



Governor Edmund G. Brown

Board for Professional Engineers, Land Surveyors, and Geologists

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

July 16-17, 2015

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

Board for Professional Engineers, Land
Surveyors, and Geologists
2535 Capitol Oaks Drive
Third Floor Conference Room
Sacramento, CA 95833

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JULY 16-17, 2015

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
2535 CAPITOL OAKS DRIVE, 3RD FLOOR CONFERENCE RM.
SACRAMENTO, CA 95833

Board Members: Robert Stockton, President; Coby King, Vice President; Natalie Alavi; Asha Brooks; Eric Johnson; Kathy Jones Irish; Betsy Mathieson; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Ray Satorre; Jerry Silva; and Patrick Tami

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I. Roll Call to Establish a Quorum

II. Public Comment

III. Legislation

- A. Discussion of Legislation for 2015: AB 12, AB 85, AB 177, AB 320, AB 507, AB 1060, SB 209, SB 284, SB 799
- B. Legislative Proposals for 2016

| JUNE | | | | | | |
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| JULY | | | | | | |
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| AUGUST | | | | | | |
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| SEPTEMBER | | | | | | |
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| 27 | 28 | 29 | 30 | | | |

June 1 – 5 Floor Session only. No committee may meet for any purpose (J.R. 61(a)(7)).

June 5 Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

June 8 Committee meetings may resume (J.R. 61(a)(9)).

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

July 3 Independence Day observed.

July 17 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)). **Summer Recess** begins at the end of this day’s session, provided Budget has been enacted (J.R. 51(a)(3)).

Aug. 17 Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

Aug. 28 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

Aug. 31 – Sept. 11 Floor Session only. No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

Sept. 4 Last day to **amend** bills on the Floor (J.R. 61(a)(13)).

Sept. 7 Labor Day.

Sept. 11 Last day for **each house to pass bills** (J.R. 61(a)(14)). **Interim Study Recess** begins at end of this day’s session (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2015

Oct. 11 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 11 and in the Governor’s possession after Sept. 11 (Art. IV, Sec.10(b)(1)).

2016

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

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

*Holiday schedule subject to final approval by Rules committee

Introduced Legislation

Senate Bill 209 (Pavley D)

Surface mining: inspections and financial assurances.

Status: 6/11/15 Referred to Committee on Natural Resources.

Calendar: 7/13/15 A-Natural Resources 1:30 p.m. - State Capitol, Room 447 Williams, Chair Professions and Economic Development, Hill, Chair

Location: 6/11/15 Assembly Committee on Natural Resources.

Last Amendment: 7/7/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/8/15

Staff Analysis: SB 209

Bill Summary: This bill would require the Department of Conservation, no later than January 1, 2018, and on an ongoing basis thereafter, to offer continuing educational opportunities for lead agency employees to become certified, as appropriate, by the department to inspect surface mining operations. The bill would prohibit a lead agency that operates a surface mining operation from having an inspection performed by a lead agency employee, as specified, unless that employee has become certified as a surface mining operation inspector within the previous 2 years. This bill would revise the proof of financial assurances to be submitted with the annual report. The bill would define “financial assurances” to be the combination of an approved current financial assurance cost estimate and a financial assurance mechanism, as specified. The bill would require the inspections be conducted by a state licensed geologist, state licensed civil engineer, or state licensed geophysicist, as specified. According to the coalition headed by the sponsor, The Sierra Fund, the state has a strong interest in ensuring the mine operations in the state are operated in compliance with its locally issued permit which protects the state’s water and air from contamination, and to ensure that when the mine ceases operation that it is remediated to be ready for a beneficial end use. The coalition is participating in the ongoing stakeholder process and recognizes Governor Brown’s call to reform SMARA “top to bottom.”

Staff Comment: Board staff is working with the State Mining and Geology Board (SMGB) to clarify appropriate language identifying the Board and it’s licensees.

Board Position: Watch - as amended 7/7/2015.

Laws: An act to amend Section 607, 2006.5, 2207, 2772, 2773.1, and 2774 of the Public Resources Code, relating to surface mining

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN SENATE MAY 12, 2015

AMENDED IN SENATE MARCH 19, 2015

SENATE BILL

No. 209

Introduced by Senator Pavley

February 11, 2015

An act to amend Sections 607, 2207, 2714, 2733, 2770, 2772, 2773.1, and 2774, 2774.1, 2774.4, and 2776 of, and to add ~~Section~~ Sections 2006.5, 2736, 2772.1, and 2773.4 to, the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 209, as amended, Pavley. Surface mining: ~~inspections and inspections:~~ financial assurances: *reclamation plans*.

(1) Existing law establishes the Office of Mine Reclamation within the Department of Conservation. *Existing law requires the State Mining and Geology Board to impose, by regulation, an annual reporting fee on the operators of all active and idle mining operations. Existing law requires the maximum amount of the annual fee imposed on each mining operation to not exceed \$4,000. Existing law limits the maximum amount of the total revenue generated from the reporting fee to no more than \$3,500,000, as specified.*

This bill would instead establish the Division of Mines within the department under the direction of the ~~State Mine Inspector~~. *Supervisor of Mines and Reclamation. The bill also would raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the*

total revenue generated from the reporting fee to \$8,000,000, as specified.

~~(2) Existing law requires the owner or operator of a surface mining operation to forward annually to the director and the lead agency a report that provides, among other things, proof of annual inspection by the lead agency and proof of financial assurances. The Surface Mining and Reclamation Act of 1975 requires the owner or operator of a surface mining operation to file with the lead agency a reclamation plan containing specified information. The act requires the lead agency to require financial assurances of each surface mining operation. The act requires a lead agency to inspect a surface mining operation within 6 months of receiving the operation's annual report and to conduct an inspection no less than once every calendar year. The act authorizes a lead agency to authorize an inspection to be conducted by a state licensed geologist, state licensed civil engineer, state licensed landscape architect, or state licensed forester, as specified.~~

~~This bill would require the Department of Conservation, no later than January 1, 2018, and on an ongoing basis thereafter, to offer continuing educational opportunities for lead agency employees to become certified, as appropriate, by the department to inspect surface mining operations. The bill would prohibit a lead agency that operates a surface mining operation from having an inspection performed by a lead agency employee, as specified, unless that employee has become certified as a surface mining operation inspector within the previous 2 years.~~

~~This bill would revise the proof of financial assurances to be submitted with the annual report. The bill would define "financial assurances" to be the combination of an approved current financial assurance cost estimate and a financial assurance mechanism, as specified. The bill would require the inspections be conducted by a state licensed geologist, state licensed civil engineer, or state licensed geophysicist, as specified. The bill would authorize the lead agency and the State Mine Inspector to inspect all surface mining operations and, when conducting those inspections, would require certain determinations be made. The bill would require the reclamation plan to be filed on a form developed by the department and approved by the State Mining and Geology Board, and to include a schedule with time limits for completing reclamation, in accordance with the plan, to be reviewed and confirmed by the lead agency during the annual inspection.~~

~~This bill would state the intent of the Legislature to modernize the Surface Mining and Reclamation Act of 1975, among other things.~~

(2) The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation of the surface mining operation.

This bill would revise and recast provisions of the act related to the approval of reclamation plans and, among other things, would require a reclamation plan filed by an operator of a surface mining operation with a lead agency to include specified reclamation maps; require a lead agency, when submitting a proposed final reclamation plan to the Director of Conservation, to incorporate specified items of information and documents in the submitted reclamation plan within certain timeframes; and require the director to take certain actions upon receiving a proposed final reclamation plan. By adding to the duties of a local government acting as a lead agency under the act, this bill would impose a state-mandated local program.

This bill also would require a lead agency or the board to conduct a specified public hearing if the lead agency has evidence that an operator is financially incapable of performing reclamation in accordance with its approved reclamation plan or that the operator has abandoned a surface mining operation without completing reclamation and to take appropriate actions to seize the operator's financial assurances.

This bill would revise and recast provisions of the act related to the proof of financial assurances, as defined, and, among other things, would require an operator to establish an appropriate financial assurance mechanism within 30 days of a sale or transfer of a surface mining operation; require a lead agency to submit a surface mining operation's proposed financial assurance cost estimate with a specified report to the director for review, as specified; and require the director to take certain actions upon receiving a financial assurance cost estimate from a lead agency. By adding to the duties of a local government acting as a lead agency under the act, this bill would impose a state-mandated local program.

This bill would require the Department of Conservation and the board, in consultation with Board of Professional Engineers and Land Surveyors, to adopt regulations that set forth the minimum qualifications for a person conducting an inspection of a surface mining operation, as specified. The bill also would require the department to establish,

no later than July 1, 2016, a training program for all surface mine inspectors, as specified.

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

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

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

State-mandated local program: ~~no~~-yes.

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

1 ~~SECTION 1. It is the intent of the Legislature to modernize~~
2 ~~the Surface Mining and Reclamation Act of 1975 (Chapter 9~~
3 ~~(commencing with Section 2710) of Division 2 of the Public~~
4 ~~Resources Code) to remedy concerns and issues identified by~~
5 ~~various stakeholders, ranging from conservation groups to mine~~
6 ~~operators to local governments. Issues that have been raised~~
7 ~~include, but are not limited to, the following:~~

8 ~~(a) A fair and adequate fee structure to support the Office of~~
9 ~~Mine Reclamation.~~

10 ~~(b) Improving compliance with the annual inspection~~
11 ~~requirement and enforcement.~~

12 ~~(c) Training to local governments that often serve as the lead~~
13 ~~agency for surface mines.~~

14 ~~(d) Ensuring the adequacy of financial assurances and~~
15 ~~reclamation plans.~~

16 ~~(e) Improving the professionalism of the Office of Mine~~
17 ~~Reclamation and improving administrative efficiency and appeals~~
18 ~~processes within the act.~~

19 ~~SEC. 2.~~

20 ~~SECTION 1.~~ Section 607 of the Public Resources Code is
21 ~~amended to read:~~

22 ~~607. The work of the department shall be divided into at least~~
23 ~~the following:~~

24 ~~(a) California Geological Survey.~~

25 ~~(b) Division of Oil, Gas, and Geothermal Resources.~~

26 ~~(c) Division of Land Resource Protection.~~

27 ~~(d) Division of Mines.~~

1 ~~SEC. 3.~~

2 ~~SEC. 2.~~ Section 2006.5 is added to the Public Resources Code,
3 to read:

4 2006.5. ~~"State Mine Inspector"~~ *"Supervisor of Mines and*
5 *Reclamation"* means the individual directing the Division of Mines
6 established pursuant to subdivision (d) of Section 607.

7 ~~SEC. 4.~~

8 ~~SEC. 3.~~ Section 2207 of the Public Resources Code is amended
9 to read:

10 2207. (a) The owner or the operator of a mining operation
11 within the state shall forward to the director annually, not later
12 than a date established by the director, upon forms approved by
13 the board from time to time, a report that identifies all of the
14 following:

15 (1) The name, address, and telephone number of the person,
16 company, or other owner of the mining operation.

17 (2) The name, address, and telephone number of a designated
18 agent who resides in this state, and who will receive and accept
19 service of all orders, notices, and processes of the lead agency,
20 board, director, or court.

21 (3) The location of the mining operation, its name, its mine
22 number as issued by the Division of Mines or the director, its
23 section, township, range, latitude, longitude, and approximate
24 boundaries of the mining operation marked on a United States
25 Geological Survey 7 1/2-minute or 15-minute quadrangle map.

26 (4) The lead agency.

27 (5) The approval date of the mining operation's reclamation
28 plan.

29 (6) The mining operation's status as active, idle, reclaimed, or
30 in the process of being reclaimed.

31 (7) The commodities produced by the mine and the type of
32 mining operation.

33 (8) ~~(A)~~ Proof of annual inspection by the lead agency.

34 ~~(B) It is the intent of the Legislature to develop a separate~~
35 ~~procedure for county-owned borrow pits and similar sites and the~~
36 ~~training necessary to inspect them.~~

37 (9) Proof of the most recently approved financial cost estimate
38 and the approved financial assurance cost mechanism.

1 (10) Ownership of the property, including government agencies,
2 if applicable, by the assessor's parcel number, and total assessed
3 value of the mining operation.

4 (11) The approximate permitted size of the mining operation
5 subject to Chapter 9 (commencing with Section 2710), in acres.

6 (12) The approximate total acreage of land newly disturbed by
7 the mining operation during the previous calendar year.

8 (13) The approximate total of disturbed acreage reclaimed during
9 the previous calendar year.

10 (14) The approximate total unreclaimed disturbed acreage
11 remaining as of the end of the calendar year.

12 (15) The total production for each mineral commodity produced
13 during the previous year.

14 (16) A copy of any approved reclamation plan and any
15 amendments or conditions of approval to any existing reclamation
16 plan approved by the lead agency.

17 (b) (1) Every year, not later than the date established by the
18 director, the person submitting the report pursuant to subdivision
19 (a) shall forward to the lead agency, upon forms furnished by the
20 board, a report that provides all of the information specified in
21 subdivision (a).

22 (2) The owner or operator of a mining operation shall allow
23 access to the property to any governmental agency or the agent of
24 any company providing financial assurances in connection with
25 the reclamation plan in order that the reclamation can be carried
26 out by the entity or company, in accordance with the provisions
27 of the reclamation plan.

28 (c) Subsequent reports shall include only changes in the
29 information submitted for the items described in subdivision (a),
30 except that, instead of the approved reclamation plan, the reports
31 shall include any reclamation plan amendments approved during
32 the previous year. The reports shall state whether review of a
33 reclamation plan, financial assurances, or an interim management
34 plan is pending under subdivision ~~(b), (c), (d)~~, (b) or (h) of Section
35 2770, or whether an appeal before the board or lead agency
36 governing body is pending under subdivision (e) or (h) of Section
37 2770. The director shall notify the person submitting the report
38 and the owner's designated agent in writing that the report and the
39 fee required pursuant to subdivision (d) have been received, specify
40 the mining operation's mine number if one has not been issued by

1 the Division of Mines, and notify the person and agent of any
 2 deficiencies in the report within 90 days of receipt. That person
 3 or agent shall have 30 days from receipt of the notification to
 4 correct the noted deficiencies and forward the revised report to the
 5 director and the lead agency. Any person who fails to comply with
 6 this section, or knowingly provides incorrect or false information
 7 in reports required by this section, may be subject to an
 8 administrative penalty as provided in subdivision (c) of Section
 9 2774.1.

10 (d) (1) The board shall impose, by regulation, pursuant to
 11 paragraph (2), an annual reporting fee on, and method for collecting
 12 annual fees from, each active or idle mining operation. The
 13 maximum fee for any single mining operation may not exceed ~~four~~
 14 ~~ten thousand dollars (\$4,000)~~ (\$10,000) annually and may not be
 15 less than one hundred dollars (\$100) annually, as adjusted for the
 16 cost of living as measured by the California Consumer Price Index
 17 for all urban consumers, calendar year averages, using the
 18 percentage change in the previous year, ~~beginning with the~~
 19 ~~2005-06 fiscal year and annually thereafter.~~ *except that the*
 20 *maximum fee for any single mining operation shall not exceed six*
 21 *thousand dollars (\$6,000) in the 2016-17 fiscal year and eight*
 22 *thousand dollars (\$8,000) in the 2017-18 fiscal year.*

23 (2) (A) The board shall adopt, by regulation, a schedule of fees
 24 authorized under paragraph (1) to cover the department's cost in
 25 carrying out this section and Chapter 9 (commencing with Section
 26 2710), as reflected in the Governor's proposed Budget, and may
 27 adopt those regulations as emergency regulations. In establishing
 28 the schedule of fees to be paid by each active and idle mining
 29 operation, the fees shall be calculated on an equitable basis
 30 reflecting the size and type of operation. The board shall also
 31 consider the total assessed value of the mining operation, the
 32 acreage disturbed by mining activities, and the acreage subject to
 33 the reclamation plan.

34 (B) Regulations adopted pursuant to this subdivision shall be
 35 adopted by the board in accordance with the Administrative
 36 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
 37 Part 1 of Division 3 of Title 2 of the Government Code). The
 38 adoption of any emergency regulations pursuant to this subdivision
 39 shall be considered necessary to address an emergency and shall
 40 be considered by the Office of Administrative Law to be necessary

1 for the immediate preservation of the public peace, health, safety,
2 and general welfare.

3 (3) The total revenue generated by the reporting fees may not
4 exceed, and may be less than, the amount of ~~three million five~~
5 ~~hundred thousand~~ *eight million* dollars ~~(\$3,500,000)~~ *(\$8,000,000)*,
6 as adjusted for the cost of living as measured by the California
7 Consumer Price Index for all urban consumers, calendar year
8 averages, using the percentage change in the previous year,
9 beginning with the ~~2005-06~~ *2016-17* fiscal year and annually
10 thereafter. If the director determines that the revenue collected
11 during the preceding fiscal year was greater or less than the cost
12 to operate the program, the board shall adjust the fees to
13 compensate for the overcollection or undercollection of revenues.

14 (4) (A) The reporting fees established pursuant to this
15 subdivision shall be deposited in the Mine Reclamation Account,
16 which is hereby created. Any fees, penalties, interest, fines, or
17 charges collected by the director or board pursuant to this chapter
18 or Chapter 9 (commencing with Section 2710) shall be deposited
19 in the Mine Reclamation Account. The money in the account shall
20 be available to the department and board, upon appropriation by
21 the Legislature, for the purpose of carrying out this section and
22 complying with Chapter 9 (commencing with Section 2710), which
23 includes, but is not limited to, classification and designation of
24 areas with mineral resources of statewide or regional significance,
25 reclamation plan and financial assurance review, mine inspection,
26 and enforcement.

27 (B) (i) In addition to reporting fees, the board shall collect five
28 dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of
29 silver mined within the state and shall deposit the fees collected
30 in the Abandoned Mine Reclamation and Minerals Fund
31 Subaccount, which is hereby created in the Mine Reclamation
32 Account. The department may expend the moneys in the
33 subaccount, upon appropriation by the Legislature, for only the
34 purposes of Section 2796.5 and as authorized herein for the
35 remediation of abandoned mines.

36 (ii) Notwithstanding subdivision (j) of Section 2796.5, fees
37 collected pursuant to clause (i) may also be used to remediate
38 features of historic abandoned mines and lands that they impact.
39 For the purposes of this section, historic abandoned mines are
40 mines for which operations have been conducted before January

1 1, 1976, and include, but are not limited to, historic gold and silver
2 mines.

3 (5) In case of late payment of the reporting fee, a penalty of not
4 less than one hundred dollars (\$100) or 10 percent of the amount
5 due, whichever is greater, plus interest at the rate of 1 ½ percent
6 per month, computed from the delinquent date of the assessment
7 until and including the date of payment, shall be assessed. New
8 mining operations that have not submitted a report shall submit a
9 report prior to commencement of operations. The new operation
10 shall submit its fee according to the reasonable fee schedule
11 adopted by the board, and the month that the report is received
12 shall become that operation's anniversary month.

13 (e) The lead agency, or the board when acting as the lead agency,
14 may impose a fee upon each mining operation to cover the
15 reasonable costs incurred in implementing this chapter and Chapter
16 9 (commencing with Section 2710).

17 (f) For purposes of this section, "mining operation" means a
18 mining operation of any kind or character whatever in this state,
19 including, but not limited to, a mining operation that is classified
20 as a "surface mining operation" as defined in Section 2735, unless
21 excepted by Section 2714. For the purposes of fee collections only,
22 "mining operation" may include one or more mines operated by
23 a single operator or mining company on one or more sites, if the
24 total annual combined mineral production for all sites is less than
25 100 troy ounces for precious metals, if precious metals are the
26 primary mineral commodity produced, or less than 100,000 short
27 tons if the primary mineral commodity produced is not precious
28 metals.

29 (g) Any information in reports submitted pursuant to subdivision
30 (a) that includes or otherwise indicates the total mineral production,
31 reserves, or rate of depletion of any mining operation may not be
32 disclosed to any member of the public, as defined in subdivision
33 (b) of Section 6252 of the Government Code. Other portions of
34 the reports are public records unless excepted by statute. Statistical
35 bulletins based on these reports and published under Section 2205
36 shall be compiled to show, for the state as a whole and separately
37 for each lead agency, the total of each mineral produced therein.
38 In order not to disclose the production, reserves, or rate of depletion
39 from any identifiable mining operation, no production figure shall
40 be published or otherwise disclosed unless that figure is the

1 aggregated production of not less than three mining operations. If
 2 the production figure for any lead agency would disclose the
 3 production, reserves, or rate of depletion of less than three mining
 4 operations or otherwise permit the reasonable inference of the
 5 production, reserves, or rate of depletion of any identifiable mining
 6 operation, that figure shall be combined with the same figure of
 7 not less than two other lead agencies without regard to the location
 8 of the lead agencies. The bulletin shall be published annually by
 9 June 30 or as soon thereafter as practicable.

10 (h) The approval of a form by the board pursuant to this section
 11 is not the adoption of a regulation for purposes of the
 12 Administrative Procedure Act (Chapter 3.5 (commencing with
 13 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 14 Code) and is not subject to that act.

15 *SEC. 4. Section 2714 of the Public Resources Code is amended*
 16 *to read:*

17 2714. This chapter does not apply to any of the following
 18 activities:

19 (a) Excavations or grading of lands conducted for farming.

20 (b) Onsite excavation and onsite earthmoving activities that are
 21 ~~an integral and necessary part of a~~ *for the construction project of*
 22 *structures* and that are undertaken to prepare a site for *the*
 23 *construction of those structures, landscaping, including landscaping*
 24 *or other land improvements associated with those structures,*
 25 *including the related excavation, grading, compaction, or the*
 26 *creation of fills, road cuts, and embankments, whether or not*
 27 *surplus materials are exported from the site, subject to all of the*
 28 *following conditions:*

29 (1) All required permits for the ~~construction, landscaping,~~
 30 *construction and any associated landscaping* or related land
 31 improvements have been approved by a public agency in
 32 accordance with applicable provisions of state law and locally
 33 adopted plans and ordinances, including, but not limited to,
 34 ~~Division the California Environmental Quality Act (Division 13~~
 35 *(commencing with Section 21000). 21000)).*

36 (2) The lead agency's approval of the construction project
 37 included consideration of the onsite excavation and onsite
 38 earthmoving activities pursuant to ~~Division the California~~
 39 *Environmental Quality Act (Division 13 (commencing with Section*
 40 *21000). 21000)).*

1 (3) The approved construction project is consistent with the
2 general plan or zoning of the site.

3 (4) Surplus materials shall not be exported from the site unless
4 and until actual construction work has commenced and shall cease
5 if it is determined that construction activities have terminated, have
6 been indefinitely suspended, or are no longer being actively
7 pursued.

8 (c) Operation of a plant site used for mineral processing,
9 including associated onsite structures, equipment, machines, tools,
10 or other materials, including the onsite stockpiling and onsite
11 recovery of mined materials, subject to all of the following
12 conditions:

13 (1) The plant site is located on lands designated for industrial
14 or commercial uses in the applicable county or city general plan.

15 (2) The plant site is located on lands zoned industrial or
16 ~~commercial~~, *commercial* or are contained within a zoning category
17 intended exclusively for industrial activities by the applicable city
18 or county.

19 (3) None of the minerals being processed are being extracted
20 onsite.

21 (4) All reclamation work has been completed pursuant to the
22 approved reclamation plan for any mineral extraction activities
23 that occurred onsite after January 1, 1976.

24 (d) ~~Prospecting for~~, *for* or the extraction ~~of~~, *of* minerals for
25 commercial purposes where the removal of overburden or mineral
26 product totals less than 1,000 cubic yards in any one ~~location~~,
27 *location* and the total surface area disturbed is less than one acre.

28 (e) Surface mining operations that are required by federal law
29 in order to protect a mining claim, if those operations are conducted
30 solely for that purpose.

31 (f) Any other surface mining operations that the ~~board~~, as
32 ~~defined by Section 2008~~, *board* determines to be of an infrequent
33 nature and that involve only minor surface disturbances.

34 (g) The solar evaporation of sea water or bay water for the
35 production of salt and related minerals.

36 (h) Emergency excavations or grading conducted by the
37 Department of Water Resources or the Reclamation *Central Valley*
38 *Flood Protection* Board for the purpose of averting, alleviating,
39 repairing, or restoring damage to property due to imminent or
40 recent floods, disasters, or other emergencies.

1 (i) (1) Surface mining operations conducted on lands owned
2 or leased, or upon which easements or rights-of-way have been
3 obtained, by the Department of Water Resources for the purpose
4 of the State Water Resources Development System or flood control,
5 and surface mining operations on lands owned or leased, or upon
6 which easements or rights-of-way have been obtained, by the
7 ~~Reclamation~~ *Central Valley Flood Protection* Board for the purpose
8 of flood control, if the Department of Water Resources adopts,
9 after submission to and consultation with, the ~~Department of~~
10 ~~Conservation, department,~~ a reclamation plan for lands affected
11 by these activities, and those lands are reclaimed in conformance
12 with the standards specified in regulations of the board adopted
13 pursuant to this chapter. The Department of Water Resources shall
14 provide an annual report to the ~~Department of Conservation~~
15 ~~department~~ by the date specified by the ~~Department of~~
16 ~~Conservation department~~ on these mining activities.

17 (2) Nothing in this subdivision shall require the Department of
18 Water Resources or the ~~Reclamation~~ *Central Valley Flood*
19 *Protection* Board to obtain a permit or secure approval of a
20 reclamation plan from any city or county in order to conduct
21 surface mining operations specified in paragraph (1). Nothing in
22 this subdivision shall preclude the bringing of an enforcement
23 action pursuant to Section 2774.1, if it is determined that a surface
24 mine operator, acting under contract with the Department of Water
25 Resources or the *Reclamation Central Valley Flood Protection*
26 Board on lands other than those owned or leased, or upon which
27 easements or rights-of-way have been obtained, by the Department
28 of Water Resources or the *Reclamation Central Valley Flood*
29 *Protection* Board, is otherwise not in compliance with this chapter.

30 (j) (1) Excavations or grading for the exclusive purpose of
31 obtaining materials for roadbed construction and maintenance
32 conducted in connection with timber operations or forest
33 management on land owned by the same person or entity. This
34 exemption is limited to excavation and grading that is conducted
35 adjacent to timber operation or forest management roads and shall
36 not apply to onsite excavation or grading that occurs within 100
37 feet of a Class One watercourse or 75 feet of a Class Two
38 watercourse, or to excavation for materials that are, or have been,
39 sold for commercial purposes.

(2) This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.

(k) Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, to and necessary for, for ongoing operations for the extraction of oil or gas that comply with all of the following conditions:

(1) The operations are being conducted in accordance with Division 3 (commencing with Section 3000).

(2) The operations are consistent with any general plan or zoning applicable to the site.

(3) The earthmoving activities are within oil or gas field properties under a common owner or operator.

(4) No excavated materials are sold for commercial purposes.

(l) (1) The immediate excavation or grading of lands affected by a natural disaster for the purpose of restoring those lands to their prior condition.

(2) The immediate removal of material deposited by a flood onto lands being farmed for the purpose of restoring those lands to their prior condition.

SEC. 5. Section 2733 of the Public Resources Code is amended to read:

2733. "Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition ~~which~~ that is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, slope stabilization, or other measures.

SEC. 6. Section 2736 is added to the Public Resources Code, to read:

2736. "Financial assurance" means an approved current financial assurance cost estimate and a financial assurance

1 *mechanism that is at least equal to the current approved financial*
2 *assurance cost estimate.*

3 *SEC. 7. Section 2770 of the Public Resources Code is amended*
4 *to read:*

5 2770. (a) Except as provided in this section, a person shall not
6 conduct surface mining operations unless a permit is obtained
7 from, a reclamation plan has been submitted to and approved by,
8 and financial assurances for reclamation have been approved by,
9 by the lead agency for the operation pursuant to this article.

10 (b) A person with an existing surface mining operation who has
11 vested rights pursuant to Section 2776 and who does not have an
12 approved reclamation plan shall submit a reclamation plan to the
13 lead agency not later than March 31, 1988. If a reclamation plan
14 application is not on file by March 31, 1988, the continuation of
15 the surface mining operation is prohibited until a reclamation plan
16 is submitted to the lead agency. ~~For purposes of this subdivision,~~
17 ~~a reclamation plan may consist of all or the appropriate sections~~
18 ~~of any plans or written agreements previously approved by the~~
19 ~~lead agency or another agency, together with any additional~~
20 ~~documents needed to substantially meet the requirements of~~
21 ~~Sections 2772 and 2773 and the lead agency surface mining~~
22 ~~ordinance adopted pursuant to subdivision (a) of Section 2774,~~
23 ~~provided that all documents which together were proposed to serve~~
24 ~~as the reclamation plan are submitted for approval to the lead~~
25 ~~agency in accordance with this chapter.~~

26 (c) ~~If a person with an existing surface mining operation has~~
27 ~~received lead agency approval of its financial assurances for~~
28 ~~reclamation prior to January 1, 1991, the lead agency shall~~
29 ~~administratively review those existing financial assurances in~~
30 ~~accordance with subdivision (d) prior to January 1, 1992. The~~
31 ~~review of existing financial assurances shall not be considered a~~
32 ~~project for purposes of Division 13 (commencing with Section~~
33 ~~21000). A person with an existing surface mining operation that~~
34 ~~does not have financial assurances that received lead agency~~
35 ~~approval prior to January 1, 1991, shall submit financial assurances~~
36 ~~for reclamation for review in accordance with subdivision (d).~~

37 (d) ~~The lead agency's review of a reclamation plan submitted~~
38 ~~pursuant to subdivision (b) or of financial assurances pursuant to~~
39 ~~subdivision (c) is limited to whether the plan or the financial~~
40 ~~assurances substantially meet the applicable requirements of~~

~~Sections 2772, 2773, and 2773.1, and the lead agency surface mining ordinance adopted pursuant to subdivision (a) of Section 2774, but, in any event, the lead agency shall require that financial assurances for reclamation be sufficient to perform reclamation of lands remaining disturbed. Reclamation plans or financial assurances determined to substantially meet these requirements shall be approved by the lead agency for purposes of this chapter. Reclamation plans or financial assurances determined not to substantially meet these requirements shall be returned to the operator within 60 days. The operator has 60 days to revise the plan or financial assurances to address identified deficiencies, at which time the revised plan or financial assurances shall be returned to the lead agency for review and approval. Except as specified in subdivision (e) or (i), unless the operator has filed on or before July 1, 1990, an appeal pursuant to subdivision (e) with regard to nonapproval of the reclamation plan, or has filed on or before January 1, 1994, an appeal pursuant to subdivision (e) with regard to nonapproval of financial assurances, and that appeal is pending before the board, the continuation of the surface mining operation is prohibited until a reclamation plan and financial assurances for reclamation are approved by the lead agency.~~

~~(c) [Reserved]~~

~~(d) [Reserved]~~

(e) A person who, based on the evidence of the record, can substantiate that a lead agency has either (1) failed to act according to due process or has relied on considerations not related to the specific applicable requirements of Sections 2772, 2773, and 2773.1, and the lead agency surface mining ordinance adopted pursuant to subdivision (a) of Section 2774, in reaching a decision to deny approval of a reclamation plan or financial assurances for reclamation, or (2) failed to act within a reasonable time of receipt of a completed application, or (3) failed to review and approve reclamation plans or financial assurances as required by subdivisions (c) and (d), may appeal that action or inaction to the board.

(f) The board may decline to hear an appeal if it determines that the appeal raises no substantial issues related to the lead agency's review pursuant to this section.

(g) Appeals that the board does not decline to hear shall be scheduled and heard at a public hearing within 45 days of the filing

1 of the ~~appeal~~, *appeal* or a longer period as may be mutually agreed
 2 upon by the board and the person filing the appeal. In hearing an
 3 appeal, the board shall only determine whether the reclamation
 4 plan or the financial assurances ~~substantially~~ meet the applicable
 5 requirements of Sections 2772, 2773, and ~~2773.1~~, 2773.1 and the
 6 lead agency surface mining ordinance adopted pursuant to
 7 subdivision (a) of Section 2774. A reclamation plan or financial
 8 assurances determined to meet these requirements shall be
 9 approved. A reclamation plan or financial assurances determined
 10 not to meet these requirements shall be returned to the person filing
 11 the appeal with a notice of deficiencies, who shall be ~~granted~~,
 12 *granted* ~~once only~~, *only* a period of 30 days, or a longer period
 13 mutually agreed upon by the operator and the board, to correct the
 14 noted deficiencies and submit the revised reclamation plan or the
 15 revised financial assurances to the lead agency for review and
 16 approval.

17 (h) (1) Within 90 days of a surface mining operation becoming
 18 idle, as defined in Section 2727.1, the operator shall submit to the
 19 lead agency for review and ~~approval~~, *approval* an interim
 20 management plan. The review and approval of an interim
 21 management plan shall not be considered a project for purposes
 22 of ~~Division the California Environmental Quality Act (Division~~
 23 ~~13 (commencing with Section 21000): 21000))~~. The approved
 24 interim management plan shall be considered an amendment to
 25 the surface mining operation's approved reclamation ~~plan~~, *plan*
 26 for purposes of this chapter. The interim management plan shall
 27 provide measures the operator will implement to maintain the site
 28 in compliance with this chapter, including, but not limited to, all
 29 permit conditions.

30 (2) The interim management plan may remain in effect for a
 31 period not to exceed five years, at which time the lead agency shall
 32 do one of the following:

33 (A) Renew the interim management plan for an additional period
 34 not to exceed five years, which may be renewed for one additional
 35 five-year renewal period at the expiration of the first five-year
 36 renewal period, if the lead agency finds that the surface mining
 37 operator has complied fully with the interim management plan.

38 (B) Require the ~~surface mining~~ operator to commence
 39 reclamation in accordance with its approved reclamation plan.

(3) The financial assurances required by Section 2773.1 shall remain in effect during the period that the surface mining operation is idle. If the surface mining operation is still idle after the expiration of its interim management plan, the surface mining operation shall commence reclamation in accordance with its approved reclamation plan.

(4) Within 60 days of the receipt of the interim management ~~plan~~, *plan* or a longer period mutually agreed upon by the lead agency and the operator, the lead agency shall review and approve the plan in accordance with its ordinance adopted pursuant to subdivision (a) of Section 2774, so long as the plan satisfies the requirements of this subdivision, and so notify the operator in writing. Otherwise, the lead agency shall notify the operator in writing of any deficiencies in the plan. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the lead agency, to submit a revised plan.

(5) The lead agency shall approve or deny approval of the revised interim management plan within 60 days of receipt. If the lead agency denies approval of the revised interim management plan, the operator may appeal that action to the lead agency's governing body, which shall schedule a public hearing within 45 days of the filing of the ~~appeal~~, *appeal* or a longer period mutually agreed upon by the operator and the governing body.

(6) Unless review of an interim management plan is pending before the lead ~~agency~~, *agency* or an appeal is pending before the lead agency's governing body, a surface mining operation that remains idle for over one year after becoming ~~idle~~ *idle*, as defined in Section ~~2727.4~~ *2727.1*, without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.

(i) An enforcement action that may be brought against a surface mining operation for operating without an approved reclamation plan, financial assurance, or interim management plan shall be held in abeyance pending review pursuant to subdivision ~~(b)~~, ~~(c)~~, ~~(d)~~, *(b)* or *(h)*, or the resolution of an appeal filed with the board pursuant to subdivision (e), or with a lead agency governing body pursuant to subdivision (h).

~~SEC. 5. Section 2772 of the Public Resources Code is amended to read:~~

1 ~~2772. (a) Reclamation plans and amended reclamation plans~~
2 ~~shall be filed with the lead agency, on a form developed by the~~
3 ~~department and approved by the board, with provisions for~~
4 ~~additional information required at the discretion of the lead agency,~~
5 ~~by any person or company that plans to conduct surface mining~~
6 ~~operations on any land.~~

7 ~~(b) All documentation for the reclamation plan shall be~~
8 ~~submitted by the lead agency to the department at one time.~~

9 ~~(c) The reclamation plan shall include all of the following~~
10 ~~information and documents:~~

11 ~~(1) The name and address of the surface mining operator and~~
12 ~~the names and addresses of any persons designated by the operator~~
13 ~~as an agent for the service of process.~~

14 ~~(2) The anticipated quantity and type of minerals for which the~~
15 ~~surface mining operation is to be conducted.~~

16 ~~(3) The proposed dates for the initiation and termination of~~
17 ~~surface mining operation.~~

18 ~~(4) The maximum anticipated depth of the surface mining~~
19 ~~operation.~~

20 ~~(5) The size and legal description of the lands that will be~~
21 ~~affected by the surface mining operation, a map that includes the~~
22 ~~boundaries and topographic details of the lands, a description of~~
23 ~~the general geology of the area, a detailed description of the~~
24 ~~geology of the area in which surface mining is to be conducted,~~
25 ~~the location of all streams, roads, railroads, and utility facilities~~
26 ~~within, or adjacent to, the lands, the location of all proposed access~~
27 ~~roads to be constructed in conducting the surface mining operation,~~
28 ~~and the names and addresses of the owners of all surface interests~~
29 ~~and mineral interests in the lands.~~

30 ~~(6) A description of, and a plan for, the type of surface mining~~
31 ~~to be employed, and a time schedule that will provide for the~~
32 ~~completion of surface mining on each segment of the mined lands~~
33 ~~so that reclamation can be initiated at the earliest possible time on~~
34 ~~those portions of the mined lands that will not be subject to further~~
35 ~~disturbance by the surface mining operation.~~

36 ~~(7) A description of the proposed use or potential uses of the~~
37 ~~mined lands after reclamation and evidence that all owners of a~~
38 ~~possessory interest in the land have been notified of the proposed~~
39 ~~use or potential uses.~~

1 ~~(8) A description of the manner in which reclamation, adequate~~
 2 ~~for the proposed use or potential uses will be accomplished,~~
 3 ~~including both of the following:~~

4 ~~(A) A description of the manner in which contaminants will be~~
 5 ~~controlled, and mining waste will be disposed.~~

6 ~~(B) A description of the manner in which affected streambed~~
 7 ~~channels and streambanks will be rehabilitated to a condition~~
 8 ~~minimizing erosion and sedimentation will occur.~~

9 ~~(9) An assessment of the effect of implementation of the~~
 10 ~~reclamation plan on future mining in the area.~~

11 ~~(10) A statement that the person submitting the reclamation~~
 12 ~~plan accepts responsibility for reclaiming the mined lands in~~
 13 ~~accordance with the reclamation plan.~~

14 ~~(11) A schedule with time limits for completing reclamation,~~
 15 ~~in accordance with the reclamation plan, to be reviewed and~~
 16 ~~confirmed by the lead agency during the annual inspection.~~

17 ~~(12) Any other information that the lead agency may require~~
 18 ~~by ordinance.~~

19 ~~(d) An item of information or a document required pursuant to~~
 20 ~~subdivision (c) that has already been prepared as part of a permit~~
 21 ~~application for the surface mining operation, or as part of an~~
 22 ~~environmental document prepared for the project pursuant to the~~
 23 ~~California Environmental Quality Act (Division 13 (commencing~~
 24 ~~with Section 21000)), may be included in the reclamation plan by~~
 25 ~~reference, if that item of information or that document is attached~~
 26 ~~to the reclamation plan when the lead agency submits the~~
 27 ~~reclamation plan to the director for review. To the extent that the~~
 28 ~~information or document referenced in the reclamation plan is used~~
 29 ~~to meet the requirements of subdivision (c), the information or~~
 30 ~~document shall become part of the reclamation plan and shall be~~
 31 ~~subject to all other requirements of this article.~~

32 ~~(e) This section does not limit or expand the State Mine~~
 33 ~~Inspector's authority or responsibility to review a document in~~
 34 ~~accordance with the California Environmental Quality Act~~
 35 ~~(Division 13 (commencing with Section 21000)).~~

36 ~~SEC. 8. Section 2772 of the Public Resources Code is amended~~
 37 ~~to read:~~

38 ~~2772. (a) The reclamation plan shall be filed with the lead~~
 39 ~~agency, on a form provided by the lead agency, by any person who~~
 40 ~~owns, leases, or otherwise controls or operates on-all, all or any~~

1 portion of ~~any, any mined lands,~~ *lands* and who plans to conduct
 2 surface mining operations on the lands.

