these amendments create a workable method for preserving the confidentiality of gender and name changes while still providing a way for the public to obtain information about enforcement actions and, at its July 27, 2023, meeting, voted to take a position of “Support” on SB 372.

The bill has passed both houses of the Legislature and has been enrolled and presented to the Governor. The Governor has until October 14, 2023, to sign or veto the bill.

Staff Recommendation: No action needed at this time.

Senate Bill No. 372

Passed the Senate September 6, 2023

Secretary of the Senate

Passed the Assembly September 5, 2023

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board within the Department of Consumer Affairs to update a licensee's or registrant's license or registration by replacing references to the former name or gender on the license or registration, as specified, if the board receives documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. If the board operates an online license verification system, the bill would require the board to replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet. The bill would prohibit a board from publishing the licensee's or registrant's former name or gender online. Instead, the bill would require the board to post an online statement directing the public to contact the board for more information. For specified licensees or registrants, the board would be prohibited from posting enforcement records online, but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed.

This bill would provide that all records related to a request to update an individual's license or registration under these provisions

are confidential and not subject to public inspection or disclosure. The bill would require the board, if requested by a licensee or registrant, to reissue any license created by the board and conferred upon the licensee or registrant. The bill would prohibit a board from charging a higher fee for reissuing a license with an updated legal name or gender than the fee it charges for reissuing a license with other updated information.

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

This bill would make legislative findings to that effect.

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

SECTION 1. Section 27.5 is added to the Business and Professions Code, to read:

27.5. (a) (1) Notwithstanding any other law, if a board within the Department of Consumer Affairs receives government-issued documentation, as described in subdivision (b), from a licensee or registrant demonstrating that the licensee's or registrant's legal name or gender has been changed, the board, upon request by the licensee or registrant, shall update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.

(2) (A) If the board operates an online license verification system, upon request by a licensee or registrant whose name or gender was updated pursuant to paragraph (1), the board shall replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The licensee's or registrant's former name or gender, as applicable, shall not be published online.

(B) Notwithstanding any other law, for licensees or registrants subject to subparagraph (A) who were previously subject to an enforcement action referencing the individual's former name or gender, as applicable, the board shall not post enforcement records online, but shall instead post online a statement stating that the

individual previously was subject to enforcement action and directing the public to contact the board for more information about the licensee's or registrant's prior enforcement action. The board shall ensure compliance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) in implementing this section, including, but not limited to, responding to a request for records within 10 days from receipt of the request, as specified in Section 7922.535 of the Government Code.

(C) If a public search of the online license verification system is performed using a licensee's or registrant's former name that was replaced pursuant to subparagraph (A), the board shall post an online statement directing the public to contact the board for more information about the licensee or registrant.

(3) If requested by the licensee or registrant, the board shall reissue the license created by the board and conferred upon the licensee or registrant by the board. A board shall not charge a higher fee for reissuing a document with an updated legal name or gender than the fee it regularly charges for reissuing a document with other updated information.

(b) (1) The documentation identified in either of the following is required to demonstrate a legal name change of a licensee or registrant:

(A) A certified court order issued pursuant to a proceeding authorized by subdivision (b) of Section 1277 of the Code of Civil Procedure and a copy of the certificate issued under the Secretary of State's Safe at Home program authorized by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code reflecting the licensee's or registrant's updated name.

(B) A certified court order issued pursuant to a proceeding authorized by Section 1277.5 of the Code of Civil Procedure or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code reflecting the licensee's or registrant's updated name.

(2) Any of the following documents are sufficient to demonstrate a gender change of a licensee or registrant:

(A) State-issued driver's license or identification card.

(B) Birth certificate.

(C) Passport.

(D) Social security card.

(E) Court order indicating a gender change from a court of this state, another state, the District of Columbia, any territory of the United States, or any foreign court.

(c) Notwithstanding any other law, all records related to a request by a licensee or registrant for a board to update the individual's license or registration pursuant to this section, including, but not limited to, all documentation described in subdivision (b), are confidential and not subject to public inspection or disclosure.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 27.5 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy rights and safety of individuals, it is necessary that this act limit the public's right of access to that information.

Approved _____, 2023

Governor

SB 447 (Atkins, D-San Diego)

GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project.

Status/History: 9/13/2023 – Signed by the Governor and filed with the Secretary of State. Effective upon signing.

Location: 9/13/2023 – Chapter 199, Statutes of 2023

Introduced: 2/13/2023

Last Amended: 9/7/2023

Board Position: No position

Board Staff Analysis: 9/21/2023

Bill Summary: As it pertains to this Board, this bill would repeal Section 11139.8 of the Government Code, which is the section of law that prohibits a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or from approving a request for state-funded or state-sponsored travel to, any state that has enacted a law that voids or repeals, or that has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or that has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, as specified. This bill would also establish the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project) to promote social equity, civil rights, and antidiscrimination through marketing and advertising campaigns.

Affected Laws: An act to amend Section 12096.3 of, to add Article 16 (commencing with Section 12100.170) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of, and to repeal Section 11139.8 of, the Government Code, and to amend Section 4646 of the Welfare and Institutions Code, relating to economic development.

Staff Comment: This bill is being presented to the Board as informational only since it would repeal the provision of law that bans the Board from traveling to states on the list maintained by the Office of the Attorney General (as of June 16, 2023, there are now 26 states on the list). The Board is on record as expressing its concerns with its inability to attend meetings relating to the development of the licensing examinations the Board uses simply because of the state in which the meeting is held. The Board believes that attending such meetings, no matter where they may be held, is critical to the Board's mission of protecting the public by ensuring that the licensing examinations it uses are appropriate for California.

The bill was amended on September 7, 2023, to include an urgency clause so that it would become effective immediately upon signing by the Governor. The Governor signed the bill on September 13, 2023. The Board and the Department of Consumer Affairs are awaiting further direction regarding resubmitting previous out-of-state requests to states that were on the banned travel list now that the law banning travel has been repealed.

Staff Recommendation: No action is needed.

Senate Bill No. 447

CHAPTER 199

An act to amend Section 12096.3 of, to add Article 16 (commencing with Section 12100.170) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of, and to repeal Section 11139.8 of, the Government Code, and to amend Section 4646 of the Welfare and Institutions Code, relating to economic development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 13, 2023. Filed with
Secretary of State September 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 447, Atkins. GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project.

(1) Existing law establishes the Governor's Office of Business and Economic Development (GO-Biz) to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this regard, existing law authorizes GO-Biz to make recommendations to the Governor and the Legislature on new state policies and to provide data, information, and assistance, as specified.

This bill would further authorize GO-Biz to establish the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project) to promote social equity, civil rights, and antidiscrimination through marketing and advertising campaigns. The bill would establish the BRIDGE Project Fund and would make the money available to the office upon appropriation by the Legislature for the purpose of implementing the project, and would authorize the office to receive donations into the fund. The bill would authorize the office to contract with a private, nonprofit agency, as specified, and to use the services of volunteer advertising agencies and donated media to conduct marketing activities. The bill would require the office to convene an advisory committee of no more than 10 members, as defined, to advise the office on BRIDGE Project media campaigns, as specified. The bill would authorize the office to consult with any state agency with expertise relating to the purpose of the BRIDGE Project, as specified.

The bill would provide that any media campaign funded pursuant to this project may, among other things, be on a national scale and, to the extent possible, may target audiences in a state or states, or a media market that includes a state or states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, an existing state or local protection against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of

sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. The bill would also add a provision specifying that nothing in the provisions regarding GO-Biz shall be interpreted to require a state employee or officer to travel to a state or states that have enacted a law that would discriminate on the basis of sex, sexual orientation, gender identity, or gender expression, or that has the effect of prohibiting conduct or activities otherwise protected under the laws of this state.

(2) Existing law prohibits a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or from approving a request for state-funded or state-sponsored travel to, any state that has enacted a law that voids or repeals, or that has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or that has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, as specified.

This bill would repeal those provisions prohibiting a state agency and the Legislature from requiring travel to specified states and would make a conforming change.

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

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

SECTION 1. Section 11139.8 of the Government Code is repealed.

SEC. 2. Section 12096.3 of the Government Code is amended to read:

12096.3. The office shall serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this capacity, the office may:

(a) Recommend to the Governor and the Legislature new state policies, programs, and actions, or amendments to existing programs, advance statewide economic goals and respond to emerging economic problems and opportunities, and ensure that all state policies and programs conform to the adopted state economic and business development goals.

(b) Coordinate the development of policies and criteria to ensure that federal grants administered or directly expended by state government advance statewide economic goals and objectives.

(c) Market the business and investment opportunities available in California by working in partnership with local, regional, federal, and other state public and private institutions to encourage business development and investment in the state.

(d) Provide, including, but not limited to, all of the following:

- (1) Economic and demographic data.
- (2) Financial information to help link businesses with state and local public and private programs.
- (3) Workforce information, including, but not limited to, labor availability, training, and education programs.
- (4) Transportation and infrastructure information.
- (5) Assistance in obtaining state and local permits.
- (6) Information on tax credits and other incentives.
- (7) Permitting, siting, and other regulatory information pertinent to business operations in the state.
- (e) Establish a well-advertised telephone number, an interactive internet website, and an administrative structure that effectively supports the facilitation of business development and investment in the state.
- (f) Encourage collaboration among research institutions, startup companies, local governments, venture capitalists, and economic development agencies to promote innovation.
- (g) In cooperation with the federal government, foster relationships with overseas entities to improve the state's image as a destination for business investment and expansion.
- (h) Conduct research on the state's business climate, including, but not limited to, research on how the state can remain on the leading edge of innovation and emerging sectors.
- (i) Support small businesses by providing information about accessing capital, complying with regulations, and supporting state initiatives that support small business.
- (j) Establish the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project) to promote social equity, civil rights, and antidiscrimination through marketing and advertising campaigns.

SEC. 3. Article 16 (commencing with Section 12100.170) is added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 16. Building and Reinforcing Inclusive, Diverse,
Gender-Supportive Equity Project

12100.170. This article shall be known, and may be cited, as the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project).

12100.171. (a) There is hereby established, within the office, the BRIDGE Project.

(b) The purpose of the BRIDGE Project is to raise public awareness and promote civil rights and antidiscrimination through education, advertising, and marketing activities.

(c) There is hereby created the BRIDGE Project Fund within the office. Moneys in the account shall be available, upon appropriation by the

Legislature, for the purposes of this article. The office is authorized to receive donations into the fund.

(d) The office may contract with a private, nonprofit agency that is the leading producer of public service advertisements and is able to use the services of volunteer advertising agencies and donated media to conduct the marketing activities required by this article.

(e) Any media campaign funded pursuant to this article is subject to all of the following requirements:

(1) A media campaign funded pursuant to this article shall not promote a political purpose or feature in any manner the image or voice of any elected public official or candidate for elected office, or directly represent the views of any elected public official or candidate for elected office.

(2) Media campaigns may be on a national scale and, to the extent possible, may target audiences in a state or states, or a media market that includes a state or states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, an existing state or local protection against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

(3) Media campaigns funded pursuant to this article shall be designed to educate the public and promote antidiscrimination, issues LGBTQ+ communities face, civil rights, acceptance and inclusion of all people regardless of race, religion, gender, sexual orientation, age, and ability.

(f) The office shall convene an advisory committee of no more than 10 members to advise the office on BRIDGE Project media campaigns, including, but not limited to, the content of media campaigns, emerging issues relevant to the purpose of the BRIDGE Project, evaluation of current and potential campaigns, and strategic outreach to communities affected by the campaign. The advisory committee members shall include LGBTQ+ advocates, marketing and public relations professionals, and representatives from research institutions as necessary to develop and evaluate media campaigns funded pursuant to this article. The advisory committee members shall be determined by the director.

(g) Nothing in this article shall be interpreted to require a state employee or officer to travel to a state or states that have enacted a law that would discriminate on the basis of sex, sexual orientation, gender identity, or gender expression, or that has the effect of prohibiting conduct or activities otherwise protected under the laws of this state.

(h) When implementing this article, the office may consult with any state agency with expertise relating to the purpose of the BRIDGE Project, as outlined in subdivision (b).

SEC. 4. Section 4646 of the Welfare and Institutions Code, as amended by Section 17 of Chapter 44 of the Statutes of 2023, is amended to read:

4646. (a) It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, if appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, if appropriate, the individual's parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan.

(c) An individual program plan shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed within 60 days of the completion of the assessment. At the time of intake, the regional center shall inform the consumer and, if appropriate, the consumer's parents, legal guardian or conservator, or authorized representative, of the services available through the state council and the protection and advocacy agency designated by the Governor pursuant to federal law, and shall provide the address and telephone numbers of those agencies.

(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

(e) Regional centers shall comply with the request of a consumer or, if appropriate, the request of the consumer's parents, legal guardian, conservator, or authorized representative, that a designated representative receive written notice of all meetings to develop or revise the individual program plan and of all notices sent to the consumer pursuant to Section 4710. The designated representative may be a parent or family member.

(f) Notwithstanding any other law, until June 30, 2024, a meeting regarding the provision of services and supports by the regional center, including a meeting to develop or revise the individual program plan, shall be held by remote electronic communications if requested by the consumer or, if appropriate, if requested by the consumer's parents, legal guardian, conservator, or authorized representative.

(g) At the conclusion of an individual program plan meeting, an authorized representative of the regional center shall provide to the consumer, in written or electronic format, a list of the agreed-upon services and

supports, and, if known, the projected start date, the frequency and duration of the services and supports, and the provider. The authorized representative of the regional center shall sign the list of agreed-upon services and supports at that time. The consumer, or if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative shall sign the list of agreed-upon services and supports prior to its implementation. The consumer, or if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, may elect to delay receipt of the list of agreed-upon services and supports pending final agreement, as described in subdivision (h). If the consumer, or if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, elects to delay the receipt of the list of agreed-upon services and supports for 15 days, the list shall be provided in the preferred language of the consumer, or of the consumer's parent, legal guardian, or authorized representative.

(h) If a final agreement regarding the services and supports to be provided to the consumer cannot be reached at a program plan meeting, then a subsequent program plan meeting shall be convened within 15 days, or later at the request of the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative or if agreed to by the planning team. The list of the agreed-upon services and supports described in subdivision (g) and signed by the authorized representative of the regional center shall be provided, in writing or electronically, at the conclusion of the subsequent program plan meeting, and shall be provided in the preferred language of the consumer, or of the consumer's parent, legal guardian, conservator, or authorized representative. Additional program plan meetings may be held with the agreement of the regional center representative and the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative.

(i) An authorized representative of the regional center and the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative shall sign the individual program plan and the list of the agreed-upon services and supports prior to its implementation. If the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, does not agree with all components of the individual program plan, the consumer may indicate that disagreement on the plan. Disagreement with specific plan components shall not prohibit the implementation of services and supports agreed to by the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative. If the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, does not agree with the plan in whole or in part, the consumer shall be sent written notice of their appeal rights, as required by Sections 4701 and 4710.

(j) (1) A regional center shall communicate in the consumer's preferred language, or, if appropriate, the preferred language of the consumer's family, legal guardian, conservator, or authorized representative, during the planning process for the individual program plan, including during the program plan meeting, and including providing alternative communication services, as

required by Sections 11135 to 11139, inclusive, of the Government Code and implementing regulations.

(2) A regional center shall provide alternative communication services, including providing copies of the list of services and supports, and the individual program plan in the preferred language of the consumer or the consumer's family, legal guardian, conservator, or authorized representative, or both, as required by Sections 11135 to 11139, inclusive, of the Government Code and implementing regulations.

(3) The preferred language of the consumer or the consumer's family, legal guardian, conservator, or authorized representative, or both, shall be documented in the individual program plan.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To protect civil rights and prevent discrimination, it is necessary that this act go into effect immediately.

SB 544 (Laird, D-Santa Cruz)

Bagley-Keene Open Meeting Act: teleconferencing.

Status/History: 9/15/2023 – Enrolled and presented to the Governor.

Location: 9/15/2023 – Enrolled and presented to the Governor.

Introduced: 2/15/2023

Last Amended: 9/8/2023

Board Position: Watch (as of 7/27/2023)

Board Staff Analysis: 9/21/2023

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill was amended March 20, April 27, August 14, and September 8, 2023. It passed both houses of the Legislature and was enrolled and presented to the Governor on September 15, 2023. In its final version, the bill would provide for three methods under which the Board (a “state body”) could conduct its meetings. It could hold meetings in one physical location with all members, staff, and the public in attendance with no remote participation option (current law). It could hold teleconference meetings where there are multiple physical locations with at least one member in attendance at each location; and each location is listed on the notice, accessible, and open to the public; and the public can audibly hear and participate in the meeting at each location with no remote participation option (current law). The third, new option requires a majority of the members to be physically present in one location, which is noticed, accessible, and open to the public. The remaining members would be allowed to attend via a remote option without their locations having to be noticed or open to the public. A remote option would have to be provided for the public, and all of the members must be visible on camera. The bill provides certain specific exemptions to the requirement that a majority of members be physically present in one location and that all members be visible on camera. There are other certain conditions which must also be met to meet under the third option.

The bill also provides that advisory bodies to the state body (such as a committee of the Board) may hold teleconference meetings with one physical location where the public may attend, as long as at least one staff member is present at the location, and all of the members of the advisory body

may participate remotely without their locations being noticed, as long as certain specified conditions are met.

Affected Laws: An act to amend Section 11124 of, to amend, repeal, and add Section 11123.5 of, and to add and repeal Section 11123.2 of, the Government Code, relating to state government.

Staff Comment: At its July 27, 2023, meeting, the Board changed its position of “Support” to “Watch” due to concerns with information that had been received regarding possible amendments. The Board also appointed a two-member subcommittee to work with staff if staff believed any amendments would warrant changing the Board’s position. Staff remained concerned with the amendments but not so concerned as to recommend the Board oppose the bill. The biggest concern with the third, new option is that it does not provide much more flexibility in scheduling and holding meetings than the current options. However, it does provide a remote option if we should need to use that method. It also allows for advisory bodies to meet remotely, which could be beneficial should the Board need to appoint a Technical Advisory Committee, a Standing Committee, or some other type of committee. As such, staff does not believe it is necessary for the Board to oppose the bill (and request the Governor veto it), but staff does not recommend the Board support the bill.

Staff Recommendation: No action needed.

Senate Bill No. 544

Passed the Senate September 14, 2023

Secretary of the Senate

Passed the Assembly September 13, 2023

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 11124 of, to amend, repeal, and add Section 11123.5 of, and to add and repeal Section 11123.2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

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

This bill would enact an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. The bill would require at least one member of the state body to be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting. The bill would, under specified circumstances, authorize a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing. Specifically, the bill would authorize a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill would also authorize a member's remote participation if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member

would be counted toward the majority of members required to be physically present at the same teleconference location. The bill would require a member who participates from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with those individuals.

This bill would require the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill would require a member who does not appear on camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.

This bill would also require the state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The bill would require the telephonic or online means provided to the public to access the meeting to be equivalent to the telephonic or online means provided to a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address of each teleconference location, as well as any other information indicating how the public can access the meeting remotely and in person. If the state body allows members of the public to observe and address the meeting telephonically or otherwise electronically, the bill would require the state body to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, as specified. The bill would impose requirements consistent with the above-described existing law provisions, including a requirement that the agenda provide an opportunity for members of the public to address the state body directly, as specified. The bill would entitle members of the public to exercise their right to directly address the state body during the

teleconferenced meeting without being required to submit public comments before the meeting or in writing.

This bill would provide that it does not affect prescribed existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at each teleconference location designated in the notice of the meeting.

This bill would require the state body, upon discovering that a means of remote participation required by the bill has failed during the meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.

Existing law authorizes a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions that are in addition to the above-described provisions generally applicable to state bodies. Under those alternative provisions, a quorum of the members of the state advisory body must be in attendance at the primary physical meeting location, as specified, and all decisions taken during the meeting must be by rollcall vote.

This bill would remove the rollcall vote requirement and the requirement for a quorum in attendance at the primary physical meeting location. The bill, instead, would require at least one staff member of the state body to be present at the primary physical meeting location. The bill would require the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill would require a member who does not appear on camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.

This bill would repeal the above-described provisions on January 1, 2026.

Existing law prohibits requiring a person, as a condition of attendance at a meeting of a state body, to register their name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to their attendance. Existing law requires an attendance list, register, questionnaire, or other similar document posted at or near the entrance to the room

where the meeting is to be held, or circulated to persons present during the meeting, to state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

This bill would exempt from those provisions an internet website or other online platform that may require the submission of information to log into a teleconferenced meeting. The bill would permit a person to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting.

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

This bill would make legislative findings to that effect.

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

SECTION 1. Section 11123.2 is added to the Government Code, to read:

11123.2. (a) For purposes of this section, the following definitions apply:

(1) “Teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.

(2) “Teleconference location” means a physical location that is accessible to the public and from which members of the public may participate in the meeting.

(3) “Remote location” means a location from which a member of a state body participates in a meeting other than a teleconference location.

(4) “Participate remotely” means participation by a member of the body in a meeting at a remote location other than a teleconference location designated in the notice of the meeting.

(b) (1) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123 and Section 11123.5, a state body may hold an open or closed meeting by teleconference as described in this section, provided the meeting

complies with all of this section's requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article relating to the specific type of meeting.

(2) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article, including Sections 11123 and 11123.5.

(c) The portion of the teleconferenced meeting that is required to be open to the public shall be visible and audible to the public at each teleconference location.

(d) (1) The state body shall provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The telephonic or online means provided to the public to access the meeting shall be equivalent to the telephonic or online means provided to a member of the state body participating remotely.

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

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

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

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

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

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

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

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

(h) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body to post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings.

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

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

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

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

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

(3) If a member notifies the body of the member's need to attend and participate remotely pursuant to paragraph (2), the body shall

take action to approve the exception and shall request a general description of the circumstances relating to the member's need to participate remotely at the meeting, for each meeting in which the member seeks to participate remotely. The body shall not require the member to provide a general description that exceeds 20 words or to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code).

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

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

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

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

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

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

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

(o) Upon discovering that a means of remote public access and participation required by subdivision (d) has failed during a

meeting and cannot be restored, the state body shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on the state body's internet website and by email to any person who has requested notice of meetings of the state body by email under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

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

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

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

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

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

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

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

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

(d) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its internet website

and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (f).

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

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

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

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

(2) The visual appearance of a member of a state body on camera may cease only when the appearance would be technologically impracticable, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video, or when the

visual display of meeting materials, information, or speakers on the internet or other online platform requires the visual appearance of a member of a state body on camera to cease.

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

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

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

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

SEC. 3. Section 11123.5 is added to the Government Code, to read:

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

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

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

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

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

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

(g) Upon discovering that a means of remote access required by subdivision (f) has failed during a meeting, the state body described in subdivision (a) shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other

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

(h) For purposes of this section:

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

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

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

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

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

SEC. 4. Section 11124 of the Government Code is amended to read:

11124. (a) No person shall be required, as a condition to attendance at a meeting of a state body, to register their name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to their attendance.

(b) If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(c) This section does not apply to an internet website or other online platform that may require the submission of information to log into a teleconferenced meeting, provided, however, that a person required to submit such information shall be permitted to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting.

SEC. 5. The Legislature finds and declares that Sections 1, 2, 3, and 4 of this act, which add and repeal Section 11123.2 of, amend, repeal, and add Section 11123.5 of, and amend Section 11124 of, the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

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

(b) During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(c) Conducting audio and video teleconference meetings enhances public participation and the public's right of access to meetings of the public bodies by improving access for individuals who often face barriers to physical attendance.