3 ~~(b) All documentation for the reclamation plan shall be~~
 4 ~~submitted by the lead agency to the department at one time.~~

5 ~~(b) [Reserved]~~

6 (c) The reclamation plan shall include all of the following
 7 information and documents:

8 (1) The name and address of the surface mining operator and
 9 the names and addresses of any persons designated by the operator
 10 as an agent for the service of process.

11 (2) The anticipated quantity and type of minerals for which the
 12 surface mining operation is to be conducted.

13 (3) The proposed dates for the initiation *of mining operations*
 14 ~~and termination~~ *the completion of mining and reclamation* of the
 15 surface mining operation.

16 (4) The maximum anticipated depth of the surface mining
 17 operation.

18 ~~(5) The size and legal description of the lands that will be~~
 19 ~~affected by the surface mining operation, a map that includes the~~
 20 ~~boundaries and topographic details of the lands, a description of~~
 21 ~~the general geology of the area, a detailed description of the~~
 22 ~~geology of the area in which surface mining is to be conducted,~~
 23 ~~the location of all streams, roads, railroads, and utility facilities~~
 24 ~~within, or adjacent to, the lands, the location of all proposed access~~
 25 ~~roads to be constructed in conducting the surface mining operation,~~
 26 ~~and the names and addresses of the owners of all surface interests~~
 27 ~~and mineral interests in the lands.~~

28 (5) *A reclamation plan map or maps that shall include all of*
 29 *the following:*

30 (A) *Size and legal description of the lands that will be affected*
 31 *by the surface mining operation and the names and addresses of*
 32 *the owners of all surface interests and mineral interests in the*
 33 *lands.*

34 (B) *Clearly defined and accurately drawn property lines,*
 35 *setbacks, easements, and the reclamation plan boundary.*

36 (C) *Existing topography and final topography depicted with*
 37 *contour lines drawn at appropriate intervals for the site's*
 38 *conditions.*

39 (D) *Detailed geologic description of the area of the surface*
 40 *mining operation.*

1 (E) Location of railroads, utility facilities, access roads,
 2 temporary roads to be reclaimed, and any roads remaining for
 3 the approved end use.

4 (F) All maps, diagrams, or calculations that require preparation
 5 in accordance with the Professional Engineers Act (Chapter 7
 6 (commencing with Section 6700) of Division 3 of the Business and
 7 Professions Code), the Geologist and Geophysicist Act (Chapter
 8 12.5 (commencing with Section 7800) of Division 3 of the Business
 9 and Professions Code), or the Professional Land Surveyors' Act
 10 (Chapter 15 (commencing with Section 8700) of Division 3 of the
 11 Business and Professions Code) shall be prepared by a
 12 California-licensed professional, shall include his or her license
 13 number and name, and shall bear the signature and seal of the
 14 licensee.

15 (6) A description ~~of, of~~ and a plan ~~for, for~~ the type of surface
 16 mining to be ~~employed, employed~~ and a time schedule that will
 17 provide for the completion of surface mining on each segment of
 18 the mined lands so that reclamation can be initiated at the earliest
 19 possible time on those portions of the mined lands that will not be
 20 subject to further disturbance by the surface mining operation.

21 (7) A description of the proposed use or potential uses of the
 22 mined lands after reclamation and evidence that all owners of a
 23 possessory interest in the land have been notified of the proposed
 24 use or potential uses.

25 (8) A description of the manner in which reclamation, adequate
 26 for the proposed use or potential ~~uses~~ *uses*, will be accomplished,
 27 including both of the following:

28 (A) A description of the manner in which *known* contaminants
 29 will be ~~controlled, controlled~~ and mining waste will be disposed.

30 (B) A description of the manner in which affected streambed
 31 channels and streambanks will be rehabilitated to a condition
 32 ~~minimizing that minimizes erosion and sedimentation will occur.~~
 33 *sedimentation.*

34 (9) An assessment of the effect of implementation of the
 35 reclamation plan on future mining in the area.

36 (10) A statement that the person submitting the reclamation
 37 plan accepts responsibility for reclaiming the mined lands in
 38 accordance with the reclamation plan.

39 (11) Any other information ~~which~~ *that* the lead agency may
 40 require by ordinance.

(d) An item of information or a document required pursuant to *this chapter, including* subdivision (c), that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to ~~Division the California Environmental Quality Act (Division 13 (commencing with Section 21000), may 21000)), or required as a condition of approval,~~ shall be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the lead agency submits the reclamation plan to the director for review. *plan. Regulatory aspects that are solely of a local concern shall not be included in the reclamation plan.* To the extent that the information or document referenced in the reclamation plan is used to meet the requirements of *this chapter, including* subdivision (c), the information or document shall become part of the reclamation plan and shall be subject to all other requirements of ~~this article: chapter.~~

(e) ~~Nothing in this section is intended to~~ *This section does not* limit or expand the ~~department's~~ *Supervisor of Mines and Reclamation's* authority or responsibility to review a document in accordance with ~~Division the California Environmental Quality Act (Division 13 (commencing with Section 21000): 21000)).~~

SEC. 6. ~~Section 2773.1 of the Public Resources Code is amended to read:~~

2773.1. (a) ~~All surface mining operations subject to this chapter shall have financial assurances approved pursuant to this chapter to ensure reclamation can be completed at any time during surface mining operations in accordance with this chapter and the surface mining operation's reclamation plan. For purposes of this section, "financial assurances" are the combination of an approved current financial assurance cost estimate and a financial assurance mechanism that is equal to or greater than the current financial assurance cost estimate.~~

(1) ~~The financial assurance mechanism may take the form of surety bonds executed by an admitted surety insurer, as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure, irrevocable letters of credit, trust funds, or other forms of financial assurance mechanisms specified by the board pursuant to subdivision (e) that the lead agency reasonably determines are~~

adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan.

(2) The financial assurance mechanism shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.

(3) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

(4) The financial assurance mechanism shall be made payable to the lead agency and the department and shall not be reduced or released without mutual written consent.

(b) If the lead agency or the board, following a public hearing, determines that the operator is financially incapable of performing reclamation in accordance with its approved reclamation plan, or has abandoned its surface mining operation without commencing reclamation, either the lead agency or the director shall do all of the following:

(1) Notify the operator by personal service or certified mail that the lead agency or the director intends to take appropriate action to forfeit the financial assurances and specify the reasons for so doing.

(2) Allow the operator 60 days to commence or cause the commencement of reclamation in accordance with its approved reclamation plan and require that reclamation be completed within the time limits specified in the approved reclamation plan or some other time period mutually agreed upon by the lead agency or the director and the operator.

(3) Proceed to take appropriate action to require forfeiture of the financial assurances if the operator does not substantially comply with paragraph (2).

(4) Use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan. The financial assurances shall not be used for any other purpose. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan that are in excess of the proceeds from the forfeited financial assurances.

1 ~~(c) Financial assurances shall no longer be required of a surface~~
2 ~~mining operation, and shall be released, upon written notification~~
3 ~~by the lead agency, which shall be forwarded to the operator and~~
4 ~~the director, that reclamation has been completed in accordance~~
5 ~~with the approved reclamation plan. If a mining operation is sold~~
6 ~~or ownership is transferred to another person, the existing financial~~
7 ~~assurances shall remain in force and shall not be released by the~~
8 ~~lead agency until new financial assurances are secured from the~~
9 ~~new owner and have been approved by the lead agency in~~
10 ~~accordance with Section 2770.~~

11 ~~(d) The lead agency shall have primary responsibility to seek~~
12 ~~forfeiture of financial assurances and to reclaim mine sites under~~
13 ~~subdivision (b). However, in cases where the board is not the lead~~
14 ~~agency pursuant to Section 2774.4, the director may act to seek~~
15 ~~forfeiture of financial assurances and reclaim mine sites pursuant~~
16 ~~to subdivision (b) only if both of the following occurs:~~

17 ~~(1) The financial incapability of the operator or the abandonment~~
18 ~~of the mining operation has come to the attention of the director.~~

19 ~~(2) The lead agency has been notified in writing by the director~~
20 ~~of the financial incapability of the operator or the abandonment~~
21 ~~of the mining operation for at least 15 days, the lead agency has~~
22 ~~not taken appropriate measures to seek forfeiture of the financial~~
23 ~~assurances and reclaim the mine site, and one of the following has~~
24 ~~occurred:~~

25 ~~(A) The lead agency has been notified in writing by the director~~
26 ~~that failure to take appropriate measures to seek forfeiture of the~~
27 ~~financial assurances or to reclaim the mine site shall result in~~
28 ~~actions being taken against the lead agency under Section 2774.4.~~

29 ~~(B) The director determines that there is a violation that amounts~~
30 ~~to an imminent and substantial endangerment to the public health,~~
31 ~~safety, or to the environment.~~

32 ~~(C) The lead agency notifies the director in writing that its good~~
33 ~~faith attempts to seek forfeiture of the financial assurances have~~
34 ~~not been successful.~~

35 ~~The director shall comply with subdivision (b) in seeking~~
36 ~~forfeiture of financial assurances and reclaiming mine sites.~~

37 ~~(e) The board may adopt regulations specifying financial~~
38 ~~assurance mechanisms other than surety bonds, irrevocable letters~~
39 ~~of credit, and trust funds, which the board determines are~~
40 ~~reasonably available and adequate to ensure reclamation pursuant~~

1 to this chapter, but these mechanisms shall not include financial
 2 tests, or surety bonds executed by one or more personal sureties.
 3 These mechanisms may include reclamation bond pool programs.

4 (f) On or before March 1, 1993, the board shall adopt guidelines
 5 to implement this section. The guidelines are exempt from the
 6 requirements of the Administrative Procedure Act (Chapter 3.5
 7 (commencing with Section 11340) of Part 1 of Division 3 of Title
 8 2 of the Government Code), and are not subject to review by the
 9 Office of Administrative Law.

10 SEC. 9. Section 2772.1 is added to the Public Resources Code,
 11 to read:

12 2772.1. (a) (1) Prior to approving a surface mining
 13 operation's reclamation plan or plan amendments, the lead agency
 14 shall submit the proposed final reclamation plan or amendments
 15 to the director for review. All documentation for the submission
 16 shall be submitted to the director at one time.

17 (2) An item of information or a document required pursuant to
 18 this chapter, including subdivision (c) of Section 2772, that has
 19 been prepared as part of a permit application for the surface
 20 mining operation, not including aspects that are solely of a local
 21 concern, or as part of an environmental document prepared for
 22 the project pursuant to the California Environmental Quality Act
 23 (Division 13 (commencing with Section 21000)) shall be
 24 incorporated into the proposed final reclamation plan. An item of
 25 information or a document that is incorporated shall be inserted
 26 into the corresponding section of the proposed final reclamation
 27 plan or attached to the proposed final reclamation plan with a
 28 specific reference in the corresponding section of the proposed
 29 final reclamation plan. Any information or document incorporated
 30 into the proposed final reclamation plan shall become part of the
 31 approved reclamation plan and shall be subject to all other
 32 requirements of this article.

33 (3) The lead agency shall certify to the director that the
 34 proposed final reclamation plan is a complete submission and is
 35 in compliance with all of the following:

36 (A) The applicable requirements of this chapter, including
 37 subdivision (c) of Section 2772.

38 (B) Article 1 (commencing with Section 3500) of Chapter 8 of
 39 Division 2 of Title 14 of the California Code of Regulations.

1 (C) The lead agency's surface mining ordinance in effect at the
2 time that the proposed final reclamation plan is submitted to the
3 director for review.

4 (b) (1) The director shall have 30 days from the date of receipt
5 of a proposed final reclamation plan or plan amendments submitted
6 pursuant to subdivision (a) to prepare written comments if the
7 director chooses.

8 (2) If the director determines that the lead agency's submission
9 pursuant to this subdivision (a) is incomplete or that the submission
10 includes maps, diagrams or calculations that require preparation
11 by a California licensed professional, the director shall return the
12 submission to the lead agency. The director shall identify the
13 incomplete components or those maps, diagrams, or calculations
14 that require completion by a California licensed professional. The
15 review by the director pursuant to paragraph (1) shall not begin
16 until the director receives a complete submission, including maps,
17 diagrams, or calculations prepared by a California licensed
18 professional.

19 (3) (A) The lead agency shall review and evaluate and prepare
20 a written response to the director's comments received pursuant
21 to paragraph (1) describing the disposition of the major issues
22 raised by the comments. The lead agency shall submit the lead
23 agency's response to the director at least 30 days prior to the
24 intended approval of the proposed final reclamation plan or plan
25 amendment. The lead agency's response shall include either of
26 the following:

27 (i) A description of how the lead agency proposes to adopt the
28 director's comments to the proposed final reclamation plan or
29 plan amendment.

30 (ii) A detailed description of the reasons why the lead agency
31 proposes not to adopt the director's comments.

32 (B) Copies of any written comments received and responses
33 prepared by the lead agency pursuant to subparagraph (A) shall
34 be forwarded to the operator.

35 (C) (i) The lead agency shall give the director at least 30 days'
36 notice of the time, place, and date of the hearing at which the
37 proposed final reclamation plan or plan amendment is scheduled
38 to be approved by the lead agency.

39 (ii) If no hearing is required by this chapter, the local ordinance,
40 or other state law, the lead agency shall provide 30 days' notice

1 to the director that the lead agency intends to approve the proposed
2 final reclamation plan or plan amendment.

3 (D) Within 30 days following approval of the reclamation plan,
4 the lead agency shall provide the director notice of the approval
5 and a statement that identifies any additional conditions or other
6 permit requirements imposed upon the surface mining operation.
7 During that time, the department shall retain all of its powers,
8 duties, and authorities pursuant to this chapter. The lead agency
9 shall provide, as soon as practicable, but no later than 60 days
10 after approval of the reclamation plan, both of the following:

11 (i) Certified copies of all maps, diagrams, or calculations signed
12 and sealed by a California-licensed professional.

13 (ii) A certified copy of the approved reclamation plan
14 incorporating all approved modifications to the proposed final
15 reclamation plan.

16 (4) To the extent there is a conflict between the comments of a
17 trustee agency or a responsible agency that are based on that
18 agency's statutory or regulatory authority and the comments of
19 other commenting agencies that are received by the lead agency
20 pursuant to the California Environmental Quality Act (Division
21 13 (commencing with Section 21000)) regarding a reclamation
22 plan or plan amendments, the lead agency shall consider only the
23 comments of the trustee agency or responsible agency.

24 (c) A lead agency shall notify the director of the filing of an
25 application for a permit to conduct surface mining operations
26 within 30 days of an application being filed with the lead agency.
27 By July 1, 1991, each lead agency shall submit to the director for
28 every active or idle mining operation within its jurisdiction, a copy
29 of the mining permit required pursuant to Section 2774, and any
30 conditions or amendments to those permits. By July 1 of each
31 subsequent year, the lead agency shall submit to the director for
32 each active or idle mining operation a copy of any permit or
33 reclamation plan amendments, as applicable, or a statement that
34 there have been no changes during the previous year. Failure to
35 file with the director the information required under this section
36 shall be cause for action under Section 2774.4.

37 (d) This section does not limit or expand the Supervisor of Mines
38 and Reclamation's authority or responsibility to review a document
39 in accordance with the California Environmental Quality Act
40 (Division 13 (commencing with Section 21000)).

1 SEC. 10. Section 2773.1 of the Public Resources Code is
2 amended to read:

3 2773.1. (a) Lead agencies shall require financial assurances
4 of each surface mining operation to ensure reclamation is
5 performed in accordance with the surface mining operation's
6 approved reclamation plan, as follows:

7 (1) ~~Financial-assurances~~ *assurance mechanisms* may take the
8 form of surety bonds executed by an admitted surety insurer, as
9 defined in subdivision (a) of Section 995.120 of the Code of Civil
10 Procedure, irrevocable letters of credit, trust funds, or other forms
11 of financial assurances specified by the board pursuant to
12 subdivision ~~(e)~~, *which (e) that are at least equal to the annual*
13 *financial assurance cost estimate that the lead agency reasonably*
14 *determines are adequate to perform reclamation in accordance*
15 *with the surface mining operation's approved reclamation plan.*

16 (2) The financial assurances shall remain in effect for the
17 duration of the surface mining operation and any additional period
18 until reclamation is completed.

19 (3) The amount of financial assurances required of a surface
20 mining operation for any one year shall be adjusted annually to
21 account for new lands disturbed by surface mining operations,
22 inflation, and reclamation of lands accomplished in accordance
23 with the approved reclamation plan.

24 (4) ~~The-Each~~ *financial-assurances assurance mechanism* shall
25 be made payable to the lead agency and the department. *A financial*
26 *assurance mechanism shall not be released without the written*
27 *consent of the lead agency and the department.* Financial
28 ~~assurances~~ *assurance mechanisms* that were approved by the lead
29 agency prior to January 1, 1993, and were made payable to the
30 State Geologist shall be considered payable to the department for
31 purposes of this chapter. However, if a surface mining operation
32 has received approval of its financial assurances from a public
33 agency other than the lead agency, the lead agency shall deem
34 those financial assurances adequate for purposes of this section,
35 or shall credit them toward fulfillment of the financial assurances
36 required by this section, if they are made payable to the public
37 agency, the lead agency, and the department and otherwise meet
38 the requirements of this section. In any event, if a lead agency and
39 one or more public agencies exercise jurisdiction over a surface
40 mining operation, the total amount of financial assurances required

1 by the lead agency and the public agencies for any one year shall
 2 not exceed that amount which is necessary to perform reclamation
 3 of lands remaining disturbed. For purposes of this paragraph, a
 4 "public agency" may include a federal agency.

5 ~~(b) If the lead agency or the board, following a public hearing,~~
 6 ~~determines that the operator is financially incapable of performing~~
 7 ~~reclamation in accordance with its approved reclamation plan, or~~
 8 ~~has abandoned its surface mining operation without commencing~~
 9 ~~reclamation, either the lead agency or the director shall do all of~~
 10 ~~the following:~~

11 *(b) (1) If the lead agency has evidence that an operator is*
 12 *financially incapable of performing reclamation in accordance*
 13 *with its approved reclamation land or that the operator has*
 14 *abandoned the surface mining operation without completing*
 15 *reclamation, the lead agency or the board shall conduct a public*
 16 *hearing with notice of the hearing provided to the operator and*
 17 *the department at least 30 days prior to the hearing.*

18 *(2) If the lead agency or the board, following the public hearing,*
 19 *determines that the operator is financially incapable of performing*
 20 *reclamation in accordance with its approved reclamation plan,*
 21 *or has abandoned its surface mining operation without completing*
 22 *reclamation, either the lead agency or the director shall do all of*
 23 *the following:*

24 *(1)*
 25 *(A) Notify the operator by personal service or certified mail that*
 26 *the lead agency or the director intends to take appropriate action*
 27 *to forfeit seize the financial assurances and specify the reasons for*
 28 *so doing.*

29 ~~(2) Allow the operator 60 days to commence or cause the~~
 30 ~~commencement of reclamation in accordance with its approved~~
 31 ~~reclamation plan and require that reclamation be completed within~~
 32 ~~the time limits specified in the approved reclamation plan or some~~
 33 ~~other time period mutually agreed upon by the lead agency or the~~
 34 ~~director and the operator.~~

35 ~~(3) Proceed to take appropriate action to require forfeiture of~~
 36 ~~the financial assurances if the operator does not substantially~~
 37 ~~comply with paragraph (2).~~

38 ~~(4) Use the proceeds from the forfeited financial assurances to~~
 39 ~~conduct and complete reclamation in accordance with the approved~~
 40 ~~reclamation plan. In no event shall the financial assurances be used~~

1 for any other purpose. The operator is responsible for the costs of
2 conducting and completing reclamation in accordance with the
3 approved reclamation plan which are in excess of the proceeds
4 from the forfeited financial assurances.

5 (e) Financial assurances shall no longer be required of a surface
6 mining operation, and shall be released, upon written notification
7 by the lead agency, which shall be forwarded to the operator and
8 the director, that reclamation has been completed in accordance
9 with the approved reclamation plan. If a mining operation is sold
10 or ownership is transferred to another person, the existing financial
11 assurances shall remain in force and shall not be released by the
12 lead agency until new financial assurances are secured from the
13 new owner and have been approved by the lead agency in
14 accordance with Section 2770.

15 (B) (i) Proceed to take appropriate action to seize the financial
16 assurances and use the proceeds from the financial assurances to
17 conduct and complete reclamation in accordance with the approved
18 reclamation plan.

19 (ii) If the surface mining operation cannot be reclaimed in
20 accordance with its approved reclamation plan or the financial
21 assurances are inadequate to reclaim in accordance with the
22 approved reclamation plan, the lead agency or the director may
23 use the proceeds of the financial assurances to reclaim or
24 remediate mining disturbances as appropriate for the site
25 conditions, as determined by the lead agency and the director. The
26 proceeds of the financial assurances shall not be used for any
27 other purpose.

28 (iii) The operator is responsible for the costs of conducting and
29 completing reclamation in accordance with the approved
30 reclamation plan or a remediation plan developed pursuant to this
31 section, as determined to be appropriate by the lead agency and
32 director, that are in excess of the proceeds of the financial
33 assurances.

34 (c) Financial assurances shall no longer be required of a surface
35 mining operation, and shall be released, upon written concurrence
36 by the lead agency and the director, which shall be forwarded to
37 the operator, that reclamation has been completed in accordance
38 with the approved reclamation plan. If a mining operation is sold
39 or ownership is transferred to another person, the existing financial
40 assurances shall remain in force and shall not be released by the

1 *lead agency and the director until new financial assurances are*
 2 *secured from the new owner and have been approved by the lead*
 3 *agency in accordance with Sections 2770 and 2773.1. Within 30*
 4 *days of the sale or transfer of the surface mining operation, the*
 5 *new operator shall establish an appropriate financial assurance*
 6 *mechanism and sign a new statement pursuant to paragraph (10)*
 7 *of subdivision (c) of Section 2772.*

8 (d) The lead agency shall have primary responsibility to ~~seek~~
 9 ~~forfeiture of seize~~ financial assurances and to reclaim mine sites
 10 under subdivision (b). However, in cases where the board is not
 11 the lead agency pursuant to Section 2774.4, the director may act
 12 to ~~seek forfeiture of seize~~ financial assurances and reclaim mine
 13 sites pursuant to subdivision (b) only if both of the following
 14 ~~occurs:~~ *occur:*

15 (1) The financial incapability of the operator or the abandonment
 16 of the mining operation has come to the attention of the director.

17 (2) The lead agency has been notified in writing by the director
 18 of the financial incapability of the operator or the abandonment
 19 of the mining operation for at least 15 days, ~~and the lead agency~~
 20 ~~has not taken appropriate measures to seek forfeiture of seize~~ the
 21 financial assurances and reclaim the mine ~~site;~~ *site*, and one of the
 22 following has occurred:

23 (A) The lead agency has been notified in writing by the director
 24 that failure to take appropriate measures to ~~seek forfeiture of seize~~
 25 the financial assurances or to reclaim the mine site shall result in
 26 actions being taken against the lead agency under Section 2774.4.

27 (B) The director determines that there is a violation that amounts
 28 to an imminent and substantial endangerment to the public health,
 29 safety, or to the environment.

30 (C) The lead agency notifies the director in writing that its good
 31 faith attempts to ~~seek forfeiture of seize~~ the financial assurances
 32 have not been successful.

33 The director shall comply with subdivision (b) in ~~seeking~~
 34 ~~forfeiture of seizing the~~ financial assurances and reclaiming mine
 35 sites.

36 (e) The board may adopt regulations specifying financial
 37 assurance mechanisms other than surety bonds, irrevocable letters
 38 of credit, and trust funds, ~~which that~~ the board determines are
 39 reasonably available and adequate to ensure reclamation pursuant
 40 to this chapter, but these mechanisms ~~may shall~~ not include *solely*

1 financial ~~tests~~, tests or surety bonds executed by one or more
 2 personal sureties. These mechanisms may include reclamation
 3 bond pool ~~programs~~, programs or corporate financial tests, as
 4 described in subdivision (f), combined with additional financial
 5 assurance mechanisms, as identified in this section, that together
 6 ensure the completion of reclamation in accordance with the
 7 approved reclamation plan.

8 (f) (1) Corporate financial tests shall provide for no more than
 9 75 percent of the financial assurance cost estimate approved within
 10 the last year. Use of a financial test shall meet all of the following
 11 requirements:

12 (A) Be annually approved by both the lead agency and the
 13 director and may be disallowed by either the lead agency or the
 14 director.

15 (B) Include an assessment from an independent certified public
 16 accountant using generally accepted accounting principles in the
 17 United States.

18 (2) Corporate financial tests shall only be allowed after the
 19 board adopts a regulation that establishes a comprehensive
 20 analysis of a corporation's financial status that includes financial
 21 net worth; income; liabilities, including other environmental
 22 assurances; and assets located within the United States. The
 23 regulation shall include additional measures to provide the lead
 24 agency or the director with recovery of costs associated with the
 25 full collection and satisfaction of the financial assurance
 26 mechanisms.

27 (3) A surface mining operation shall have at least 25 percent
 28 of the financial assurance cost estimate or four million dollars
 29 (\$4,000,000), whichever is greater, in an acceptable financial
 30 assurance mechanism other than a corporate financial test.

31 ~~(f)~~

32 (g) On or before March 1, 1993, the board shall adopt guidelines
 33 to implement this section. The guidelines are exempt from the
 34 requirements of ~~Chapter~~ the Administrative Procedure Act (Chapter
 35 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
 36 Title 2 of the Government ~~Code~~, Code) and are not subject to
 37 review by the Office of Administrative Law.

38 SEC. 11. Section 2773.4 is added to the Public Resources Code,
 39 to read:

1 2773.4. (a) (1) Prior to approving the financial assurances
2 of a surface mining operation pursuant to Sections 2770 and
3 2773.1, the lead agency shall submit the proposed financial
4 assurance cost estimate, with a statement that it is adequate to
5 reclaim the surface mining operation in accordance with the
6 approved reclamation plan, to the director for review. All
7 documentation for that submission shall be complete and submitted
8 to the director at one time.

9 (2) If the director determines that the lead agency's submission
10 pursuant to paragraph (1) is incomplete, the director shall return
11 the submission to the lead agency, specifically noting those
12 elements of the cost estimate that are incomplete. The review by
13 the director pursuant to subdivision (b) shall not begin until the
14 director receives a complete submission.

15 (b) The director shall have 45 days from the date of receipt of
16 a complete financial assurances cost estimate pursuant to
17 subdivision (a) to prepare written comments or request a
18 reassessment if the director chooses.

19 (c) (1) (A) If the director can demonstrate that the proposed
20 financial assurance cost estimate is inadequate to reclaim the
21 surface mining operation in accordance with the approved
22 reclamation plan, the director may request a reassessment by the
23 lead agency.

24 (B) If the director requests a reassessment of a financial
25 assurance cost estimate, the lead agency shall reassess and
26 resubmit the proposed financial assurance cost estimate within
27 45 days of the director's request.

28 (2) If the lead agency or operator disagrees with the director's
29 request for reassessment, or the director determines that a financial
30 assurance cost estimate resubmitted pursuant to this subdivision
31 remains inadequate, the lead agency, operator, or director may
32 request a review hearing by the board.

33 (3) Financial assurance costs estimates shall not be approved
34 pending the director's request for reassessment pursuant to this
35 subdivision.

36 (4) Financial assurance cost estimates determined to be
37 inadequate by the board shall be returned to the lead agency for
38 reassessment and resubmission to the director pursuant to this
39 section. Financial assurance cost estimates determined to be
40 adequate by the board may be approved by the lead agency.

1 (d) (1) The lead agency shall prepare a written response to the
2 director's comments, if any, describing the disposition of the major
3 issues raised by the director's comments. The lead agency shall
4 submit its proposed response to the director at least 30 days prior
5 to approval of the financial assurance cost estimate and shall
6 include either of the following:

7 (A) A description of how the lead agency proposes to adopt the
8 director's comments to the financial assurance cost estimate.

9 (B) A detailed description of the reasons why the lead agency
10 proposes not to adopt the director's comments.

11 (2) Copies of any written comments received and responses
12 prepared by the lead agency pursuant to paragraph (1) shall be
13 provided to the operator.

14 (3) (A) The lead agency shall give the director at least 30 days'
15 notice of the time, place, and date of the hearing at which the
16 financial assurance cost estimate is scheduled to be approved by
17 the lead agency.

18 (B) If no hearing is required by this chapter, the local ordinance,
19 or other state law, then the lead agency shall provide 30 days'
20 notice to the director that it intends to approve the financial
21 assurance cost estimate.

22 (4) The lead agency shall send to the director its final response
23 to the director's comments within 30 days of its approval of the
24 financial assurance cost estimate during which time the department
25 retains all of its powers, duties, and authorities pursuant to this
26 chapter.

27 (e) (1) Within 30 days of lead agency approval of the financial
28 assurance cost estimate, the operator shall provide the lead agency
29 and the director an appropriate financial assurance mechanism
30 that is at least equal to the approved financial assurance cost
31 estimate.

32 (2) Within 15 days of receipt of a financial assurance
33 mechanism, the lead agency and the director shall review the
34 financial assurance mechanism to determine if the type of
35 mechanism, including release instructions, complies with the
36 requirements of this chapter.

37 (3) Financial assurance mechanisms determined to be
38 noncompliant with this chapter shall be returned to the operator,
39 with instructions on how to correct the type or release instructions
40 of the financial assurance mechanism.

(f) To the extent there is a conflict between the comments of a trustee agency or a responsible agency that are based on that agency's statutory or regulatory authority and the comments of other commenting agencies that are received by the lead agency pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) regarding a financial assurance cost estimate or financial assurance mechanism, the lead agency shall consider only the comments of the trustee agency or responsible agency.

(g) The review of existing financial assurances shall not be considered a project for the purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

~~SEC. 7. Section 2774 of the Public Resources Code is amended to read:~~

~~2774. (a) Every lead agency shall adopt ordinances in accordance with state policy that establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations, except that any lead agency without an active surface mining operation in its jurisdiction may defer adopting an implementing ordinance until the filing of a permit application. The ordinances shall establish procedures requiring at least one public hearing and shall be periodically reviewed by the lead agency and revised, as necessary, to ensure that the ordinances continue to be in accordance with state policy.~~

~~(b) (1) (A) The lead agency shall conduct an inspection of a surface mining operation within six months of receipt by the lead agency of the surface mining operation's report submitted pursuant to Section 2207, solely to determine whether the surface mining operation is in compliance with this chapter. In no event shall a lead agency inspect a surface mining operation less than once in any calendar year. The lead agency shall cause an inspection to be conducted by a state licensed geologist, state licensed civil engineer, or state licensed geophysicist, who is experienced in land reclamation and who has not been employed by a surface mining operation within the jurisdiction of the lead agency in any capacity during the previous 12 months. If a lead agency operates a surface mining operation, the inspector shall not have been an employee of the lead agency in any capacity during the previous 12 months~~

1 unless, beginning January 1, 2018, the lead agency employee has
2 become certified as a surface mining operation inspector within
3 the previous two years pursuant to paragraph (2). All inspections
4 shall be conducted using a form developed by the department and
5 approved by the board that includes the professional licensing and
6 disciplinary information of the person who conducted the
7 inspection. The operator shall be solely responsible for the
8 reasonable cost of the inspection. The lead agency shall notify the
9 director within 30 days of the date of completion of the inspection
10 that the inspection has been conducted. The notice shall contain a
11 statement regarding the surface mining operation's compliance
12 with this chapter, shall include a copy of the completed inspection
13 form, and shall specify which aspects of the surface mining
14 operations, if any, are inconsistent with this chapter. If the surface
15 mining operation has a review of its reclamation plan, financial
16 assurances, or an interim management plan pending under
17 subdivision (b), (c), (d), or (h) of Section 2770, or an appeal
18 pending before the board or lead agency governing body under
19 subdivision (e) or (h) of Section 2770, the notice shall so indicate.
20 The lead agency shall forward to the operator a copy of the notice,
21 a copy of the completed inspection form, and any supporting
22 documentation, including, but not limited to, any inspection report
23 prepared by the geologist, civil engineer, or geophysicist, who
24 conducted the inspection.

25 (B) It is the intent of the Legislature to define which aspects of
26 an inspection constitute the professional practice of geology and
27 engineering requiring certification by an appropriate professional.

28 (2) No later than January 1, 2018, and on an ongoing basis
29 thereafter, the department shall offer continuing educational
30 opportunities for lead agency employees to become certified, as
31 appropriate, by the department to inspect surface mining operations.

32 (c) In addition to subdivision (a), lead agencies or the State
33 Mine Inspector may inspect all surface mining operations to
34 determine if the operation is in compliance with this chapter and
35 Section 2207. In conducting the inspection, the lead agencies or
36 the State Mine Inspector shall determine all of the following:

37 (1) If the surface mining operation is in compliance with its
38 approved reclamation plan.

39 (2) If adequate and appropriate financial assurances have been
40 established for the surface mining operation.

1 ~~(3) If the surface mining operation has complied with any notice~~
 2 ~~of violation or order to correct.~~

3 ~~(d) (1) The director shall have 30 days from the date of receipt~~
 4 ~~of a reclamation plan or plan amendments submitted pursuant to~~
 5 ~~subdivision (c), and 45 days from the date of receipt of financial~~
 6 ~~assurances submitted pursuant to subdivision (c), to prepare written~~
 7 ~~comments, if the director so chooses. The lead agency shall~~
 8 ~~evaluate written comments received from the director relating to~~
 9 ~~the reclamation plan, plan amendments, or financial assurances~~
 10 ~~within a reasonable amount of time.~~

11 ~~(2) The lead agency shall prepare a written response to the~~
 12 ~~director's comments describing the disposition of the major issues~~
 13 ~~raised by the director's comments, and submit the lead agency's~~
 14 ~~proposed response to the director at least 30 days prior to approval~~
 15 ~~of the reclamation plan, plan amendment, or financial assurance.~~
 16 ~~The lead agency's response to the director's comments shall~~
 17 ~~describe whether the lead agency proposes to adopt the director's~~
 18 ~~comments to the reclamation plan, plan amendment, or financial~~
 19 ~~assurance. If the lead agency does not propose to adopt the~~
 20 ~~director's comments, the lead agency shall specify, in detail, why~~
 21 ~~the lead agency proposes not to adopt the comments. Copies of~~
 22 ~~any written comments received and responses prepared by the lead~~
 23 ~~agency shall be forwarded to the operator. The lead agency shall~~
 24 ~~also give the director at least 30 days' notice of the time, place,~~
 25 ~~and date of the hearing before the lead agency at which time the~~
 26 ~~reclamation plan, plan amendment, or financial assurance is~~
 27 ~~scheduled to be approved by the lead agency. If no hearing is~~
 28 ~~required by this chapter, or by the local ordinance, or other state~~
 29 ~~law, then the lead agency shall provide 30 days' notice to the~~
 30 ~~director that it intends to approve the reclamation plan, plan~~
 31 ~~amendment, or financial assurance. The lead agency shall send to~~
 32 ~~the director its final response to the director's comments within~~
 33 ~~30 days following its approval of the reclamation plan, plan~~
 34 ~~amendment, or financial assurance during which period the~~
 35 ~~department retains all powers, duties, and authorities of this~~
 36 ~~chapter.~~

37 ~~(3) To the extent there is a conflict between the comments of a~~
 38 ~~trustee agency or a responsible agency that are based on the~~
 39 ~~agency's statutory or regulatory authority and the comments of~~
 40 ~~other commenting agencies that are received by the lead agency~~

1 pursuant to the California Environmental Quality Act (Division
2 13 (commencing with Section 21000)) regarding a reclamation
3 plan or plan amendments, the lead agency shall consider only the
4 comments of the trustee agency or responsible agency.

5 (e) A lead agency shall notify the director of the filing of an
6 application for a permit to conduct surface mining operations
7 within 30 days of an application being filed with the lead agency.
8 By July 1, 1991, each lead agency shall submit to the director for
9 every active or idle mining operation within its jurisdiction, a copy
10 of the mining permit required pursuant to Section 2774, and any
11 conditions or amendments to those permits. By July 1 of each
12 subsequent year, the lead agency shall submit to the director for
13 each active or idle mining operation a copy of any permit or
14 reclamation plan amendments, as applicable, or a statement that
15 there have been no changes during the previous year. Failure to
16 file with the director the information required under this section
17 shall be cause for action under Section 2774.4.

18 *SEC. 12. Section 2774 of the Public Resources Code is*
19 *amended to read:*

20 2774. (a) Every lead agency shall adopt ordinances in
21 accordance with state policy that establish procedures for the
22 review and approval of reclamation plans and financial assurances
23 and the issuance of a permit to conduct surface mining operations,
24 except that any lead agency without an active surface mining
25 operation in its jurisdiction may defer adopting an implementing
26 ordinance until the filing of a permit application. The ordinances
27 shall establish procedures requiring at least one public hearing and
28 shall be periodically reviewed by the lead agency and revised, as
29 necessary, to ensure that the ordinances continue to be in
30 accordance with state policy.

31 (b) (1) ~~(A)~~ The lead agency shall conduct an inspection of a
32 surface mining operation within six months of receipt by the lead
33 agency of the surface mining operation's report submitted pursuant
34 to Section 2207, solely to determine whether the surface mining
35 operation is in compliance with this chapter. ~~In no event shall a A~~
36 *lead agency shall not inspect a surface mining operation less than*
37 *once in any calendar year. The lead agency shall cause an*
38 *inspection to be conducted by an individual who qualified pursuant*
39 *to paragraph (2), including, but not limited to, a state licensed*
40 *geologist, geologist or state licensed civil engineer, or state licensed*

1 geophysicist, who is experienced in land reclamation and who has
 2 not been employed by a surface mining operation within the
 3 jurisdiction of the lead agency in any capacity during the previous
 4 12 months. If a lead agency operates a surface mining operation,
 5 the inspector shall not have been an employee of the lead agency
 6 in any capacity during the previous 12 months unless, beginning
 7 January 1, 2018, the lead agency employee has become certified
 8 as a surface mining operation inspector within the previous two
 9 years pursuant to paragraph (2). months, except that a lead agency
 10 employee who is not an independent contractor may inspect surface
 11 mining operations within the local agency provided the employee
 12 satisfies the provisions of paragraph (2) and subdivision (c). All
 13 inspections shall be conducted using a form developed by the
 14 department and approved by the board that shall include includes
 15 the relevant professional licensing and disciplinary information
 16 of the person qualified pursuant to paragraph (2) who conducted
 17 the inspection. The operator shall be solely responsible for the
 18 reasonable cost of the inspection. The lead agency shall notify the
 19 director within 30 60 days of the date of completion of the
 20 inspection that the inspection has been conducted. The inspection
 21 notice shall contain a statement regarding the surface mining
 22 operation's compliance with this chapter, shall include a copy of
 23 the completed inspection form, and shall specify which aspects of
 24 the surface mining operations, if any, are inconsistent with this
 25 chapter. chapter and those noncompliant aspects that have been
 26 corrected following the inspection, with proof of correction. For
 27 each remaining noncompliant aspect, the lead agency shall provide
 28 to the director a copy of the notice of violation, the notice of
 29 violation combined with an order to comply pursuant to Section
 30 2774.1, or a statement that indicates the lead agency does not
 31 intend to initiate an enforcement action pursuant to Section 2774.1.
 32 If the surface mining operation has a review of its reclamation
 33 plan, financial assurances, or an interim management plan pending
 34 under subdivision (b), (c), (d), (b) or (h) of Section 2770, or an
 35 appeal pending before the board or lead agency governing body
 36 under subdivision (e) or (h) of Section 2770, the inspection notice
 37 shall so indicate. The lead agency shall forward to the operator a
 38 copy of the inspection notice, a copy of the completed inspection
 39 form, and any supporting documentation, including, but not limited
 40 to, any inspection report prepared by the geologist, civil engineer,

1 or geophysicist, who conducted the inspection. *individual qualified*
2 *pursuant to paragraph (2).*

3 (B) It is the intent of the Legislature to define which aspects of
4 an inspection constitute the professional practice of geology and
5 engineering requiring certification by an appropriate professional.

6 (2) ~~No later than January 1, 2018, and on an ongoing basis~~
7 ~~thereafter, the department shall offer continuing educational~~
8 ~~opportunities for lead agency employees to become certified, as~~
9 ~~appropriate, by the department to inspect surface mining operations.~~

10 (c) ~~In addition to subdivision (a), lead agencies or the State~~
11 ~~Mine Inspector may inspect all mining operations to determine if~~
12 ~~the operation is in compliance with this chapter and Section 2207.~~
13 ~~In conducting the inspection, the lead agencies or the State Mine~~
14 ~~Inspector shall determine all of the following:~~

15 (1) ~~If the mining operation is in compliance with its approved~~
16 ~~reclamation plan.~~

17 (2) ~~If adequate and appropriate financial assurances have been~~
18 ~~established for the mining operation.~~

19 (3) ~~If the mining operation has complied with any notice of~~
20 ~~violation or order to correct.~~

21 (d) (1) ~~The director shall have 30 days from the date of receipt~~
22 ~~of a reclamation plan or plan amendments submitted pursuant to~~
23 ~~subdivision (c), and 45 days from the date of receipt of financial~~
24 ~~assurances submitted pursuant to subdivision (c), to prepare written~~
25 ~~comments, if the director so chooses. The lead agency shall~~
26 ~~evaluate written comments received from the director relating to~~
27 ~~the reclamation plan, plan amendments, or financial assurances~~
28 ~~within a reasonable amount of time.~~

29 (2) ~~The lead agency shall prepare a written response to the~~
30 ~~director's comments describing the disposition of the major issues~~
31 ~~raised by the director's comments, and submit the lead agency's~~
32 ~~proposed response to the director at least 30 days prior to approval~~
33 ~~of the reclamation plan, plan amendment, or financial assurance.~~
34 ~~The lead agency's response to the director's comments shall~~
35 ~~describe whether the lead agency proposes to adopt the director's~~
36 ~~comments to the reclamation plan, plan amendment, or financial~~
37 ~~assurance. If the lead agency does not propose to adopt the~~
38 ~~director's comments, the lead agency shall specify, in detail, why~~
39 ~~the lead agency proposes not to adopt the comments. Copies of~~
40 ~~any written comments received and responses prepared by the lead~~

1 agency shall be forwarded to the operator. The lead agency shall
 2 also give the director at least 30 days' notice of the time, place,
 3 and date of the hearing before the lead agency at which time the
 4 reclamation plan, plan amendment, or financial assurance is
 5 scheduled to be approved by the lead agency. If no hearing is
 6 required by this chapter, or by the local ordinance, or other state
 7 law, then the lead agency shall provide 30 days' notice to the
 8 director that it intends to approve the reclamation plan, plan
 9 amendment, or financial assurance. The lead agency shall send to
 10 the director its final response to the director's comments within
 11 30 days following its approval of the reclamation plan, plan
 12 amendment, or financial assurance during which period the
 13 department retains all powers, duties, and authorities of this
 14 chapter.

15 (3) To the extent that there is a conflict between the comments
 16 of a trustee agency or a responsible agency that are based on the
 17 agency's statutory or regulatory authority and the comments of
 18 other commenting agencies which are received by the lead agency
 19 pursuant to the California Environmental Quality Act (Division
 20 13 (commencing with Section 21000)) regarding a reclamation
 21 plan or plan amendments, the lead agency shall consider only the
 22 comments of the trustee agency or responsible agency.

23 (e) A lead agency shall notify the director of the filing of an
 24 application for a permit to conduct surface mining operations
 25 within 30 days of an application being filed with the lead agency.
 26 By July 1, 1991, each lead agency shall submit to the director for
 27 every active or idle mining operation within its jurisdiction, a copy
 28 of the mining permit required pursuant to Section 2774, and any
 29 conditions or amendments to those permits. By July 1 of each
 30 subsequent year, the lead agency shall submit to the director for
 31 each active or idle mining operation a copy of any permit or
 32 reclamation plan amendments, as applicable, or a statement that
 33 there have been no changes during the previous year. Failure to
 34 file with the director the information required under this section
 35 shall be cause for action under Section 2774.4.

36 (2) (A) *The department and the board, in consultation with the*
 37 *Board of Professional Engineers and Land Surveyors, shall adopt*
 38 *regulations that set forth the minimum qualifications for a person*
 39 *conducting an inspection of a surface mining operation pursuant*
 40 *to this chapter. The regulations shall delineate those aspects of*

1 an inspection that require the inspector to meet state licensure
2 requirements.

3 (B) Beginning January 1 of the year following adoption of the
4 regulations required pursuant to subparagraph (A), but not less
5 than 180 days after adoption, all surface mine inspections shall
6 be performed by a qualified individual.

7 (c) (1) On or before July 1, 2016, the department shall establish
8 a training program for all surface mine inspectors. The program
9 shall be designed to include a guidance document, developed by
10 the department and approved by the board, to provide instruction
11 and recommendations to surface mine inspectors performing
12 inspections pursuant to subdivision (b).

13 (2) The training program shall include no less than four
14 inspection workshops per year, offered by the department, in
15 different regions of the state, to provide practical application of
16 the guidance document material.

17 (3) On and after January 1, 2019, all inspectors shall have on
18 file with the lead agency and the department a certificate of
19 completion of an inspection workshop. An inspector shall attend
20 a workshop no later than five years after the date of his or her
21 most recent certificate.

22 (d) In addition to subdivision (b), lead agencies or the
23 Supervisor of Mines and Reclamation may inspect at any time all
24 surface mining operations to determine if the operation is in
25 compliance with this chapter and Section 2207.

26 (e) The approval of the guidance document by the board
27 pursuant to subdivision (c) is not the adoption of a regulation for
28 the purposes of the Administrative Procedure Act (Chapter 3.5
29 (commencing with Section 11340) of Part 1 of Division 3 of Title
30 2 of the Government Code) and is not subject to that chapter.

31 SEC. 13. Section 2774.1 of the Public Resources Code is
32 amended to read:

33 2774.1. (a) Except as provided in subdivision (i) of Section
34 2770, if the lead agency or the director determines, based upon an
35 annual inspection pursuant to Section 2774, or otherwise confirmed
36 by an inspection of the mining operation, that a surface mining
37 operation is not in compliance with this chapter, the lead agency
38 or the director may notify the operator of that violation by personal
39 service or certified mail. If the lead agency or the director
40 determines that the noted violations cannot be corrected within

1 30 days of the notice, the lead agency shall or the director may
 2 combine the notice of violation with an order to comply. If the
 3 violation extends beyond 30 days after the date of the lead agency's
 4 or the director's notification, the lead agency or the director may
 5 issue an order by personal service or certified mail requiring the
 6 operator to comply with this chapter or, if the operator does not
 7 have an approved reclamation plan or financial assurances, cease
 8 all further mining activities.

9 (b) An order to comply issued under subdivision (a) shall ~~not~~
 10 take effect ~~until 30 days following service unless the operator has~~
 11 ~~been provided within that 30-day period requests a hearing before~~
 12 the lead agency for orders issued by the lead agency, or the board
 13 for orders issued by the director, concerning the alleged violation.
 14 An order issued under subdivision (a) to comply shall specify which
 15 aspects of the surface mine's activities or operations are
 16 inconsistent with this chapter, shall specify a time for compliance
 17 that the lead agency or director determines is reasonable, *not to*
 18 *exceed two years*, taking into account the seriousness of the
 19 violation and any good faith efforts to comply with applicable
 20 requirements, and ~~shall set a date for the hearing, which shall not~~
 21 ~~be sooner than 30 days after the date of the order.~~ *may include an*
 22 *administrative penalty imposed pursuant to subdivision (c). If a*
 23 *lead agency or the director determines compliance with an order*
 24 *to comply will exceed two years, the board may specify a longer*
 25 *period based on an application and showing of good cause.*

26 (c) ~~An operator who violates or fails to comply with an order~~
 27 ~~issued under subdivision (a) after the order's effective date, as~~
 28 ~~provided in subdivision (b), or who fails to submit a report to the~~
 29 ~~director or lead agency as required by Section 2207, shall be subject~~
 30 ~~to an order by the lead agency or the director imposing an~~
 31 ~~administrative penalty of not more than five thousand dollars~~
 32 ~~(\$5,000) per day, assessed from the original date of noncompliance~~
 33 ~~with this chapter or Section 2207. The penalty may be imposed~~
 34 ~~administratively by the lead agency or the director. In determining~~
 35 ~~the amount of the administrative penalty, the lead agency or the~~
 36 ~~director shall take into consideration the nature, circumstances,~~
 37 ~~extent, and gravity of the violation or violations, any prior history~~
 38 ~~of violations, the degree of culpability, economic savings, if any,~~
 39 ~~resulting from the violation, and any other matters justice may~~
 40 ~~require. Orders setting administrative penalties shall become~~

1 ~~effective upon issuance of the order and payment shall be made~~
2 ~~to the lead agency or the director within 30 days, unless the~~
3 ~~operator petitions the legislative body of the lead agency, the board,~~
4 ~~or the superior court for review as provided in Section 2774.2. An~~
5 ~~order shall be served by personal service or by certified mail upon~~
6 ~~the operator. Penalties collected by the director shall not be used~~
7 ~~for purposes other than to cover the reasonable costs incurred by~~
8 ~~the director in implementing this chapter or Section 2207.~~

9 *(c) (1) In an order to comply pursuant to subdivision (b), the*
10 *lead agency or the director may impose an administrative penalty*
11 *of not more than five thousand dollars (\$5,000) per day, assessed*
12 *from the original date of noncompliance with this chapter. The*
13 *penalty may be imposed administratively by the lead agency or*
14 *the director. In determining the amount of the administrative*
15 *penalty, the lead agency or the director shall take into*
16 *consideration the nature, circumstances, extent, and gravity of the*
17 *violation or violations, any prior history of violations, the degree*
18 *of culpability, economic savings, if any, resulting from the*
19 *violation, and any other matters justice may require.*

20 *(2) If an operator fails to comply with an order to comply that*
21 *did not originally impose an administrative penalty, or if an*
22 *operator fails to submit a report or pay annual fees to the director*
23 *or lead agency pursuant to Section 2207, the lead agency or*
24 *director may impose an administrative penalty pursuant to this*
25 *paragraph. The administrative penalty shall become effective upon*
26 *issuance of the assessment and payment shall be made to the lead*
27 *agency or the director within 30 days, unless the operator petitions*
28 *the legislative body of the lead agency, the board, or the superior*
29 *court for review as provided in Section 2774.2. An assessment*
30 *shall be served by personal service or by certified mail upon the*
31 *operator.*

32 *(3) Penalties collected by the director shall not be used for*
33 *purposes other than to cover the reasonable costs incurred by the*
34 *director in implementing this chapter or Section 2207.*

35 *(d) If the lead agency or the director determines that the surface*
36 *mine is not in compliance with this chapter, so that the surface*
37 *mine presents an imminent and substantial endangerment to the*
38 *public health or the environment, the lead agency or the Attorney*
39 *General, on behalf of the director, may seek an order from a court*
40 *of competent jurisdiction enjoining that operation.*

(e) Upon a complaint by the director, the department, or the board, the Attorney General may bring an action to recover administrative penalties under this section, and penalties under Section 2207, in any court of competent jurisdiction in this state against any person violating any provision of this chapter or Section 2207, or any regulation adopted pursuant to this chapter or Section 2207. The Attorney General may bring this action on his or her own initiative if, after examining the complaint and the evidence, he or she believes a violation has occurred. The Attorney General may also seek an order from a court of competent jurisdiction compelling the operator to comply with this chapter and Section 2207.

(f) (1) The lead agency has primary responsibility for enforcing this chapter and Section 2207. In cases where the board is not the lead agency pursuant to Section 2774.4, enforcement actions may be initiated by the director pursuant to this section only after the violation has come to the attention of the director and either of the following occurs:

(A) The lead agency has been notified by the director in writing of the violation for at least 30 days, and has not taken appropriate enforcement action, which may include failing to issue an order to comply within a reasonable time after issuing a notice of violation.

(B) The director determines that there is a violation that amounts to an imminent and substantial endangerment to the public health or safety, or to the environment.

(2) The director shall comply with this section in initiating enforcement actions.

(g) Remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

SEC. 14. Section 2774.4 of the Public Resources Code is amended to read:

2774.4. (a) ~~If The board shall exercise some or all of a lead agency's powers under this chapter pursuant to subdivision (c), except for permitting authority and vested rights determinations pursuant to Section 2776, if the board finds that a lead agency either has (1) approved reclamation plans or financial assurances which are not consistent with this chapter, (2) failed to inspect or cause the inspection of surface mining operations as required by this chapter, (3) failed to seek forfeiture of financial assurances~~

1 and to carry out reclamation of surface mining operations as
 2 required by this chapter, (4) failed to take appropriate enforcement
 3 actions as required by this chapter, (5) intentionally misrepresented
 4 the results of inspections required under this chapter, or (6) failed
 5 to submit information to the department as required by this chapter,
 6 the board shall exercise any of the powers of that lead agency
 7 under this chapter, except for permitting authority. *done any of the*
 8 *following:*

9 (1) *Approved reclamation plans or financial assurances that*
 10 *are not consistent with this chapter.*

11 (2) *Failed to inspect or cause the inspection of surface mining*
 12 *operations as required by this chapter.*

13 (3) *Failed to seize the financial assurances and to carry out the*
 14 *reclamation of surface mining operations as required by this*
 15 *chapter.*

16 (4) *Failed to take appropriate enforcement actions as required*
 17 *by this chapter.*

18 (5) *Intentionally misrepresented the results of inspections*
 19 *required under this chapter.*

20 (6) *Failed to submit information to the department as required*
 21 *by this chapter.*

22 (b) ~~If,~~ *The board shall conduct a public hearing no sooner than*
 23 *three years after the board has taken action pursuant to subdivision*
 24 ~~(a), the board finds, after a public hearing, that (a) to determine if~~
 25 *a lead agency has corrected its deficiencies in implementing and*
 26 *enforcing this chapter, chapter and the rules and regulations*
 27 *adopted pursuant to this chapter, chapter or has developed a*
 28 *program that will adequately administer this chapter and Section*
 29 *2207. If the board finds sufficient evidence of correction or the*
 30 *development of a program to adequately implement this chapter*
 31 *and Section 2207, the board shall restore to the lead agency some*
 32 *or all of the powers assumed by the board pursuant to subdivision*
 33 *(a).*

34 (c) *Before taking any action pursuant to subdivision (a), the*
 35 *board shall first notify the lead agency of the identified*
 36 *deficiencies, and allow the lead agency 45 days to correct the*
 37 *deficiencies to the satisfaction of the board. If the lead agency has*
 38 *not corrected the deficiencies to the satisfaction of the board within*
 39 *the 45-day period, the board shall hold a public hearing within the*
 40 *lead agency's area of jurisdiction, upon a 45-day written notice*

1 given to the public in at least one newspaper of general circulation
 2 within the city or county, and directly mailed to the lead agency
 3 and to all surface mining operators within the lead agency's
 4 jurisdiction who have submitted reports as required by Section
 5 2207. conduct a hearing, providing 30 days' notice to the lead
 6 agency, and shall determine if the lead agency has engaged in
 7 conduct described in subdivision (a). If the board finds that the
 8 lead agency has engaged in conduct described in subdivision (a),
 9 the board shall do either of the following:

10 (1) (A) Require the lead agency to develop a remedial plan to
 11 correct the noted deficiencies. The remedial plan shall describe
 12 specific objectives and corresponding processes designed to
 13 address, at a minimum, the noted deficiencies and a time that the
 14 remedial plan will be fully implemented.

15 (B) The board shall set a hearing to review the completion of
 16 the remedial plan consistent with paragraph (2) and subdivisions
 17 (d) and (e).

18 (2) Take immediate action pursuant to subdivision (a) and hold
 19 a public hearing within the lead agency's area of jurisdiction,
 20 upon a 45-day written notice given to the public in at least one
 21 newspaper of general circulation within the city or county and
 22 directly mailed to the lead agency and to all operators within the
 23 lead agency's jurisdiction who have submitted reports as required
 24 by Section 2207.

25 (d) ~~Affected surface mining~~ operators and interested persons
 26 have the ~~right, right~~ at the public hearing, hearing to present oral
 27 and written evidence on the matter being considered. The ~~board~~
 28 ~~may, at the public hearing, board, at the public hearing,~~ may place
 29 reasonable limits on the right of affected ~~surface mining~~ operators
 30 and interested persons to question and solicit testimony.

31 (e) ~~If, after conducting the public hearing required by~~
 32 ~~subdivision (e), the~~ (1) The board decides to take action pursuant
 33 to subdivision ~~(a)~~, (a) and exercise some or all of a lead agency's
 34 powers pursuant to this chapter, except for permitting authority
 35 and vested rights determinations pursuant to Section 2776, the
 36 board shall, based on the record of the public hearing, adopt written
 37 findings ~~which that~~ explain all of the following:

38 (1)

39 (A) The action to be taken by the board.

40 (2)

1 (B) Why the board decided to take the action.

2 ~~(3)~~

3 (C) Why the action is authorized ~~by~~, by and meets the
4 requirements ~~of~~, of subdivision (a).

5 (2) In addition, the findings shall address the significant issues
6 ~~raised, raised~~ or written evidence ~~presented, presented~~ by affected
7 ~~surface mining~~ operators, interested persons, ~~or the lead agency.~~
8 *agency, or the department and findings from any review of the*
9 *lead agency's administrative and enforcement program.* The
10 transcript of testimony and exhibits, together with all papers and
11 requests filed in the proceedings, shall constitute the exclusive
12 record for decision by the board.

13 (f) *If the board finds that the lead agency has not satisfactorily*
14 *completed the remedial plan prepared pursuant to paragraph (1)*
15 *of subdivision (c), the board shall follow the procedures set forth*
16 *in paragraph (2) of subdivision (c) and subdivisions (d) and (e).*

17 ~~(f)~~

18 (g) The lead agency, any affected ~~surface mining~~ operator, or
19 any interested person who has presented oral or written evidence
20 at the public hearing before the board pursuant to subdivision (d)
21 may obtain a review of the board's action taken pursuant to
22 subdivision (a) by filing in the superior court a petition for a writ
23 of mandate within 30 days following the issuance of the board's
24 decision. Section 1094.5 of the Code of Civil Procedure governs
25 judicial proceedings pursuant to this subdivision, except that in
26 every case the court shall exercise its independent judgment. If a
27 petition for a writ of mandate is not filed within the time limits set
28 by this subdivision, the board's action under subdivision (a) shall
29 not be subject to review by any court or agency.

30 SEC. 15. *Section 2776 of the Public Resources Code is*
31 *amended to read:*

32 2776. (a) ~~No~~ (1) A person who has obtained a vested right to
33 conduct surface mining operations prior to January 1, 1976, shall
34 *not* be required to secure a permit pursuant to this chapter as long
35 as the vested right continues and as long as no substantial changes
36 are made in the operation except in accordance with this chapter.
37 A person shall be deemed to have vested rights if, prior to January
38 1, 1976, the person has, in good faith and in reliance upon a permit
39 or other authorization, if the permit or other authorization was
40 required, diligently commenced surface mining operations and

1 incurred substantial liabilities for work and materials necessary
 2 for the surface mining operations. Expenses incurred in obtaining
 3 the enactment of an ordinance in relation to a particular operation
 4 or the issuance of a permit shall not be deemed liabilities for work
 5 or materials.

6 *(2) A lead agency shall maintain records associated with a*
 7 *vested right determination.*

8 (b) The reclamation plan required to be filed ~~under~~ pursuant to
 9 subdivision (b) of Section ~~2770~~, 2770 shall apply to operations
 10 conducted after January 1, 1976, or to be conducted.

11 (c) Nothing in this chapter shall be construed as requiring the
 12 filing of a reclamation plan ~~for~~, for or the reclamation ~~of~~, of mined
 13 lands on which surface mining operations were conducted prior
 14 to January 1, 1976.

15 *SEC. 16. No reimbursement is required by this act pursuant*
 16 *to Section 6 of Article XIII B of the California Constitution because*
 17 *a local agency or school district has the authority to levy service*
 18 *charges, fees, or assessments sufficient to pay for the program or*
 19 *level of service mandated by this act, within the meaning of Section*
 20 *17556 of the Government Code.*

Opposed Legislation

Assembly Bill 320 (Wood D)

Environmental Engineer

Status: 5/27/2015-In committee: Hearing postponed by committee.

Calendar: 7/6/2015 1 P.M. Or Upon Adjournment Of Floor Session - Room 3191 Senate Business, Professions and Economic Development, Hill, Chair

Location: 5/21/2015 - Senate Business, Professions and Economic Development

Last Amendment: 4/23/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: AB 320

Bill Summary: This bill would prohibit a person from using the title "Environmental Engineer" unless the person is licensed as an "Environmental Engineer". This bill would set forth the intent of the Legislature that the board be responsible for defining Environmental Engineering through rulemaking and that the board adopt standardized examination materials applicable to Environmental Engineering, as specified. . Additionally, on April 24th, 2015 amendments were adopted that permits a licensed civil, electrical, or mechanical engineer to use the title "environmental engineer" without obtaining additional qualifications.

Staff Comment: Introducing an "Environmental Engineer" Title Act will not regulate the practice of environmental engineering; only the use of the title is regulated. Moreover, AB 320 will not prevent a person from practicing environmental engineering; it will only prevent a person from using the title "Environmental Engineer." The legislative intent provision in AB 320 indicates it is necessary for public protection to "regulate this profession." However, this bill would not regulate this profession; it will only restrict a person from using the title. For the last 20 years, the Board has held the position that restricting only the use of the title without also regulating the associated practice does not provide sufficient public protection. AB 320 would require the Board to adopt through the regulatory process a definition of "environmental engineering." The Board believes that the resulting definition would be so narrow in scope due to need to prevent overlap with regulated practices, such as civil engineering and geology, that it would preclude people from having the required experience needed to qualify for licensure.

Board Position: Oppose - as amended 4/23/2015.

Laws: An act to amend Section 6732 of the Business and Professions Code, relating to engineers.

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 320

Introduced by Assembly Member Wood

February 13, 2015

An act to amend Section 6732 of the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 320, as amended, Wood. Engineers.

Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists in the Department of Consumer Affairs. Existing law prohibits a person from representing himself or herself as an engineer, as described by various titles, unless the person is licensed as an engineer. Existing law makes a violation of those prohibitions a misdemeanor.

This bill would additionally prohibit a person from using the title "environmental engineer" unless the person is licensed as an engineer. The bill would provide legislative findings and declarations in support of the licensure of environmental engineers in California. *The bill would permit a licensed civil, electrical, or mechanical engineer to use the title "environmental engineer" without obtaining additional qualifications.* The bill would set forth the intent of the Legislature that the board be responsible for defining environmental engineering through rulemaking and that the board adopt standardized examination materials applicable to environmental engineering, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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

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

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

State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Over the past few decades, the study and practice of
4 environmental engineering has expanded greatly throughout
5 California and the nation. Many colleges in California have
6 accredited environmental engineering programs and thousands of
7 California engineers currently provide essential environmental
8 engineering services to all levels of government, private industry,
9 and the public.

10 (b) Despite leading the way in environmental protection and
11 global climate change remediation programs, the State of California
12 is an anomaly in that it does not currently offer a pathway for the
13 licensure of environmental engineers. Forty-eight other states test
14 and provide a licensing path for environmental engineers. Hawaii
15 and California currently do not.

16 (c) As programs of environmental mitigation and protection
17 continue to expand in scope and complexity for our air, water, and
18 soil testing and certification of environmental engineers is needed
19 to establish benchmarks for competency to protect and safeguard
20 the public.

21 (d) The Board for Professional Engineers, Land Surveyors, and
22 Geologists (BPELSG) safeguards the life, health, property, and
23 public welfare by regulating the practice of professional
24 engineering. The BPELSG provides this public service by testing
25 and licensing individuals, establishing regulations, enforcing laws
26 and regulations, and providing information so that consumers can
27 make informed decisions.

28 (e) In the early 1970s, the BPELSG created title acts in the
29 branches of agriculture, control system, corrosion, fire protection,
30 manufacturing, nuclear, quality, safety, and traffic. At that time,

1 the BPELSG did not approve a petition to add an environmental
2 engineer title act. In 1986, the authority to establish new title
3 registration branches returned to the Legislature.

4 (f) In California, professional engineers are licensed in the three
5 practice act categories of civil, electrical, and mechanical
6 engineering, and licensed in the 10 title act categories of
7 agricultural, chemical, control system, fire protection, industrial,
8 manufacturing, metallurgical, nuclear, petroleum, and traffic
9 engineering.

10 (g) Environmental engineering is the branch of engineering that
11 understands and applies engineering principles in the areas of solid
12 waste management, water supply and treatment, wastewater
13 treatment, air pollution management, hazardous waste management,
14 and related environmental and public health impact, assessment,
15 and mitigation including the physical, chemical, and biological
16 processes by which pollutants form, release, disperse, react, or
17 neutralize in air, water, or soil.

18 (h) Given the proliferation of the practice of environmental
19 engineering in the public and private sectors in California, it is
20 now necessary to create an environmental engineering title act
21 within the Professional Engineers Act to safeguard life, health,
22 property, and the public welfare and regulating this profession.

23 (i) It is the intent of the Legislature that the BPELSG will be
24 responsible for defining "environmental engineering" through
25 rulemaking, adding to the definitions found in Section 404 of Title
26 16 of the California Code of Regulations, and using the same
27 process used to define the other title acts. It is the intent of the
28 Legislature that the BPELSG will also adopt national standardized
29 examination materials applicable to environmental engineering,
30 similar to testing for other branches of engineering.

31 (j) Creating a new environmental engineering title act does not
32 require the expenditure of state funds. Just as is the case with other
33 practice and title act licensees, it is the intent of the Legislature
34 that applicant fees will cover the cost of license and registration.

35 SEC. 2. Section 6732 of the Business and Professions Code is
36 amended to read:

37 6732. (a) It is unlawful for anyone other than a professional
38 engineer licensed under this chapter to stamp or seal any plans,
39 specifications, plats, reports, or other documents with the seal or
40 stamp of a professional engineer, or in any manner, use the title

1 “professional engineer,” “licensed engineer,” “registered engineer,”
 2 or “consulting engineer,” or any of the following branch titles:
 3 “agricultural engineer,” “chemical engineer,” “civil engineer,”
 4 “control system engineer,” “electrical engineer,” “environmental
 5 engineer,” “fire protection engineer,” “industrial engineer,”
 6 “mechanical engineer,” “metallurgical engineer,” “nuclear
 7 engineer,” “petroleum engineer,” or “traffic engineer,” or any
 8 combination of these words and phrases or abbreviations thereof
 9 unless licensed under this chapter.

10 *(b) Notwithstanding subdivision (a), a professional engineer*
 11 *licensed as a civil, electrical, or mechanical engineer, may use*
 12 *the title “environmental engineer” without obtaining additional*
 13 *qualifications.*

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

Opposed Legislation

Assembly Bill 85 (Wilk R)

Open meetings.

Status: 6/11/2015 -Referred to Committee

Calendar: 7/14/2015 9:30 A.M. - John L. Burton Hearing Room (4203) Senate Governmental Organization, Hall, Chair

Location: 6/11/2015 - Senate Committee on Governmental Organization

Last Amendment: 4/15/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: AB 85

Bill Summary: this bill would, under the Bagley-Keene Open Meeting Act, specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation. This bill contains other related provisions.

Staff Comment: The Board already obeys the Bagley-Keene Open Meeting Act. This bill would further define a "state body" to include groups of two or more.

Board Position: Oppose-as amended 4/15/2015.

Laws: An act to amend Section 11121 of the Government Code, relating to State government, and declaring the urgency thereof, to take effect immediately.

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 85

Introduced by Assembly Member Wilk

January 6, 2015

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 85, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

~~This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature’s intent that this bill is declaratory of existing law.~~

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) The unpublished decision of the Third District Court of~~
4 ~~Appeals in Funeral Security Plans v. State Board of Funeral~~
5 ~~Directors (1994) 28 Cal. App.4th 1470 is an accurate reflection of~~
6 ~~legislative intent with respect to the applicability of the~~
7 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~
8 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
9 ~~the Government Code) to a two-member standing advisory~~
10 ~~committee of a state body.~~

11 ~~(b) A two-member committee of a state body, even if operating~~
12 ~~solely in an advisory capacity, already is a "state body," as defined~~
13 ~~in subdivision (d) of Section 11121 of the Government Code, if a~~
14 ~~member of the state body sits on the committee and the committee~~
15 ~~receives funds from the state body.~~

16 ~~(c) It is the intent of the Legislature that this bill is declaratory~~
17 ~~of existing law.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1.~~ Section 11121 of the Government Code is
20 ~~amended to read:~~

21 ~~11121. As used in this article, "state body" means each of the~~
22 ~~following:~~

23 ~~(a) Every state board, or commission, or similar multimember~~
24 ~~body of the state that is created by statute or required by law to~~
25 ~~conduct official meetings and every commission created by~~
26 ~~executive order.~~

27 ~~(b) A board, commission, committee, or similar multimember~~
28 ~~body that exercises any authority of a state body delegated to it by~~
29 ~~that state body.~~

30 ~~(c) An advisory board, advisory commission, advisory~~
31 ~~committee, advisory subcommittee, or similar multimember~~
32 ~~advisory body of a state body, if created by formal action of the~~
33 ~~state body or of any member of the state body, and if the advisory~~

1 body so created consists of three or more persons, except as in
 2 subdivision (d).

3 (d) A board, commission, committee, or similar multimember
 4 body on which a member of a body that is a state body pursuant
 5 to this section serves in his or her official capacity as a
 6 representative of that state body and that is supported, in whole or
 7 in part, by funds provided by the state body, whether the
 8 multimember body is organized and operated by the state body or
 9 by a private corporation.

10 ~~SEC. 3.~~

11 *SEC. 2.* This act is an urgency statute necessary for the
 12 immediate preservation of the public peace, health, or safety within
 13 the meaning of Article IV of the Constitution and shall go into
 14 immediate effect. The facts constituting the necessity are:

15 In order to avoid unnecessary litigation and ensure the people's
 16 right to access the meetings of public bodies pursuant to Section
 17 3 of Article 1 of the California Constitution, it is necessary that
 18 *this act take effect immediately* ~~immediately~~ *immediately*.

Watched Legislation

Assembly Bill 12 (Cooley D)

State government: administrative regulations: review

Status: Referred to Committee

Calendar: 7/14/2015 - John L. Burton Hearing Room (4203) Senate Governmental Organization, Hall, Chair

Location: 6/11/2015 Senate Committee on Governmental Organization

Last Amend: 4/22/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: AB 12

Bill Summary: This bill would require every state agency, department, board, bureau or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations by January 1, 2018. Additionally, this bill would require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions.

Staff Comment: Board staff routinely reviews and revises regulations. We established a legislative and regulatory review committee to complete this workload. Staff anticipate this requirement to be absorbable.

Board Position: Watch -as amended 4/22/2015.

Laws: An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, the Government Code, relating to state agency regulations.

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley
(Coauthors: Assembly Members Chang, Daly, and Wilk)

December 1, 2014

An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Cooley. State government: administrative regulations: review.

(1) Existing

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, and after a noticed public hearing, review and revise that agency's regulations to eliminate any inconsistencies, overlaps, or outdated provisions in the regulations, adopt the revisions as emergency regulations, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would further

~~require each agency to, on or before January 1, 2017, compile an overview of the statutory law that agency administers.~~

~~(2) The act requires a state agency proposing to adopt, amend, or repeal a major regulation, as defined, to prepare a standardized regulatory impact analysis of the proposed change. The act requires the office and the Department of Finance to, from time to time, review the analyses for compliance with specific department regulations. The act further requires the office to, on or before November 1, 2015, submit a report on the analyses to the Senate and Assembly Committees on Governmental Organization, as specified.~~

~~This bill would instead require the office and department to annually review the analyses. The bill would also require the office to annually submit a report on the analyses to the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review.~~

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

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

1 ~~SECTION 1. Section 11349.1.5 of the Government Code is~~
2 ~~amended to read:~~
3 ~~11349.1.5. (a) The Department of Finance and the office shall~~
4 ~~annually review the standardized regulatory impact analyses~~
5 ~~required by subdivision (c) of Section 11346.3 and submitted to~~
6 ~~the office pursuant to Section 11347.3, for adherence to the~~
7 ~~regulations adopted by the department pursuant to Section~~
8 ~~11346.36.~~
9 ~~(b) (1) On or before November 1, 2015, and annually thereafter,~~
10 ~~the office shall submit to the Senate Committee on Governmental~~
11 ~~Organization and the Assembly Committee on Accountability and~~
12 ~~Administrative Review a report describing the extent to which~~
13 ~~submitted standardized regulatory impact analyses for proposed~~
14 ~~major regulations for the fiscal year ending in June 30, of that year~~
15 ~~adhere to the regulations adopted pursuant to Section 11346.36.~~
16 ~~The report shall include a discussion of agency adherence to the~~
17 ~~regulations as well as a comparison between various state agencies~~
18 ~~on the question of adherence. The report shall also include any~~
19 ~~recommendations from the office for actions the Legislature might~~
20 ~~consider for improving state agency performance and compliance~~

1 in the creation of the standardized regulatory impact analyses as
 2 described in Section 11346.3.

3 (2) ~~The report shall be submitted in compliance with Section~~
 4 ~~9795 of the Government Code.~~

5 (e) ~~In addition to the annual report required by subdivision (b),~~
 6 ~~the office shall notify the Legislature of noncompliance by a state~~
 7 ~~agency with the regulations adopted pursuant to Section 11346.36,~~
 8 ~~in any manner or form determined by the office and shall post the~~
 9 ~~report and notice of noncompliance on the office's Internet Web~~
 10 ~~site.~~

11 SEC. 2.

12 SECTION 1. Chapter 3.6 (commencing with Section 11366)
 13 is added to Part 1 of Division 3 of Title 2 of the Government Code,
 14 to read:

15 CHAPTER 3.6. REGULATORY REFORM

16 Article 1. Findings and Declarations

17
 18
 19 11366. The Legislature finds and declares all of the following:

20 (a) The Administrative Procedure Act (Chapter 3.5 (commencing
 21 with Section 11340), Chapter 4 (commencing with Section 11370),
 22 Chapter 4.5 (commencing with Section 11400), and Chapter 5
 23 (commencing with Section 11500)) requires agencies and the
 24 Office of Administrative Law to review regulations to ensure their
 25 consistency with law and to consider impacts on the state's
 26 economy and businesses, including small businesses.

27 (b) However, the act does not require agencies to individually
 28 review their regulations to identify overlapping, inconsistent,
 29 duplicative, or out-of-date regulations that may exist.

30 (c) At a time when the state's economy is slowly recovering,
 31 unemployment and underemployment continue to affect all
 32 Californians, especially older workers and younger workers who
 33 received college degrees in the last seven years but are still awaiting
 34 their first great job, and with state government improving but in
 35 need of continued fiscal discipline, it is important that state
 36 agencies systematically undertake to identify, publicly review, and
 37 eliminate overlapping, inconsistent, duplicative, or out-of-date
 38 regulations, both to ensure they more efficiently implement and
 39

1 enforce laws and to reduce unnecessary and outdated rules and
2 regulations.

3 ~~(d) The purpose of this chapter is to require each agency to~~
4 ~~compile an overview of the statutory law that agency oversees or~~
5 ~~administers in its regulatory activity that includes a synopsis of~~
6 ~~key programs, when each key program was authorized or instituted,~~
7 ~~and any emerging challenges the agency is encountering with~~
8 ~~respect to those programs.~~

10 Article 2. Definitions

11
12 11366.1. For the ~~purpose~~ *purposes* of this chapter, the following
13 definitions shall apply:

14 (a) "State agency" means a state agency, as defined in Section
15 11000, except those state agencies or activities described in Section
16 11340.9.

17 (b) "Regulation" has the same meaning as provided in Section
18 11342.600.

19 Article 3. State Agency Duties

20
21
22 11366.2. On or before January 1, 2018, each state agency shall
23 do all of the following:

24 (a) Review all provisions of the California Code of Regulations
25 applicable to, or adopted by, that state agency.

26 (b) Identify any regulations that are duplicative, overlapping,
27 inconsistent, or out of date.

28 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
29 any duplication, overlap, inconsistencies, or out-of-date ~~provisions.~~
30 *provisions, and shall comply with the process specified in Article*
31 *5 (commencing with Section 11346) of Chapter 3.5, unless the*
32 *addition, revision, or deletion is without regulatory effect and may*
33 *be done pursuant to Section 100 of Title 1 of the California Code*
34 *of Regulations.*

35 (d) Hold at least one noticed public hearing, that shall be noticed
36 on the Internet Web site of the state agency, for the purposes of
37 accepting public comment on proposed revisions to its regulations.

38 (e) Notify the appropriate policy and fiscal committees of each
39 house of the Legislature of the revisions to regulations that the
40 state agency proposes to make at least 90 days prior to a noticed

1 ~~public hearing pursuant to subdivision (d) and at least 90 days~~
 2 ~~prior to the proposed adoption, amendment, or repeal of the~~
 3 ~~regulations pursuant to subdivision (f), for the purpose of allowing~~
 4 ~~those committees to review, and hold hearings on, the proposed~~
 5 ~~revisions to the regulations.~~

6 ~~(f) Adopt as emergency regulations, consistent with Section~~
 7 ~~11346.1, those changes, as provided for in subdivision (c), to a~~
 8 ~~regulation identified by the state agency as duplicative,~~
 9 ~~overlapping, inconsistent, or out of date. least 30 days prior to~~
 10 ~~initiating the process under Article 5 (commencing with Section~~
 11 ~~11346) of Chapter 3.5 or Section 100 of Title 1 of the California~~
 12 ~~Code of Regulations.~~

13 (g) (1) Report to the Governor and the Legislature on the state
 14 agency's compliance with this chapter, including the number and
 15 content of regulations the state agency identifies as duplicative,
 16 overlapping, inconsistent, or out of date, and the state agency's
 17 actions to address those regulations.

18 (2) The report shall be submitted in compliance with Section
 19 9795 of the Government Code.

20 11366.3. (a) On or before January 1, 2018, each agency listed
 21 in Section 12800 shall notify a department, board, or other unit
 22 within that agency of any existing regulations adopted by that
 23 department, board, or other unit that the agency has determined
 24 may be duplicative, overlapping, or inconsistent with a regulation
 25 adopted by another department, board, or other unit within that
 26 agency.