Approved _____, 2023

Governor

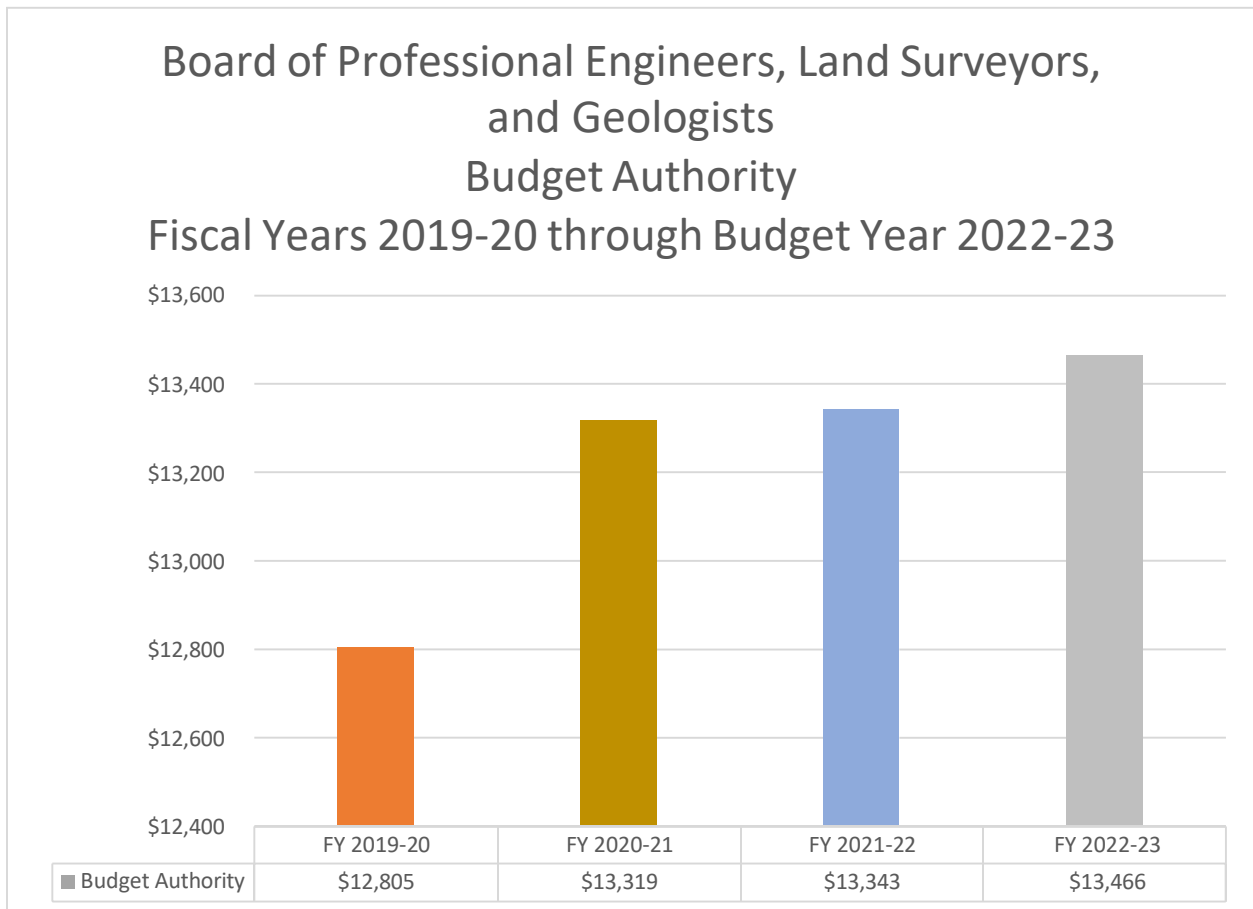
V. Administration

A. Fiscal Year 2022/23 Budget Report

FINANCIAL REPORT

BUDGET AUTHORITY

The Board's Budget Authority for fiscal year (FY) 2022-23 is \$13,466,000 (1% increase over FY 2021-22). Board actual expenditures for FY 2021-22 were 90% of Budget Authority.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

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

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

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

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

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

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

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

Department of Consumer Affairs
Expenditure Projection Report

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

Fiscal Month
Identifies the expenditures up to October 2021
Fiscal Year
Identifies the current year
Run Date
Identifies the date this report was pulled from QBIRT

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

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

PERSONAL SERVICES

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

OPERATING EXPENSES & EQUIPMENT

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

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

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

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

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

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

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

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

FINANCIAL REPORT

FISCAL YEAR 2022-23 FISCAL MONTH 13 FINANCIAL STATEMENT

Revenues

Fee increase effective January 1, 2021, and significant increase in initial application volume has had a positive impact on revenues. Total revenue down \$1,193,431 (-11%) over prior year. Current Fiscal Year 2022-23 is a low volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 13	CURRENT YEAR FY 2022-23 FM 13	CURRENT YEAR FY 2022-23 PROJECTION
Delinquent Fees	\$148,793	\$167,918	\$150,440
Other Regulatory Fees	\$131,025	\$81,383	\$117,586
Other Regulatory Licenses & Permits	\$2,064,198	\$1,926,977	\$1,638,188
Other Revenue	\$41,223	\$112,327	\$16,156
Renewal Fees	\$10,141,601	\$9,044,804	\$9,081,441
Total	\$12,526,839	\$11,333,408	\$11,003,811

There was a significant increase in FY 2021-22 initial application volume and revenue over prior years. The increase in revenue is due to the fee increase effective January 2021, and the uptick in volume of initial applications received. The current year projections do not assume the increase in volume will continue to trend up and the projections are based on the average of applications received over a five-year lookback period.

Reimbursements totaled \$109,614 including \$2,800 in Reimbursement-Private Sectors, \$63,259 in Background Checks, and \$43,555 in Cost Recovery. Background check expenses are included in the General Expense category.

FY 2021-22 includes \$2,650,380 Revenue in advance. FY 2022-23 includes \$2,301,833 Revenue in advance.

**Department of Consumer Affairs
Expenditure Projection Report**

Fiscal Month: 13

Fiscal Year: 2022 - 2023

Run Date: 08/28/2023

PERSONAL SERVICES

Notes	Fiscal Code	PY 21-22 FM 13 YTD + Encumbrance	CY 22-23 FM 13 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$3,332,807	\$3,493,641	\$3,701,000	94%	\$3,493,641
	5100 TEMPORARY POSITIONS	\$135,804	\$121,262	\$232,000	52%	\$121,262
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$81,423	\$24,481	\$36,000	68%	\$24,481
	5150 STAFF BENEFITS	\$1,872,798	\$2,084,775	\$1,935,000	108%	\$2,084,775
	PERSONAL SERVICES	\$5,422,833	\$5,724,159	\$5,904,000	97%	\$5,724,159

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$79,831	\$77,072	\$32,000	241%	\$77,072
3	5302 PRINTING	\$88,647	\$99,920	\$26,000	384%	\$99,920
	5304 COMMUNICATIONS	\$17,781	\$15,370	\$15,000	102%	\$15,370
	5306 POSTAGE	\$25,640	\$1,983	\$36,000	6%	\$1,983
	5308 INSURANCE	\$83	\$65	\$0	0%	\$65
	53202-204 IN STATE TRAVEL	\$12,726	\$37,082	\$22,000	169%	\$37,082
	53206-208 OUT OF STATE TRAVEL	\$1,199	\$0	\$0	0%	\$0
	5322 TRAINING	\$2,000	\$0	\$15,000	0%	\$0
4	5324 FACILITIES*	\$561,821	\$497,957	\$377,000	132%	\$497,957
5	53402-53403 C/P SERVICES (INTERNAL)	\$769,427	\$738,591	\$871,000	85%	\$738,591
6	53404-53405 C/P SERVICES (EXTERNAL)	\$1,987,200	\$2,568,168	\$3,280,000	78%	\$2,568,168
7	5342 DEPARTMENT PRORATA	\$1,762,424	\$1,700,803	\$1,968,000	86%	\$1,700,803
8	5342 DEPARTMENTAL SERVICES	\$25,247	\$25,470	\$27,000	94%	\$25,470
	5344 CONSOLIDATED DATA CENTERS	\$11,383	\$26,395	\$22,000	120%	\$26,395
	5346 INFORMATION TECHNOLOGY	\$170,071	\$39,759	\$165,000	24%	\$39,759
	5362-5368 EQUIPMENT	\$53,080	\$99,833	\$0	0%	\$98,833
	5390 OTHER ITEMS OF EXPENSE	\$0	\$12	\$3,000	0%	\$12
	54 SPECIAL ITEMS OF EXPENSE	\$4,106	\$1,922	\$0	0%	\$1,922
	OPERATING EXPENSES & EQUIPMENT	\$5,572,665	\$5,930,402	\$6,859,000	86%	\$5,930,402
	TOTALS	\$10,995,498	\$11,654,561	\$12,763,000	91%	\$11,654,561
9	4840-4850 REIMBURSEMENTS					\$109,614
	OVERALL TOTALS & REIMBURSEMENTS					\$11,544,947

*Includes additional \$75k Architecture Revolving Fund Expenses

Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 13 are at \$63,259.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months.
- 4 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 5 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 6 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 Reimbursements** - Includes Reimbursements-Private Sectors, Fingerprint Reports, US Cost Recovery, and US DOI Civil Case.

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

Analysis of Fund Condition

Prepared 08/28/2023

(Dollars in Thousands)

PY 21-22 Actuals & CY 22-23 FM 13	Actual 2021-22	CY 2022-23	BY 2023-24	BY+1 2024-25
BEGINNING BALANCE	\$ 2,351	\$ 3,405	\$ 2,136	\$ 1,264
Prior Year Adjustment	\$ 654	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,005	\$ 3,405	\$ 2,136	\$ 1,264
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 149	\$ 168	\$ 152	\$ 168
4127400 Renewal fees	\$ 10,142	\$ 9,045	\$ 9,886	\$ 9,045
4129200 Other regulatory fees	\$ 131	\$ 81	\$ 124	\$ 81
4129400 Other regulatory licenses and permits	\$ 2,064	\$ 1,927	\$ 1,600	\$ 1,927
4163000 Income from surplus money investments	\$ 26	\$ 94	\$ 32	\$ 0
4171400 Escheat of unclaimed checks and warrants	\$ 15	\$ 18	\$ 15	\$ 18
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 12,528	\$ 11,334	\$ 11,810	\$ 11,240
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -385	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 12,143	\$ 11,334	\$ 11,810	\$ 11,240
Totals, Revenues, Transfers and Other Adjustments	\$ 15,148	\$ 14,739	\$ 13,946	\$ 12,504
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,878	\$ 11,545	\$ 11,891	\$ 12,248
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 656	\$ 849	\$ 582	\$ 582
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,743	\$ 12,603	\$ 12,682	\$ 13,039
FUND BALANCE				
Reserve for economic uncertainties	\$ 3,405	\$ 2,136	\$ 1,264	\$ -535
Months in Reserve	3.2	2.0	1.2	-0.5

NOTES:

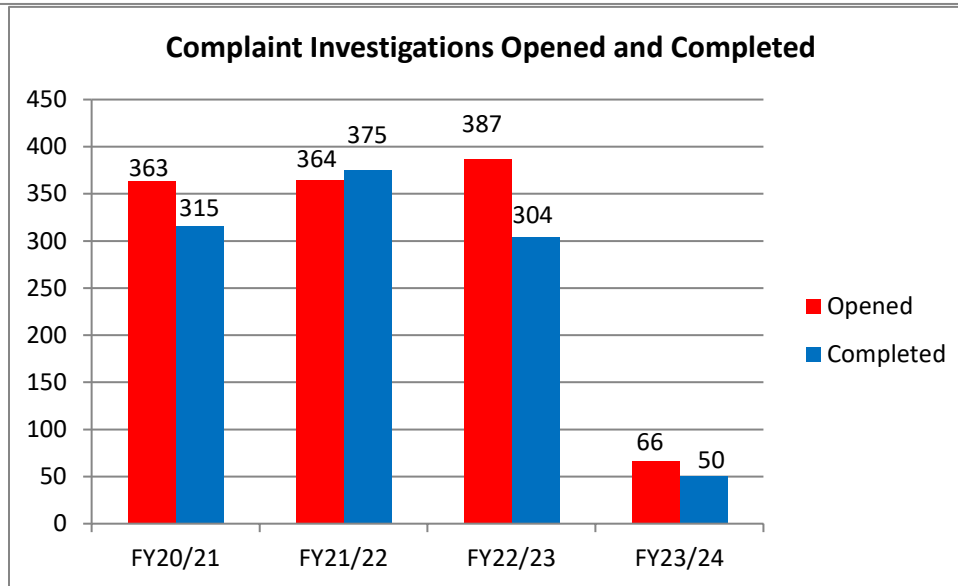
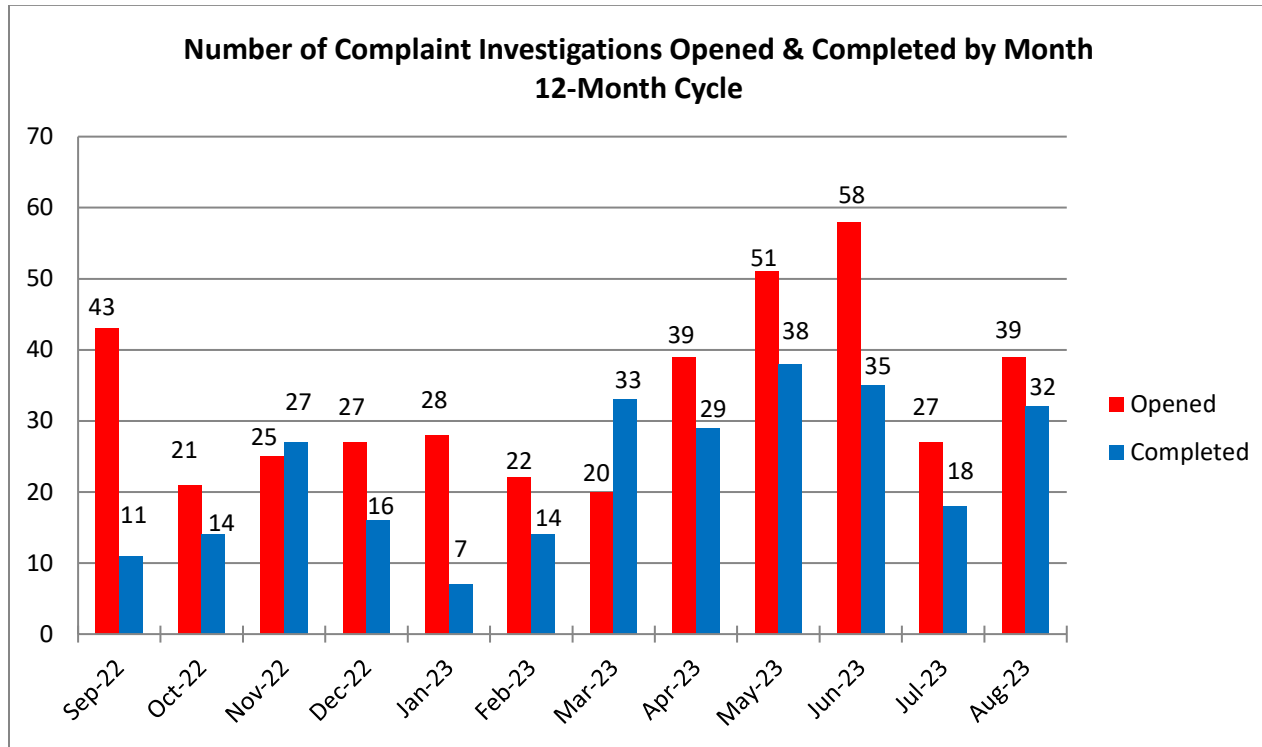
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1