27 (b) A department, board, or other unit within an agency shall
 28 notify that agency of revisions to regulations that it proposes to
 29 make at least 90 days prior to a noticed public hearing pursuant to
 30 subdivision (d) of Section 11366.2 and at least 90 days prior to
 31 adoption, amendment, or repeal of the regulations pursuant to
 32 ~~subdivision (f) of subdivision (c) of Section 11366.2.~~ The agency
 33 shall review the proposed regulations and make recommendations
 34 to the department, board, or other unit within 30 days of receiving
 35 the notification regarding any duplicative, overlapping, or
 36 inconsistent regulation of another department, board, or other unit
 37 within the agency.

38 11366.4. An agency listed in Section 12800 shall notify a state
 39 agency of any existing regulations adopted by that agency that

1 may duplicate, overlap, or be inconsistent with the state agency's
2 regulations.

3 ~~11366.43. On or before January 1, 2017, each state agency~~
4 ~~shall compile an overview of the statutory law that state agency~~
5 ~~oversees or administers. The overview shall include a synopsis of~~
6 ~~the state agency's key programs, when each program was~~
7 ~~authorized or instituted, when any statute authorizing a program~~
8 ~~was significantly revised to alter, redirect, or extend the original~~
9 ~~program and the reason for the revision, if known, and an~~
10 ~~identification of any emerging challenges the state agency is~~
11 ~~encountering with respect to the programs.~~

12 11366.45. This chapter shall not be construed to weaken or
13 undermine in any manner any human health, public or worker
14 rights, public welfare, environmental, or other protection
15 established under statute. This chapter shall not be construed to
16 affect the authority or requirement for an agency to adopt
17 regulations as provided by statute. Rather, it is the intent of the
18 Legislature to ensure that state agencies focus more efficiently and
19 directly on their duties as prescribed by law so as to use scarce
20 public dollars more efficiently to implement the law, while
21 achieving equal or improved economic and public benefits.

22 Article 4. Chapter Repeal

23
24
25 11366.5. This chapter shall remain in effect only until January
26 1, 2019, and as of that date is repealed, unless a later enacted
27 statute, that is enacted before January 1, 2019, deletes or extends
28 that date.

Watched Legislation

Assembly Bill 507 (Olsen R)

Department of Consumer Affairs: BreEZe system: annual report.

Status: 6/18/2015-Referred Committee.

Location: 6/18/2015-Senate Rules Committee.

Last Amendment: 6/1/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: AB 507

Bill Summary: AB 507 would, on and after October 1, 2015, require the Department of Consumer Affairs to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the departments' 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation. This bill contains other related provisions.

Staff Comment: This bill would require DCA to submit a report that would include a timeline, total estimated costs and a cost-benefit analysis for the remaining boards and bureaus that have not yet transitioned into the BreEZe system. We one of the Boards which has not yet transitioned into the BreEZe system.

Board Position: Watch – as amended 3/26/15.

Staff Recommendation: Board staff recommends the Board take a **watch** position on the bill as amended June 1, 2015.

Laws: An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer Affairs.

AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Olsen
(Principal coauthor: Assembly Member Gray)
(Coauthors: Assembly Members Chang and Dodd)
(Coauthor: Senator Bates)

February 23, 2015

An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer Affairs, ~~Affairs~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as amended, Olsen. Department of Consumer Affairs: BreEZe system: annual report.

Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

This bill would, on and after ~~January 31, 2016~~, *October 1, 2015*, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the

department's plans for implementing the BreEZe system at specified regulatory entities included in the department's's 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.

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

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 210.5 is added to the Business and
2 Professions Code, immediately following Section 210, to read:
3 210.5. (a) On and after ~~January 31, 2016~~, *October 1, 2015*,
4 the department shall submit an annual report to the Legislature
5 and the Department of Finance that includes all of the following:
6 (1) The department's plan for implementing the BreEZe system
7 at the regulatory entities in the department's third phase of the
8 implementation project, including, but not limited to, a timeline
9 for implementation.
10 (2) The total estimated costs of implementation of the BreEZe
11 system at the regulatory entities in the department's third phase
12 of the implementation project and the results of any cost-benefit
13 analysis the department conducted for the third phase of the
14 implementation project.
15 (3) A description of whether and to what extent the BreEZe
16 system will achieve any operational efficiencies resulting from
17 implementation by the boards and regulatory entities within the
18 department's jurisdiction.
19 (b) The report described in subdivision (a) shall be submitted
20 in compliance with Section 9795 of the Government Code.
21 (c) For purposes of this section, "the regulatory entities in the
22 department's third phase of the implementation project" includes
23 all of the following:
24 (1) Acupuncture Board.
25 (2) Board for Professional Engineers, Land Surveyors, and
26 Geologists.
27 (3) Bureau of Automotive Repair.
28 (4) Bureau of Electronic and Appliance Repair, Home
29 Furnishings, and Thermal Insulation.

- 1 (5) Bureau for Private Postsecondary Education.
- 2 (6) California Architects Board.
- 3 (7) California Board of Accountancy.
- 4 (8) California State Board of Pharmacy.
- 5 (9) Cemetery and Funeral Bureau.
- 6 (10) Contractors' State License Board.
- 7 (11) Court Reporters Board of California.
- 8 (12) Landscape Architects Technical Committee.
- 9 (13) Professional Fiduciaries Bureau.
- 10 (14) Speech-Language Pathology and Audiology and Hearing
- 11 Aid Dispensers Board.
- 12 (15) State Athletic Commission.
- 13 (16) State Board of Chiropractic Examiners.
- 14 (17) State Board of Guide Dogs for the Blind.
- 15 (18) Structural Pest Control Board.
- 16 (19) Telephone Medical Advice Services Bureau.
- 17 *SEC. 2. This act is an urgency statute necessary for the*
- 18 *immediate preservation of the public peace, health, or safety within*
- 19 *the meaning of Article IV of the Constitution and shall go into*
- 20 *immediate effect. The facts constituting the necessity are:*
- 21 *Because of the circumstances surrounding the implementation*
- 22 *of the BreZE system, and in order to ensure that healing arts and*
- 23 *other professionals are licensed in a timely and efficient manner,*
- 24 *it is necessary that this act take effect immediately.*

Supported Legislation

Assembly Bill 177 (Bonilla D)

Professions and vocations: licensing boards: authority: extension.

Status: 6/30/2015-In committee.

Calendar: 7/6/2015 1 P.M. Or Upon Adjournment of Floor Session - Room 3191 Senate Business, Professions and Economic Development, Hill, Chair

Location: 6/30/15 Senate Business, Professions and Economic Development

Last Amendment: 6/30/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: AB 177

Bill Summary: The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land surveyors, and Geologists, in the Department of Consumer Affairs. This bill would extend the operation of these provisions until January 1, 2020.

Staff Comment: As drafted, among other things, AB 177 would extend the sunset date for this Board to January 1, 2020. AB 177 would merge the Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund into the fund, which would be renamed the Professional Engineer's, Land Surveyor's, and Geologist's Fund. Recent amendments defined the merger would become effective July 1, 2016 which is also the beginning of the new Fiscal Year. Additionally, AB 177 would add a much needed cause for disciplinary action by the board if a licensee or certificate holder fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.

Board Position: Support - as amended 4/23/15.

Staff Recommendation: Board staff recommends the Board take a **support** position on the bill as amended June 30, 2015.

Laws: An act to amend Sections 6710, 6714, 6749, 6797, 7839.2, 7841, 7841.1, 7841.2, 8710, 8759, and 8800 of, to add Sections 6775.2, 7860.2, and 8780.2 to, to repeal Section 7885 of, and to repeal and add Section 7886 of, the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 3, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 177

Introduced by Assembly Member Bonilla
(~~Coauthor:~~ *Principal Coauthor:* Senator Hill)

January 26, 2015

An act to amend Sections ~~205, 207, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6749, 6797, 7839.2, 7841, 7841.1, 7841.2, 8710, 8759, and 8800~~ and 8759 of, to add Sections ~~6775.2, 7860.2, and 8780.2~~ to, to ~~amend and repeal~~ Section 7885 of, and to ~~repeal to amend, repeal, and add Section 7886 of, Sections 205, 207, 6797, 7886, and 8800 of, and to add and repeal Sections 6775.2, 7860.2, and 8780.2 of,~~ the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 177, as amended, Bonilla. Professions and vocations: licensing boards: authority: extension.

(1) The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land Surveyors, and Geologists, which consists of 15 members, in the Department of Consumer Affairs. The act requires the board to appoint an executive officer, as specified. Under existing law, these provisions are ~~reported repealed~~ on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020. The ~~bill~~ bill, until January 1, 2020, would add as a cause for

disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder. The bill would also make technical amendments to the act.

(2) Existing law provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which consists of 10 members, in the Department of Consumer Affairs. Existing law establishes, within the jurisdiction of the board, the Landscape Architects Technical Committee for the purpose of, among other things, assisting the board in the examination of candidates for a landscape architect's license. Under existing law, these provisions are repealed on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020.

(3) The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is vested with the power to administer the act. Under existing law, these provisions are repealed on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020. The bill would also add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.

(4) The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists and the certification of applicants in specialties in geology and geologists-in-training by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires an applicant for registration as a geologist to meet certain requirements, including, among others, that he or she has graduated with a major in geological sciences from college or university, and requires an applicant for registration as a geophysicist to meet certain requirements, including, among others, that he or she has completed a combination of at least 30 semester hours in courses, as specified. The act requires an applicant for certification as a geologist-in-training to comply with certain requirements, including, among others that the applicant successfully pass the Fundamentals of Geology examination.

This bill would provide for licensure instead of registration under the act. The bill would also allow an applicant for licensure as a geologist to have graduated from a college or university with a major in a discipline other than geological sciences that, in the opinion of the board, is relevant to geology. The bill would also allow an applicant for licensure as a geophysicist to have completed at least the equivalent of 30 semester hours in courses, as specified. The bill would require an applicant for certification as a geologist-in-training to have graduated from a college or university with a major in geological sciences or any other discipline, as specified. The bill would add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.

(5) Under existing law, there is the Professions and Vocations Fund in the State Treasury, which consists of certain special funds and accounts, including the Professional Engineer's and Land Surveyor's Fund and the Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund. Under existing law the moneys in the Geology and Geophysics Account are appropriated to carry out the purposes of the Geologist and Geophysicist Act, the moneys in the Professional Engineers's and Land Surveyor's Fund are appropriated for the purposes of the Professional Engineers and the Professional Land Surveyor's Act, and the moneys in those funds are attributable to administrative fines, civil penalties, and criminal penalties, as specified, are not continuously appropriated and are only available for expenditure upon appropriation by the Legislature.

~~This bill~~ *bill, on and after July 1, 2016*, would merge the Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund into the fund, which would be renamed the Professional Engineer's, Land Surveyor's, and Geologist's Fund, and would require that the fees and civil penalties received under the Professional Engineers Act, the Professional Land Surveyors' Act, and the Geologist and Geophysicist Act be deposited into that fund. The bill would specify that the fees in the fund are continuously appropriated, as specified.

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

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

SECTION 1. ~~Section 205 of the Business and Professions Code is amended to read:~~

205. (a) ~~There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:~~

- ~~(1) Accountancy Fund.~~
- ~~(2) California Architects Board Fund.~~
- ~~(3) Athletic Commission Fund.~~
- ~~(4) Barbering and Cosmetology Contingent Fund.~~
- ~~(5) Cemetery Fund.~~
- ~~(6) Contractors' License Fund.~~
- ~~(7) State Dentistry Fund.~~
- ~~(8) State Funeral Directors and Embalmers Fund.~~
- ~~(9) Guide Dogs for the Blind Fund.~~
- ~~(10) Home Furnishings and Thermal Insulation Fund.~~
- ~~(11) California Architects Board Landscape Architects Fund.~~
- ~~(12) Contingent Fund of the Medical Board of California.~~
- ~~(13) Optometry Fund.~~
- ~~(14) Pharmacy Board Contingent Fund.~~
- ~~(15) Physical Therapy Fund.~~
- ~~(16) Private Investigator Fund.~~
- ~~(17) Professional Engineer's, Land Surveyor's, and Geologist's Fund.~~
- ~~(18) Consumer Affairs Fund.~~
- ~~(19) Behavioral Sciences Fund.~~
- ~~(20) Licensed Midwifery Fund.~~
- ~~(21) Court Reporters' Fund.~~
- ~~(22) Veterinary Medical Board Contingent Fund.~~
- ~~(23) Vocational Nurses Account of the Vocational Nursing and Psychiatric Technicians Fund.~~
- ~~(24) Electronic and Appliance Repair Fund.~~
- ~~(25) Dispensing Opticians Fund.~~
- ~~(26) Acupuncture Fund.~~
- ~~(27) Physician Assistant Fund.~~
- ~~(28) Board of Podiatric Medicine Fund.~~
- ~~(29) Psychology Fund.~~
- ~~(30) Respiratory Care Fund.~~

~~(31) Speech-Language Pathology and Audiology and Hearing
Aid Dispensers Fund.~~

~~(32) Board of Registered Nursing Fund.~~

~~(33) Psychiatric Technician Examiners Account of the
Vocational Nursing and Psychiatric Technicians Fund.~~

~~(34) Animal Health Technician Examining Committee Fund.~~

~~(35) State Dental Hygiene Fund.~~

~~(36) State Dental Assistant Fund.~~

~~(37) Structural Pest Control Fund.~~

~~(38) Structural Pest Control Eradication and Enforcement Fund.~~

~~(39) Structural Pest Control Research Fund.~~

~~(b) For accounting and recordkeeping purposes, the Professions
and Vocations Fund shall be deemed to be a single special fund,
and each of the several special funds therein shall constitute and
be deemed to be a separate account in the Professions and
Vocations Fund. Each account or fund shall be available for
expenditure only for the purposes as are now or may hereafter be
provided by law.~~

~~SEC. 2. Section 207 of the Business and Professions Code is
amended to read:~~

~~207. (a) Notwithstanding any other provision of law, the money
in any fund described in Section 205 that is attributable to
administrative fines, civil penalties, and criminal penalties imposed
by a regulating entity, or cost recovery by a regulating entity from
enforcement actions and case settlements, shall not be continuously
appropriated. The money in each fund that is not continuously
appropriated shall be available for expenditure as provided in this
code only upon appropriation by the Legislature.~~

~~(b) Notwithstanding any other provision of law, the annual
Budget Act may appropriate, in a single budget item for each
individual fund described in paragraphs (1) to (39), inclusive, of
subdivision (a) of Section 205, the entire amount available for
expenditure in the budget year for that fund. That appropriation
may include funds that are continuously appropriated and funds
that are not continuously appropriated.~~

~~SECTION 1. Section 205 of the Business and Professions Code
is amended to read:~~

~~205. (a) There is in the State Treasury the Professions and
Vocations Fund. The fund shall consist of the following special
funds:~~

- 1 (1) Accountancy Fund.
- 2 (2) California Architects Board Fund.
- 3 (3) Athletic Commission Fund.
- 4 (4) Barbering and Cosmetology Contingent Fund.
- 5 (5) Cemetery Fund.
- 6 (6) Contractors' License Fund.
- 7 (7) State Dentistry Fund.
- 8 (8) State Funeral Directors and Embalmers Fund.
- 9 (9) Guide Dogs for the Blind Fund.
- 10 (10) Home Furnishings and Thermal Insulation Fund.
- 11 (11) California Architects Board-Landscape Architects Fund.
- 12 (12) Contingent Fund of the Medical Board of California.
- 13 (13) Optometry Fund.
- 14 (14) Pharmacy Board Contingent Fund.
- 15 (15) Physical Therapy Fund.
- 16 (16) Private Investigator Fund.
- 17 (17) Professional Engineer's and Land Surveyor's Fund.
- 18 (18) Consumer Affairs Fund.
- 19 (19) Behavioral Sciences Fund.
- 20 (20) Licensed Midwifery Fund.
- 21 (21) Court Reporters' Fund.
- 22 (22) Veterinary Medical Board Contingent Fund.
- 23 (23) Vocational Nurses Account of the Vocational Nursing and
- 24 Psychiatric Technicians Fund.
- 25 (24) Electronic and Appliance Repair Fund.
- 26 (25) Geology and Geophysics Account of the Professional
- 27 Engineer's and Land Surveyor's Fund.
- 28 (26) Dispensing Opticians Fund.
- 29 (27) Acupuncture Fund.
- 30 (28) Physician Assistant Fund.
- 31 (29) Board of Podiatric Medicine Fund.
- 32 (30) Psychology Fund.
- 33 (31) Respiratory Care Fund.
- 34 (32) Speech-Language Pathology and Audiology and Hearing
- 35 Aid Dispensers Fund.
- 36 (33) Board of Registered Nursing Fund.
- 37 (34) Psychiatric Technician Examiners Account of the
- 38 Vocational Nursing and Psychiatric Technicians Fund.
- 39 (35) Animal Health Technician Examining Committee Fund.
- 40 (36) State Dental Hygiene Fund.

- 1 (37) State Dental Assistant Fund.
- 2 (38) Structural Pest Control Fund.
- 3 (39) Structural Pest Control Eradication and Enforcement Fund.
- 4 (40) Structural Pest Control Research Fund.

5 (b) For accounting and recordkeeping purposes, the Professions
6 and Vocations Fund shall be deemed to be a single special fund,
7 and each of the several special funds therein shall constitute and
8 be deemed to be a separate account in the Professions and
9 Vocations Fund. Each account or fund shall be available for
10 expenditure only for the purposes as are now or may hereafter be
11 provided by law.

12 (c) *This section shall become inoperative on July 1, 2016, and,*
13 *as of January 1, 2017, is repealed.*

14 SEC. 2. Section 205 is added to the Business and Professions
15 Code, to read:

16 205. (a) *There is in the State Treasury the Professions and*
17 *Vocations Fund. The fund shall consist of the following special*
18 *funds:*

- 19 (1) *Accountancy Fund.*
- 20 (2) *California Architects Board Fund.*
- 21 (3) *Athletic Commission Fund.*
- 22 (4) *Barbering and Cosmetology Contingent Fund.*
- 23 (5) *Cemetery Fund.*
- 24 (6) *Contractors' License Fund.*
- 25 (7) *State Dentistry Fund.*
- 26 (8) *State Funeral Directors and Embalmers Fund.*
- 27 (9) *Guide Dogs for the Blind Fund.*
- 28 (10) *Home Furnishings and Thermal Insulation Fund.*
- 29 (11) *California Architects Board-Landscape Architects Fund.*
- 30 (12) *Contingent Fund of the Medical Board of California.*
- 31 (13) *Optometry Fund.*
- 32 (14) *Pharmacy Board Contingent Fund.*
- 33 (15) *Physical Therapy Fund.*
- 34 (16) *Private Investigator Fund.*
- 35 (17) *Professional Engineer's, Land Surveyor's, and Geologist's*
36 *Fund.*
- 37 (18) *Consumer Affairs Fund.*
- 38 (19) *Behavioral Sciences Fund.*
- 39 (20) *Licensed Midwifery Fund.*
- 40 (21) *Court Reporters' Fund.*

- 1 (22) *Veterinary Medical Board Contingent Fund.*
 2 (23) *Vocational Nurses Account of the Vocational Nursing and*
 3 *Psychiatric Technicians Fund.*
 4 (24) *Electronic and Appliance Repair Fund.*
 5 (25) *Dispensing Opticians Fund.*
 6 (26) *Acupuncture Fund.*
 7 (27) *Physician Assistant Fund.*
 8 (28) *Board of Podiatric Medicine Fund.*
 9 (29) *Psychology Fund.*
 10 (30) *Respiratory Care Fund.*
 11 (31) *Speech-Language Pathology and Audiology and Hearing*
 12 *Aid Dispensers Fund.*
 13 (32) *Board of Registered Nursing Fund.*
 14 (33) *Psychiatric Technician Examiners Account of the*
 15 *Vocational Nursing and Psychiatric Technicians Fund.*
 16 (34) *Animal Health Technician Examining Committee Fund.*
 17 (35) *State Dental Hygiene Fund.*
 18 (36) *State Dental Assistant Fund.*
 19 (37) *Structural Pest Control Fund.*
 20 (38) *Structural Pest Control Eradication and Enforcement Fund.*
 21 (39) *Structural Pest Control Research Fund.*
 22 (b) *For accounting and recordkeeping purposes, the Professions*
 23 *and Vocations Fund shall be deemed to be a single special fund,*
 24 *and each of the several special funds therein shall constitute and*
 25 *be deemed to be a separate account in the Professions and*
 26 *Vocations Fund. Each account or fund shall be available for*
 27 *expenditure only for the purposes as are now or may hereafter be*
 28 *provided by law.*
 29 (c) *This section shall become operative on July 1, 2017.*
 30 SEC. 3. *Section 207 of the Business and Professions Code is*
 31 *amended to read:*
 32 207. (a) *Notwithstanding any other provision of law, the money*
 33 *in any fund described in Section 205 that is attributable to*
 34 *administrative fines, civil penalties, and criminal penalties imposed*
 35 *by a regulating entity, or cost recovery by a regulating entity from*
 36 *enforcement actions and case settlements, shall not be continuously*
 37 *appropriated. The money in each fund that is not continuously*
 38 *appropriated shall be available for expenditure as provided in this*
 39 *code only upon appropriation by the Legislature.*

(b) Notwithstanding any other provision of law, the annual Budget Act may appropriate, in a single budget item for each individual fund described in paragraphs (1) to (40), inclusive, of subdivision (a) of Section 205, the entire amount available for expenditure in the budget year for that fund. That appropriation may include funds that are continuously appropriated and funds that are not continuously appropriated.

(c) *This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed.*

SEC. 4. Section 207 is added to the Business and Professions Code, to read:

207. (a) Notwithstanding any other provision of law, the money in any fund described in Section 205 that is attributable to administrative fines, civil penalties, and criminal penalties imposed by a regulating entity, or cost recovery by a regulating entity from enforcement actions and case settlements, shall not be continuously appropriated. The money in each fund that is not continuously appropriated shall be available for expenditure as provided in this code only upon appropriation by the Legislature.

(b) Notwithstanding any other provision of law, the annual Budget Act may appropriate, in a single budget item for each individual fund described in paragraphs (1) to (39), inclusive, of subdivision (a) of Section 205, the entire amount available for expenditure in the budget year for that fund. That appropriation may include funds that are continuously appropriated and funds that are not continuously appropriated.

(c) *This section shall become operative on July 1, 2016.*

~~SEC. 3.~~

SEC. 5. Section 5510 of the Business and Professions Code is amended to read:

5510. There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.

This section shall remain in effect only until January 1, 2020, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

1 ~~SEC. 4.~~

2 ~~SEC. 6.~~ Section 5517 of the Business and Professions Code is
3 amended to read:

4 5517. The board may appoint a person exempt from civil
5 service who shall be designated as an executive officer and who
6 shall exercise the powers and perform the duties delegated by the
7 board and vested in him or her by this chapter.

8 This section shall remain in effect only until January 1, 2020,
9 and as of that date is repealed.

10 ~~SEC. 5.~~

11 ~~SEC. 7.~~ Section 5620 of the Business and Professions Code is
12 amended to read:

13 5620. The duties, powers, purposes, responsibilities, and
14 jurisdiction of the California State Board of Landscape Architects
15 that were succeeded to and vested with the Department of
16 Consumer Affairs in accordance with Chapter 908 of the Statutes
17 of 1994 are hereby transferred to the California Architects Board.
18 The Legislature finds that the purpose for the transfer of power is
19 to promote and enhance the efficiency of state government and
20 that assumption of the powers and duties by the California
21 Architects Board shall not be viewed or construed as a precedent
22 for the establishment of state regulation over a profession or
23 vocation that was not previously regulated by a board, as defined
24 in Section 477.

25 (a) There is in the Department of Consumer Affairs a California
26 Architects Board as defined in Article 2 (commencing with Section
27 5510) of Chapter 3.

28 Whenever in this chapter "board" is used, it refers to the
29 California Architects Board.

30 (b) Except as provided herein, the board may delegate its
31 authority under this chapter to the Landscape Architects Technical
32 Committee.

33 (c) After review of proposed regulations, the board may direct
34 the examining committee to notice and conduct hearings to adopt,
35 amend, or repeal regulations pursuant to Section 5630, provided
36 that the board itself shall take final action to adopt, amend, or
37 repeal those regulations.

38 (d) The board shall not delegate its authority to discipline a
39 landscape architect or to take action against a person who has
40 violated this chapter.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

~~SEC. 6.~~

SEC. 8. Section 5621 of the Business and Professions Code is amended to read:

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed, whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

~~SEC. 7.~~

SEC. 9. Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

1 (d) The landscape architects committee may send a
 2 representative to all meetings of the full board to report on the
 3 committee's activities.

4 (e) This section shall remain in effect only until January 1, 2020,
 5 and as of that date is repealed.

6 ~~SEC. 8.~~

7 *SEC. 10.* Section 6710 of the Business and Professions Code
 8 is amended to read:

9 6710. (a) There is in the Department of Consumer Affairs a
 10 Board for Professional Engineers, Land Surveyors, and Geologists,
 11 which consists of 15 members.

12 (b) Any reference in any law or regulation to the Board of
 13 Registration for Professional Engineers and Land Surveyors, or
 14 the Board for Professional Engineers and Land Surveyors, is
 15 deemed to refer to the Board for Professional Engineers, Land
 16 Surveyors, and Geologists.

17 (c) This section shall remain in effect only until January 1, 2020,
 18 and as of that date is repealed. Notwithstanding any other law, the
 19 repeal of this section renders the board subject to review by the
 20 appropriate policy committees of the Legislature.

21 ~~SEC. 9.~~

22 *SEC. 11.* Section 6714 of the Business and Professions Code
 23 is amended to read:

24 6714. The board shall appoint an executive officer at a salary
 25 to be fixed and determined by the board with the approval of the
 26 Director of Finance.

27 This section shall remain in effect only until January 1, 2020,
 28 and as of that date is repealed.

29 ~~SEC. 10.~~

30 *SEC. 12.* Section 6749 of the Business and Professions Code
 31 is amended to read:

32 6749. (a) A professional engineer shall use a written contract
 33 when contracting to provide professional engineering services to
 34 a client pursuant to this chapter. The written contract shall be
 35 executed by the professional engineer and the client or the client's
 36 representative prior to the professional engineer commencing work,
 37 unless the client knowingly states in writing that work may be
 38 commenced before the contract is executed. The written contract
 39 shall include, but not be limited to, all of the following:

1 (1) A description of the services to be provided to the client by
2 the professional engineer.

3 (2) A description of any basis of compensation applicable to
4 the contract, and the method of payment agreed upon by the parties.

5 (3) The name, address, and license or certificate number of the
6 professional engineer, and the name and address of the client.

7 (4) A description of the procedure that the professional engineer
8 and the client will use to accommodate additional services.

9 (5) A description of the procedure to be used by both parties to
10 terminate the contract.

11 (b) This section shall not apply to any of the following:

12 (1) Professional engineering services rendered by a professional
13 engineer for which the client will not pay compensation.

14 (2) A professional engineer who has a current or prior
15 contractual relationship with the client to provide engineering
16 services, and that client has paid the professional engineer all of
17 the fees that are due under the contract.

18 (3) If the client knowingly states in writing after full disclosure
19 of this section that a contract which complies with the requirements
20 of this section is not required.

21 (4) Professional engineering services rendered by a professional
22 engineer to any of the following:

23 (A) A professional engineer licensed or registered under this
24 chapter.

25 (B) A land surveyor licensed under Chapter 15 (commencing
26 with Section 8700).

27 (C) An architect licensed under Chapter 3 (commencing with
28 Section 5500).

29 (D) A contractor licensed under Chapter 9 (commencing with
30 Section 7000).

31 (E) A geologist or a geophysicist licensed under Chapter 12.5
32 (commencing with Section 7800).

33 (F) A manufacturing, mining, public utility, research and
34 development, or other industrial corporation, if the services are
35 provided in connection with or incidental to the products, systems,
36 or services of that corporation or its affiliates.

37 (G) A public agency.

38 (c) "Written contract" as used in this section includes a contract
39 that is in electronic form.

1 ~~SEC. 11.~~

2 *SEC. 13.* Section 6775.2 is added to the Business and
3 Professions Code, to read:

4 6775.2. (a) The failure of, or refusal by, a licensee or a
5 certificate holder to respond to a written request from a
6 representative of the board to cooperate in the investigation of a
7 complaint against that licensee or certificate holder constitutes a
8 cause for disciplinary action under Section 6775 or 6775.1.

9 (b) *This section shall remain in effect only until January 1, 2020,*
10 *and as of that date is repealed.*

11 ~~SEC. 12.~~ Section 6797 of the Business and Professions Code
12 is amended to read:

13 ~~6797. (a) The department shall receive and account for all~~
14 ~~money derived from the operation of this chapter and, at the end~~
15 ~~of each month, shall report such money to the State Controller and~~
16 ~~shall pay it to the State Treasurer, who shall keep the money in a~~
17 ~~separate fund known as the Professional Engineer's, Land~~
18 ~~Surveyor's, and Geologist's Fund.~~

19 ~~(b) For accounting and recordkeeping purposes, the Professional~~
20 ~~Engineer's, Land Surveyor's, and Geologist's Fund shall be~~
21 ~~deemed to be a single special fund, and shall be available for~~
22 ~~expenditure only for the purposes as are now or may hereafter be~~
23 ~~provided by law.~~

24 ~~(c) The fees and civil penalties received under this chapter shall~~
25 ~~be deposited in the Professional Engineer's, Land Surveyor's, and~~
26 ~~Geologist's Fund. All moneys in the fund are hereby appropriated~~
27 ~~for the purposes of this chapter.~~

28 *SEC. 14.* Section 6797 of the Business and Professions Code
29 is amended to read:

30 6797. (a) The department shall receive and account for all
31 money derived from the operation of this chapter and, at the end
32 of each month, shall report such money to the State Controller and
33 shall pay it to the State Treasurer, who shall keep the money in a
34 separate fund known as the Professional Engineer's and Land
35 Surveyor's Fund.

36 ~~For~~

37 (b) *For* accounting and recordkeeping purposes, the Professional
38 Engineer's and Land Surveyor's Fund shall be deemed to be a
39 single special fund, and shall be available for expenditure only for
40 the purposes as are now or may hereafter be provided by law.

1 The

2 (c) *The fees and civil penalties received under this chapter shall*
 3 *be deposited in the Professional Engineer's and Land Surveyor's*
 4 *Fund. All moneys in the fund are hereby appropriated for the*
 5 *purposes of this chapter.*

6 (d) *This section shall become inoperative on July 1, 2016, and,*
 7 *as of January 1, 2017, is repealed.*

8 SEC. 15. *Section 6797 is added to the Business and Professions*
 9 *Code, to read:*

10 6797. (a) *The department shall receive and account for all*
 11 *money derived from the operation of this chapter and, at the end*
 12 *of each month, shall report such money to the State Controller*
 13 *and shall pay it to the State Treasurer, who shall keep the money*
 14 *in a separate fund known as the Professional Engineer's, Land*
 15 *Surveyor's, and Geologist's Fund.*

16 (b) *For accounting and recordkeeping purposes, the*
 17 *Professional Engineer's, Land Surveyor's, and Geologist's Fund*
 18 *shall be deemed to be a single special fund, and shall be available*
 19 *for expenditure only for the purposes as are now or may hereafter*
 20 *be provided by law.*

21 (c) *The fees and civil penalties received under this chapter shall*
 22 *be deposited in the Professional Engineer's, Land Surveyor's, and*
 23 *Geologist's Fund. All moneys in the fund are hereby appropriated*
 24 *for the purposes of this chapter.*

25 (d) *This section shall become operative on July 1, 2016.*

26 ~~SEC. 13.~~

27 SEC. 16. *Section 7839.2 of the Business and Professions Code*
 28 *is amended to read:*

29 7839.2. (a) *A professional geologist or professional*
 30 *geophysicist shall use a written contract when contracting to*
 31 *provide geological or geophysical services to a client pursuant to*
 32 *this chapter. The written contract shall be executed by the*
 33 *professional geologist or professional geophysicist and the client*
 34 *or the client's representative prior to the professional geologist or*
 35 *professional geophysicist commencing work, unless the client*
 36 *states in writing that work may be commenced before the contract*
 37 *is executed. The written contract shall include, but is not limited*
 38 *to, all of the following:*

39 (1) *A description of the services to be provided to the client by*
 40 *the professional geologist or professional geophysicist.*

(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.

(3) The name, address, and license or certificate number of the professional geologist or professional geophysicist, and the name and address of the client.

(4) A description of the procedure that the professional geologist or professional geophysicist and the client will use to accommodate additional services.

(5) A description of the procedure to be used by both parties to terminate the contract.

(b) Subdivision (a) shall not apply to any of the following:

(1) Geologic or geophysical services rendered by a professional geologist or professional geophysicist for which the client will not pay compensation.

(2) A geologist or geophysicist who has a current or prior contractual relationship with the client to provide geologic or geophysical services, and who has already been paid the fees that are due under the contract by the client.

(3) If the client executes a waiver in writing after full disclosure of this section that a contract that complies with the requirements of this section is not required.

(4) Geological or geophysical services rendered by a geologist or geophysicist to any of the following:

(A) A geologist or geophysicist licensed under this chapter.

(B) An engineer licensed under Chapter 7 (commencing with Section 6700).

(C) A land surveyor licensed under Chapter 15 (commencing with Section 8700).

(D) An architect licensed under Chapter 3 (commencing with Section 5500).

(E) A contractor licensed under Chapter 9 (commencing with Section 7000).

(F) A public agency.

(c) As used in this section, "written contract" includes a contract in electronic form.

~~SEC. 14.~~

SEC. 17. Section 7841 of the Business and Professions Code is amended to read:

7841. An applicant for licensure as a geologist shall have all the following qualifications:

1 (a) Not have committed any acts or crimes constituting grounds
2 for denial of licensure under Section 480.

3 (b) Graduation from a college or university with a major in
4 geological sciences or any other discipline that, in the opinion of
5 the board, is relevant to geology.

6 (c) Have a documented record of a minimum of five years of
7 professional geological experience of a character satisfactory to
8 the board, demonstrating that the applicant is qualified to assume
9 responsible charge of this work upon licensure as a geologist. This
10 experience shall be gained under the supervision of a geologist or
11 geophysicist licensed in this or any other state, or under the
12 supervision of others who, in the opinion of the board, have the
13 training and experience to have responsible charge of geological
14 work. Professional geological work does not include routine
15 sampling, laboratory work, or geological drafting.

16 Each year of undergraduate study in the geological sciences shall
17 count as one-half year of training up to a maximum of two years,
18 and each year of graduate study or research counts as a year of
19 training.

20 Teaching in the geological sciences at college level shall be
21 credited year for year toward meeting the requirement in this
22 category, provided that the total teaching experience includes six
23 semester units per semester, or equivalent if on the quarter system,
24 of upper division or graduate courses.

25 Credit for undergraduate study, graduate study, and teaching,
26 individually, or in any combination thereof, shall in no case exceed
27 a total of three years towards meeting the requirement for at least
28 five years of professional geological work as set forth above.

29 The ability of the applicant shall have been demonstrated by the
30 applicant having performed the work in a responsible position, as
31 the term "responsible position" is defined in regulations adopted
32 by the board. The adequacy of the required supervision and
33 experience shall be determined by the board in accordance with
34 standards set forth in regulations adopted by it.

35 (d) Successfully pass a written examination that incorporates a
36 national examination for geologists created by a nationally
37 recognized entity approved by the board, and a supplemental
38 California specific examination. The California specific
39 examination shall test the applicant's knowledge of state laws,

1 rules and regulations, and of seismicity and geology unique to
2 practice within this state.

3 ~~SEC. 15.~~

4 *SEC. 18.* Section 7841.1 of the Business and Professions Code
5 is amended to read:

6 7841.1. An applicant for licensure as a geophysicist shall have
7 all of the following qualifications. This section shall not apply to
8 applicants for licensure as geologists.

9 (a) Not have committed any acts or crimes constituting grounds
10 for denial of licensure under Section 480.

11 (b) Meet one of the following educational requirements fulfilled
12 at a school or university whose curricula meet criteria established
13 by rules of the board.

14 (1) Graduation with a major in a geophysical science or any
15 other discipline that, in the opinion of the board, is relevant to
16 geophysics.

17 (2) Completion of a combination of at least 30 semester hours,
18 or the equivalent, in courses that, in the opinion of the board, are
19 relevant to geophysics. At least 24 semester hours, or the
20 equivalent, shall be in the third or fourth year, or graduate courses.

21 (c) Have at least seven years of professional geophysical work
22 that shall include either a minimum of three years of professional
23 geophysical work under the supervision of a professional
24 geophysicist, except that prior to July 1, 1973, professional
25 geophysical work shall qualify under this subdivision if it is under
26 the supervision of a qualified geophysicist, or a minimum of five
27 years' experience in responsible charge of professional geophysical
28 work. Professional geophysical work does not include the routine
29 maintenance or operation of geophysical instruments, or, even if
30 carried out under the responsible supervision of a professional
31 geophysicist, the routine reduction or plotting of geophysical
32 observations.

33 Each year of undergraduate study in the geophysical sciences
34 referred to in this section shall count as one-half year of training
35 up to a maximum of two years, and each year of graduate study
36 or research counts as a year of training.

37 Teaching in the geophysical sciences referred to in this section
38 at a college level shall be credited year for year toward meeting
39 the requirement in this category, provided that the total teaching

1 experience includes six semester units per semester, or equivalent
 2 if on the quarter system, of third or fourth year or graduate courses.

3 Credit for undergraduate study, graduate study, and teaching,
 4 individually, or in any combination thereof, shall in no case exceed
 5 a total of four years towards meeting the requirements for at least
 6 seven years of professional geophysical work as set forth above.

7 The ability of the applicant shall have been demonstrated by his
 8 or her having performed the work in a responsible position, as the
 9 term "responsible position" is defined in regulations adopted by
 10 the board. The adequacy of the required supervision and experience
 11 shall be determined by the board in accordance with standards set
 12 forth in regulations adopted by it.

13 (d) Successfully pass a written examination.

14 ~~SEC. 16.~~

15 *SEC. 19.* Section 7841.2 of the Business and Professions Code
 16 is amended to read:

17 7841.2. An applicant for certification as a geologist-in-training
 18 shall comply with all of the following:

19 (a) Not have committed acts or crimes constituting grounds for
 20 denial of certification under Section 480.

21 (b) Successfully pass the Fundamentals of Geology examination.

22 (c) Graduation from a college or university with a major in
 23 geological sciences or any other discipline that, in the opinion of
 24 the board, is relevant to geology.

25 ~~SEC. 17.~~

26 *SEC. 20.* Section 7860.2 is added to the Business and
 27 Professions Code, to read:

28 7860.2. (a) The failure of, or refusal by, a licensee or a
 29 certificate holder to respond to a written request from a
 30 representative of the board to cooperate in the investigation of a
 31 complaint against that licensee or certificate holder constitutes a
 32 cause for disciplinary action under Section 7860 or 7860.1.

33 (b) *This section shall remain in effect only until January 1, 2020,*
 34 *and as of that date is repealed.*

35 ~~SEC. 18.~~ Section 7885 of the Business and Professions Code
 36 is repealed.

37 *SEC. 21.* Section 7885 of the Business and Professions Code
 38 is amended to read:

39 7885. (a) The board shall report each month to the State
 40 Controller the amount and source of all revenue received by it

1 pursuant to this chapter and at the same time pay the entire amount
 2 thereof into the State Treasury for credit to the Geology and
 3 Geophysics Account, which is hereby created within the
 4 Professional Engineer's and Land Surveyor's Fund established in
 5 Section 6797.

6 (b) All moneys in the Geology and Geophysics Fund on January
 7 1, 2012, shall be transferred on that date to the Geology and
 8 Geophysics Account of the Professional Engineer's and Land
 9 Surveyor's Fund.