VI. Enforcement

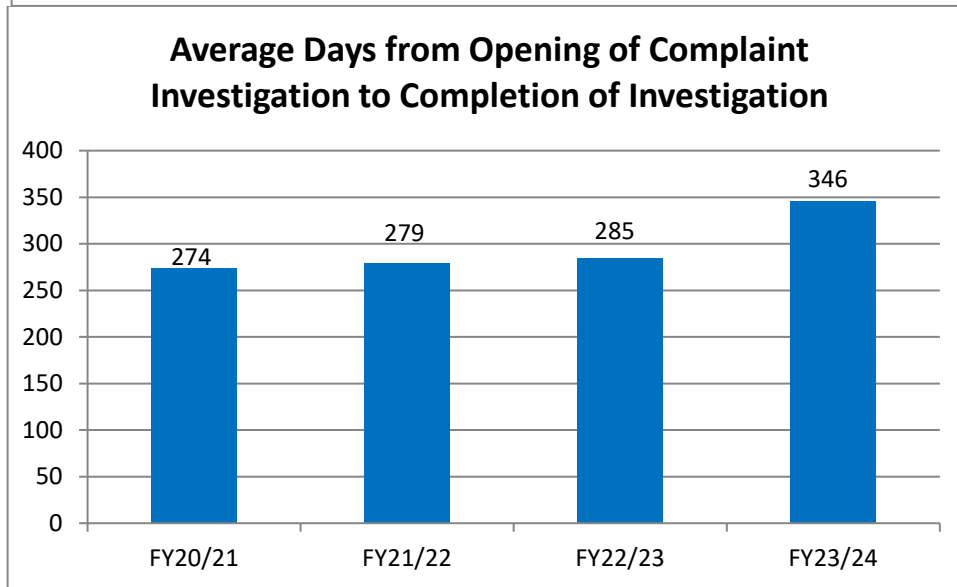
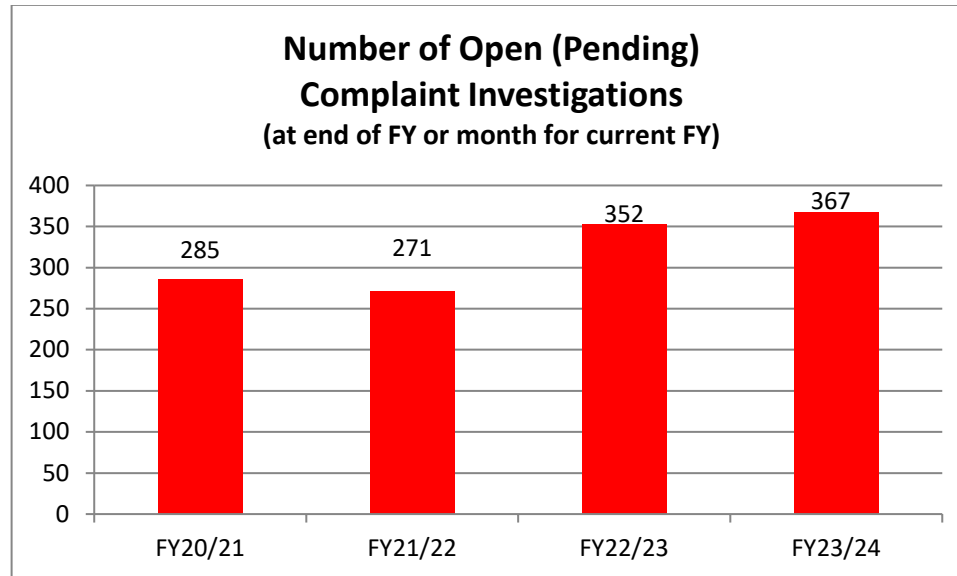
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2022/23 Update