10 (c) *This section shall become inoperative on July 1, 2016, and,*
 11 *as of January 1, 2017, is repealed.*

12 ~~SEC. 19. Section 7886 of the Business and Professions Code~~
 13 ~~is repealed.~~

14 *SEC. 22. Section 7886 of the Business and Professions Code*
 15 *is amended to read:*

16 7886. (a) The moneys paid into the Geology and Geophysics
 17 Account of the Professional Engineer's and Land Surveyor's Fund
 18 pursuant to this chapter are hereby appropriated to be used by the
 19 board to carry out the provisions of this chapter.

20 (b) *This section shall become inoperative on July 1, 2016, and,*
 21 *as of January 1, 2017, is repealed.*

22 ~~SEC. 20.~~

23 *SEC. 23. Section 7886 is added to the Business and Professions*
 24 *Code, to read:*

25 7886. (a) The department shall receive and account for all
 26 money derived under the operation of this chapter and, at the end
 27 of each month, shall report such money to the Controller and shall
 28 pay it to the Treasurer, who shall keep the money in a separate
 29 fund known as the Professional Engineer's, Land Surveyor's, and
 30 Geologist's Fund.

31 (b) For accounting and recordkeeping purposes, the Professional
 32 Engineer's, Land Surveyor's, and Geologist's Fund shall be
 33 deemed to be a single special fund and shall be available for
 34 expenditure only for the purposes as are now or may hereafter be
 35 provided by law.

36 (c) The fees and civil penalties received under this chapter shall
 37 be deposited in the Professional Engineer's, Land Surveyor's, and
 38 Geologist's Fund. All moneys in the fund are hereby appropriated
 39 for the purposes of this chapter.

40 (d) *This section shall become operative on July 1, 2016.*

1 ~~SEC. 21.~~

2 *SEC. 24.* Section 8710 of the Business and Professions Code
3 is amended to read:

4 8710. (a) The Board for Professional Engineers, Land
5 Surveyors, and Geologists is vested with power to administer the
6 provisions and requirements of this chapter, and may make and
7 enforce rules and regulations that are reasonably necessary to carry
8 out its provisions.

9 (b) The board may adopt rules and regulations of professional
10 conduct that are not inconsistent with state and federal law. The
11 rules and regulations may include definitions of incompetence and
12 negligence. Every person who holds a license or certificate issued
13 by the board pursuant to this chapter, or a license or certificate
14 issued to a civil engineer pursuant to Chapter 7 (commencing with
15 Section 6700), shall be governed by these rules and regulations.

16 (c) This section shall remain in effect only until January 1, 2020,
17 and as of that date is repealed. Notwithstanding any other law, the
18 repeal of this section renders the board subject to review by the
19 appropriate policy committees of the Legislature.

20 ~~SEC. 22.~~

21 *SEC. 25.* Section 8759 of the Business and Professions Code
22 is amended to read:

23 8759. (a) A licensed land surveyor or licensed civil engineer
24 authorized to practice land surveying shall use a written contract
25 when contracting to provide professional services to a client
26 pursuant to this chapter. The written contract shall be executed by
27 the licensed land surveyor or licensed civil engineer and the client
28 or the client's representative prior to the licensed land surveyor or
29 licensed civil engineer commencing work, unless the client
30 knowingly states in writing that work may be commenced before
31 the contract is executed. The written contract shall include, but
32 not be limited to, all of the following:

33 (1) A description of the services to be provided to the client by
34 the licensed land surveyor or licensed civil engineer.

35 (2) A description of any basis of compensation applicable to
36 the contract, and the method of payment agreed upon by the parties.

37 (3) The name, address, and license or certificate number of the
38 licensed land surveyor or licensed civil engineer, and the name
39 and address of the client.

(4) A description of the procedure that the licensed land surveyor or licensed civil engineer and the client will use to accommodate additional services.

(5) A description of the procedure to be used by both parties to terminate the contract.

(b) This section shall not apply to any of the following:

(1) Professional land surveying services rendered by a licensed land surveyor or licensed civil engineer for which the client will not pay compensation.

(2) A licensed land surveyor or licensed civil engineer who has a current or prior contractual relationship with the client to provide professional services pursuant to this chapter, and that client has paid the licensed land surveyor or licensed civil engineer all of the fees that are due under the contract.

(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

(4) Professional services rendered by a licensed land surveyor or a licensed civil engineer to any of the following:

(A) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(B) A land surveyor licensed under this chapter.

(C) An architect licensed under Chapter 3 (commencing with Section 5500).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates.

(G) A public agency.

(c) "Written contract" as used in this section includes a contract that is in electronic form.

~~SEC. 23.~~

SEC. 26. Section 8780.2 is added to the Business and Professions Code, to read:

8780.2. (a) The failure of, or refusal by, a licensee or a certificate holder to respond to a written request from a

1 representative of the board to cooperate in the investigation of a
 2 complaint against that licensee or certificate holder constitutes a
 3 cause for disciplinary action under Section 8780 or 8780.1.

4 *(b) This section shall remain in effect only until January 1, 2020,*
 5 *and as of that date is repealed.*

6 ~~SEC. 24. Section 8800 of the Business and Professions Code~~
 7 ~~is amended to read:~~

8 ~~8800. (a) The department shall receive and account for all~~
 9 ~~money derived under the operation of this chapter and, at the end~~
 10 ~~of each month, shall report such money to the State Controller and~~
 11 ~~shall pay it to the State Treasurer, who shall keep the money in a~~
 12 ~~separate fund known as the Professional Engineer's, Land~~
 13 ~~Surveyor's, and Geologist's Fund.~~

14 ~~(b) For accounting and recordkeeping purposes, the Professional~~
 15 ~~Engineer's, Land Surveyor's, and Geologist's Fund shall be~~
 16 ~~deemed to be a single special fund, and shall be available for~~
 17 ~~expenditure only for the purposes as are now or may hereafter be~~
 18 ~~provided by law.~~

19 ~~(c) The fees and civil penalties received under this chapter shall~~
 20 ~~be deposited in the Professional Engineer's, Land Surveyor's, and~~
 21 ~~Geologist's Fund. All moneys in the fund are hereby appropriated~~
 22 ~~for the purposes of this chapter.~~

23 ~~SEC. 27. Section 8800 of the Business and Professions Code~~
 24 ~~is amended to read:~~

25 ~~8800. (a) The department shall receive and account for all~~
 26 ~~money derived under the operation of this chapter and, at the end~~
 27 ~~of each month, shall report such money to the State Controller and~~
 28 ~~shall pay it to the State Treasurer, who shall keep the money in a~~
 29 ~~separate fund known as the Professional Engineer's and Land~~
 30 ~~Surveyor's Fund.~~

31 ~~For~~

32 ~~(b) For accounting and recordkeeping purposes, the Professional~~
 33 ~~Engineer's and Land Surveyor's Fund shall be deemed to be a~~
 34 ~~single special fund, and shall be available for expenditure only for~~
 35 ~~the purposes as are now or may hereafter be provided by law.~~

36 ~~The~~

37 ~~(c) The fees and civil penalties received under this chapter shall~~
 38 ~~be deposited in the Professional Engineer's and Land Surveyor's~~
 39 ~~Fund. All moneys in the fund are hereby appropriated for the~~
 40 ~~purposes of this chapter.~~

1 (d) This section shall become inoperative on July 1, 2016, and,
2 as of January 1, 2017, is repealed.

3 SEC. 28. Section 8800 is added to the Business and Professions
4 Code, to read:

5 8800. (a) The department shall receive and account for all
6 money derived under the operation of this chapter and, at the end
7 of each month, shall report such money to the State Controller
8 and shall pay it to the State Treasurer, who shall keep the money
9 in a separate fund known as the Professional Engineer's, Land
10 Surveyor's, and Geologist's Fund.

11 (b) For accounting and recordkeeping purposes, the
12 Professional Engineer's, Land Surveyor's, and Geologist's Fund
13 shall be deemed to be a single special fund, and shall be available
14 for expenditure only for the purposes as are now or may hereafter
15 be provided by law.

16 (c) The fees and civil penalties received under this chapter shall
17 be deposited in the Professional Engineer's, Land Surveyor's, and
18 Geologist's Fund. All moneys in the fund are hereby appropriated
19 for the purposes of this chapter.

20 (d) This section shall become operative on July 1, 2016.

Supported Legislation

Senate Bill 284 (Cannella R)

Engineering and land surveying: limited liability partnerships.

Status: 6/23/2015-From committee: Do pass and re-refer to Committee on Appropriations. With recommendation: To consent calendar. (Ayes 14. Noes 0.) (June 23).

Location: 6/23/2015- Assembly Appropriations

Last Amendment: 5/5/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: SB 284

Bill Summary: Current law, until January 1, 2016, also provides that engineers or land surveyors are not prohibited from practicing or offering to practice, within the scope of their licensure, as a limited liability partnership if specified requirements are met, including, among others, that any offer, promotion, or advertisement by the business that contains the name of any individual in the business must clearly and specifically designate the license or registration discipline of the individual named. Current law repeals these provisions on January 1, 2016. This bill would extend the operation of these provisions until January 1, 2019. This bill contains other existing laws.

Staff Comment: SB 284 will simply continue the authorization for engineers and land surveyors to operate within their scope of licensure while conducting business as a limited liability partnership similar to that of certified public accountants and attorneys and to be designated as a registered limited liability partnership or foreign limited liability partnership, something that they have been authorized to do since 2010. ACEC-CA is the sponsor of this bill.

Board Position: Support - as amended 5/5/2015.

Laws: An act to amend and repeal Sections 6738 and 8729 of the Business and Professions Code, and to amend and repeal Sections 16101, 16956, and 16959 of the Corporations Code, relating to the practice of engineering and land surveying.

AMENDED IN SENATE MAY 5, 2015
AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 284

Introduced by Senator Cannella
(Coauthor: Senator Bates)

February 19, 2015

An act to amend ~~and repeal~~ Sections 6738 and 8729 of the Business and Professions Code, and to amend ~~and repeal~~ Sections 16101, 16956, and 16959 of the Corporations Code, relating to the practice of engineering and land surveying.

LEGISLATIVE COUNSEL'S DIGEST

SB 284, as amended, Cannella. Engineering and land surveying: limited liability partnerships.

The Professional Engineers Act provides for the licensure and regulation of engineers and the Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The Uniform Partnership Act of 1994 authorizes the formation of registered limited liability partnerships and foreign limited liability partnerships as specified.

Existing law, until January 1, 2016, authorizes persons licensed to engage in the practice of engineering or land surveying to form registered limited liability partnerships and foreign limited liability partnerships and requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice. Existing law, until January 1, 2016, also provides that engineers or land surveyors are not prohibited from practicing or offering to practice, within the scope of their licensure, as a limited

liability partnership if specified requirements are met, including, among others, that any offer, promotion, or advertisement by the business that contains the name of any individual in the business must clearly and specifically designate the license or registration discipline of the individual named. Existing law repeals these provisions on January 1, 2016.

This bill would extend the operation of these provisions until January 1, ~~2021~~ 2019.

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

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

1 SECTION 1. Section 6738 of the Business and Professions
2 Code, as amended by Section 1 of Chapter 634 of the Statutes of
3 2010, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,
5 electrical, or mechanical engineers from practicing or offering to
6 practice, within the scope of their license, civil (including
7 geotechnical and structural), electrical, or mechanical engineering
8 as a sole proprietorship, partnership, limited liability partnership,
9 firm, or corporation (hereinafter called business), if all of the
10 following requirements are met:

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

14 (2) All civil, electrical, or mechanical engineering services are
15 performed by, or under the responsible charge of, a professional
16 engineer licensed in the appropriate branch of professional
17 engineering.

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

1 (b) An out-of-state business with a branch office in this state
2 shall meet the requirements of subdivision (a) and shall have an
3 owner, partner, or officer who is in charge of the engineering work
4 in the branch in this state, who is licensed in this state, and who is
5 physically present at the branch office in this state on a regular
6 basis. However, the name of the business may contain the name
7 of any person not licensed in this state if that person is
8 appropriately registered or licensed in another state. Any offer,
9 promotion, or advertisement that contains the name of any
10 individual in the business, other than by use of the names of the
11 individuals in the business name, shall clearly and specifically
12 designate the license or registration discipline of each individual
13 named.

14 (c) The business name of a California engineering business may
15 be a fictitious name. However, if the fictitious name includes the
16 name of any person, the requirements of paragraph (3) of
17 subdivision (a) shall be met.

18 (d) A person not licensed under this chapter may also be a
19 partner or an officer of a civil, electrical, or mechanical engineering
20 business if the requirements of subdivision (a) are met. Nothing
21 in this section shall be construed to permit a person who is not
22 licensed under this chapter to be the sole owner of a civil, electrical,
23 or mechanical engineering business, unless otherwise exempt under
24 this chapter.

25 (e) This chapter does not prevent an individual or business
26 engaged in any line of endeavor other than the practice of civil,
27 electrical, or mechanical engineering from employing or
28 contracting with a licensed civil, electrical, or mechanical engineer
29 to perform the respective engineering services incidental to the
30 conduct of business.

31 (f) This section shall not prevent the use of the name of any
32 business engaged in rendering civil, electrical, or mechanical
33 engineering services, including the use by any lawful successor
34 or survivor, that lawfully was in existence on December 31, 1987.
35 However, the business is subject to paragraphs (1) and (2) of
36 subdivision (a).

37 (g) A business engaged in rendering civil, electrical, or
38 mechanical engineering services may use in its name the name of
39 a deceased or retired person provided all of the following
40 conditions are satisfied:

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

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

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

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

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

21 (h) This section does not affect the provisions of Sections 6731.2
22 and 8726.1.

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

26 (j) This section shall remain in effect only until January 1, ~~2021~~,
27 ~~2019~~, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, ~~2021~~, ~~2019~~, deletes or extends
29 that date.

30 SEC. 2. Section 6738 of the Business and Professions Code,
31 as added by Section 2 of Chapter 634 of the Statutes of 2010, is
32 amended to read:

33 6738. (a) This chapter does not prohibit one or more civil,
34 electrical, or mechanical engineers from practicing or offering to
35 practice within the scope of their license civil (including
36 geotechnical and structural), electrical, or mechanical engineering
37 as a sole proprietorship, partnership, firm, or corporation
38 (hereinafter called business), if all of the following requirements
39 are met:

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

4 (2) All civil, electrical, or mechanical engineering services are
5 performed by, or under the responsible charge of, a professional
6 engineer licensed in the appropriate branch of professional
7 engineering.

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

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

31 (c) The business name of a California engineering business may
32 be a fictitious name. However, if the fictitious name includes the
33 name of any person, the requirements of paragraph (3) of
34 subdivision (a) shall be met.

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

1 or mechanical engineering business, unless otherwise exempt under
2 this chapter.

3 (e) This chapter does not prevent an individual or business
4 engaged in any line of endeavor other than the practice of civil,
5 electrical, or mechanical engineering from employing or
6 contracting with a licensed civil, electrical, or mechanical engineer
7 to perform the respective engineering services incidental to the
8 conduct of business.

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

15 (g) A business engaged in rendering civil, electrical, or
16 mechanical engineering services may use in its name the name of
17 a deceased or retired person provided all of the following
18 conditions are satisfied:

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

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

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

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

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

39 (h) This section does not affect the provisions of Sections 6731.2
40 and 8726.1.

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

4 (j) This section shall become operative on January 1, ~~2021~~.
5 2019.

6 SEC. 3. Section 8729 of the Business and Professions Code,
7 as amended by Section 3 of Chapter 634 of the Statutes of 2010,
8 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of a new or purchased business, if that business is not identical in
2 every respect to that person's name as used in the former business.

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

5 (h) This section does not affect Sections 6731.2 and 8726.1.

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

9 (j) This section shall remain in effect only until January 1, ~~2021~~,
10 2019, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2021~~, 2019, deletes or extends
12 that date.

13 SEC. 4. Section 8729 of the Business and Professions Code,
14 as added by Section 4 of Chapter 634 of the Statutes of 2010, is
15 amended to read:

16 8729. (a) This chapter does not prohibit one or more licensed
17 land surveyors or civil engineers licensed in this state prior to 1982
18 (hereinafter called civil engineers) from practicing or offering to
19 practice within the scope of their licensure, land surveying as a
20 sole proprietorship, partnership, firm, or corporation (hereinafter
21 called business), if the following conditions are satisfied:

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

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

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

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

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

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

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

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

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

29 (g) A business engaged in rendering land surveying services
30 may use in its name the name of a deceased or retired person if
31 the following conditions are satisfied:

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

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

38 (3) The person shall have been licensed as a land surveyor or a
39 civil engineer by the board, if operating a place of business or

1 practice in this state, or by an applicable state board in the event
2 no place of business existed in this state.

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

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

11 (h) This section does not affect Sections 6731.2 and 8726.1.

12 (i) A current organization record form shall be filed with the
13 board for all businesses engaged in rendering professional land
14 surveying services.

15 (j) This section shall become operative on January 1, ~~2021~~.
16 ~~2019~~.

17 SEC. 5. Section 16101 of the Corporations Code, as amended
18 by Section 1 of Chapter 291 of the Statutes of 2011, is amended
19 to read:

20 16101. As used in this chapter, the following terms and phrases
21 have the following meanings:

22 (1) "Business" includes every trade, occupation, and profession.

23 (2) "Debtor in bankruptcy" means a person who is the subject
24 of either of the following:

25 (A) An order for relief under Title 11 of the United States Code
26 or a comparable order under a successor statute of general
27 application.

28 (B) A comparable order under federal, state, or foreign law
29 governing insolvency.

30 (3) "Distribution" means a transfer of money or other property
31 from a partnership to a partner in the partner's capacity as a partner
32 or to the partner's transferee.

33 (4) "Electronic transmission by the partnership" means a
34 communication (a) delivered by (1) facsimile telecommunication
35 or electronic mail when directed to the facsimile number or
36 electronic mail address, respectively, for that recipient on record
37 with the partnership, (2) posting on an electronic message board
38 or network that the partnership has designated for those
39 communications, together with a separate notice to the recipient
40 of the posting, which transmission shall be validly delivered upon

Supported Legislation

Senate Bill 799

(Committee on Business, Professions and Economic Development)

Status: 6/25/2015-From Committee with Author's Amendments.

Calendar: 7/7/2015 9 A.M. - State Capitol, Room 447 Assembly Business and Professions, Bonilla, Chair

Location: 6/25/2015-Assembly Business and Professions Committee.

Last Amendment: 6/25/2015

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Updated 7/2/15

Staff Analysis: SB 799

Bill Summary: Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures, hospitals and other medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer. This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer.

Staff Comment: This is the Senate Committee on Business, Professions and Economic Development omnibus bill. This bill would remove language that was added to Section 6735 last year at request of SEAOC. Concerns have been expressed by several parties over the new wording of Section 6735 and the potential misinterpretation that could result for this new wording. It was decided that the best course of action would be to remove that language and return Section 6735 to its prior state and allow SEAOC to develop cleaner language that could be included with its "Significate Structures" proposal in the future. The June 25, 2015, version of the bill adds a proposed amendment to Section 7818 to correct a typographical error in the reference to a Government Code section; this change is being made at the request of the Board.

Board Position: Support- as amended 4/20/15.

Staff Recommendation: Board staff recommends the Board take a **support** position on the June 25, 2015, version of the bill.

Laws: An act to amend Sections 5070.1, 5087, 6735, 7083, 7818, 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 799

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 5055, 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7685, 7818, 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, Committee on Business, Professions and Economic Development. Business and professions.

(1) *Existing law provides for the practice of accountancy by the California Board of Accountancy. Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license subject to specified requirements. Existing law provides that an accountant whose license was canceled by operation of law, after nonrenewal, as specified, may, upon application to the board and meeting specified requirements, have his or her license placed into a retired status.*

This bill would *authorize an individual practicing public accountancy in this state under a practice privilege to be styled and known as a "certified public accountant" and use the abbreviation "C.P.A."* The bill would prohibit the ~~California Board of Accountancy board~~ from restoring that license in retired status to active or inactive status and instead would require the individual to apply for a new license in order to restore his or her license.

(2) ~~Existing law authorizes the California Board of Accountancy board~~ to issue a certified public-account accountant (CPA) license to an applicant who holds a valid and unrevoked CPA license in another state, under specified conditions.

This bill would require that an out-of-state applicant hold a current, active, and unrestricted CPA license in order to be issued a CPA license under this provision.

(3)

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of the licensing provisions of the act is a misdemeanor. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures to be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. The bill would also repeal the requirements that all civil engineering plans and other specified documents for construction of specified hospital and medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

(4)

(3) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. Existing law authorizes the board to issue licenses for guide dog training and instructional services. A violation of these licensing provisions is a misdemeanor.

This bill would also include dogs trained and provided for visually impaired persons within these licensing requirements. The bill would change reporting requirements from a calendar year to a fiscal year period and would make technical changes.

(5)

(4) Under the Funeral Directors and Embalmers Law, the Cemetery and Funeral Bureau regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral goods and services and prices to consumers. Existing law requires a funeral establishment that maintains an Internet Web site to also post that information on its Internet Web site provided by a link from the homepage. A violation of these provisions is a misdemeanor.

This bill would require that the funeral establishment's Internet Web site contain specified key words.

(6) ~~The~~

(5) *Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board. The California Constitution provides that laborers of every class who have worked upon or have furnished material for a property have a lien upon that property for the value of the labor done and material furnished. The California Constitution requires the Legislature to provide, by law, for the speedy and efficient enforcement of those liens. Existing law requires specified-structural pest control operators registered companies to provide notice regarding possible liens, as specified, to the owner of property prior to entering into a contract to provide work on that property. A violation of these provisions is a misdemeanor.*

This bill would extend the notice requirements to all-structural pest control operators. *registered companies.*

(7) ~~Existing~~

Existing law requires a structural pest control operator to provide a report detailing the results of an inspection for wood destroying pests or organisms prior to commencing work on a contract or expressing an opinion regarding the presence or absence of wood destroying pests or

organisms, to the Structural Pest Control Board, within the Department of Consumer Affairs, as specified. Existing law requires that the pest control operator deliver a copy of the report to the person requesting inspection, or designated agent, within 10 business days of the inspection. Existing law requires a pest control operator to deliver a copy of that report to the owner or the owner's agent within 10 working days of an inspection.

This bill would remove the requirement that the pest control operator provide the owner of the property or the owner's agent with a copy of the report, unless the owner was the person who requested the inspection.

(8)

(6) Existing law creates the California Travel and Tourism Commission and provides for the membership and meetings of the commission.

This bill would specify that all meetings of the commission take place in California and would authorize commissioners to attend meetings of the commission by conference telephone or other ~~technology~~, as specified. *technology*.

(7) *This bill would make various other nonsubstantive changes.*

(9)

(8) Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

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

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

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

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

1 *SECTION 1. Section 5055 of the Business and Professions*
2 *Code is amended to read:*

3 5055. Any person who has received from the board a certificate
4 of certified public ~~accountant~~ *accountant*, or who is authorized to
5 *practice public accountancy in this state pursuant to Article 5.1*
6 *(commencing with Section 5096)*, may, subject to Section 5051,
7 be styled and known as a "certified public accountant" and may

1 also use the abbreviation "C.P.A." No other person, except a firm
2 registered under this chapter, shall assume or use that title,
3 designation, or abbreviation or any other title, designation, sign,
4 card, or device tending to indicate that the person using it is a
5 certified public accountant.

6 **SECTION 1.**

7 *SEC. 2.* Section 5070.1 of the Business and Professions Code
8 is amended to read:

9 5070.1. (a) The board may establish, by regulation, a system
10 for the placement of a license into a retired status, upon application,
11 for certified public accountants and public accountants who are
12 not actively engaged in the practice of public accountancy or any
13 activity that requires them to be licensed by the board.

14 (b) No licensee with a license in a retired status shall engage in
15 any activity for which a permit is required.

16 (c) The board shall deny an applicant's application to place a
17 license in a retired status if the permit is subject to an outstanding
18 order of the board, is suspended, revoked, or otherwise punitively
19 restricted by the board, or is subject to disciplinary action under
20 this chapter.

21 (d) (1) The holder of a license that was canceled pursuant to
22 Section 5070.7 may apply for the placement of that license in a
23 retired status pursuant to subdivision (a).

24 (2) Upon approval of an application made pursuant to paragraph
25 (1), the board shall reissue that license in a retired status.

26 (3) The holder of a canceled license that was placed in retired
27 status between January 1, 1994, and January 1, 1999, inclusive,
28 shall not be required to meet the qualifications established pursuant
29 to subdivision (e), but shall be subject to all other requirements of
30 this section.

31 (e) The board shall establish minimum qualifications to place
32 a license in retired status.

33 (f) The board may exempt the holder of a license in a retired
34 status from the renewal requirements described in Section 5070.5.

35 (g) The board shall establish minimum qualifications for the
36 restoration of a license in a retired status to an active status. These
37 minimum qualifications shall include, but are not limited to,
38 continuing education and payment of a fee as provided in
39 subdivision (h) of Section 5134.

(h) The board shall not restore to active or inactive status a license that was canceled by operation of law, pursuant to subdivision (a) of Section 5070.7, and then placed into retired status pursuant to subdivision (d). The individual shall instead apply for a new license, as described in subdivision (c) of Section 5070.7, in order to restore his or her license.

~~SEC. 2.~~

SEC. 3. Section 5087 of the Business and Professions Code is amended to read:

5087. (a) The board may issue a certified public accountant license to any applicant who is a holder of a current, active, and unrestricted certified public accountant license issued under the laws of any state, if the board determines that the standards under which the applicant received the license are substantially equivalent to the standards of education, examination, and experience established under this chapter and the applicant has not committed acts or crimes constituting grounds for denial under Section 480. To be authorized to sign reports on attest engagements, the applicant shall meet the requirements of Section 5095.

(b) The board may in particular cases waive any of the requirements regarding the circumstances in which the various parts of the examination were to be passed for an applicant from another state.

~~SEC. 3.~~

SEC. 4. Section 6735 of the Business and Professions Code is amended to read:

6735. (a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as "documents") shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as "preliminary," "not for construction," "for plan check only," or "for review only." All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. If civil engineering plans are required to be

signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear on each sheet of the plans. If civil engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a licensed civil engineer who signs civil engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed civil engineer who originally signed the documents, provided that the engineering service rendered by the civil engineer who signed the documents was not also a proximate cause of the damage.

~~SEC. 4.~~

SEC. 5. Section 7083 of the Business and Professions Code is amended to read:

7083. (a) Notwithstanding any other law, licensees shall notify the registrar, on a form prescribed by the registrar, in writing within 90 days of any change to information recorded under this chapter. This notification requirement shall include, but not be limited to, changes in business address, personnel, business name, qualifying individual bond exemption pursuant to Section 7071.9, or exemption to qualify multiple licenses pursuant to Section 7068.1.

(b) Failure of the licensee to notify the registrar of any change to information within 90 days shall cause the change to be effective the date the written notification is received at the board's headquarters office.

(c) Failure to notify the registrar of the changes within the 90 days is grounds for disciplinary action.

~~SEC. 5.~~

SEC. 6. Section 7200 of the Business and Professions Code is amended to read:

7200. (a) There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Director of

IV. Consideration of Rulemaking Proposals

- A. Adoption of Proposed Amendments to Section 438 of Article 3 in Division 5 of Title 16 of the California Code of Regulations (Waiver of Fundamentals Examination)

**APPROVAL AND ADOPTION OF RULEMAKING PROPOSALS
RELATING TO
Waiver of Fundamentals Examination - (“Eight-Hour” Examinations)
[Title 16, California Code of Regulations section 438(a)(2), (b)(7) and (b) (2)]**

The proposed amendments to the above regulations were noticed for public comment on May 22, 2015. The public comment period for submittal of written comments ended on July 6, 2015. No written comments were received regarding this proposed rulemaking decision.

No public hearing was scheduled regarding this rulemaking proposal, and a public hearing was not requested during the time in which to request a hearing.

The proposed changes to Section 438(a)(2), (b)(7), and (b)(2) are as follows:

- As a result of updated testing procedures, section 438 (a)(2) and 438 (b)(7) must be amended to remove language identifying an eight hour written examination.
- As a result of legislation passed in 2012 (Senate Bill 1576; amended by Stats. 2012, Ch. 661, Sec. 12) individuals that hold an Engineers-in Training (EIT) certificate can no longer use the certificate to waive the Land Surveyors in Training (LSIT) certificate. Therefore, section 438 (b)(2) must be removed from the regulation.

The recommended amendments to Board Rule 438 are included in this agenda. Additions are shown in underlined text and deletions are identified as ~~striketrough~~ text.

RECOMMENDED MOTION:

Adopt the proposed changes to Title 16, California Code of Regulations section 438(a)(2), (b)(7), and (b)(2) and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Proposed Language

Amend Section 438 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

438. Waiver of Fundamentals Examination.

(a) An applicant for licensure as a professional engineer whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 6755 of the Code if he or she meets one or more of the following requirements:

(1) Holds valid licensure as a professional engineer in another branch in California.

(2) Holds valid certification as an engineer-in-training in another state obtained by passing a written examination ~~which normally requires a minimum of eight hours to complete~~ and in which the content of the examination is designed to test the candidate's knowledge of fundamental engineering subjects, including mathematics and the basic sciences.

(3) Is a graduate of an approved engineering curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(4) Is a graduate of a non-approved engineering curriculum or an approved engineering technology curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(5) Is a graduate of an approved engineering curriculum and an approved post-graduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(6) Is a graduate of a non-approved engineering curriculum or an approved engineering technology curriculum and an approved postgraduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(7) Is the holder of an earned doctorate in engineering from a department or program at a university or college where the undergraduate engineering curriculum in the same branch of engineering is an approved engineering curriculum; or is serving in a tenure-track faculty position in an approved engineering curriculum at the level of Assistant Professor or higher.

(b) An applicant for licensure as a land surveyor whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of

the written examination prescribed by Section 8741 of the Code if he or she meets one or more of the following requirements:

(1) Holds valid licensure as a professional civil engineer in California.

(2) Holds valid certification as ~~an engineer-land surveyor-in-training in another state~~ obtained by passing a written examination ~~in which normally requires a minimum of eight hours to complete~~ and the content of the examination is designed to test the candidate's knowledge of fundamentals of ~~engineering subjects~~ land surveying subjects, including mathematics and the basic sciences.

(3) Is a graduate of an approved land surveying curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice land surveying.

(4) Is a graduate of a non-approved land surveying curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.

(5) Is a graduate of an approved land surveying curriculum and an approved post-graduate land surveying curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.

(6) Is a graduate of a non-approved land surveying curriculum and an approved post-graduate land surveying curriculum and submits satisfactory evidence to the Board that he or she has sixteen (16) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.

~~(7) Holds valid certification as a land surveyor-in-training in another state obtained by passing a written examination which normally requires a minimum of eight hours to complete and the content of the examination is designed to test the candidate's knowledge of fundamentals of land surveying including mathematics and the basic sciences.~~

(c) An applicant for a California certification as an engineer-in-training or a land surveyor-in-training who holds valid certification in another state obtained as in (a)(2) or (b)~~(7)~~ (2) above may be issued a California certificate.

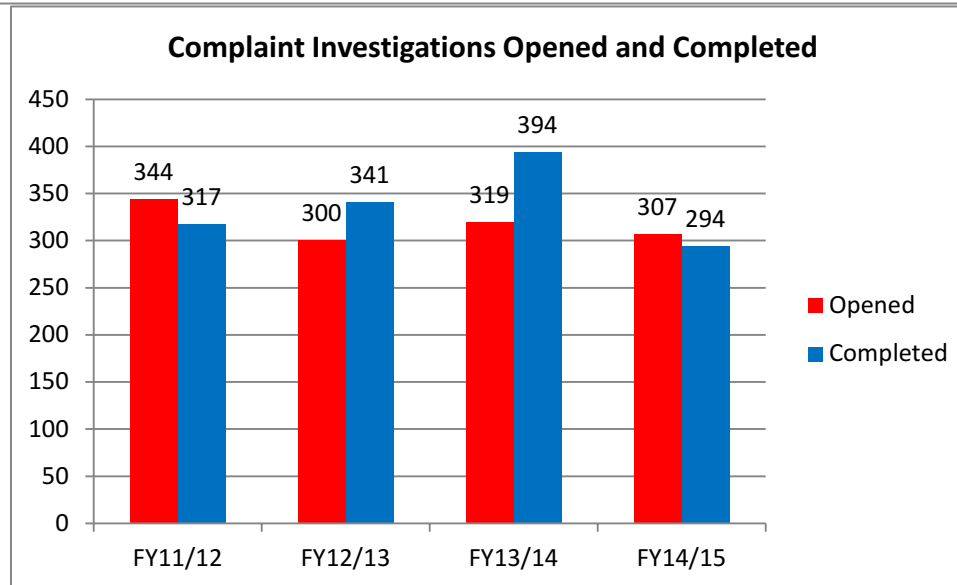
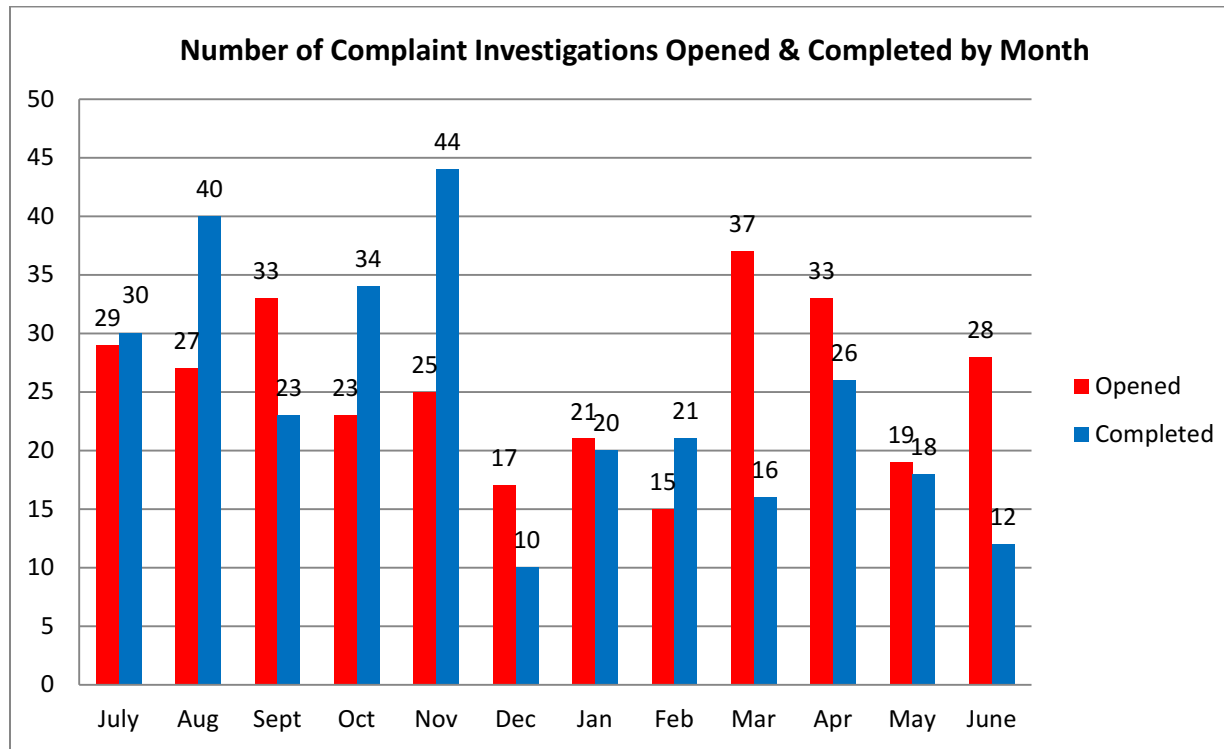
NOTE: Authority cited: Sections 6716, 6755, 8710 and 8741, Business and Professions Code.
Reference: Sections 6706.3, 6710, 6732, 6751, 6755, 6755.1, 6759, 8741, 8742, 8745 and 8748, Business and Professions Code.

V. Enforcement

- A. Enforcement Statistical Report
- B. Report on Initiation of Use of Notice of Department Designation (NODD) Form

PELS ENFORCEMENT PROGRAM

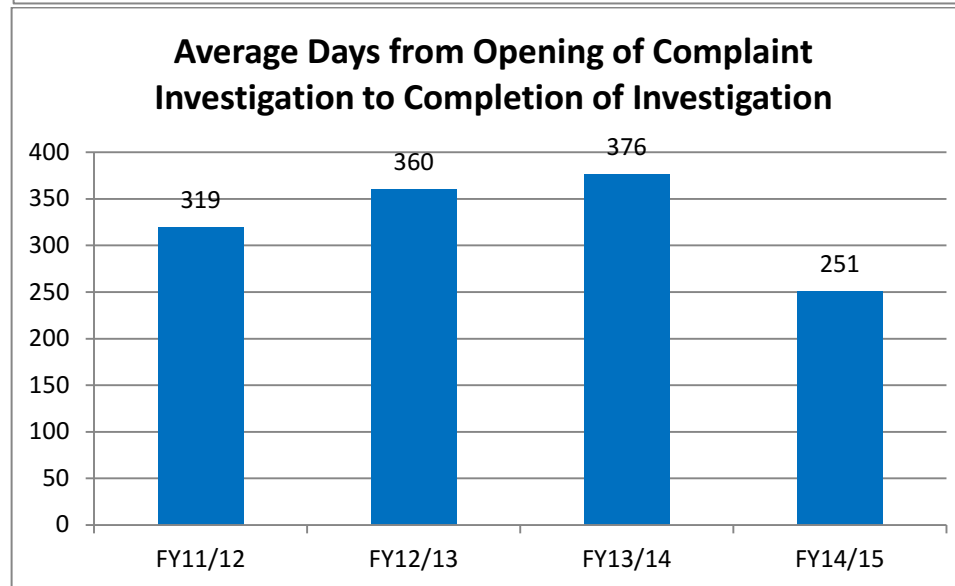
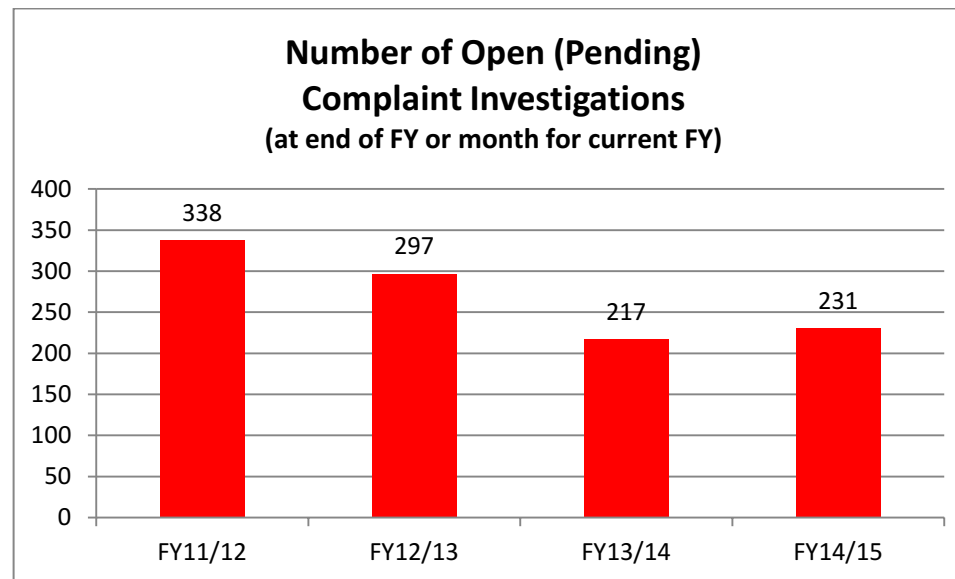
Complaint Investigation Phase



NOTE: FY14/15 statistics are through June 30, 2015

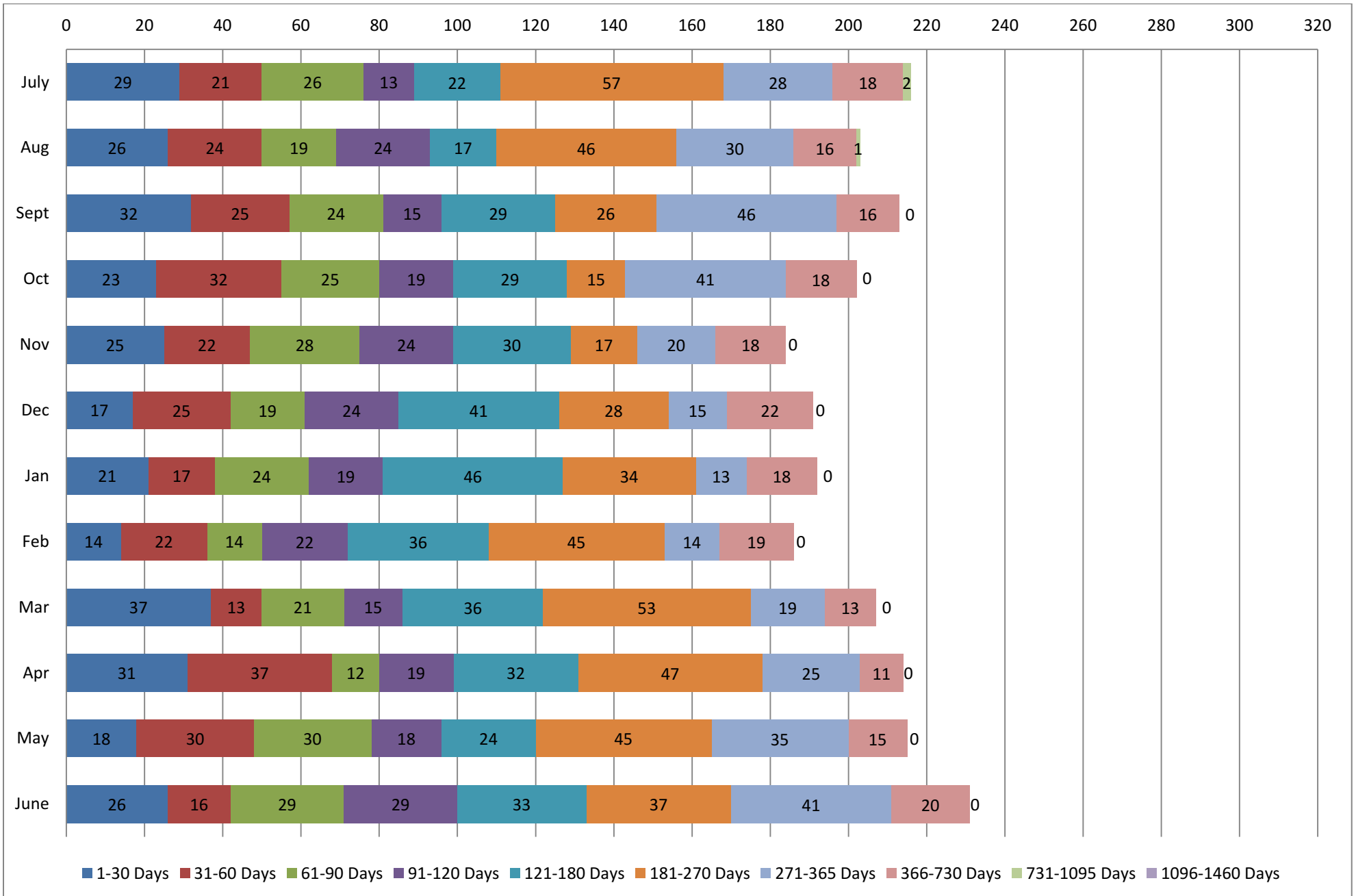
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



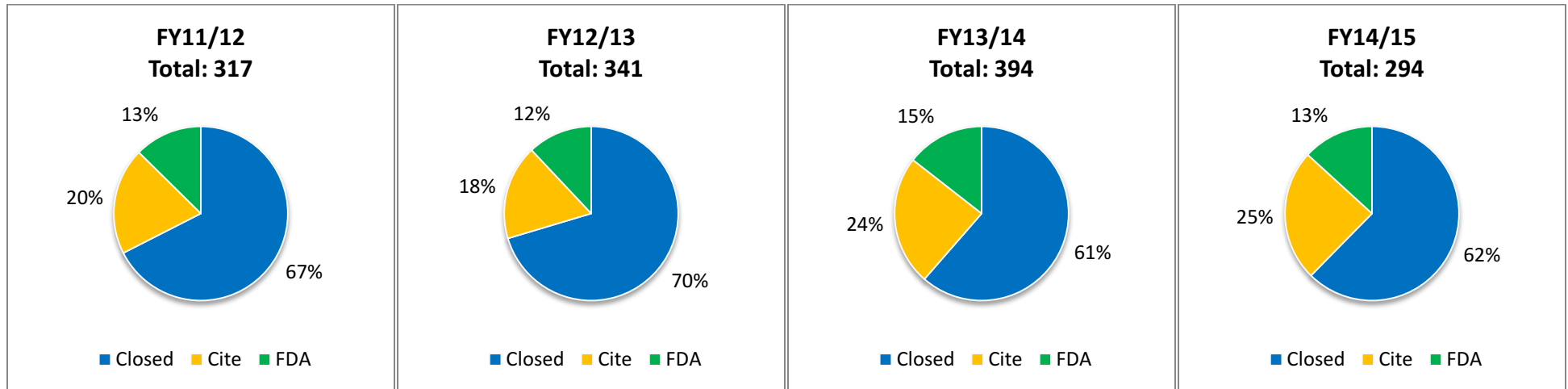
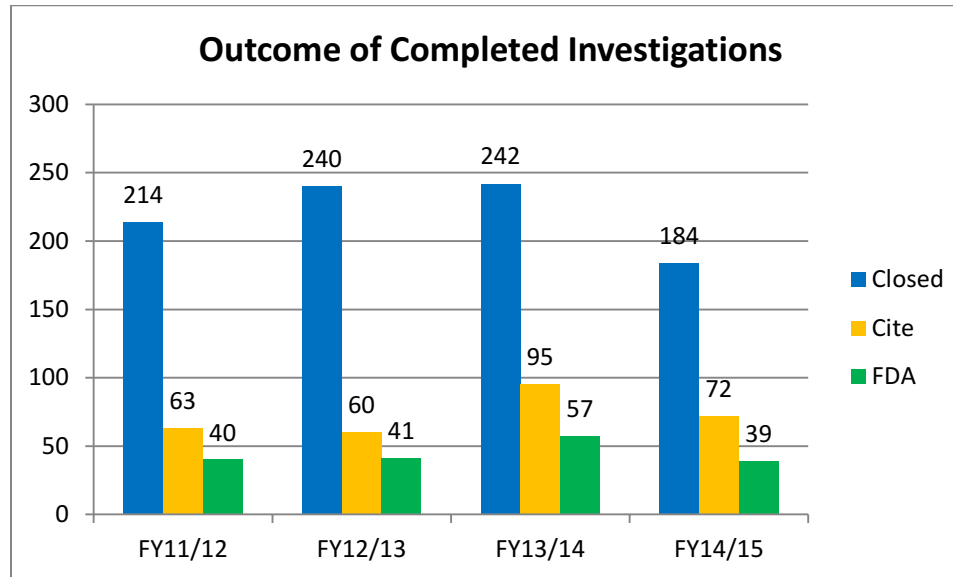
NOTE: FY14/15 statistics are through June 30, 2015

Aging of Open (Pending) Complaint Investigation Cases FY14/15



PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY14/15 statistics are through June 30, 2015

Closed = Closed with No Action Taken, includes the categories listed on the next page.

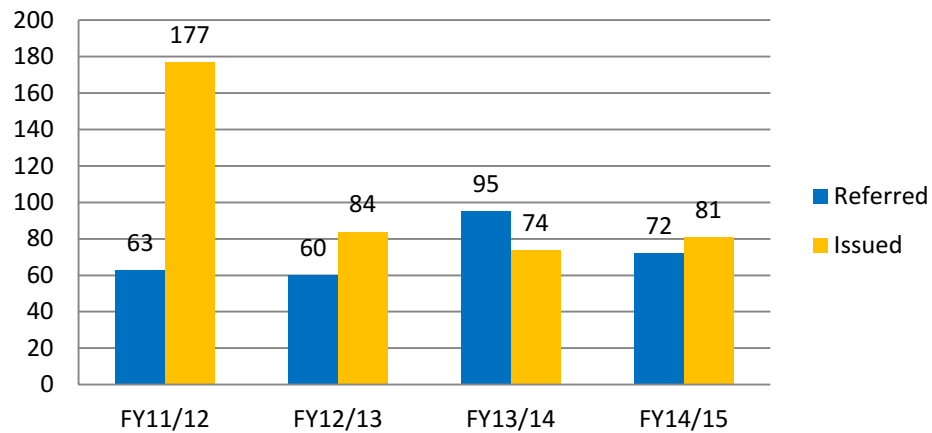
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

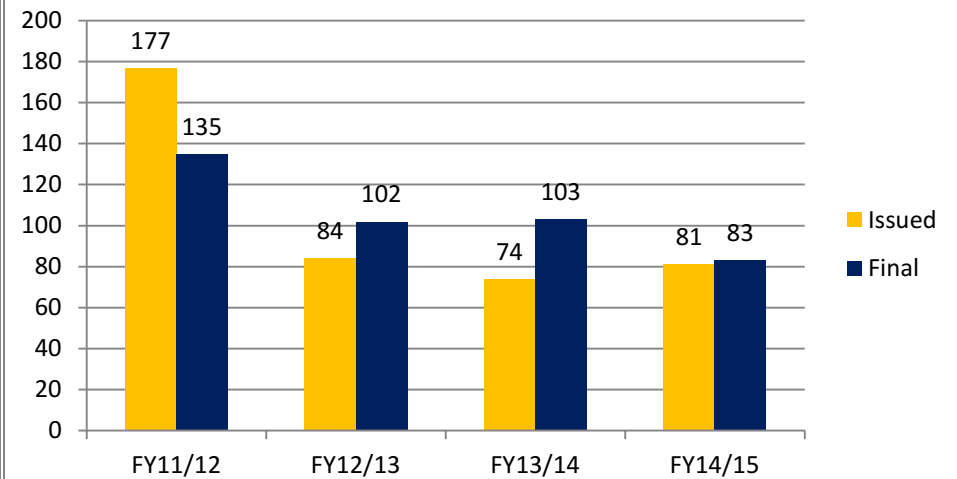
PELS ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

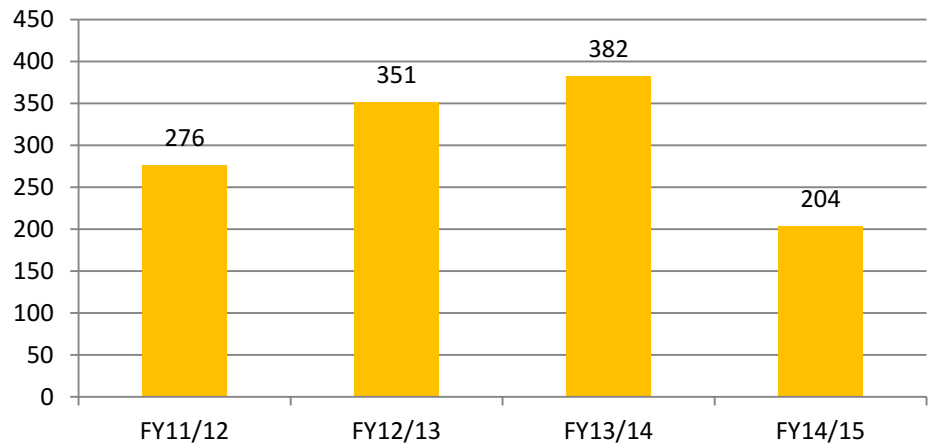
Number of Complaint Investigations Referred and Number of Citations Issued



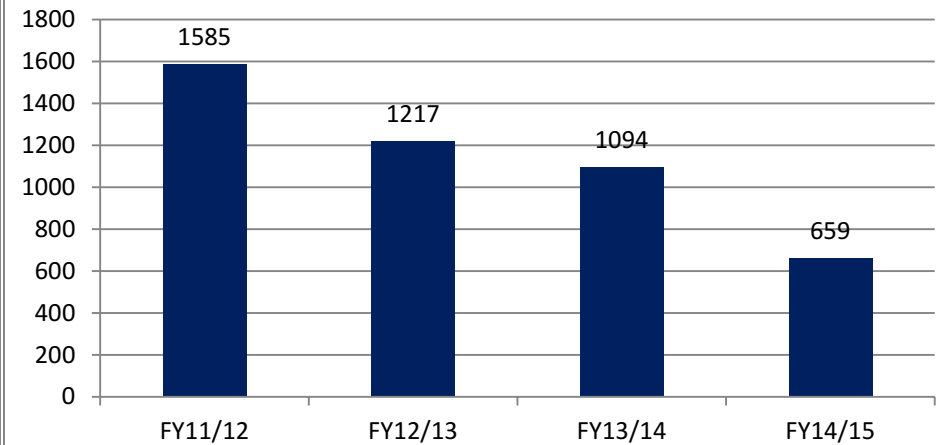
Number of Citations Issued and Final



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



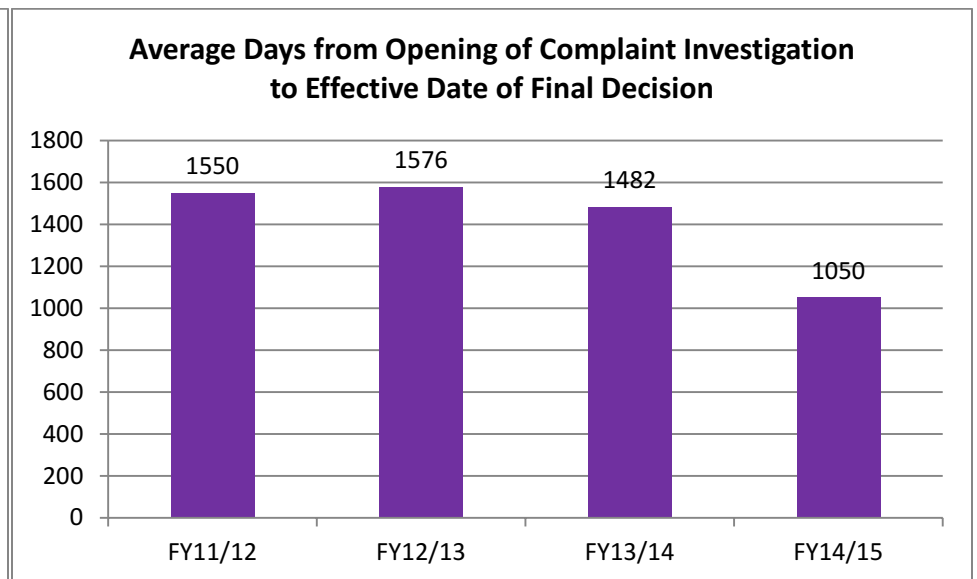
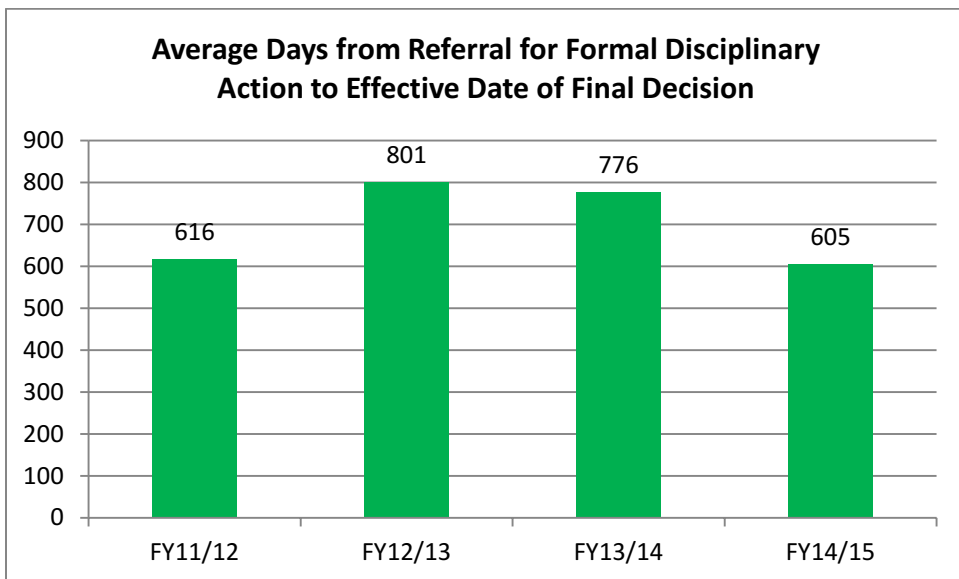
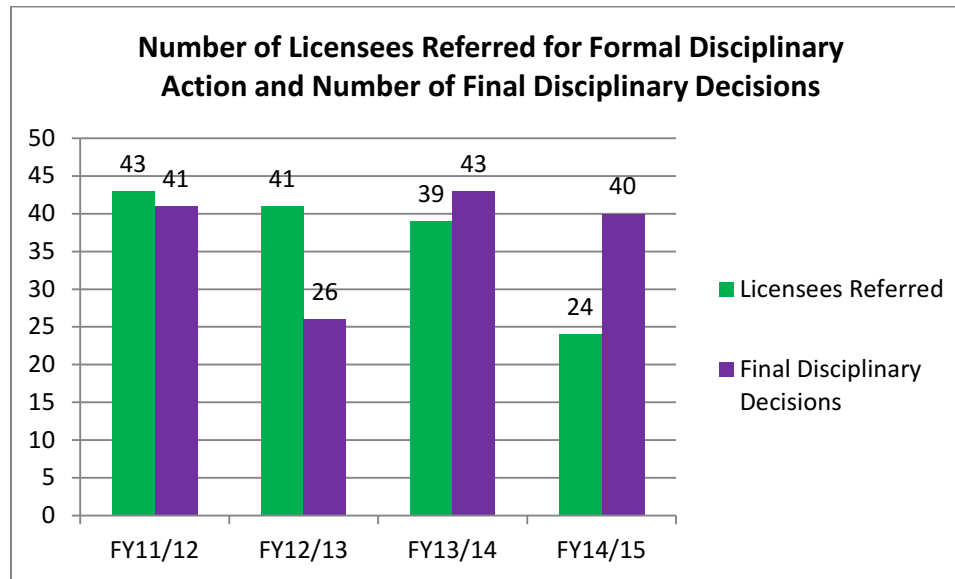
Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



NOTE: FY14/15 statistics are through June 30, 2015

PELS ENFORCEMENT PROGRAM

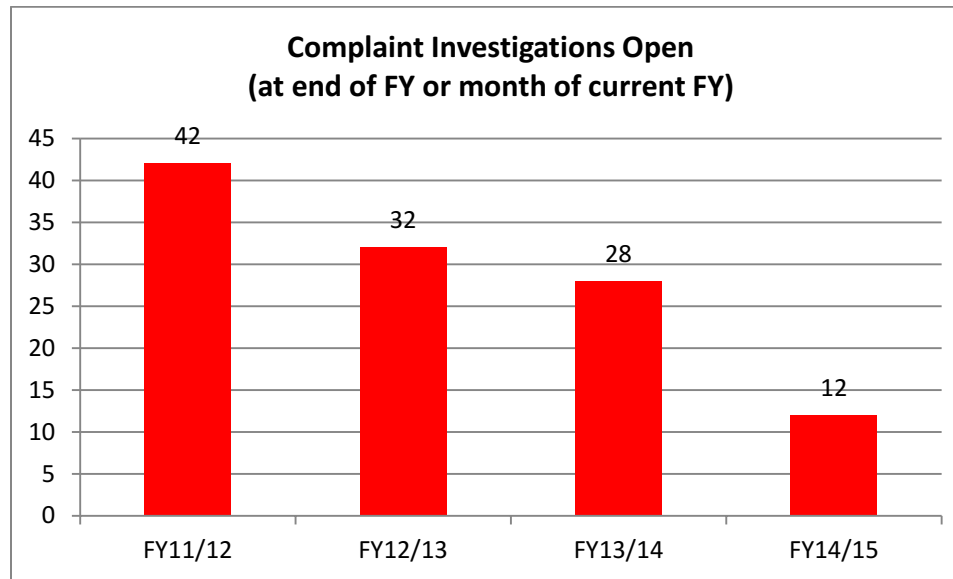
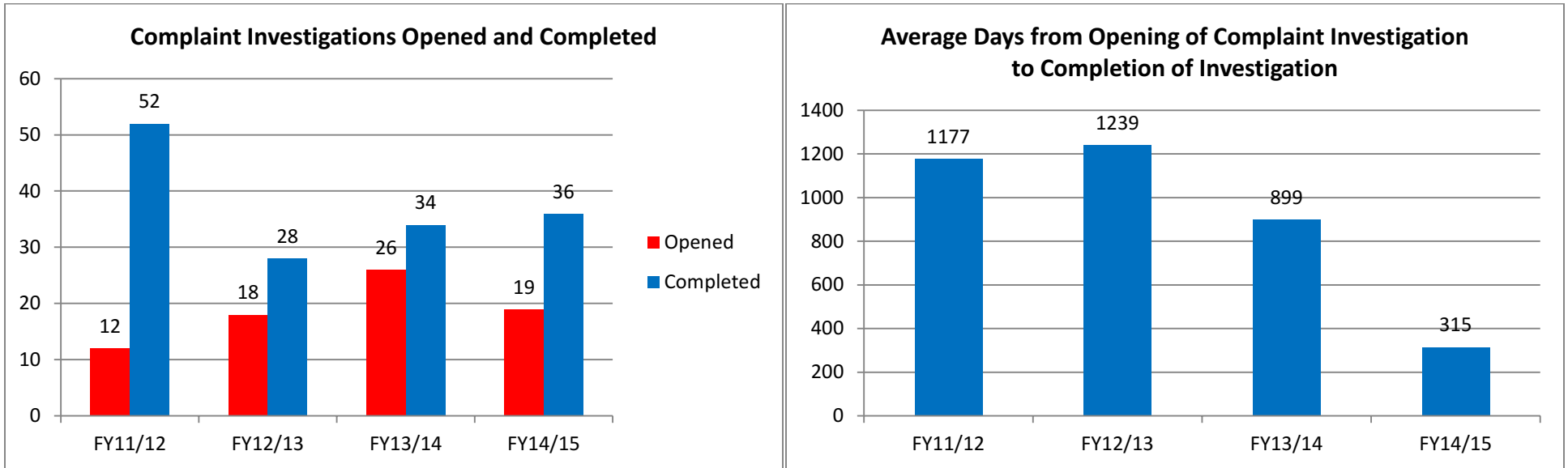
Formal Disciplinary Actions Against Licensees



NOTE: FY14/15 statistics are through June 30, 2015

G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase

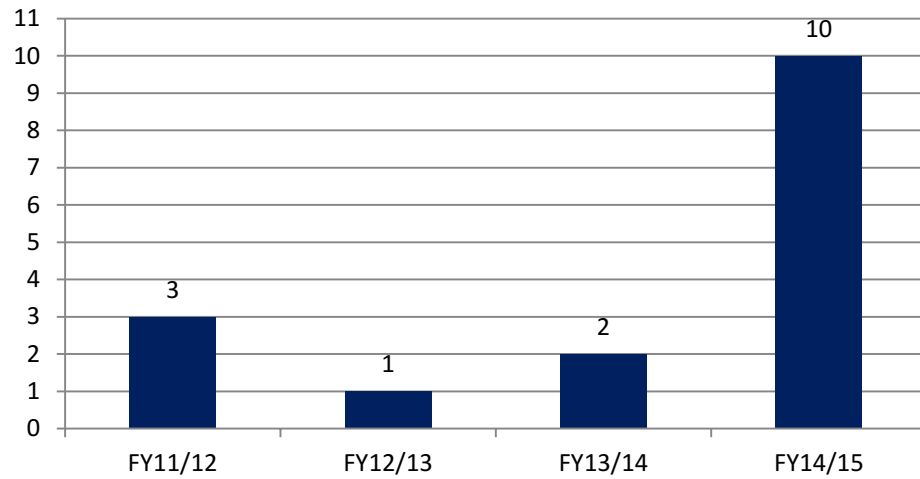


NOTE: FY14/15 statistics are through June 30, 2015

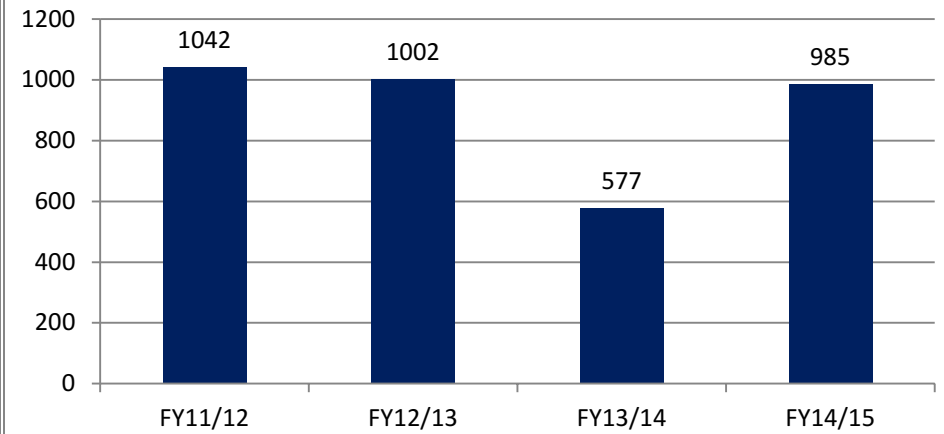
G&G ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

Number of Final Citations



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

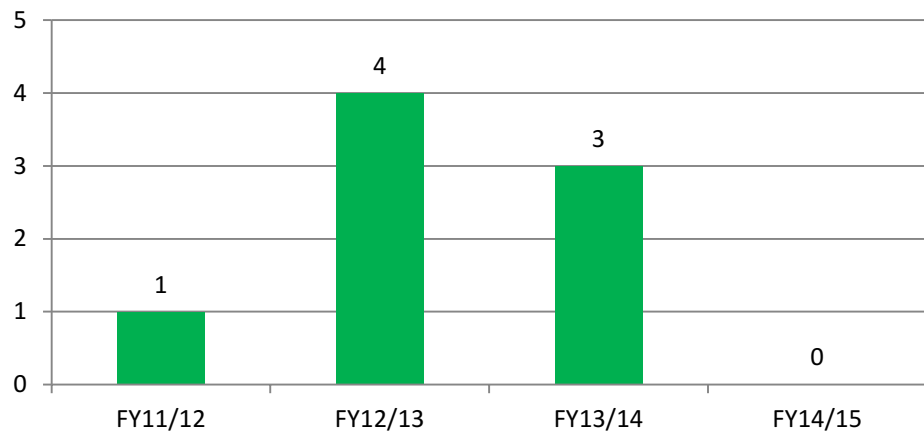


NOTE: FY14/15 statistics are through June 30, 2015

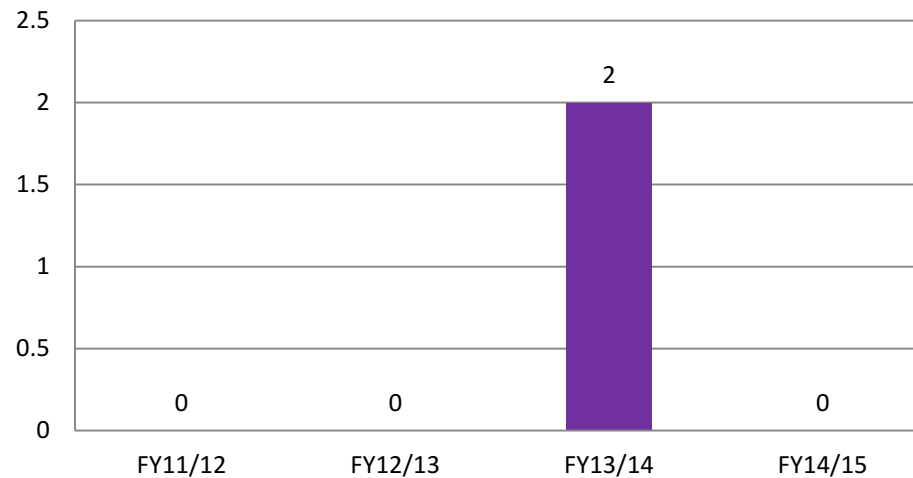
G&G ENFORCEMENT PROGRAM

Formal Disciplinary Actions against Licensees

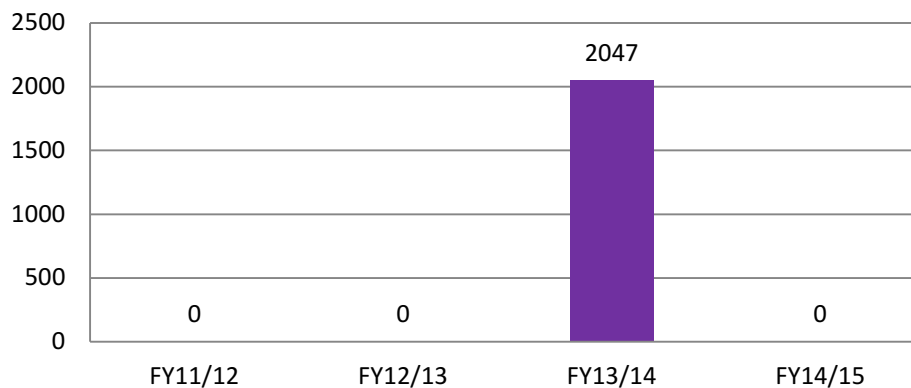
**Number of Licensees Referred for
Formal Disciplinary Action**



Number of Final Disciplinary Decisions



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



NOTE: FY14/15 statistics are through June 30, 2015

NOTICE OF DEPARTMENT DESIGNATION FORM

On January 1, 2015, changes to both the Professional Land Surveyors' Act and the Professional Engineers Act that apply to governmental agencies and their employees became effective.

Section 8725.1 was added to the Professional Land Surveyors' Act (California Business and Professions Code) requiring that all licensure requirements imposed upon private sector professional land surveyors shall be imposed upon individuals performing land surveying for a governmental agency. Section 8725.1 states as follows:

It is the intent of the Legislature that the licensure requirements that are imposed upon private sector professional land surveyors and land surveying partnerships, firms, or corporations shall be imposed upon the state and any city, county, city and county, district, and special district that shall adhere to those requirements. Therefore, for the purposes of Section 8725 and this chapter, at least one person authorized to practice land surveying shall be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district.

This requirement has been a part of the Professional Engineers Act, in Section 6730.2, for many years. The addition of Section 8725.1 has made it clear that professional land surveying services performed for or by a governmental agency are required to be done by a person legally authorized to perform land surveying services. These sections clarify that the requirement for licensure applies to governmental agencies and their employees as well as licensees working in the private sector.

The change to the Professional Engineers Act was an addition to Section 6730.2, which has been amended to add subsection (c) concerning monument preservation. Section 6730.2(c) states as follows:

The designated person in responsible charge of professional civil engineering work of any department or agency of the state, city, county, city and county, district, or special district pursuant to this section is responsible for compliance with subdivisions (b) and (c) of Section 8771.

The addition of Section 6730.2(c) identifies that the civil engineer in responsible charge for civil engineering work at a department or agency is responsible for compliance with the laws pertaining to the preservation of monuments that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, and the monuments shall be located and referenced prior to the time when construction of the project begins so monumentation is not lost and that any existing monumentation can be retained or replaced in their original position.

Based upon these new requirements, the Board for Professional Engineers, Land Surveyors, and Geologists has created a form to be completed by governmental agencies to identify the professional engineers and land surveyors in responsible charge of performing the respective engineering and land surveying duties for their agency. The Notice of Department Designation form must be filed by all governmental agencies that perform civil, electrical, and mechanical engineering or land surveying services whether that agency is a State, city, county, or city/county agency, or a district or special district. The form will provide the Board with a record of who, whether an agency employee or a contracted individual, is in responsible charge of the engineering and surveying services for each department or agency.

If an individual listed on the form leaves the agency, or is no longer in responsible charge at the agency, the individual must complete the Disassociation Notice form.

Questions regarding this requirement may be directed to the Board's Enforcement Unit at BPELSG.Enforcement.Information@dca.ca.gov or (916) 263-2284.

The Notice of Department Designation form and the Disassociation Notice form are available on this web site. They may be filled out online, signed, and emailed to BPELSG.Organization.Records@dca.ca.gov or mailed to the Board at the address listed on the forms.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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

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

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



NOTICE OF DEPARTMENT DESIGNATION

For California State, City, County, City/County, District, or Special District Departments

(Pursuant to Sections 6730.2 and 8725.1 of the California Business and Professions Code, an applicable licensed person needs to be designated as the individual in responsible charge of land surveying and each branch of engineering services being practiced)

Note: *Each department that practices engineering or surveying on an independent basis must designate licensee in responsible charge of those services. As used on this form, the word “department” means any level that has the independent authority to make final engineering or land surveying decisions without having to obtain approval of those decisions by a higher level of authority.*

☐ State Name of: ☐ City _____ ☐ County _____ ☐ City/County _____
☐ District _____ ☐ Special District _____

| | |
|---|-----------------|
| Department Name | |
| Address (including city, state, and ZIP code) | |
| Telephone Number | Website Address |

Professional Services Practiced:

☐ Civil (Structural and Geotechnical) Engineering
☐ Mechanical Engineering

☐ Electrical Engineering
☐ Land Surveying

List the name of the licensee or licensees in responsible charge of each branch of engineering and/or land surveying services that your department practices along with their title and license number. An Organization Chart should be attached. Individuals contracted to serve in an official capacity (i.e., city engineer, etc.) must be listed. (**Attach additional pages if needed**). If the department has multiple offices, complete the “Additional Offices” form.

| Name | Title | License Number |
|------|-------|----------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Name of Person Completing this Form

Signature

Title

Contact Information

Date

Additional Offices

For California State, City, County, City/County, District, or Special District Departments

(Pursuant to Sections 6730.2 and 8725.1 of the California Business and Professions Code, an applicable licensed person needs to be designated as the individual in responsible charge of land surveying and each branch of engineering services being practiced)

☐ State Name of: ☐ City _____ ☐ County _____ ☐ City/County _____
☐ District _____ ☐ Special District _____

| | |
|---|-----------------|
| Department Name | |
| Address (including city, state, and ZIP code) | |
| Telephone Number | Website Address |

Professional Services Practiced:

☐ Civil (Structural and Geotechnical) Engineering ☐ Electrical Engineering
☐ Mechanical Engineering ☐ Land Surveying

List the name, title, and license number of the licensee or licensees in responsible charge of professional engineering or land surveying services at this Department/Agency's office along with their title and license number. An Organization Chart should be attached. Individuals contracted to serve in an official capacity (i.e., city engineer, etc.) must be listed. **(Attach additional pages if needed)**

| |
|--|
| |
| |
| |
| |
| |

| Name of Person Completing this Form | Signature | Title | Contact Information | Date |
|-------------------------------------|-----------|-------|---------------------|------|
|-------------------------------------|-----------|-------|---------------------|------|

| | |
|---|-----------------|
| Department Name | |
| Address (including city, state, and ZIP code) | |
| Telephone Number | Website Address |

Professional Services Provided:

☐ Civil (Structural and Geotechnical) Engineering ☐ Electrical Engineering
☐ Mechanical Engineering ☐ Land Surveying

List the name, title, and license number of the licensee or licensees in responsible charge of professional engineering or land surveying services at this Department/Agency's office along with their title and license number. An Organization Chart should be attached. Individuals contracted to serve in an official capacity (i.e., city engineer, etc.) must be listed. **(Attach additional pages if needed)**

| |
|--|
| |
| |
| |
| |
| |

| Name of Person Completing this Form | Signature | Title | Contact Information | Date |
|-------------------------------------|-----------|-------|---------------------|------|
|-------------------------------------|-----------|-------|---------------------|------|

Revised 6/2015

VI. Exams/Licensing

- A. Spring 2015 Examination Results
- B. Examination Statistical Report
- C. Delinquent Reinstatement Requirements
- D. Credit for Overlapping Experience When Applying for Licensure or Certification