Complaint Investigation Phase



NOTE: FY23/24 statistics are through August 31, 2023

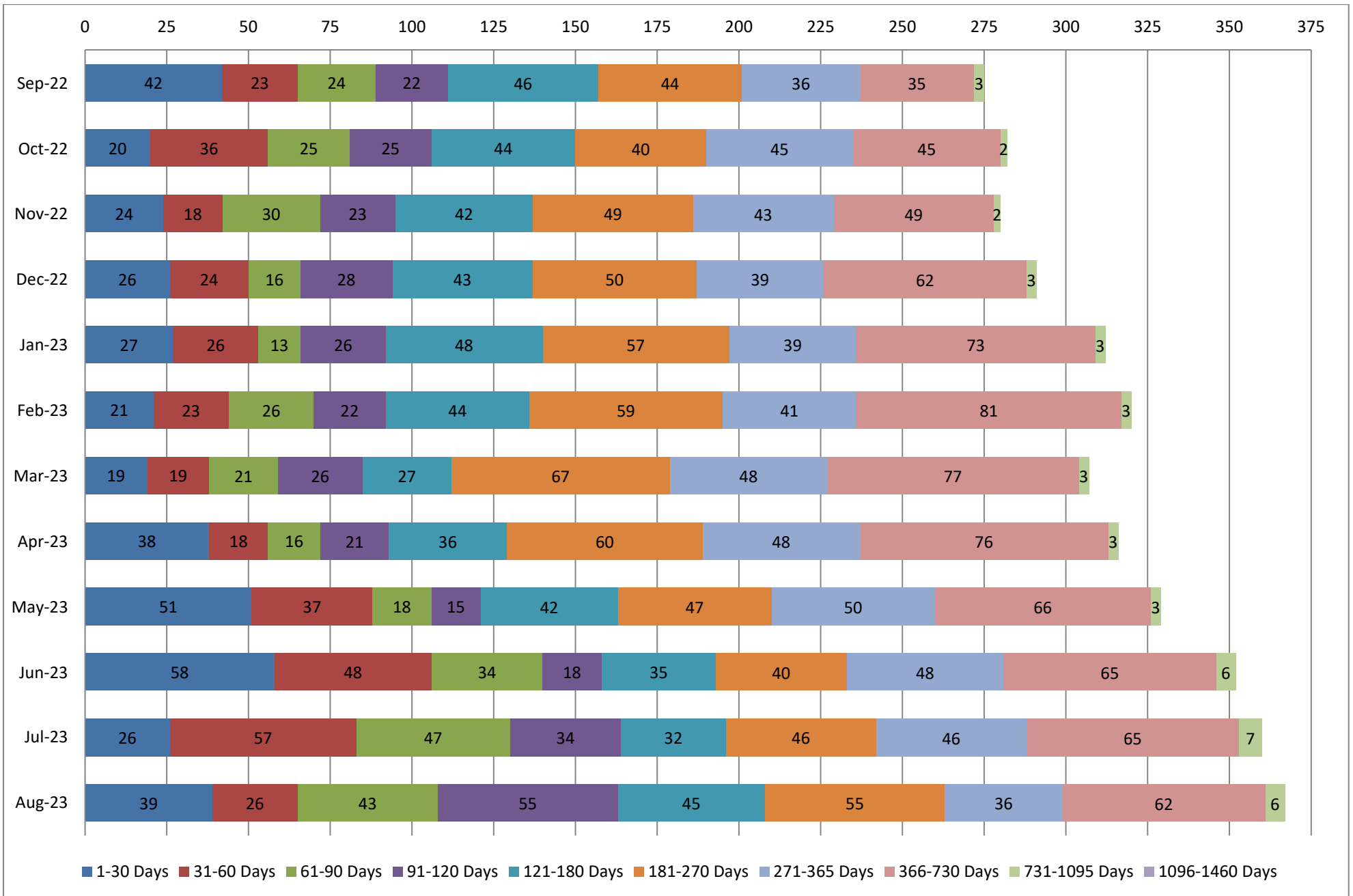
Complaint Investigation Phase



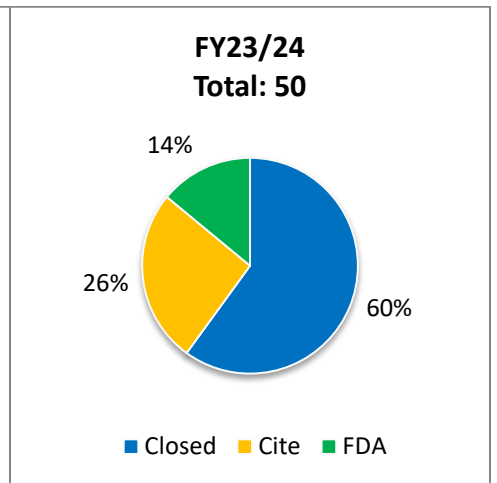
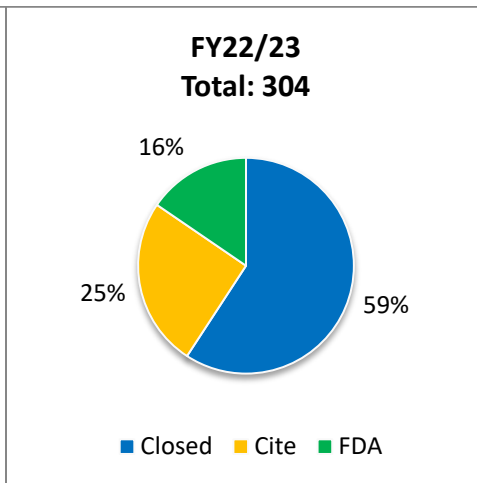
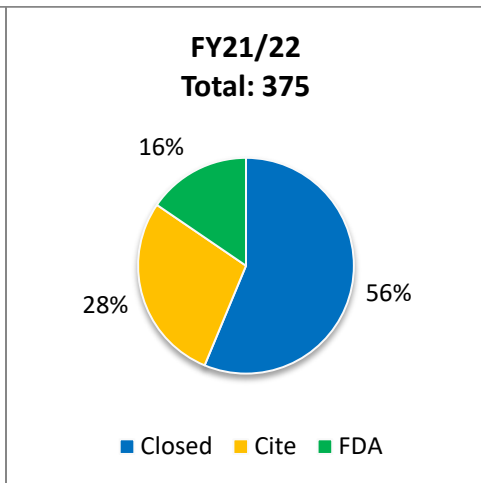
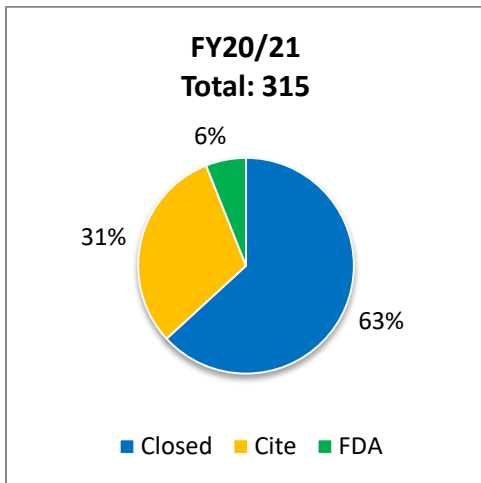
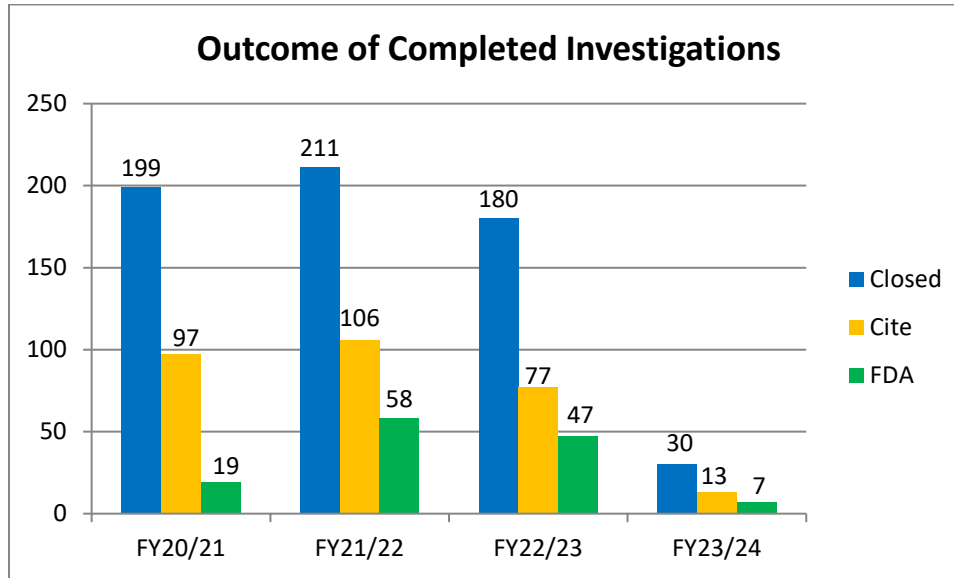
NOTE: FY23/24 statistics are through August 31, 2023

Complaint Investigation Phase

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



Complaint Investigation Phase Outcome of Completed Investigations



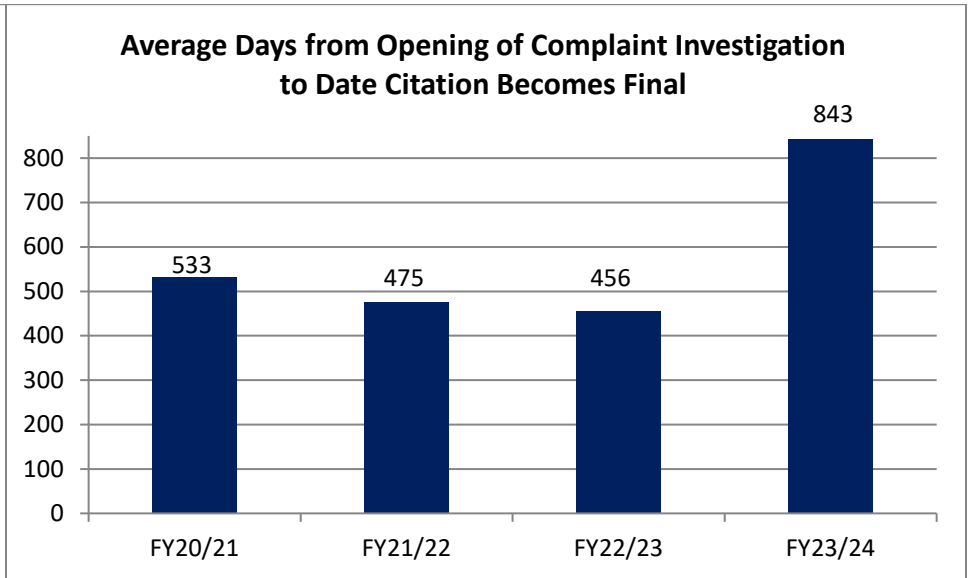
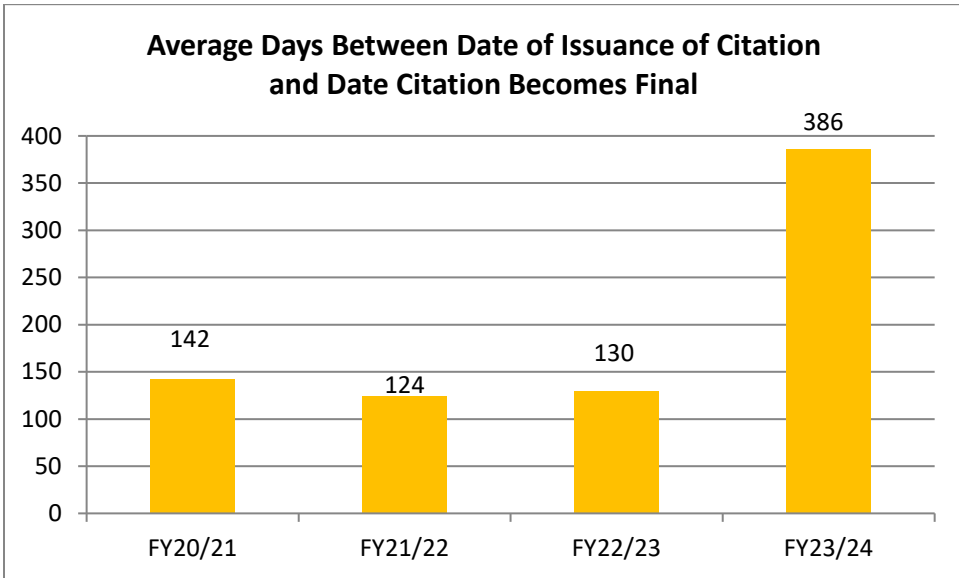
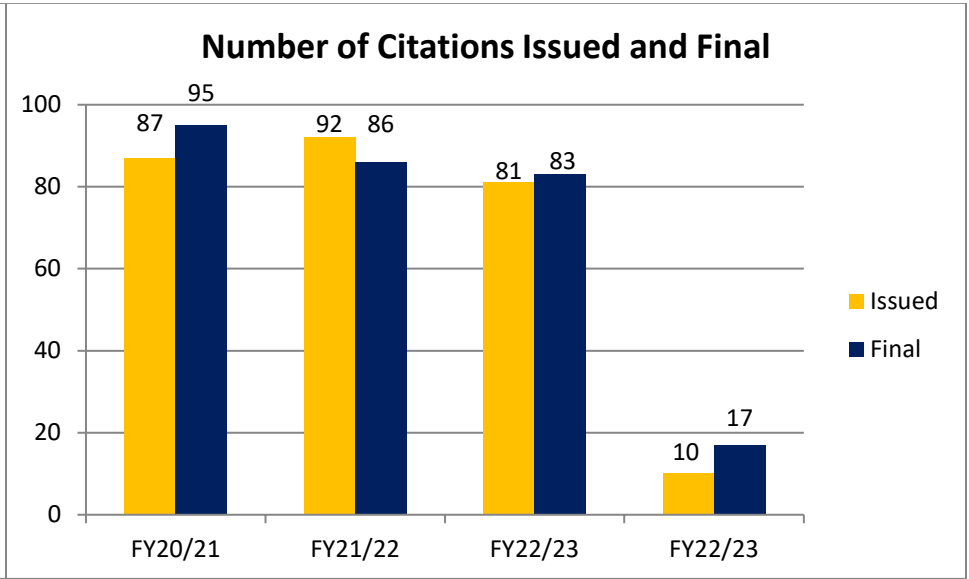
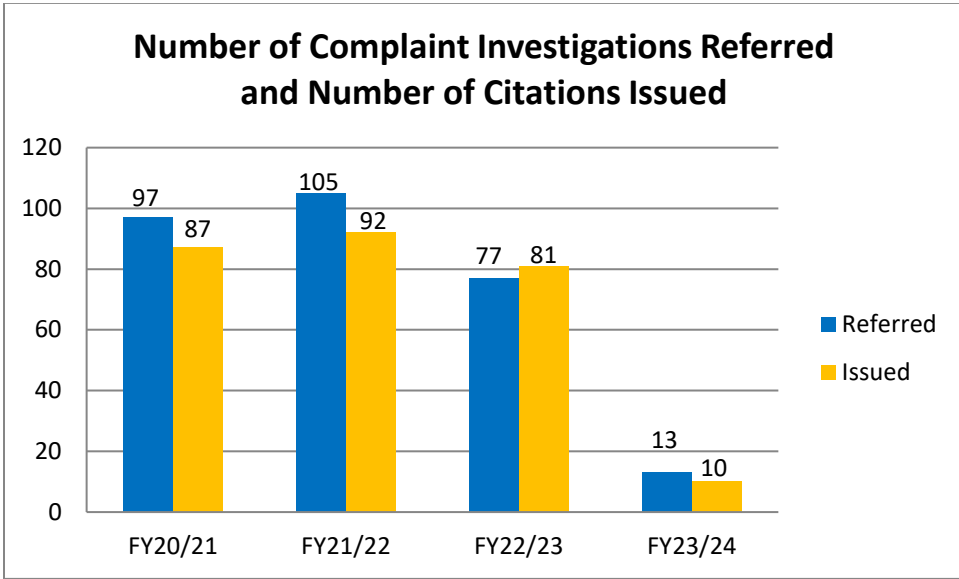
NOTE: FY23/24 statistics are through August 31, 2023

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

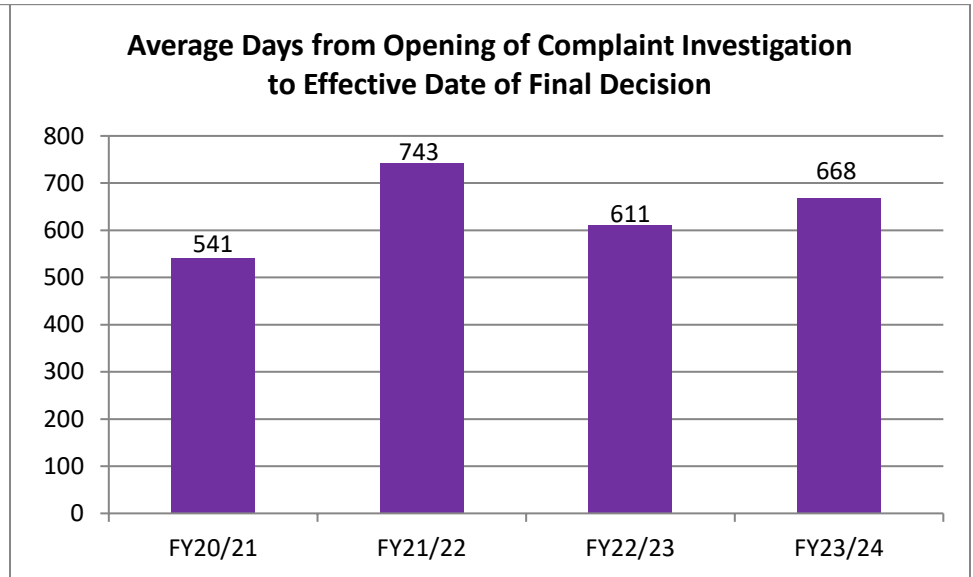
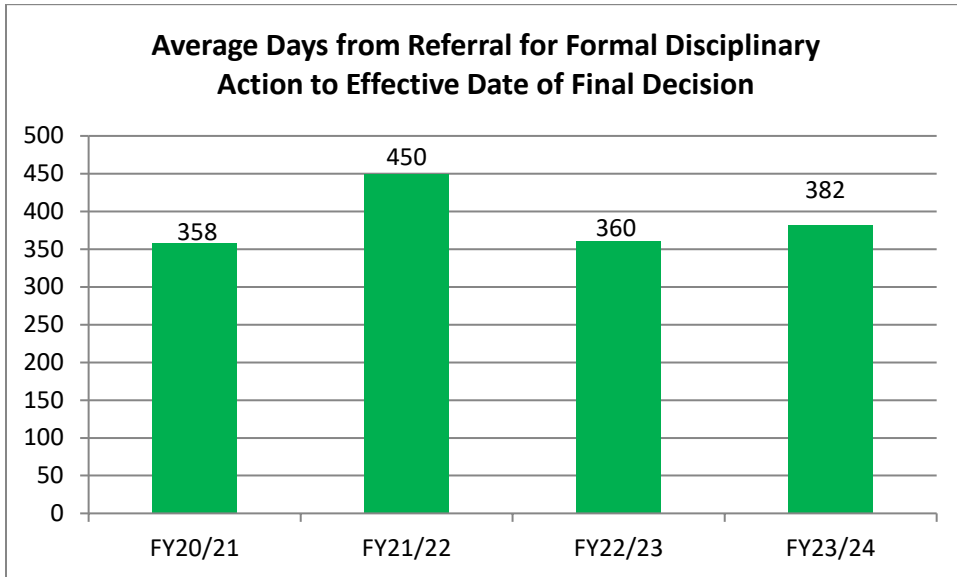
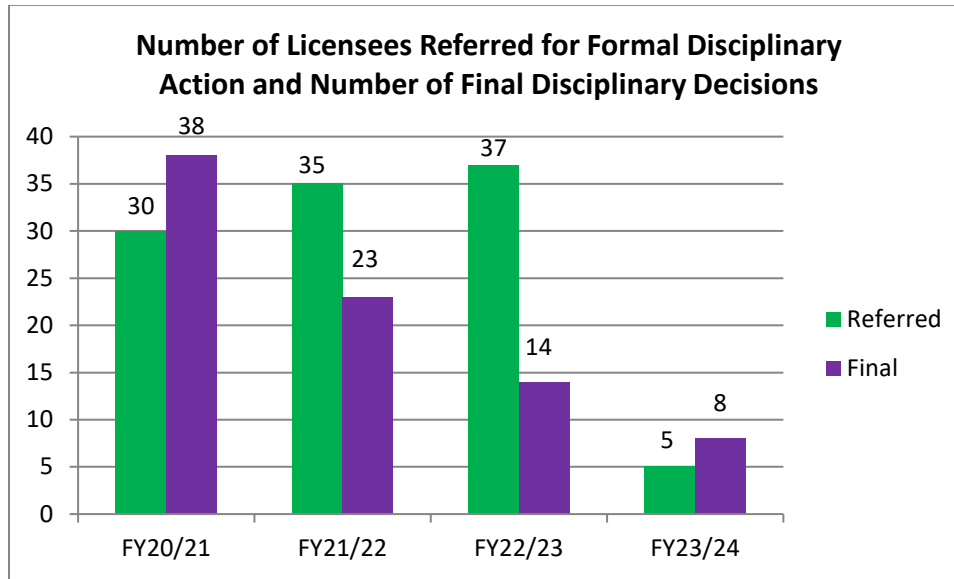
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY23/24 statistics are through August 31, 2023

Formal Disciplinary Actions Against Licensees



NOTE: FY23/24 statistics are through August 31, 2023

Complaint Investigation Phase

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
November 2022	25	27
December 2022	27	16
January 2023	28	7
February 2023	22	14
March 2023	20	33
April 2023	39	29
March 2023	20	33
April 2023	39	29
May 2023	51	38
June 2023	58	35
July 2023	27	18
August 2023	39	32

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2020/21	363	315
2021/22	336	350
2022/23	387	304
2023/24	66	55

Current Fiscal Year through August 31, 2023

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2020/21	285
2021/22	268
2022/23	352
2023/24	367

Current Fiscal Year through August 31, 2023

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
2020/21	274
2021/22	278
2022/23	285
2023/24	436

Current Fiscal Year through August 31, 2023

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	180	59%	77	25%	47	16%
2023/24	30	60%	13	26%	7	14%

Current Fiscal Year through August 31, 2023

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

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Complaint Investigation Phase

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

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
September 2022	42	23	24	22	46	44	36	35	3	0
October 2022	20	36	25	25	44	40	45	45	2	0
November 2022	24	18	30	23	42	49	43	49	2	0
December 2022	26	24	16	28	43	50	39	62	3	0
January 2023	27	26	13	26	48	57	39	73	3	0
February 2023	21	23	26	22	44	59	41	81	3	0
March 2023	19	19	21	26	27	67	48	77	3	0
April 2023	38	18	16	21	36	60	48	76	3	0
May 2023	51	37	18	15	42	47	50	66	3	0
June 2023	58	48	34	18	35	45	48	65	6	0
July 2023	26	57	47	34	32	46	46	65	7	0
August 2023	39	26	43	55	45	55	36	62	7	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2020/21	97	87
2021/22	105	87
2022/23	77	81
2023/24	13	10

Current Fiscal Year through August 31, 2023

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2020/21	87	95
2021/22	87	85
2022/23	81	83
2023/24	10	17

Current Fiscal Year through August 31, 2023

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

Fiscal Year	Number of Days
2020/21	142
2021/22	125
2022/23	130
2023/24	386

Current Fiscal Year through August 31, 2023

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

Fiscal Year	Number of Days
2020/21	533
2021/22	475
2022/23	456
2023/24	843

Current Fiscal Year through August 31, 2023

Formal Disciplinary Actions Against Licensees

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

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2020/21	30	38
2021/22	32	19
2022/23	37	14
2023/24	5	8

Current Fiscal Year through August 31, 2023

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

Fiscal Year	Number of Days
2020/21	358
2021/22	419
2022/23	360
2023/24	382

Current Fiscal Year through August 31, 2023

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

Fiscal Year	Number of Days
2020/21	541
2021/22	747
2022/23	611
2023/24	668

Current Fiscal Year through August 31, 2023

VII. Exams/Licensing

A. 2023 Examination Update – First and Second Quarter Examination Results

Examination Statistics

(State Specific and ASBOG Examinations)

NCEES examination statistics are available on the NCEES website at: <https://ncees.org/>

Civil Seismic Principles			
Exam Cycle	Tested	Passed	Pass %
Q1 2018	No exams administered		
Q2 2018	1341	556	41
Q3 2018	513	225	44
Q4 2018	802	347	43
Total 2018	2656	1128	42
Q1 2019	593	283	48
Q2 2019	801	405	51
Q3 2019	715	341	48
Q4 2019	818	398	49
Total 2019	2927	1427	49
Q1 2020	319	177	55
Q2 2020	No exams administered		
Q3 2020	715	476	67
Q4 2020	713	369	52
Total 2020	1747	1022	59
Q1 2021	238	166	70
Q2 2021	941	482	51
Q3 2021	511	255	50
Q4 2021	625	283	45
Total 2021	2315	1186	51
Q1 2022	427	215	50
Q2 2022	628	322	51
Q3 2022	559	274	49
Q4 2022	610	321	53
Total 2022	2224	1132	51
Q1 2023	578	313	54
Q2 2023	692	342	49
Q3 2023			
Q4 2023			
Total 2023			

Civil Engineering Surveying			
Exam Cycle	Tested	Passed	Pass %
Q1 2018	No exams administered		
Q2 2018	1254	485	39
Q3 2018	513	224	44
Q4 2018	839	383	46
Total 2018	2606	1092	42
Q1 2019	553	251	45
Q2 2019	823	385	47
Q3 2019	695	304	44
Q4 2019	814	386	47
Total 2019	2885	1326	46
Q1 2020	420	232	55
Q2 2020	No exams administered		
Q3 2020	747	438	59
Q4 2020	713	332	47
Total 2020	1880	1002	53
Q1 2021	303	207	68
Q2 2021	1004	468	47
Q3 2021	522	274	52
Q4 2021	665	327	49
Total 2021	2494	1276	51
Q1 2022	421	224	53
Q2 2022	615	290	47
Q3 2022	526	267	51
Q4 2022	565	306	54
Total 2022	2127	1087	51
Q1 2023	588	325	55
Q2 2023	651	352	54
Q3 2023			
Q4 2023			
Total 2023			

CA Professional Land Surveyor			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	129	30	23
Fall 2018	93	25	27
Total 2018	222	55	25
Spring 2019	112	40	36
Fall 2019	81	33	41
Total 2019	193	73	38
Spring 2020	No exams administered		
Fall 2020	116	38	33
Total 2020	116	38	33
Spring 2021	85	30	35
Fall 2021	88	27	31
Total 2021	173	57	33
Spring 2022	107	48	45
Fall 2022	148	40	27
Total 2022	255	88	35
Spring 2023	144	68	47
Fall 2023			
Total 2023			

Traffic Engineer			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	N/A	N/A	N/A
Fall 2018	77	39	51
Total 2018	77	39	51
Spring 2019	N/A	N/A	N/A
Fall 2019	69	36	52
Total 2019	69	36	52
Spring 2020	N/A	N/A	N/A
Fall 2020	49	31	63
Total 2020	49	31	63
Spring 2021	N/A	N/A	N/A
Fall 2021	60	28	47
Total 2021	60	28	47
Spring 2022	N/A	N/A	N/A
Fall 2022	71	33	46
Total 2022	71	33	46
Spring 2023	N/A	N/A	N/A
Fall 2023			
Total 2023			

Geotechnical Engineer			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	39	13	33
Fall 2018	35	7	20
Total 2018	74	20	27
Spring 2019	N/A	N/A	N/A
Fall 2019	78	30	38
Total 2019	78	30	38
Spring 2020	N/A	N/A	N/A
Fall 2020	60	21	35
Total 2020	60	21	35
Spring 2021	N/A	N/A	N/A
Fall 2021	74	26	35
Total 2021	74	26	35
Spring 2022	N/A	N/A	N/A
Fall 2022	81	22	27
Total 2022	81	22	27
Spring 2023	N/A	N/A	N/A
Fall 2023			
Total 2023			

ASBOG Fundamentals of Geology			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	105	75	71
Fall 2018	216	149	69
Total 2018	321	224	70
Spring 2019	153	108	71
Fall 2019	209	136	65
Total 2019	362	244	67
Spring 2020	No exams administered		
Fall 2020	145	112	77
Total 2020	145	112	77
Spring 2021	161	105	65
Fall 2021	132	95	72
Total 2021	293	200	68
Spring 2022	120	88	73
Fall 2022	116	63	54
Total 2022	236	151	64
Spring 2023	142	82	58
Fall 2023			
Total 2023			

ASBOG Practice of Geology			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	61	45	74
Fall 2018	105	73	70
Total 2018	166	118	71
Spring 2019	80	61	76
Fall 2019	89	70	79
Total 2019	169	131	78
Spring 2020	No exams administered		
Fall 2020	75	61	81
Total 2020	75	61	81
Spring 2021	95	69	73
Fall 2021	91	74	81
Total 2021	186	143	77
Spring 2022	90	74	82
Fall 2022	82	62	76
Total 2022	172	136	79
Spring 2023	74	57	77
Fall 2023			
Total 2023			

Geologist California Specific			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	102	47	46
Fall 2018	137	69	50
Total 2018	239	116	49
Spring 2019	116	56	48
Fall 2019	139	44	32
Total 2019	255	100	39
Spring 2020	150	74	49
Fall 2020	79	40	51
Total 2020	229	114	50
Spring 2021	106	47	44
Fall 2021	133	60	45
Total 2021	239	107	45
Spring 2022	128	58	45
Fall 2022	145	67	46
Total 2022	273	125	46
Spring 2023	129	50	39
Fall 2023			
Total 2023			

Certified Engineering Geologist			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	N/A	N/A	N/A
Fall 2018	45	24	53
Total 2018	45	24	53
Spring 2019	N/A	N/A	N/A
Fall 2019	40	29	73
Total 2019	40	29	73
Spring 2020	N/A	N/A	N/A
Fall 2020	17	11	65
Total 2020	17	11	65
Spring 2021	N/A	N/A	N/A
Fall 2021	39	20	51
Total 2021	39	20	51
Spring 2022	N/A	N/A	N/A
Fall 2022	31	13	42
Total 2022	31	13	42
Spring 2023	N/A	N/A	N/A
Fall 2023			
Total 2023			

Certified Hydrogeologist			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	N/A	N/A	N/A
Fall 2018	33	22	67
Total 2018	33	22	67
Spring 2019	N/A	N/A	N/A
Fall 2019	18	11	61
Total 2019	18	11	61
Spring 2020	N/A	N/A	N/A
Fall 2020	14	9	64
Total 2020	14	9	64
Spring 2021	N/A	N/A	N/A
Fall 2021	18	10	56
Total 2021	18	10	56
Spring 2022	N/A	N/A	N/A
Fall 2022	24	10	42
Total 2022	24	10	42
Spring 2023	N/A	N/A	N/A
Fall 2023			
Total 2023			

Professional Geophysicist			
Exam Cycle	Tested	Passed	Pass %
Spring 2018	N/A	N/A	N/A
Fall 2018	4	1	25
Total 2018	4	1	25
Spring 2019	N/A	N/A	N/A
Fall 2019	3	1	33
Total 2019	3	1	33
Spring 2020	N/A	N/A	N/A
Fall 2020	5	2	40
Total 2020	5	2	40
Spring 2021	N/A	N/A	N/A
Fall 2021	9	4	44
Total 2021	9	4	44
Spring 2022	N/A	N/A	N/A
Fall 2022	3	3	100
Total 2022	3	3	100
Spring 2023	N/A	N/A	N/A
Fall 2023			
Total 2023			

Past examination statistics are available on the Board's website at: https://www.bpelsg.ca.gov/applicants/exam_statistics.shtml

VIII. Strategic Plan Discussion

- A. Objective 1.3 Continuing Education Committee Report
- B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations. **(Possible Action)**
- C. Review of Objective 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights to improve the public's awareness. **(Possible Action)**

VIII. Strategic Plan Discussion

During discussion of the following Strategic Plan objectives from the April 13, 2023 and June 8, 2023 Board meetings, the Board requested to revisit and possibly revise the language of the following objectives:

Goal 5: Outreach

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

Objective 5.5:

(Current)

Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.