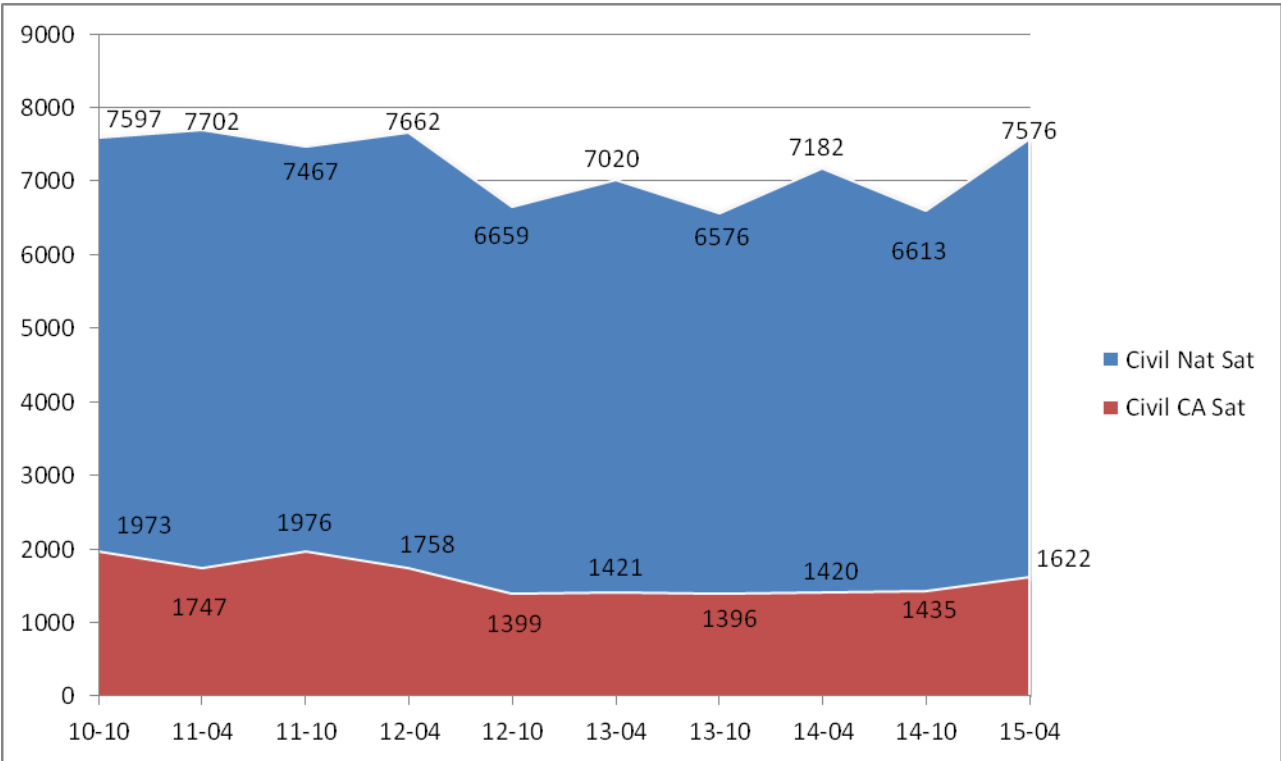
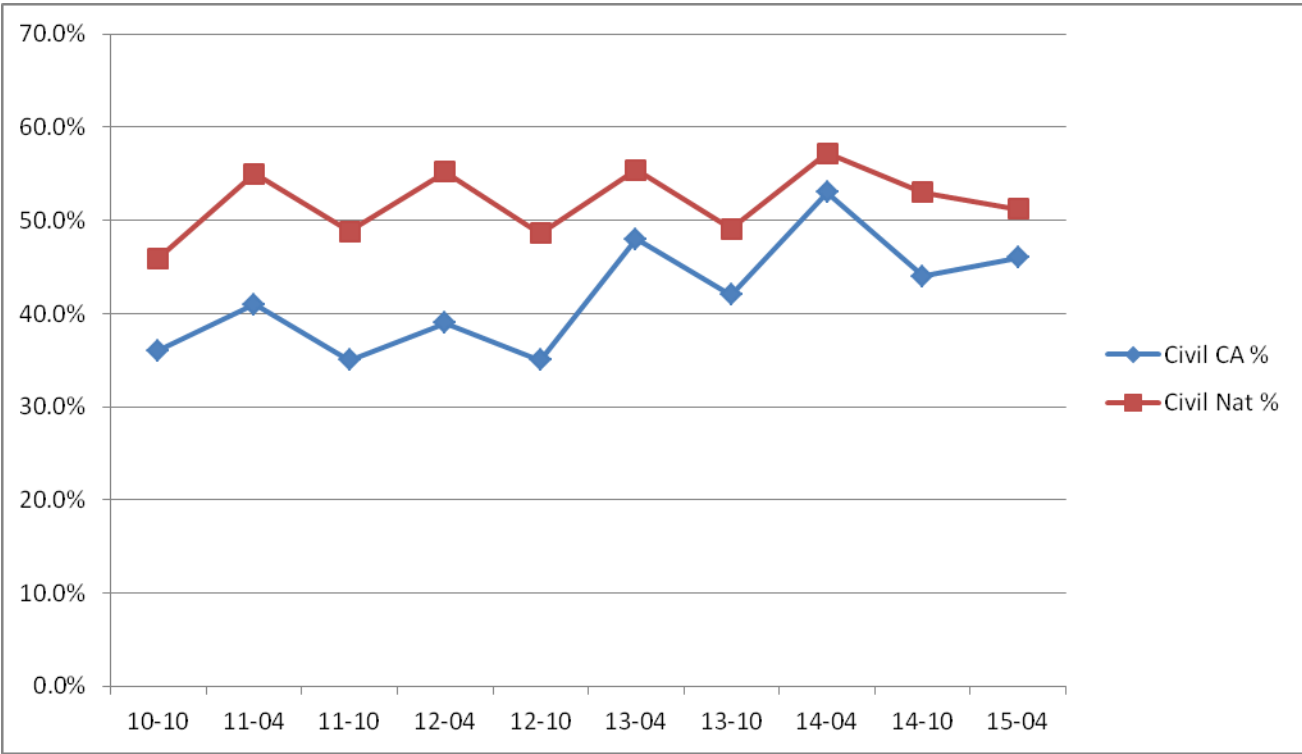
Spring 2015

Professional Engineer, Land Surveyors, and Geology Examination Statistics

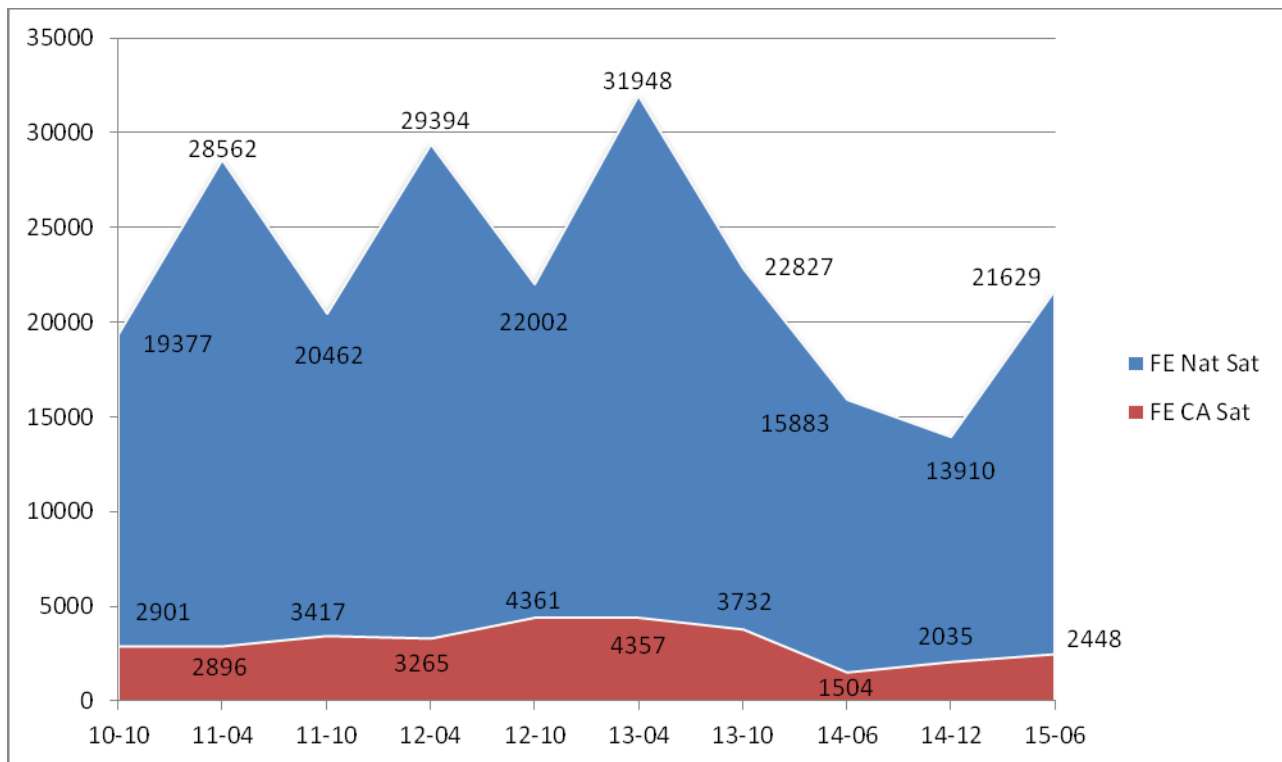
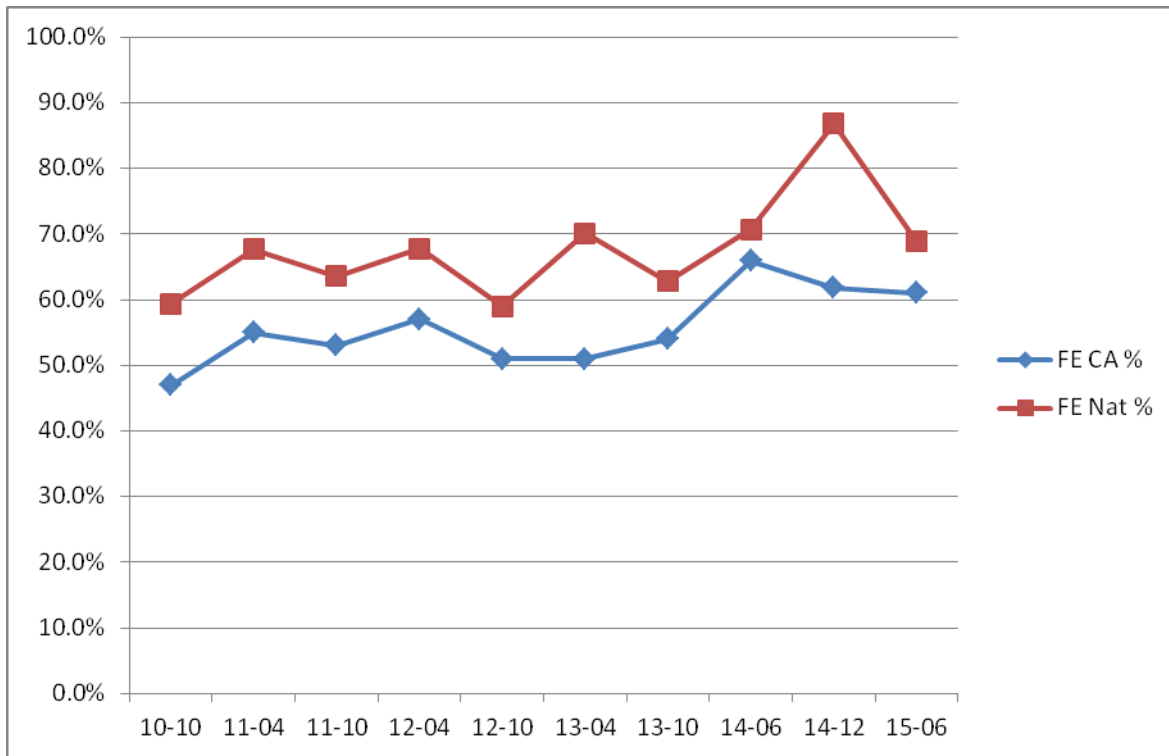
| Civil Engineering Examinations | | | | |
|---|------|------|-------|-----------|
| | Pass | Fail | Total | Pass Rate |
| Principles & Practices (National) | 744 | 878 | 1622 | 46% |
| Seismic Principles | 919 | 859 | 1778 | 52% |
| Engineering Surveying | 764 | 1006 | 1770 | 43% |
| Land Surveying Examinations | | | | |
| Principles & Practices (National) | 32 | 23 | 55 | 58% |
| Surveying (State Specific) | 42 | 151 | 193 | 22% |
| Other Engineering Discipline Exams | | | | |
| Agricultural | 1 | 1 | 2 | 50% |
| Chemical | 24 | 17 | 41 | 59% |
| Electrical | 112 | 185 | 297 | 38% |
| Industrial | 4 | 2 | 6 | 67% |
| Mechanical | 189 | 125 | 314 | 60% |
| Structural | | | | |
| Lateral Forces | 45 | 56 | 101 | 45% |
| Vertical Forces | 56 | 57 | 113 | 50% |
| 2015 Fundamentals Examinations January-February & April-May | | | | |
| Engineering | 1494 | 954 | 2448 | 61% |
| Land Surveyors | 32 | 38 | 70 | 46% |
| Geology | | | | |
| Geologist-In-Training Candidates** | 32 | 13 | 45 | 71% |
| ASBOG® Fundamentals of Geology** | 26 | 12 | 38 | 68% |
| ASBOG® Practice of Geology | 36 | 13 | 49 | 73% |
| California Specific Examination | 25 | 62 | 87 | 29% |
| **ASBOG® Fundamentals of Geology Including Geologist-In-Training | 58 | 25 | 83 | 70% |

California Civil Engineer Results

National PE - Civil Results

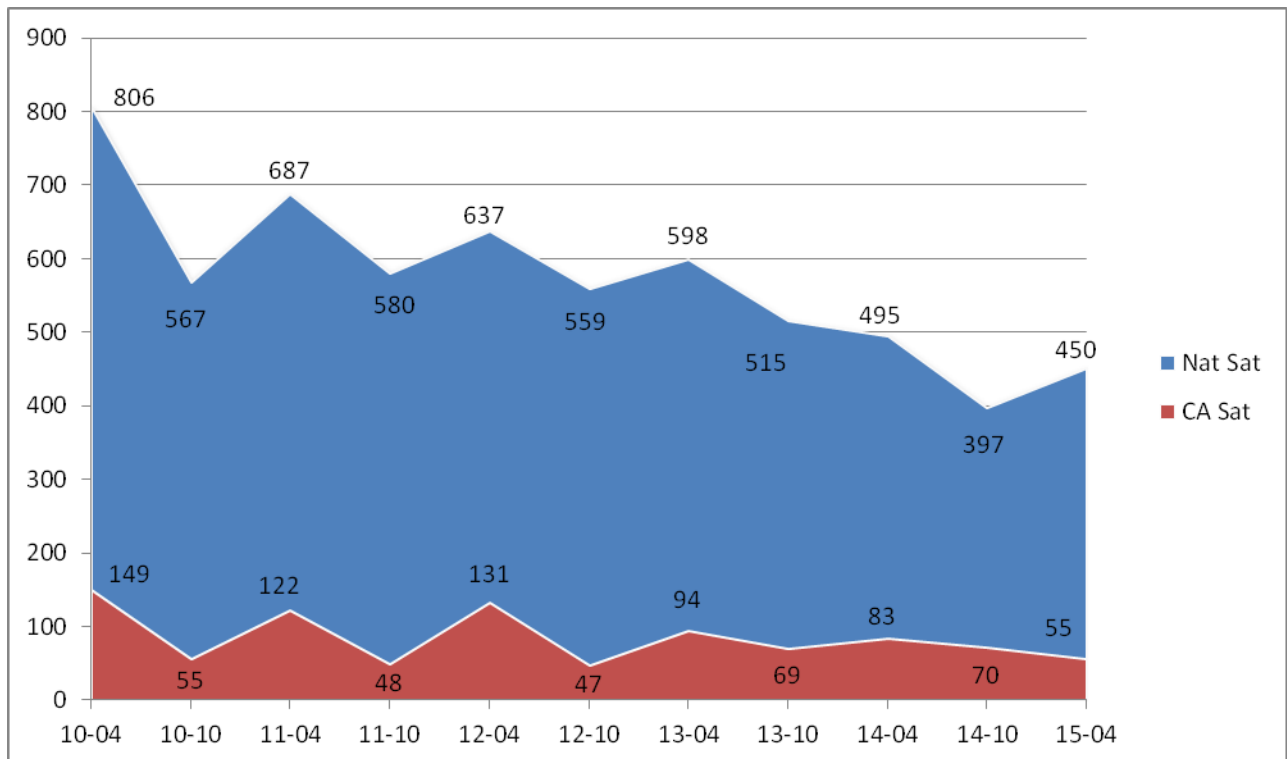
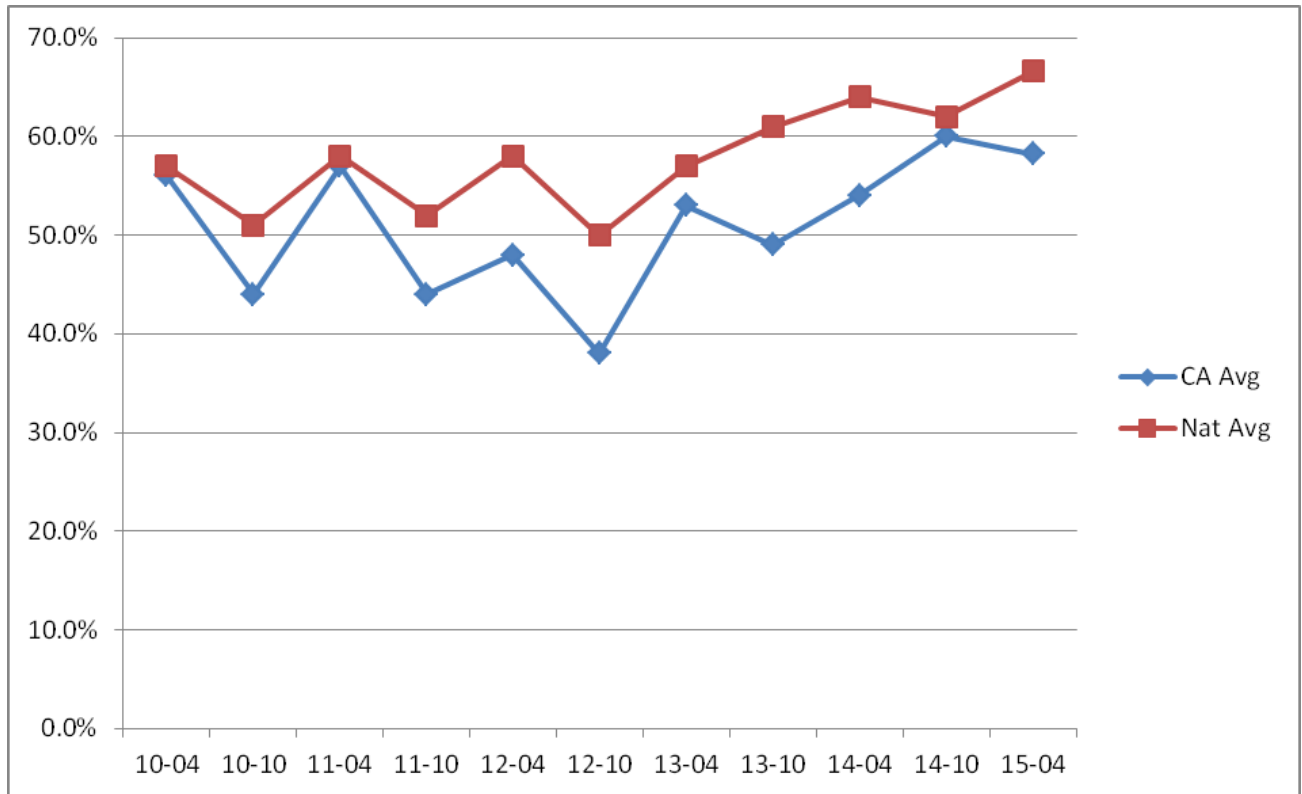


National Fundamentals of Engineering (FE) Results

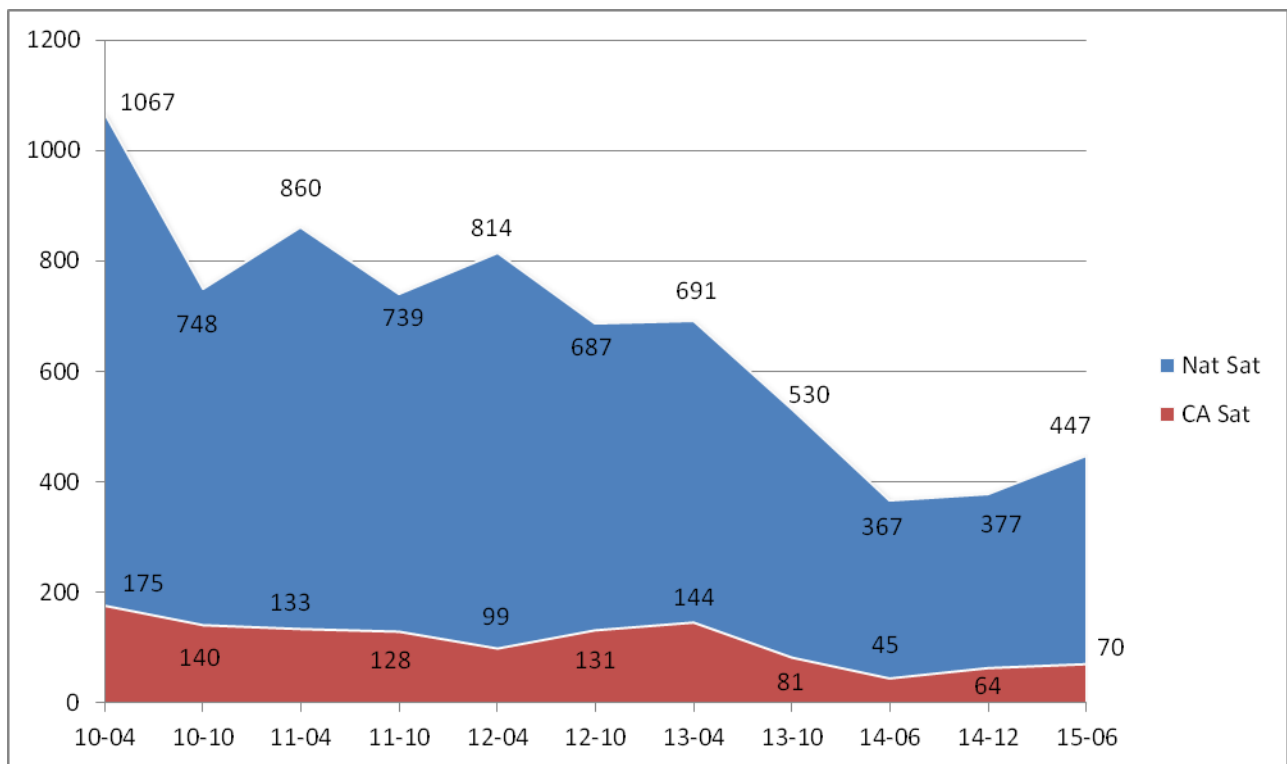
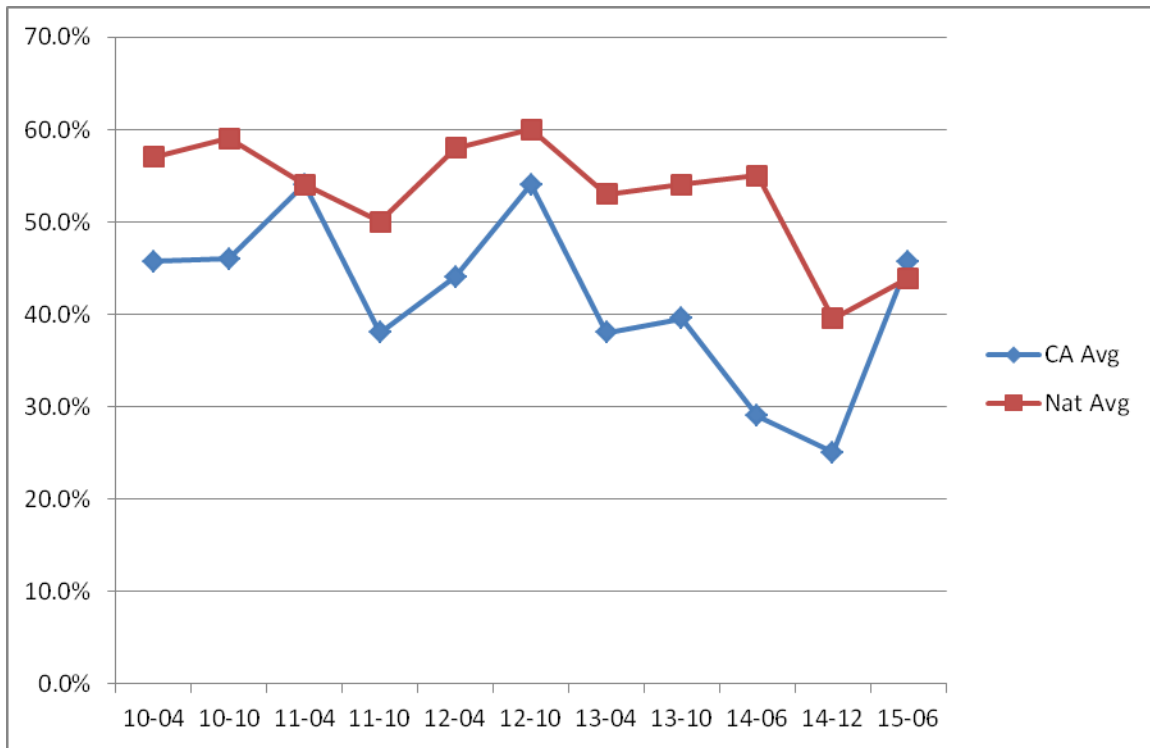


California Land Surveyor Results

National Principles of Surveying (PS) Results



National Fundamentals of Surveying (FS) Results



VII. Approval of Delinquent Reinstatements

VIII. Administration

- A. FY 2014/15 Budget Summary
- B. Consideration of Budget Change Proposals

FY 2014/15 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors Board fund and the Geologists & Geophysicists Account. The data is based on approved Governor's Budget, projected expenditures & revenue, projections to year-end, applications received and renewals processed through May for the current FY 2014/15 and prior year 2013/14.

Engineers and Land Surveyors (PELS) Fund

| Fiscal Month 11 | FY 14/15 | FY 13/14 |
|------------------------|-----------------|-----------------|
| Expenditures | \$7.01 Million | \$7.28 Million |
| Revenue | \$7.7 Million | \$8.4 Million |
| Applications | 10,705 | 10,948 |
| Renewals | 45,044 | 51,625 |

| | |
|-------------------------------|----------------|
| Budget Allotment | \$9.86 Million |
| Projection to Year-End | \$7.57 Million |
| Surplus/Deficit | \$2.29 Million |
| Revenue (Year-End) | \$8.08 Million |

Geologist and Geophysicists (GEO) Fund

| Fiscal Month 11 | FY 14/15 | FY 13/14 |
|------------------------|-----------------|-----------------|
| Expenditures | \$997 Thousand | \$1 Million |
| Revenue | \$1.05 Million | \$891 Thousand |
| Applications | 443 | 341 |
| Renewals | 3,792 | 3,576 |

| | |
|-------------------------------|-----------------|
| Budget Allotment | \$ 1.42 Million |
| Projection to Year-End | \$1.04 Million |
| Surplus/Deficit | \$376 Thousand |
| Revenue (Year-End) | \$1.11 Million |

Overall, the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. Please note: Renewals cycles are cyclical depending on the FY. Additionally, the application fluctuations is a result of filing dates.

0770 - Board for Prof. Engineers and Land Surveyors

Analysis of Fund Condition

Prepared: 7/3/15

(Dollars in Thousands)

| | | ACTUAL 2013-14 | CY 2014-15 | Budget Act BY 2015-16 |
|---|--|-------------------|---------------|--------------------------------|
| *\$4.5 million GF loan outstanding | | | | |
| BEGINNING BALANCE | | \$ 1,923 | \$ 5,942 | \$ 6,558 |
| Prior Year Adjustment | | \$ 163 | \$ - | \$ - |
| Adjusted Beginning Balance | | \$ 2,086 | \$ 5,942 | \$ 6,558 |
| REVENUES AND TRANSFERS | | | | |
| Revenues: | | | | |
| 125600 Other regulatory fees | | \$ 117 | \$ 91 | \$ 104 |
| 125700 Other regulatory licenses and permits | | \$ 2,572 | \$ 2,457 | \$ 2,607 |
| 125800 Renewal fees | | \$ 5,963 | \$ 5,449 | \$ 6,071 |
| 125900 Delinquent fees | | \$ 57 | \$ 59 | \$ 61 |
| 141200 Sales of documents | | \$ - | \$ - | \$ - |
| 142500 Miscellaneous services to the public | | \$ - | \$ - | \$ - |
| 150300 Income from surplus money investments | | \$ 7 | \$ 7 | \$ 7 |
| 150500 Interest Income from interfund loans | | \$ 310 | \$ - | \$ - |
| 160400 Sale of fixed assets | | \$ - | \$ - | \$ - |
| 161000 Escheat of unclaimed checks and warrants | | \$ 11 | \$ 9 | \$ 9 |
| 161400 Miscellaneous revenues | | \$ 1 | \$ 1 | \$ 1 |
| Totals, Revenues | | \$ 9,038 | \$ 8,073 | \$ 8,860 |
| Transfers from Other Funds | | | | |
| FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2008 | | \$ 2,000 | \$ - | \$ - |
| FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011 | | \$ 500 | \$ 500 | \$ - |
| Totals, Revenues and Transfers | | \$ 11,538 | \$ 8,573 | \$ 8,860 |
| Totals, Resources | | \$ 13,624 | \$ 14,515 | \$ 15,418 |
| EXPENDITURES | | | | |
| Disbursements: | | | | |
| 1110 Program Expenditures (State Operations) | | \$ 7,751 | \$ 9,858 | \$ 9,587 |
| 2014-15 BreEZe CY Adj | | \$ -112 | \$ - | \$ - |
| 2015-16 BreEZe SFL (Assembly) | | \$ - | \$ 381 | \$ 329 |
| 8880 Financial Information System for CA (State Operations) | | \$ 43 | \$ 8 | \$ 18 |
| Estimated Surplus | | | \$ (2,290) | |
| Total Disbursements | | \$ 7,682 | \$ 7,957 | \$ 9,934 |
| FUND BALANCE | | | | |
| Reserve for economic uncertainties | | \$ 5,942 | \$ 6,558 | \$ 5,484 |
| Months in Reserve | | 9.0 | 7.9 | 6.7 |

0205 - Geology

Analysis of Fund Condition

Prepared: 7/3/15

(Dollars in Thousands)

| | | BUDGET | | |
|------------------------------------|--|----------|----------|----------|
| Governor's Budget | | ACTUAL | CY | ACT |
| | | 2013-14 | 2014-15 | BY |
| | | | | 2015-16 |
| BEGINNING BALANCE | | \$ 1,066 | \$ 996 | \$ 1,031 |
| Prior Year Adjustment | | \$ 99 | \$ - | \$ - |
| Adjusted Beginning Balance | | \$ 1,165 | \$ 996 | \$ 1,031 |
| REVENUES AND TRANSFERS | | | | |
| Revenues: | | | | |
| 125600 | Other regulatory fees | \$ 7 | \$ 6 | \$ 6 |
| 125700 | Other regulatory licenses and permits | \$ 182 | \$ 265 | \$ 240 |
| 125800 | Renewal fees | \$ 760 | \$ 817 | \$ 768 |
| 125900 | Delinquent fees | \$ 13 | \$ 16 | \$ 16 |
| 141200 | Sales of documents | \$ - | \$ - | \$ - |
| 142500 | Miscellaneous services to the public | \$ - | \$ - | \$ - |
| 150300 | Income from surplus money investments | \$ 3 | \$ 3 | \$ 3 |
| 160400 | Sale of fixed assets | \$ - | \$ - | \$ - |
| 161000 | Escheat of unclaimed checks and warrants | \$ 1 | \$ 1 | \$ 1 |
| 161400 | Miscellaneous revenues | \$ - | \$ - | \$ - |
| Totals, Revenues | | \$ 966 | \$ 1,108 | \$ 1,034 |
| Totals, Revenues and Transfers | | \$ 966 | \$ 1,108 | \$ 1,034 |
| Totals, Resources | | \$ 2,131 | \$ 2,104 | \$ 2,065 |
| EXPENDITURES | | | | |
| Disbursements: | | | | |
| 1110 | Program Expenditures (State Operations) | \$ 1,136 | \$ 1,418 | \$ 1,431 |
| 2014-15 BreEZe CY Adj | | \$ -7 | \$ - | \$ - |
| 2015-16 BreEZe SFL (Assembly) | | \$ - | \$ 30 | \$ 25 |
| 8880 | Financial Information System for CA (State Operations) | \$ 6 | \$ 1 | \$ 3 |
| Estimated Surplus | | | \$ (376) | |
| Total Disbursements | | \$ 1,135 | \$ 1,073 | \$ 1,459 |
| FUND BALANCE | | | | |
| Reserve for economic uncertainties | | \$ 996 | \$ 1,031 | \$ 606 |
| Months in Reserve | | 8.2 | 8.5 | 5.0 |

IX. Executive Officer's Report

- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. BreEZe Update
- D. ABET
- E. ASBOG
- F. NCEES
 - 1. Annual Meeting Action Items
- G. Outreach

Legislative and Regulatory Committee

Board Members: Coby King and Bob Stockton

Board Staff: Kara Williams, Tralee Morris, and Billie Baldo

Assignments and Workload: July, 2015

Legislation- AB 12, AB 85, AB 177, AB 320, AB 507, AB 1060, SB 209, SB 284, SB 799

Regulations

- Citations (472-473.4/3062-3063.4)
- PG/PGp postpone/appeal (3024)
- Exam Appeals Repeal (443, 444, 3063.1, 3037.1)
- Waiver of Fundamentals Exam (438(a)(2), (b)(2), & (b)(7)) – Noticed May 22, 2015. Comment Period ended July 6, 2015. All materials available on our website at: http://bpelsg.ca.gov/about_us/rulemaking.shtml
- SE, GE qualifications/experience (426.10/426.14/426.50)
- Corner Record (464(g)) – to the Board for approval to begin rulemaking June 11-12, 2015.
- Substantial Relationship Criteria (416/3060) – withdrawn by the Board at the April 15-16, 2015.

PROPOSED MEETING CALENDAR

| 2015 | 2016 | 2017 | 2018 |
|--|---|---|---|
| <p>Executive Committee Meeting Cmte Chair Workshop (Atlanta, GA)</p> <p>ExCmte Jan 15-16 Wkshop Jan 17</p> | <p>Executive Committee Meeting Cmte Chair Workshop (San Juan, Puerto Rico)</p> <p>ExCmte Jan 14-15 Wkshop Jan 16</p> | <p>Executive Committee Meeting Cmte Chair Workshop (Atlanta, GA)</p> <p>ExCmte Jan 12-13 Wkshop Jan 14</p> | <p>Executive Committee Meeting Cmte Chair Workshop (Atlanta, GA)</p> <p>ExCmte Jan 11-12 Wkshop Jan 13</p> |
| <p>Examination Order Cut-off Date Jan 20 National Examination Mar 6</p> | <p>Examination Order Cut-off Date Feb 2 National Examination Mar 18</p> | <p>Examination Order Cut-off Date Jan 31 National Examination Mar 17</p> | <p>Examination Order Cut-off Date Jan 30 National Examination Mar 16</p> |
| <p>Executive Committee Meeting COE Workshop (Tampa, FL)</p> <p>ExCmte Apr 9 COE Apr 10-11 Database Wkshp Evenings 10-11</p> | <p>Executive Committee Meeting COE Workshop (TBD, LA)</p> <p>ExCmte Apr 6 COE Apr 7-8 Field Trip APR 9 Database Wkshp Apr 7-8</p> | <p>Executive Committee Meeting COE Workshop (Flagstaff, AZ)</p> <p>ExCmte Apr 5 COE Apr 6-7 Field Trip APR 8 Database Wkshp Apr 6-7</p> | <p>Executive Committee Meeting COE Workshop (Jackson, MS)</p> <p>ExCmte Apr 4 COE Apr 5-6 Field Trip APR 8 Database Wkshp Apr 5-6</p> |
| <p>Executive Committee Meeting Cmte Chair Workshop (Atlanta, GA)</p> <p>ExCmte Aug 7 CC Wkshop Aug 8</p> | <p>Executive Committee Meeting Cmte Chair Workshop (Portland, OR)</p> <p>ExCmte Aug 5 CC Wkshop Aug 6</p> | <p>Executive Committee Meeting Cmte Chair Workshop (Madison, WI)</p> <p>ExCmte Aug 4 CC Wkshop Aug 5</p> | <p>Executive Committee Meeting Cmte Chair Workshop (Portsmouth, NH)</p> <p>ExCmte Aug 3 CC Wkshop Aug 4</p> |
| <p>ANNUAL MEETING Nov 11 ↓ (Video Conference and Physical)</p> | <p>ANNUAL MEETING Administrator Workshop Aug 7 (Video Conference and Physical)</p> | <p>ANNUAL MEETING Administrator Workshop Aug 6 (Video Conference and Physical)</p> | <p>ANNUAL MEETING Administrator Workshop Aug 5 (Video Conference and Physical)</p> |
| <p>Examination Order Cut-off Date Aug 18 National Examination Oct 2</p> | <p>Examination Order Cut-off Date Aug 16 National Examination Sep 30</p> | <p>Examination Order Cut-off Date Aug 22 National Examination Oct 6</p> | <p>Examination Order Cut-off Date Aug 21 National Examination Oct 5</p> |
| <p>Executive Committee Meeting COE Workshop (Wilmington, DE)</p> <p>Ann Mtg Nov 11 COE Nov 12-14 ExCmte Nov 14 Field Trip Nov 13</p> | <p>Executive Committee Meeting COE Workshop (Lawrence, KS)</p> <p>ExCmte Nov 3 COE Nov 4-5 Field Trip Nov 6</p> | <p>Executive Committee Meeting COE Workshop (Philadelphia, PA)</p> <p>ExCmte Nov 2 COE Nov 3-4 Field Trip Nov 5</p> | <p>Executive Committee Meeting COE Workshop (San Francisco, CA)</p> <p>ExCmte Nov 1 COE Nov 2-3 Field Trip Nov 4</p> |

MOTIONS TO BE PRESENTED AT THE 2015 ANNUAL MEETING

Advisory Committee on Council Activities

ACCA Motion 1

Move that the Generic P.E. Licensure Plus Protected S.E. Title and Restricted S.E. Practice approach as defined under Charge 2 of the ACCA report be incorporated into the *Model Law* and *Model Rules* and that the appropriate committee or task force be charged to develop specific language for that purpose, including the Thresholds definition as described under Charge 2. Further, move that the language be presented to NCEES for approval before being charged to the UPLG Committee for final incorporation into the *Model Law* and *Model Rules*.

Rationale

This approach not only protects the S.E. title but also regulates the practice of structural engineering, and thus better safeguards the health, safety, and welfare of the public relative to structures with an elevated level of threat. While it is essentially discipline-specific licensure for one segment of the engineering profession, it still maintains a connection with generic licensure, and the provisions can be embedded in the statutes and rules of most jurisdictions.

ACCA also recommends that the approach include both variations described in its report: the P.E. Plus S.E. and the S.E. Only. If an individual is content to restrict his or her practice to only structural engineering, he or she should not be required to take both the PE and SE exams and maintain both licenses.

Board of directors' position

Endorses, non-consent agenda

ACCA Motion 2

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to remove *Bylaws* 7.12, Committee on Nominations, to bring *Bylaws* Article 11, Elections, in compliance with the current process for electing national officers and to make *Bylaws* provisions for a Tellers Committee to be formed for contested elections as described under Charge 5 of the ACCA report.

Rationale

ACCA concluded that the Committee on Nominations exists to forward nominations made by others and to serve as tellers at the annual meeting, if needed. It felt that the committee could be eliminated as a standing committee and that the *Bylaws* could be modified to allow for the president to appoint a Tellers Committee if and when needed (e.g., counting the votes of the Council to decide a contested election). ACCA recommends that the Tellers Committee empaneled by the president should consist of a past NCEES treasurer and the current secretary-treasurer from each zone, with provisions that no one would be eligible to serve as a teller for an election in which he or she is a candidate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 3

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate the following language into the *Bylaws*.

Section 3.xx. International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity having a collateral and supportive position with the licensure of engineers and surveyors. International Affiliate Organizations are entitled to representation at Council meetings but do not have voting privileges. On approval of the presiding officer, they may be granted the privilege of the floor. Acceptance of any International Affiliate Organization shall be by majority vote of the Council. International Affiliate Organizations shall pay dues as set forth in the *Bylaws*.

Section 3.xx. International Affiliate Member. An international affiliate member of NCEES shall be a person who is a member of an International Affiliate Organization. Such person shall not have the right to serve on standing committees.

Section 3.05 Representatives. A representative shall be a member of [an International Affiliate or a Participating Organization](#) designated to represent ~~it~~ his or her respective organization at meetings of the Council.

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be ~~mailed sent~~ to each Member Board, member, associate member, [International Affiliate Organization](#), and ~~P~~[Participating Organization](#) not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

ARTICLE 10. MEMBERSHIP FEES.

Section 10.01 Fees. Annual fees of Member Boards, ~~as well as dues for participating organizations~~, are due on January 1 for the ensuing calendar year. The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

Section 10.011 Fee Schedule. The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

Section 10.012 Inactive Status. Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

Section 10.013 Dues. [Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.](#)

Section 10.0134 Participating Organizations Obligations Dues Schedule. ~~Payments for The annual membership dues of by participating organizations~~ [International Affiliate Organizations and Participating Organizations](#) shall be paid in accordance with a schedule established annually by the Board of Directors.

Rationale

ACCA recognized the increased importance of developing and maintaining relationships with international organizations that are advancing licensure in the engineering and surveying professions. Currently, the NCEES *Bylaws* precludes these organizations from NCEES membership. Therefore, creating this new member category is required to allow formal affiliation of international organizations with NCEES.