(Proposed)

Disseminate information on licensure and engage in outreach to underrepresented populations so as to increase diversity among our professions.

Objective 5.6:

(Current)

Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights with the Board to improve the public's awareness.

(Proposed)

Collaborate with the Department of Consumer Affairs to provide information to the public such that complainants are aware of how to properly file a complaint, understand the complaint process, and obtain awareness of the result of their complaints.

**IX. Discussion regarding the Draft 2023-24 Sunset Review Report of the Board
(Possible Action)**

X. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update
(Possible Action)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2023 NCEES Annual Meeting, August 15-18, 2023 – Report
 - 2. Nomination for President-Elect (Possible Action)
- G. Update on Outreach Efforts

Rulemaking Status Report

- 1. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)**
 - Staff working with Legal to prepare language for Board review.
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.

- 2. Definition of Traffic Engineering (16 CCR 404)**
 - Board staff will work with DCA Legal to prepare documents for initial notice in 2023.
 - 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 (16 CCR sections 3003 and 3003.1)**
 - Board staff will work on the pre-notice documents in 2023.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 9/1/2023	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
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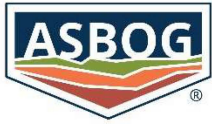
The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2024. M&O Fall 2023 Release will focus primarily on Accounting/Cashiering priorities for all programs. M&O Winter 2023 Release will focus on structural engineer application first, to align with the planned change in NCEES exam administration, and then traffic engineer and geotechnical engineer applications.

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No

Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No
Go Live – M&O Increment 3 (PI7/M&O3)	Complete	4/18/2023	No
Go Live – M&O Fall Release	In Progress	Sept 2023	No
Go Live – M&O Winter Release	In Progress	Oct/Dec 2023	No

Agile Team is currently working with staff on applications related the Structural, Geotechnical, and Traffic engineer license types.



Association of State
Boards of Geology

ASBOG[®] EXECUTIVE COMMITTEE 2024 SLATE OF OFFICERS

President	Rachel Kirkman (NC)
President Elect	Keith Rapp (MN)
Treasurer	Elyn Potter (MO)
Secretary	Craig Smith (FL)
Past President	Douglas Rambo (DE)

PROPOSED BUDGET

ASBOG's mission is to advance licensure examinations for geologists and geoscientists to safeguard the health, safety, and welfare of the public.



ANNUAL INCOME/EXPENDITURES SUMMARY- NOVEMBER 2023

YEAR END REPORT- FISCAL YEAR 2022 (January 1- December 31, 2022)

ADOPTED 2023 BUDGET (As amended November 2022)

AMENDED 2024 BUDGET (To be adopted - November 2023)

PROPOSED 2025 BUDGET (To be adopted - November 2023)

(All numbers have been rounded to the nearest dollar)


	FISCAL YEAR 2022 Actual	ADOPTED AS AMENDED 2023 Budget	AMENDED 2024 Budget	PROPOSED 2025 Budget
<u>INCOME</u>				
TOTAL INCOME	\$ <u>680,521</u>	\$ <u>658,100</u>	\$ <u>680,000</u>	\$ <u>731,500</u>
<u>EXPENDITURES</u>				
GENERAL ADMINISTRATION	\$ 352,809	\$ 301,070	\$ 327,050	\$ 311,522
EXAMINATION PRODUCTION	\$ 417,260 ¹	\$ 387,315 ²	\$ 354,098	\$ 361,224
ANNUAL MEETING	\$ 20,699	\$ 44,075	\$ 44,075	\$ 44,075
TOTAL EXPENDITURES	\$ <u>790,767</u>	\$ <u>732,460</u>	\$ <u>725,223</u>	\$ <u>716,821</u>
<u>INC OVER/(UNDER) EXP</u>	\$ <u>(110,246)</u>	\$ <u>(74,360)</u>	\$ <u>(45,223)</u>	\$ <u>14,679</u>
TRANSFER (TO)/FROM CASH RESERVES	\$ <u>110,246</u>	\$ <u>74,360</u>	\$ <u>45,223</u>	\$ <u>(14,679)</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

QUARTERLY OUTREACH REPORT (Q4)

SOCIAL MEDIA: April- June 2023

 TOP FACEBOOK POSTS	DATE	VIEWS
Geology Applicants: 100-day Reminder	6/14	409
Meeting Materials June 8-9	6/02	252
GIT & PG Applications Now in Connect	4/18	235
PECG "Thank You for Hosting Us"	5/22	201
Notice: Outage RE: Mailing of Reminders	6/26	180

 TOP TWEETS	DATE	VIEWS
PECG "Thank You for Hosting Us"	3/10	338
Recruiting Civils for Exam Development	5/10	168
Delay in Mailing Renewal Reminder Postcards	6/16	132
UC Riverside "Thank You for Hosting"	6/9	114
New Civil Exam Specs Announced	5/19	105

WEB PAGE VIEWS	VIEWS
License lookup	409,732
Board Home Page	193,571
Applicants Information	105,968
License Renewal Information	100,646
PE Application	83,229

QUARTERLY OUTREACH REPORT (Q4)

OUTREACH EVENTS: APRIL- JUNE 2023

EVENTS: (All “In Person” unless noted “Virtual”)

April
April 4 - CSU, San Bernardino Presentation – J. Goodwin, PG, CEG
April 4 - Loma Linda University Presentation – J. Goodwin, PG, CEG
April 5 - UC San Diego, Scripps Institute of Oceanography Presentation – J. Goodwin, PG, CEG
April 6 - CSU, Long Beach Presentation – J. Goodwin, PG, CEG
April 26 - North County Civil Engineer's and Land Surveyors Association (NCCELSA) Presentation - N. King, P.E.
April 28 – Terracon PE Review: California Specific PE Requirements Presentation (Virtual) - N. King, P.E.
April 29 - Univ. of Pacific Presentation (Virtual) - J. Goodwin, PG, CEG
May
May 15 – UC Riverside – Presentation to Mechanical Senior Design - M. Donelson, P.E.
May 17 - Professional Engineers in California Government (PECG) Golden Gate Section Presentation (Virtual) N. King, P.E. and M. Donelson, P.E.
May 17 – ASCE/CLSA Joint Mtg. in Bakersfield – Introduction to License Renewals and Applications in Connect. R. Moore, P.L.S.
May 25 - Caltrans District 8 Professional Engineer Quantifications Committee: Professional Engineering Licensure (Virtual), Natalie King, P.E.
May 25 - Monument Preservation with San Diego Gas & Electric (Virtual) Dallas Sweeney, P.L.S.
June
June 6 - Anatomy of Licensing: Navigating the PE Licensing Process w/ ASCE LA YMF and San Diego Chi Epsilon Alumni Association Natalie King, P.E.
June 12 - PLS Act discussion with City of Carlsbad (Virtual) Dallas Sweeney, P.L.S.
June 15 – Camp Pendleton Day participation /booth M. Donelson, P.E.
June 15 – CLSA Channel Islands Chapter in Ventura – Introduction to License Renewals and Applications in Connect. R. Moore, P.L.S.
June 20 & June 27 – California Licensing for Professional Civil Engineers and Professional Land Surveyors w/ San Francisco City Employees (Virtual) Natalie King, P.E., and Dallas Sweeney, P.L.S.
June 29 - BKF Engineers, Early Professionals Event: Professional Licenses Lunch & Learn (Virtual) D. Sweeney, P.L.S. and N. King, P.E.

XI. President's Report/Board Member Activities

XII. Approval of Meeting Minutes (Possible Action)

A. Approval of July 27, 2023, Board Meeting Minutes

DRAFT

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

Department of Public Works
825 East Third Street
San Bernardino, CA 92415

Thursday, July 27, 2023, beginning at 9:00 a.m.

Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Coby King; Guillermo Martinez; Betsy Mathieson; and Fermin Villegas
Board Members Absent:	Rossana D’Antonio; Frank Ruffino; and Wilfredo Sanchez;
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

Vice-President Wong led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Carl Josephson, representing SEAOC, introduced Alex Gross, an intern for Josephson-Werdowatz & Associates and a Senior at Chico State. San Bernardino County Surveyor Tom Herrin welcomed the Board to San Bernardino. President Hartley welcomed newly appointed Board Member Fermin Villegas.

IV. Legislation

A. 2023 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. The Legislature is currently in recess for the summer and will reconvene on August 14. This is the first year of a two-year legislative cycle. There are a couple of bills that did not make it out, and they are now considered two-year bills.

B. Discussion of Legislation for 2023

1. Assembly Bill (AB) 883 - Business licenses: United States Department of Defense SkillBridge program.
No action taken at this time.

2. Senate Bill (SB) 372 - Department of Consumer Affairs: licensee and

registrant records: name and gender changes.

MOTION:	Ms. Mathieson and Vice-President Wong moved to take a position of “Support” on SB 372, as amended June 28, 2023.
VOTE:	8-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio				X	
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez				X	
Fermin Villegas	X				

3. SB 447 – Go-Biz
No action taken at this time.

4. SB 544 - Bagley-Keene Open Meeting Act: teleconferencing.

MOTION:	Mr. King and Ms. Mathieson moved to take a position of “Watch” on SB 544 and appoint a two-member committee to work with staff regarding the Board’s concerns with the bill; recent amendments are not yet in print.
VOTE:	8-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio				X	
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez				X	
Fermin Villegas	X				

President Hartley appointed Mr. King and Dr. Asgari as the committee to work with staff on SB 544.

5. SB 802 - Licensing boards: disqualification from licensure: criminal conviction.
Ms. Eissler reported that this bill is now dead for this year.
6. SB 818 - Department of Consumer Affairs: terms of office: fingerprinting.
Ms. Eissler reported that this bill is now dead for this year.

V. Administration

A. Fiscal Year 2022/23 Budget Report

Mr. Moore reported that expenditures are about 90%. As expected, there was a significant increase in initial application volume, but revenue is down due to it being a biennial off year for renewals. Projections are as expected for Fiscal Month 11. He reported that the months-in-reserve (MIR) is 1.9 for this year. Due to the wide variation in application volume during the pandemic and the new Connect system, we are going back to the previous 5 years and conducting an average of applications and being conservative of what to expect for revenue rather than assuming there would be an increase.

B. License Renewal Notices Report

Mr. Moore reported that coordinated through DCA, the Employment Development Department (EDD) has been responsible for the printing of the Board's renewal notices as well as other state agencies for the printing and mailing of notices. EDD decided they were no longer going to offer these services resulting in DCA contracting with another vendor. However, there have been issues with extracting data from the legacy systems and interruptions in printing renewal notices. Last year, the Board sponsored legislation to require licensees to provide an email address so that we may now notify the licensee to renew online via Connect. We also removed the requirement for us to mail out paper renewal forms. With the issues arising with printing, DCA is recommending that all boards process renewals online and move away from printing due to all the interruptions in service. Staff has been encouraging everyone to go online as much as possible to process their renewals. Online participation for renewal transactions this Fiscal Year is nearing 90%. There are a number of licensees for whom we may not have an accurate email address or who have not participated in the online renewal process so they will receive a paper notification mailed to their address of record encouraging them to renew online. There is an average of \$50,000 per year in postage expenditures, and this year it is projected to be \$93,000. Currently, the Board is not required to provide and mail renewal notices. Licensees receive an email notification or text message if they have opted into texting, through BPELSG Connect to notify them of a message on their online account. Currently, the only option to pay online is a credit or debit card.

During Public Comment, Alex Gross asked whether it would be beneficial to see how other boards are handling their renewals. Ms. Eissler responded by saying

all DCA licensing boards are being affected as well. Some are also having issues printing wall certificates, whereas the Board has always printed their own.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell, Enforcement Program Manager, reviewed the Enforcement Statistics. Ms. Mathieson inquired about the number of licensees referred for Formal Disciplinary Action and the number of Final Disciplinary Decisions has gone down. Ms. Criswell noted that one of the more recent board meetings there were no deliberations to consider. There has been an increase in hearings and believes that the accessibility of having virtual hearings has helped. She added that there has been an increase in the scheduling of hearings rather than negotiating settlements early on.

During Public Comment, Dave Woolley, Land Surveyor, reported that part of his role is serving as an expert in litigation cases both in state and federal court that involve land surveyor negligence. He provided history in reference to fraud in the land surveying industry and noted there are still reflections of it today. Engineers outnumber land surveyors 10-1, but land surveyors probably have more complaints than engineers. There is an education component. The education is available, but the community is not receptive. He believes that we need to look at the land surveying profession as a whole and create regulations to give it more practice-based laws, evaluate bills, and overregulate the profession to get it where it needs to be.

VII. Exams/Licensing

A. Examination/Licensing Updates

No report at this time.

VIII. Responsible Charge and Business Entity Requirements

Mr. Moore opened the discussion by reporting that licensees can practice and offer services through their own name or a business entity. When the services are offered through their business entity, there are certain requirements on how to form the business entity.

Ms. Eissler noted that she did not include the Geology and Geophysicist Act or regulations because their business entity laws are very different, and there is not yet a responsible charge criteria definition in regulations.

President Hartley reported that Business and Professions Code 8729 (a) (1) requires a land surveyor or civil engineer currently licensed be an owner, partner, or officer in charge of the land surveying practice of the business. In part (b), it indicates that an out-of-state business with a branch office in this state shall meet the requirements and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is to be physically present

at the branch office in the state on a regular basis. He would argue that if you only have an in-state business then the same would apply. Current application of this law by the profession has created a situation in which one could open a land surveying office, be licensed, have your license suspended, revoked, etc. and you find yourself needing someone to sign for you. This person could have a full-time job employed by a municipality or government agency and have a complete other side business with staff and be in responsible charge of a completely different organization. This would not preclude someone who is a government employee from still having a side business. We do not want to limit people's ability to make a living, but we do want to protect the public and make sure there is someone in responsible charge of the work being done and that person needs to physically be present in a branch office on a regular basis. You cannot be in multiple locations at once. He believes that one of the key problems with the current law is the title, "Officer of a Corporation" and believes that the legislators or authors intended it to be someone with a personal investment in that corporation.

Mr. King explained that if there are two provisions in a law, one dealing with in-state and the other dealing with out-of-state, and if there is something that is only in the out-of-state provision, it clearly does not apply to in-state. If President Hartley believes it should be, it would require a change in the law.

Ms. Eissler added that it is not just any out-of-state business, it is only out-of-state businesses with a branch office in California, so it is even more limiting. There must be a licensee in responsible charge at an in-state business and the responsible charge criteria addresses how the person can maintain that responsible charge, by being either physically present or available with communications devices. While it may not say that you must be physically present for an in-state business, you must be in responsible charge, which means either being physical present or available through a communication device. She added that there have many questions in reference to the term, "Officer". Legal counsel has advised that there is nothing in the statutes that require a percentage of ownership of the company. The only time it refers to owner, it would apply to the sole proprietorship as it refers to owner, partner, or officer and then refers to sole proprietorship, partnership, or corporation. The only way to know if someone is an officer is if they are listed in the bylaws of the corporation or minutes from a corporation's board meeting that shows they have been appointed but it does not indicate at what level. Our law says they must be the one in responsible charge, making the engineering or land surveying decisions for the business which is different than being in responsible charge of a particular project for that business.

President Hartley's issue in what he sees as harming the public is when a licensee has more than one company that they are in responsible charge of, that they are on more than one Organization Record form. There are other states that limit the

licensee's responsibility to one firm, and he believes California should do something similar.

During Public Comment, Rob McMillan discussed span of control and as licensed professionals we must consider how well can we supervise a group of subordinates.

David Woolley offered his perspective, if there is a licensed surveyor that works at a municipality and then you have engineering companies offering land surveying services, but they either cannot hire a licensee or they are unavailable but most often they do not want to pay a licensee for full-time staff. They will add someone to their Organization Record form who can be on multiple records. He considers it a "License for sale" and there is no span of control.

Mr. Moore explained this may come through as a legislative effort from an outside organization or the Board can seek to sponsor legislation to change. The Board can also seek to work within the current statutory framework and assemble a rulemaking proposal. He predicts it will be challenging as there will be other interests with concerns and input.

President Hartley was tasked to read portions of the PLS Act in reference to the Land Surveyor Technical Advisory Committee (LS TAC) and admits that he is still not clear of the functions of the TAC and asked Mr. Moore if this would be something that the TAC would review. Mr. Moore added that this would not only involve land surveyors, but engineers, geologists, and geophysicists as well. He explained that the TAC serves in an advisory role for tasks that the Board needs additional expertise, opinion, or thoughts. Their input is usually technical in nature and they do not advise on how to interpret the law. They will advise how land surveying is practiced and how it applies to the concern of the Board.

The Board directed staff to make recommendations for clarifying and updating language to reflect current practices for the Board's review and further action.

Mr. King expressed that the President has a sense that the current laws do not adequately deal with problems within the profession and that there are potential abuses that occur because of the manner in which the law is written and/or interpreted. One method to changing the law is that you must truly make a case that there is something wrong, that there are those abuses, that there is a problem that really needs to be corrected. Did the legislative body make a record that this was actually necessary? Asking staff to come back with language changes either to regulation or to statute is a good idea; however, he believes we skipped a major step. Has staff in consultation with professional organizations actually identify there is a problem? Once we have that information, staff can report their findings. He believes stakeholder consultations play an important part as these are big changes that will be difficult to get through the legislature.

President Hartley reported that the California Land Surveyors Association (CLSA) has a professional practices committee. It is possible that there are cases that

professional practices committees have seen.

During Public Comment, Mr. McMillan reported that he will present this at the quarterly CLSA Board of Directors meeting.

Mr. Woolley recommended the review of Organizational Record forms.

Ms. Criswell commented that future development to the Connect system would be to include associations, employment, and whether the licensee is an officer. It has been an interest among the Enforcement Unit. Mr. Moore reported that future development would replace the Organization Record forms with something in Connect to allow the licensee to include the organization(s) they are associated with.

Mr. Moore does not expect staff to bring forth an analysis and recommended language. It would be more of an analysis based on a direction received for the Board to have further discussion. It is too early to come forward with recommended language.

Ms. Mathieson agrees with Mr. King in the importance of documenting a problem for any legislation and rulemaking. She recommends distilling this discussion and giving it a label and the Board's direction to staff needs to outline the problem.

IX. Introduction, Discussion, and Overview of the 2023-24 Sunset Process for the Board

Mr. Moore reported that the Board must have the Sunset report finalized by the end of the year and to expect the full Sunset draft for submittal at the November Board meeting. He expressed the need to have a two Board member committee to assist in reviewing the report and provide revisions. He provided examples of the types of information they will be reviewing.

There will be an opportunity to bring up new issues at the September Board meeting, and the Board must adopt the report at the November meeting. The Sunset Review hearing will take place in the Spring before the members of the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee.

Vice-President Wong and Mr. Martinez volunteered to be the two-member committee to review the Sunset report.

X. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the ASBOG Exam Fees, Abandoned Applications, and Postponements Rulemaking was approved by the Office of Administrative Law and became effective June 29, 2023.

B. Update on Board's Business Modernization Project

Staff continues to work on the remaining applications which include structural engineering, geotechnical engineering, and traffic engineering along with the Certified Engineering Geologist (CEG) and Certified Hydrogeologist (CHG) applications.

C. Personnel

No report given.

D. ABET

Mr. Moore explained ABET’s purpose and functions for the new Board members. The board has not yet been notified of ABET campus visits for this fall.

E. Association of State Boards of Geology (ASBOG)

1. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update

MOTION:	Dr. Asgari and Dr. Amistad nominated Ms. Mathieson to attend the 2023 Fall Annual Meeting as a voting member.
VOTE:	8-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio				X	
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez				X	
Fermin Villegas	X				

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach events and explained the Board’s outreach efforts to the new members.

F. National Council of Examiners for Engineering and Surveying (NCEES)

1. 2023 NCEES Annual Meeting, August 15-18, 2023 – Summary of Motions

The Board previously chose Vice-President Wong, Mr. Ruffino, and President Hartley as funded delegates to the NCEES Annual Meeting.

Mr. Moore reviewed the motions being presented at the 2023 NCEES Annual Meeting.

He discussed the EPS (Examinations for Professional Surveyors) motion and

the Professional Surveying examination. The Board made a motion to pull the public land surveying questions from the National exam and have it as a supplemental module and Western Zone agreed to it and submitted it as a Western Zone request. After evaluations and studies, the Council approved it. The current motion is to move that NCEES develop a Public Lands Survey System module to be used in conjunction with the Principles and Practice of Surveying examination for jurisdictions that require such an exam.

Mr. Moore recommended to accept the motion as it matches what the Board wanted to accomplish.

Ms. Eissler reported on ACCA (Advisory Committee on Council Activities) 2 motion. The Board of Directors is endorsing it but Nevada had concerns so the Board of Directors did not put it on consent as they were aware that it would most likely get pulled. It has to do with Board members terms on their own board vs. terms on the NCEES Board of Directors and when they can be elected and nominated. The Zone Vice-Presidents are elected by their zones at the Spring Zone meetings but their position does not take effect until the Annual Meeting in August. The President Elect and the Treasurer are voted on at the Annual Meeting by the entire council. There was an issue last year with the timing of when a board member who had been nominated to be President Elect by their zone termed off his own board vs. when he was approved by NCEES to be an Emeritus member to when he would have been voted on by the council at the Annual Meeting and it was determined that he was ineligible.

Ms. Mathieson referenced EPP Motion 8, the term “Refresher” is not an appropriate term for an exam prep course and suggested, “an exam preparation course” or “Exam review course”.

XI. President’s Report/Board Member Activities

Mr. Villegas was appointed as a public member by outgoing Assembly Speaker Rendon. He has been an attorney for the California Community Colleges. Prior to that he worked in private practice and at the Attorney General's Office in Sacramento. He previously served on the Architects Board approximately ten years ago but had to resign to take the position at the Attorney General 's Office as they represent DCA boards. He looks forward to being able to contribute to the Board's work.

Vice-President Wong attended the State of the Council meeting to prepare for the NCEES Zone meetings.

XII. Approval of Meeting Minutes

A. Approval of June 8, 2023, Board Meeting Minutes

MOTION:	Dr. Asgari and Dr. Amistad moved to approve the June 2023 minutes, as amended.
VOTE:	7-1-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio				X	
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez				X	
Fermin Villegas			X		

XIII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 - 2. 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
 - 3. Patrick Frederick Christensen vs. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs of the State of California, San Diego County Superior Court Case No. 37-2022-00000484-CU-WM-CTL
 - 4. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
 - 5. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379

XIV. Adjourn

The meeting was adjourned at 3:42 p.m.

PUBLIC PRESENT

Carl Josephson, SEAOC
 Alex Gross, SEAOC
 Rob McMillan, CLSA
 Thomas Herrin, San Bernardino County Surveyor
 Paul Novak, former member of the Board

XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 1. 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
 2. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
 3. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379

XIV. Adjourn