This change will allow foreign partners that have been approved to offer NCEES examinations to have formal affiliation with NCEES. ACCA recommends that all new agreements with foreign partners that will offer NCEES examinations stipulate that those partners become International Affiliate Organization members of NCEES. The Council may also choose to approve membership as an International Affiliate Organization for other international stakeholder groups engaged in the engineering or surveying professions.

Board of directors' position

Endorses, consent agenda

ACCA Motion 4

Move that Administrative Policy 4 be amended as follows:

AP 4 Past Examinations

~~Past examination booklets will not be made available except through NCEES.~~ Exam items from past examinations that are no longer in use may be included in sample exams and sold to the general public through NCEES.

Rationale

The proposed revision is intended to clarify how items from examinations that are no longer in use may be shared with the general public by NCEES.

Board of directors' position

Endorses, consent agenda

ACCA Motion 5

Move that Professional Policy 5 and Position Statement 17 be amended as follows:

PP 5 Expedited Comity Licensure

NCEES promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

PS 17 Expedited Comity Licensure

In order to facilitate the mobility of qualified professionals ~~engineers~~ among jurisdictions, NCEES supports and promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

NCEES supports and promotes the adoption of procedures by all jurisdictions to facilitate and achieve comity licensure of professionals who have been designated by NCEES to be Model Law Engineers, Model Law Structural Engineers, or Model Law Surveyors. NCEES also supports and promotes that this comity licensure be approved in any jurisdiction within one week of receipt of ~~a both the~~ completed application and the Council Record as well as the passing of any required jurisdiction-specific exams, provided that the jurisdiction statutes do not prohibit such expedited comity licensure.

NCEES is committed to working with individual member boards to maximize the full applicability and acceptance of the Council Records program for engineers and surveyors in all jurisdictions.

Rationale

The proposed revisions are to provide consistency with *Model Rules* 230.60 F, Expedited Comity Licensure, which includes structural engineers and professional surveyors along with professional engineers. The proposed revisions to PP 5 and PS 17 are to include Model Law Structural Engineer and Model Law Surveyor along with Model Law Engineer with respect to these provisions for expedited comity licensure.

Board of directors' position

Endorses, consent agenda

ACCA Motion 6

Move that Position Statement 2 be amended as follows:

PS 2 Certification of Engineers and Surveyors

NCEES does not oppose those programs wherein professional organizations and societies recognize or certify their members for any purpose, provided such certification does not imply legal licensure. NCEES opposes certification by any organization or society wherein the purpose of such certification is to substitute for legal licensure as established by the statutes of the various jurisdictions.

Rationale

The proposed revision is intended to add surveyors to this position statement regarding certification programs. Surveyors as well as engineers have various certification programs (e.g., Certified Federal Surveyor), and this revision will include them in this provision regarding certification programs.

Board of directors' position

Endorses, consent agenda

ACCA Motion 7

Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules* 210.20 B and with deleting *Model Rules* 260.20.

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Earns one of the following:
 - (1) A bachelor's degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A master's degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/M-ABET)
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination using the NCEES cut score
 - c. Meets one of the following experience requirements:
 - (1) Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - (2) Completes 3 years of acceptable engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master's degree in engineering
 - (3) Completes 3 years of acceptable engineering experience after confirmation of a master's degree in engineering from an EAC/M-ABET-accredited engineering program
 - (4) Completes 2 years of acceptable engineering experience and has an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs
 - d. Has a record clear of disciplinary action
~~To maintain~~ For Model Law Engineer status to continue after such has been designated by NCEES, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Graduates from an EAC/ABET-accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree

- d. Has a record clear of disciplinary action
The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. ~~To maintain For~~ Model Law Surveyor status ~~to continue after such has been designated by NCEES~~, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
3. Model Law Structural Engineer—The term “Model Law Structural Engineer” refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:
- Earns one of the following:
 - A bachelor’s degree in engineering from a program accredited by EAC/ABET
 - A master’s degree in engineering from a program accredited by EAC/M-ABET
 - Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
 - Passes the NCEES FE examination
 - Passes one of the following:
 - 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011
 - 16-hour state-written structural examinations taken prior to 2004
 - NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011
 - NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011
 - Meets one of the following experience requirements:
 - Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - Completes 3 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master’s degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - Completes 3 years of acceptable structural engineering experience after confirmation of a master’s degree in engineering from an EAC/M-ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - Completes 2 years of acceptable structural engineering experience and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs
 - Has a record clear of disciplinary action
~~To maintain For~~ Model Law Structural Engineer status ~~to continue after such has been designated by NCEES~~, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
4. Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status—Once a licensed professional has been designated as meeting the requirements for one of these statuses, such individual shall continue to be so designated even if the Model Law or Model Rules are revised at a later date, provided that the individual continually maintains his or her Model Law status, maintains a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10, and has not retired his or her license nor allowed such license to expire.

~~Model Rules 260.20 Grandfathering of Model Law Engineers and Model Law Structural Engineers~~

~~Any licensed professional who meets the criteria of the Model Law Engineer as defined in Section 210.20 B.1 or Model Law Structural Engineer as defined in Section 210.20 B.3 shall continue to be designated Model Law Engineer or Model Law Structural Engineer, even if the Model Law or Model Rules is revised at a later date, provided that~~

~~A. The licensee has continually maintained his or her status as Model Law Engineer or Model Law Structural Engineer~~

~~B. The licensee is not on revoked status or has not retired his or her license~~

~~C. The licensee has a record clear of disciplinary action and maintains a record clear of disciplinary action~~

Rationale

ACCA believes that *Model Rules 260.20, Grandfathering of Model Law Engineers and Model Law Structural Engineers*, is not in the correct place in the *Model Rules* and that the language would be more clearly understood and applied if moved to and combined with *Model Rules 210.20, Definitions*, which defines Model Law status.

This proposed change is to also include Model Law Surveyors under the provision and to replace the word “grandfathering” with “continuance.”

Board of directors’ position

Endorses, consent agenda

ACCA Motion 8

Move that Position Statement 35 be adopted as follows:

PS 35 Future Education Requirements for Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills and the reduction that has occurred in the formal education requirements needed to obtain a bachelor’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession.

NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:

- A. A bachelor’s degree in engineering from a program accredited by EAC/ABET and a master’s or earned doctoral degree in engineering in the same technical area from an institution that offers EAC/ABET-accredited programs, or the equivalent
- B. A bachelor’s degree and a master’s degree in engineering from a program accredited by EAC/ABET
- C. A bachelor’s degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering
- D. A bachelor’s degree in engineering from a program accredited by EAC/ABET and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

Rationale

At the 2014 NCEES annual meeting, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors made a motion, which the Council passed, requesting that

“... the NCEES president assign a charge to the appropriate committee/task force to draft an NCEES position statement that reflects the education standards defined in the MLE 2020 and the MLSE 2020 definitions regarding further education standards for professional engineering licensure ...”

The proposed position statement follows the directives of the motion and includes only the information related to additional education related to professional engineering licensure that was previously included in the NCEES *Model Law* and *Model Rules*. The committee made some minor edits to reflect current terminology used in the accreditation and licensure communities. The language was also modified to make no reference to the year 2020, thereby resolving the potential for confusion about an effective date for implementation of additional education requirements for professional engineering licensure. This was stated as the primary concern behind the motion.

NCEES has a responsibility to recommend changes to the licensure process that will ensure protection of the health, safety, and welfare of the public now and in the future as described in the NCEES strategic plan and in the mission and vision statements.

NCEES is continuing to fulfill this responsibility by promoting, through the proposed position statement, education requirements for licensure *in the future*. Creating this position statement sets the platform for continued dialogue on this important issue. It is consistent with the NCEES-established processes and summarizes NCEES' efforts on future education requirements for professional engineering licensure over the past 15 years—a complex issue requiring careful and continuing deliberation and one that this position statement will serve to facilitate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 9

Move that Administrative Policy 11 be revised as follows:

AP 11 ~~Sponsored Activities for Annual Business Meeting Planning~~

~~The host member board may make~~ NCEES will make all arrangements for ~~sponsored activities and souvenirs for~~ the annual business meeting. ~~However, NCEES will not acknowledge sponsorship in programs and other meeting literature.~~ The host member board will assist in recruiting board members to deliver invocations as needed during the meeting and in working with NCEES staff to coordinate possible offsite workshops.

Rationale

The current policy does not reflect current practice. NCEES no longer provides support for member boards hosting the annual meeting to purchase souvenirs to distribute to attendees. Member boards no longer make arrangements for sponsored activities. Many are restricted from accepting money from sponsors, which has resulted in NCEES having to pay for whatever was planned. Therefore, NCEES now plans and pays for all meeting-related activities and souvenirs with no involvement from the host board. This motion will not change informal responsibilities assumed by the host member board (e.g., recruiting individuals to deliver invocations and coordinating offsite activities with NCEES staff).

Board of directors' position

Endorses, consent agenda

Education Motion 1

Move that *Model Rules* 240.30 be modified as shown below.

Model Rules 240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

C. Requirements

Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) professional engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. PDHs may be earned as follows:

1. Successful completion of college courses
- ~~2. Successful completion of continuing education courses~~
- ~~3. Successful completion of short courses/tutorials and distance education courses offered through correspondence, television, videotapes, or the Internet~~
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
- ~~43.~~ Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, ~~or~~ conferences, or educational institutions
- ~~54.~~ Teaching or instructing in 1 through ~~43~~ above
- ~~65.~~ Authoring published papers, articles, books, or accepted licensing examination items
- ~~76.~~ Active participation in professional or technical societies
- ~~87.~~ Patents
- ~~98.~~ Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 ~~college or unit~~ semester hour45 PDHs
2. 1 ~~college or unit~~ quarter hour30 PDHs
3. 1 continuing education unit10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional

- or technical presentations made at meetings, conventions, or conferences1 PDH
- 5. For teaching in 1 through 4 above, apply multiple of 2*
- 6. Publications
 - a. Each published peer-reviewed paper or book in the licensee's area of professional practice.....10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee's area of professional practice.....5 PDHs
- 7. Active participation in professional and technical society (each organization)2 PDHs
- 8. Each patent.....10 PDHs
- 9. 1 hour of outreach activities1 PDH (not to exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDHs earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDHs required during that renewal period.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.
4. Licensees who list their occupation as "Retired" or "Inactive" on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required. In the event such an individual elects to return to active practice of professional engineering or surveying, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

H. Reinstatement

A licensee may bring an inactive license to active status by obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Requirements for Renewal

To renew a license, an applicant must either meet the requirements of *[insert jurisdiction name]* or meet the requirements of the Model Continuing Professional Competency (CPC) Renewal Standard for the number of consecutive reporting periods corresponding to the CPC requirements of *[insert jurisdiction name]* (i.e., biennial or other). A reporting period for the Model CPC Renewal Standard is defined as January 1–December 31 of 1 calendar year.

J. Dual Licensees

The number of PDHs required shall remain 15, at least one-third of which shall be obtained in each

profession.

K. Forms

All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail on a CPC form to permit audit verification and retain any backup documentation. The licensee must certify and sign the CPC form and submit the form, if required, with the renewal application and fee or upon notification of audit.

L. Model CPC Standard

The Model CPC Standard requires licensees to acquire 15 PDHs in each calendar year in compliance with the provisions of subsections A, B, C, D, E, and J above. Licensees meeting this standard shall document their CPC activities on the Model CPC standard reporting form.

Rationale

As described in the committee's report, these changes are to remove archaic language and allow modern delivery methods for CPC activities.

Board of directors' position

Endorses, consent agenda

EPP Motion 1

Move that EDP 11 be amended as follows:

EDP 11 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

- A. Each person involved as an item writer, pass-point evaluator, reviewer, or scorer for the NCEES PE or PS examinations must ~~be professionally licensed, have an active professional license issued by an NCEES member board, must be~~ qualified in the appropriate discipline, and ~~must be~~ familiar with requirements for and capabilities of candidates who are minimally qualified to practice in that discipline. Engineers and surveyors with licenses that have inactive or retired status are ineligible to serve in these positions.

Rationale

The proposed language requires item writers and others involved with exam development to have active licenses to ensure that they write relevant questions consistent with current standards. Some inactive or retired members may not have practiced or maintained competency for several years. The language also ensures that these participants' professional licenses are issued by an NCEES member board and not by a foreign jurisdiction.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that EDP 3C be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

- A. The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.
- B. The Principles and Practice of Engineering examinations shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations (unless otherwise noted) as defined in EAP 4:
1. GROUP I
 - a. Chemical
 - b. Civil
 - c. Electrical and Computer—Computer Engineering
 - d. Electrical and Computer—Electrical and Electronics
 - e. Electrical and Computer—Power
 - f. Environmental
 - g. Mechanical
 - h. 16-hour Structural Engineering
 2. GROUP II
 - a. Agricultural/Biological
 - b. Architectural
 - c. Control Systems
 - d. Fire Protection
 - e. Industrial
 - f. Metallurgical/Materials
 - g. Mining/Mineral Processing
 - h. Naval Architecture/Marine
 - i. Nuclear
 - j. Petroleum
 - k. Software
- C. The surveying examinations shall be available as follows:
1. The Fundamentals of Surveying examination shall be administered via CBT and have supplied references.
 2. The Principles and Practice of Surveying examination shall be a closed-book, pencil-and-paper examination as defined in EAP 4. (Effective through April 2016)
 3. The Principles and Practice of Surveying examination shall be administered via CBT and have supplied references. (Effective October 2016)
 34. Member boards shall reserve the right to administer, score, and report certain state-specific examinations ~~in conjunction with the Principles and Practice of Surveying examination. State specific~~

~~examinations shall be scored and reported separately and apart from those published by NCEES for national examinations.~~

Rationale

The proposed amendments in section C reflect the movement of the PS exam from a pencil-and-paper exam to CBT one. Sections A and B are shown for reference.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that EAP 2 be amended as follows:

EAP 2 Examination Schedules

A. Pencil-and-paper examinations

A 10-year schedule of examination dates shall be published, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays.

Member boards will schedule and administer examinations on the ~~NCEES-published~~ day for each examination. ~~The PE and PS examinations will be administered on Friday.~~ For the 16-hour Structural Engineering examination, the Vertical Forces (gravity/other) and Incidental Lateral component will be administered only on Friday, and the Lateral Forces (wind/earthquake) component will be administered only on Saturday.

Any request for deviation from this policy by a member board must be submitted to the NCEES office within the prescribed lead-time in order to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. CBT examinations

NCEES will administer CBT examinations in the published timeframes as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

Rationale

The proposed amendment reflects the movement of the PS exam from a pencil-and-paper exam to CBT and corrects a redundancy between lines 2 and 3 regarding when the exam will be held.

Board of directors' position

Endorses, consent agenda

EPP Motion 4

Move that EDP 13 be amended as follows:

EDP 13 Security of Examination Material

No items or item banks ~~developed in current use~~ for NCEES examinations shall be used for any purpose outside of the NCEES examination program.

All member boards shall observe approved NCEES requirements.

Rationale

This amendment is conjunction with ACCA-proposed revisions of AP 4 shown on page xx.

Board of directors' position

Endorses, consent agenda

EPP Motion 5

Move that EAP 6 be amended as follows:

EAP 6 Access to and Review of Examinations

There shall be no post-administration access to, or review of, examination ~~questions~~ materials by an examinee or his or her representative.

Member boards may request that an examinee's results from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the board of directors. NCEES will not accept requests for manual verification from individual examinees. No specific examinee comments will be addressed.

Rationale

The proposed amendment expands the prohibition of post-administration review of any materials by examinees or their representatives.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

Move that EAP 4 be amended as follows:

EAP 4 Materials Permitted and not Permitted in Examination Room

A. Pencil-and-Paper and CBT Examinations

1. Devices or materials that might compromise the security of the examination or examination process are not permitted. These include any devices with copying, recording, or communication capabilities.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
- ~~3. Devices having a QWERTY keypad arrangement similar to a typewriter or keyboard are not permitted. Devices not permitted include but are not limited to palmtop, laptop, handheld, and desktop computers; calculators; databanks; data collectors; and organizers.~~
- ~~4. Communication devices such as cell phones and pagers are not permitted.~~
53. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.
4. Other items specifically allowed by the current *NCEES Examinee Guide* are permitted.

~~B. CBT Examinations~~

- ~~1. Devices or materials that might compromise the security of the examination or examination process are not permitted.~~
- ~~2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.~~
- ~~3. Communication devices such as cell phones and pagers are not permitted.~~
- ~~4. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.~~

Rationale

The proposed changes are to broaden the language so that it allows for changing technologies that would violate NCEES standards and to eliminate listing particular devices.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that EAP 8 be amended as follows:

EAP 8 Release and Use of Examination Results

- D. Examination results for any examinee who fails to comply with the conditions stated in the NCEES *Examinee Guide* are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above.

The following items in the NCEES *Examinee Guide* are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:

- ~~Having a cell phone in his or her possession~~
- Having a device with copying, recording, or communication capabilities in his or her possession. ~~These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players such as iPods.~~
- Having a calculator that is not on the NCEES-approved list
- Removing pages from his or her exam booklet on pencil-and-paper examinations
- Leaving the exam area without authorization

The following are the items in the NCEES *Examinee Guide* that are grounds for a candidate's exam results to be invalidated by a member board:

- Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession
- Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- Beginning the exam before the proctor instructs him or her to do so
- Failing to stop writing immediately when time is called on pencil-and-paper examinations
- Writing on anything other than the exam booklet or answer sheet on pencil-and-paper examinations
- Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation

The following item in the NCEES *Examinee Guide* falls under collusion and is already grounds for invalidation by the member boards:

- Copying from another examinee's answer sheet or colluding with other examinees

Rationale

The proposed changes are consistent with changes in Motion 6 and avoid conflicts between EDP 4 and EAP 8.

Board of directors' position

Endorses, consent agenda

Committee on Finances

Finance Motion 1

Move that the adoption of the 2015–16 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2015–16 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 3

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed [annually by the Committee on Finances](#), and ~~approved annually by~~ [any proposed changes shall be brought before](#) the Council [for approval](#). The current exam prices are as follows:

| <u>Examination</u> | <u>Price</u> | <u>Date Approved</u> | <u>Effective Administration Date</u> |
|--|--------------|--------------------------|--|
| Computer-based FE* | \$225 | 8/13 | 1/14 |
| Computer-based FS* | \$225 | 8/13 | 1/14 |
| PE** | \$250 | 8/11 | 4/13 |
| PS** | \$250 | 8/11 | 4/13 |
| Structural Lateral Forces component** | \$400 | 8/09 | 4/11 |
| Structural Vertical Forces component** | \$400 | 8/09 | 4/11 |

For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

The amendments are to clarify that the Committee on Finance reviews examination fees. After that, any proposed modifications are brought before the Council for approval.

Board of directors' position

Endorses, consent agenda

Finance Motion 4

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed and approved annually by the Council. The current exam prices are as follows:

| <u>Examination</u> | <u>Price</u> | <u>Date Approved</u> | <u>Effective Administration Date</u> |
|--|--------------|--------------------------|--|
| Computer-based FE* | \$225 | 8/13 | 1/14 |
| Computer-based FS* | \$225 | 8/13 | 1/14 |
| PE** | \$250 | 8/11 | 4/13 |
| PS** | \$250 | 8/11 | 4/13 |
| <u>Computer-based PS*</u> | <u>\$300</u> | <u>8/15</u> | <u>10/16</u> |
| Structural Lateral Forces component** | \$400 | 8/09 | 4/11 |
| Structural Vertical Forces component** | \$400 | 8/09 | 4/11 |

For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

At its February 2015 meeting, the board of directors approved administering the PS exam via CBT beginning October 1, 2016. After discussing expenses incurred, the reserve impact, the length of the exam, and exam volumes, the Finance Committee recommends that the CBT PS exam charge be set at \$300.

Board of directors' position

Endorses, consent agenda

Committee on Law Enforcement

Law Enforcement Motion 1

Move that *Model Law* 120.60 F be amended as follows:

Model Law 120.60 Board Powers

- F. The board has the authority for citation and fining of persons engaged in the practice of engineering or surveying in this jurisdiction ~~who are not licensed or authorized in this jurisdiction~~ as provided by law.
This board authority applies to licensed, unlicensed, authorized, and unauthorized persons.

Rationale

Model Law 150.10 B states that “any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than *[insert amount]* dollars for each offense.” However, *Model Law* 120.60 provides only for the citation and fining of unlicensed individuals; it does not speak to licensees or interns. This amendment is to make it clear that the board has the authority to fine those individuals as well.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 1

Move that *Model Law* 110.20 N be amended as follows:

Model Law 110.20 Definitions

- N. Or the Equivalent—The term “Or the Equivalent,” as used in this Act, shall mean an equivalent educational program/curriculum to an engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) that meets the NCEES Engineering Education Standard or a surveying program accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied Science Accreditation Commission of ABET (ASAC/ABET)/curriculum that meets the NCEES Surveying Education Standard, as applicable.

Rationale

The term “or the equivalent” is used throughout the *Model Law* and *Model Rules* when referring to non-ABET-accredited programs. However, as the Education Committee discussed in its 2014 conference report, the term does not define how that equivalency is determined. The Council passed a motion last year to replace “or the equivalent” with “meets the NCEES Engineering Education Standard” because the standard provides appropriate criteria for evaluating the equivalency of coursework from non-ABET-accredited programs compared to an ABET review. UPLG is proposing to change the definition of “or the equivalent” to be the NCEES Engineering Education Standard as well as the NCEES Surveying Education Standard because the phrase is used throughout the model documents and applies to both engineering and surveying. It also recommends that a committee be charged with reviewing the use of “or the equivalent” in all NCEES publications.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 2

Move that *Model Law* 110.20 B4 be amended as follows:

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

A person shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)

4. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey

products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- a. Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon
- b. Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth
- c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement
- d. Making any survey for the division, subdivision, or consolidation of any tract(s) of land
- e. Locating or laying out alignments, positions, or elevations for the construction of fixed works
- f. Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point
- g. Creating, preparing, or modifying electronic ~~or~~₂ computerized₂ or other data, relative to the performance of the activities in items a–f above

~~A person shall be construed to practice or offer to practice surveying, within the meaning and intent of this Act, who engages in surveying or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents the person to be a professional surveyor or through the use of some other title implies that the individual is a professional surveyor or that the person is licensed or authorized under this Act or who holds the person out as able to perform or who does perform any surveying service or work or any other service designated by the practitioner which is recognized as surveying.~~

A person shall be construed to practice surveying, within the meaning and intent of this Act, if he or she does any of the following:

- a. Engages in or holds himself or herself out as able and entitled to practice surveying
- b. Represents himself or herself to be a professional surveyor by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional surveyor or licensed under this act

Rationale

The paragraph was reorganized to make it easier to read and to make it parallel to the structure of A5, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Law* 110.20 O be amended as follows:

Model Law 110.20 Definitions

- O. Authoritative—The term “Authoritative,” as used in this Act or Rules promulgated under this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying.

Rationale

This language was added because “authoritative” is not referenced anywhere else in *Model Law*; the law needs to point to the rules because “authoritative” is used throughout *Model Rules* 210.25.

Board of directors' position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Law* 130.10 C be amended as follows:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in the *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

1. Graduating from an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET
2. Passing the NCEES Fundamentals of Engineering (FE) examination

C. Certification or Enrollment as a Surveyor Intern

~~Completion of one of the~~ The following shall be considered as minimum evidence that the applicant is qualified for certification or enrollment as a surveyor intern.

1. Graduating from a surveying program of 4 years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent
2. Graduating from a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying
3. Graduating from a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying

In addition to satisfying one of the above requirements, the applicant shall pass the NCEES Fundamentals of Surveying (FS) examination

Rationale

This change is to make the language parallel with 130.10 A, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Law* 130.30 B4 be amended as follows:

Model Law 130.30 Examinations

B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:

4. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, ~~divided in separate parts as determined by the board~~. Passing ~~these parts~~ this examination qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

D. The board may prepare and require additional examinations in engineering and surveying. Specifications for such additional examinations may be published and be made available to any individual interested in being licensed as a professional engineer or as a professional surveyor.

Rationale

The phrase “divided in separate parts as determined by the board” is misplaced in B4 because it does not apply to the NCEES PS exam. The language is most likely meant to refer to state-specific surveying exams. The authorization for member boards to prepare and require additional examinations such as these is already included in the same section of the *Model Law* under paragraph D, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - ~~a. Graduates from an EAC/ABET accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)~~
 - a. Earns one of the following:
 - (1) A bachelor’s degree from a surveying engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A bachelor’s degree from a surveying and geomatics program accredited by the Applied Science Accreditation Commissions of ABET (ASAC/ABET)
 - (3) A bachelor’s degree from a surveying and geomatics program accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree
 - d. Has a record clear of disciplinary action

The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. To maintain Model Law Surveyor status, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10.

Rationale

The language was modified to clarify that a bachelor’s degree is required, which is one of the things the NCEES Records program looks for when determining whether someone qualifies for this designation. In addition, the three ABET-accredited programs were separated into different paragraphs to make it easier to read.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Rules* 230.20 be amended as follows:

Model Rules 230.20 Experience

A. As a Professional Engineer¹

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature that follows graduation from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a program deemed to be substantially equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.
4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant served in an engineering or engineering-related group while in the armed services.
5. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.

6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.
10. Experience may not be anticipated. The experience must have been gained by the time of the application.
11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
14. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.
- ~~15. Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.~~

B. As a Professional Surveyor²

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

1. Experience must be progressive on surveying projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Experience must not be obtained in violation of the licensure act.
3. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant served in a surveying or surveying-related group while in the armed services.
4. Experience should be gained under the supervision of a licensed professional surveyor or, if not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
5. Teaching experience, to be creditable, must be in surveying or surveying-related courses at an advanced level in ~~a surveying program that is~~ or surveying-related courses approved by the board.
6. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.
7. Adequate experience in the technical field aspects of the profession must be demonstrated.
8. Experience may not be anticipated. The experience must have been gained by the time of the application.
9. Experience should include demonstration of the application of surveying principles in the practical execution of surveying tasks.
- ~~10. Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.~~
10. Experience gained in surveying research projects by members of a surveying faculty where the program is approved by the board is creditable.
11. Successful completion of graduate study leading to the master's degree in surveying from an institution that offers EAC/ABET-, ASAC/ABET-, or ETAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in surveying is completed under the same conditions, 2 year's total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.

12. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

¹ Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

² Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.

Rationale

Paragraphs 10–12 were added to *Model Rules* 230.20 B to include experience descriptions that are also in 230.20 A, which is shown for reference. After UPLG worked on the language and modified it to apply to surveying, it sent the language to the EPS Committee for review to make sure EPS agreed with the proposed changes. EPS agreed with all of the changes except the addition of the following proposed language: “Only work of a surveying nature that follows graduation from a program accredited by EAC/ABET, ASAC/ABET, ETAC/ABET, or a program deemed to be substantially equivalent is creditable. Up to 2 years of experience earned prior to graduation may be allowed by the board.” UPLG therefore did not include this paragraph in the motion.

UPLG is also proposing to make A15 and the original B10 footnotes because they are not part of the model language for boards to adopt. The more appropriate place for them is as clarifying notes to each section.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Rules* 230.50 B be amended as follows:

***Model Rules* 230.50 Classifications and Disciplines of Engineers and Surveyors**

A. Classification of Engineers

Engineering applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern—by education and examination
2. Professional engineer—by education, examination, and experience, or by comity
3. Discipline professional engineer—by verification of discipline competence

B. Classification of Surveyors

Surveying applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction.

1. Surveyor intern—by education and/or experience, and examination
2. Professional surveyor—by education ~~and/or experience~~, ~~and~~ examination, and experience, or by comity (and appropriate jurisdiction-specific examination)

Rationale

The change to B2 is to make it parallel to the engineering language in A2, which is shown for reference.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 9

Move that the following preface replace the current introduction to the *Model Law* and that it be added to the *Model Rules* to explain the intent of the documents, how they fit with the NCEES vision and mission, how boards can use them, and that they are updated by member board vote at the annual meeting.

PREFACE

Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying is to “provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.” The mission of NCEES is to “advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.”

NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Laws* and *Model Rules* for adoption by its member boards.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board’s powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model.

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board’s regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting each year. By vote, the majority of NCEES member boards have agreed that the language in them represents the gold standard for engineering and surveying licensure requirements in the United States. The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

Rationale

The *Model Law* currently has an introduction explaining the purpose of the document. The *Model Rules* does not. Because these publications are intended to be used together, UPLG recommends including the same preface in each of them so that it is clear that these documents are meant to work as a unit, not separately. The preface would replace the current introduction to the *Model Law*. Much of preface content derives from the current *Model Law* introduction, but it also now references the NCEES vision and mission, explains that member boards vote on amendments each year at the annual business meeting, and includes mention of the *Model Rules*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 10

Move that *Model Law* 110.10 A and 110.20 A5 be amended as follows:

Model Law 110.10 General Provisions

- A. Regulation of Engineers and Surveyors—In order to safeguard the health, safety, and welfare of the public, the practice of engineering and/or the practice of surveying in this jurisdiction is/are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or otherwise assume, or advertise any title or description tending to convey the impression that they are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or is exempted under the provisions of this Act. The practice of engineering or surveying shall be deemed a privilege granted by this jurisdiction through the licensing board based on the qualifications of the individual as evidenced by ~~his or her~~ that individual's certificate of licensure, which shall not be transferable.

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

~~A person~~ An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

Rationale

These are housekeeping changes. The change in Paragraph 5 is proposed because the definition of “person” in *Model Law* 110.10 M includes firms, and this section does not apply to firms.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 11

Move that *Model Law* 120.50 and *Model Rules* 220.10 D be amended as follows:

Model Law 120.50 Board Organization and Meetings

The board shall hold at least [insert number] regular meetings each year. ~~Special meetings may be held as the bylaws or rules of the board provide. Other meetings may be called as prescribed by jurisdictional law.~~ The board shall elect or appoint annually from among its membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the board shall consist of no fewer than [insert number] professional engineer members, [insert number] professional surveyor members, and [insert number] public members.

Model Rules 220.10 Organization of the Board

D. Meetings

- ~~1. The board holds at least [insert number] regular meetings each year. Other meetings may be called as prescribed by law. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~
- ~~2~~1. Notices of meeting dates and times are normally given [insert amount of time required] in advance for all the regular meetings of the year. For special meetings, [insert number of days] notice must be given.
- ~~3~~2. Place of meetings is determined in advance by members of the board.
- ~~4~~3. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

Rationale

The language is being moved from the *Model Rules* to the *Model Law* because the language is duplicated in the two documents. UPLG feels that the rules language is clearer, so it proposes replacing the language in the law with it.

Board of directors' position

Endorses, consent agenda

UPLG Motion 12

Move that *Model Law* 120.60 J–M, *Model Law* 120.70, and *Model Rules* 220.10 H–I be amended as follows:

Model Law 120.60 Board Powers

- ~~J. The board shall have the power to employ such staff as necessary for the proper performance of its work. The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations. The board may also employ those persons required and qualified, including full or part-time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary.~~
- ~~JK.~~ The board shall have the power to appoint committees to assist the board's efforts in carrying out the responsibilities of this Act. ~~All individuals appointed by the board to serve on committees are entitled to reimbursement of expenses as approved by the board.~~
- ~~KL.~~ The board shall have the power to adopt and collect fees in amounts necessary to enable the board to carry out its function under this Act.
- ~~LM.~~ The board shall be authorized to use electronic transmissions for all purposes permitted under statute [citation for jurisdiction law].
- ~~MN.~~ The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of this Act, and the compensation and expenses therefore shall be paid from the funds of the board.

Model Law 120.70 Receipts and Disbursements

The board administrator shall receive, disburse, and account for all monies derived under the provisions of this Act. This fund shall be known as the "Professional Engineers' and Professional Surveyors' Fund," shall be kept in a local bank or deposited with the jurisdiction treasurer, and shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund are hereby specifically appropriated for the use of the board. The board administrator shall give a surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The premium on said bond shall be regarded as a proper and necessary expense of the board. The board administrator shall receive such salary as the board shall determine. The board ~~shall employ such staff as are necessary for the proper performance of its work and~~ shall make expenditures from the

abovementioned fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying (NCEES) and any of its subdivisions. Individuals appointed by the board to serve on committees, or who perform other services required by the board, are entitled to reimbursement of expenses as approved by the board. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this Act exceed the amount of monies collected.

Model Rules 220.10 Organization of the Board

~~H.— Board Administrator~~

~~The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations.~~

~~I.— Employment of Personnel~~

~~The board may employ those persons required and qualified, including full or part time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. (Section 120.70; Receipts and Disbursements, NCEES Model Law)~~

Rationale

Model Rules 220.10 H and I were combined and moved to *Model Law 120.60*, along with the related language stricken in *Model Law 120.70*; the language belongs in the law because it gives the board the authority to employ staff. The new language in *Model Law 120.70* was moved from the original *Model Law 120.60 J* because it is more appropriate to be included under the disbursements section; the language needs to stay in the law rather than move to the rules because boards will need the authorization of the legislature to spend the money. The words “or who perform other services required by the board” were added to ensure that the language also applies to investigators, expert witnesses, exam writers, etc.

Board of directors' position

Endorses, consent agenda

UPLG Motion 13

Move that *Model Law 120.80 E* and *Model Rules 220.10 K* be amended as follows:

Model Law 120.80 Records and Reports

~~E.— Board records and papers of the following class are of a confidential nature and are not public records: file records of examination problems and solutions, examination scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.~~

E. The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.

Model Rules 220.10 Organization of the Board

~~K.— Records~~

~~The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for~~

~~examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law. (In part from Section 120.80 E, Records and Reports, NCEES Model Law)~~

Rationale

The language in the *Model Law* and *Model Rules* is duplicative and is more appropriate in the law because of the importance of public information requests in legal situations. UPLG felt that the language in the rules is clearer so recommends moving it to the law.

Board of directors' position

Endorses, consent agenda

UPLG Motion 14

Move that *Model Law* 120.90 and *Model Rules* 220.10 L be amended as follows:

Model Law 120.90 Roster

A complete roster showing the names, last known addresses, and license or certificate number of all professional engineers, professional surveyors, and firms holding a certificate of authorization shall be published by the board ~~as established by board regulations.~~

Model Rules 220.10 Organization of the Board

L. Roster

~~The board administrator shall publish and make public a roster showing the names, last known addresses, and license or certificate numbers of all professional engineers, professional surveyors, and firms holding a certificate of authorization in this jurisdiction. (Section 120.90, Roster, NCEES Model Law)~~

A roster of all licensees and firms holding a certificate of authorization will be updated annually and shall be accessible to the public.

Rationale

The current *Model Rules* 120.90 language duplicates language in *Model Law* 220.10 L. It is being replaced with language that does not duplicate the law but goes beyond it by saying how often the roster should be published. The language in the law is being deleted because of this change to the rules.

Board of directors' position

Endorses, consent agenda

UPLG Motion 15

Move that *Model Law* 130.10 be amended as follows:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations ~~(as described in the Model Rules)~~ are required for licensure as a professional engineer or professional surveyor.

Rationale

This language is the introduction paragraph to an in-depth description of requirements for licensure in the *Model Law*. The language pointing to the *Model Rules* is being deleted because the *Model Rules* contains an abbreviated version of the information in this section and does not expand on it.

Board of directors' position

Endorses, consent agenda

UPLG Motion 16

Move that *Model Law* 130.30 A be amended as follows:

Model Law 130.30 Examinations

- A. The examinations will be held at such times and places as the board directs and/or in accordance with NCEES examination policy. The board shall determine the acceptable passing grade on jurisdiction-specific examinations.

Rationale

The new language is to allow for NCEES computer-based examinations and for state-specific examinations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 17

Move that *Model Law* 130.30 B and *Model Rules* 230.40 A and C be amended as follows:

Model Law 130.30 Examinations

- B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:
1. NCEES Fundamentals of Engineering (FE) examination—~~The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.~~
 2. NCEES Principles and Practice of Engineering (PE) examination—~~The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.~~
 3. NCEES Structural Engineering (SE) examination
 4. NCEES Fundamentals of Surveying (FS) examination—~~The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.~~
 45. NCEES Principles and Practice of Surveying (PS) examination—~~The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.~~
 5. NCEES Structural Engineering (SE) examination—~~The examination shall be considered and referred to as one 16-hour examination. The examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.~~

Model Rules 230.40 Examinations

- A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional engineer:

1. ~~The~~ NCEES Fundamentals of Engineering (FE) examination ~~and~~—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.
2. ~~The~~ NCEES Principles and Practice of Engineering (PE) examination ~~in the appropriate discipline~~—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.

3. ~~The~~ NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional surveyor:

1. ~~The~~ NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.
2. ~~The~~ NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying. ~~(In part from Section 130.30, Examinations, NCEES Model Law)~~

Rationale

The NCEES examinations are defined in detail in the *Model Law* but just listed in the *Model Rules*. UPLG believes they should instead be listed in the law because it is broader and that the full definitions of them should be included in the rules. In *Model Law* 130.30 B, Structural Engineering, was moved to match the order of *Model Rules* 230.40.

Board of directors' position

Endorses, consent agenda

UPLG Motion 18

Move that *Model Law* 130.30 C and *Model Rules* 230.40 H–M be amended as follows:

Model Law 130.30 Examinations

- C. A candidate failing ~~one an~~ examination may apply for re-examination in accordance with NCEES policy or as directed by the board. Before readmission to the examination, in the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the additional knowledge needed to pass the examination.

Model Rules 230.40 Examinations

H. Instructions for Examinees

1. Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.
- ~~I.~~ 2. Failure to Attend an Examination
 - ~~a.~~ a. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the exam, except in the case of illness, death in the family, or military deployment. Refunds, if any, will be determined based upon NCEES or jurisdictional policies.
 - ~~b.~~ b. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- ~~J.I.~~ J. Pencil-and-Paper Examination Offerings
 - ~~1. An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11⁺ months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year.~~
~~(Section 130.30 C, Examinations, NCEES Model Law)~~

1. All applicants for an NCEES pencil-and-paper examination must register with NCEES after being approved by the licensing board of their jurisdiction.
2. A candidate failing an NCEES pencil-and-paper examination may apply to retake the examination in accordance with *[insert the rules/regulations of the licensing board]*.
23. An applicant for ~~the PE or PS~~ an NCEES pencil-and-paper examinations will be notified by the board at least ~~60~~*[insert number]* days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least ~~45~~*[insert number]* days before the examination date.

KJ. Computer-Based Examination Offerings

1. An applicant must register with NCEES to take ~~the FE or PS~~ an NCEES computer-based examination.
2. An applicant failing ~~the FE or PS~~ an NCEES computer-based examination may be allowed to retake the examination in accordance with NCEES policy.

LK. Examination Results

Examination results will be released in accordance with established NCEES policy.

ML. Review of Examinations

There shall be no post-administration access to, or review of, NCEES examination questions. Member boards may request that NCEES manually verify an examinee's results from a pencil-and-paper examination. Such verification shall be conducted in accordance with NCEES policy.

~~[†]NCEES pencil and paper examinations are not typically offered at exactly 12-month intervals. The time between annual offerings may be less or more than 12 months of actual time on the calendar.~~

Rationale

The change to the *Model Law* is to make it broader and to allow for computer-based testing (CBT) so that it does not contradict NCEES Examination Administration Policy 1, which states, "A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period."

The change to *Model Rules* 230.40 I is to move the language to the examinee instructions section, where it is more appropriate. A new J1 (under Pencil-and-Paper Examination Offerings) was added to parallel the language in section K (Computer-Based Examination Offerings). The new J2 replaces the old J1 to make the language broader and to allow for the transition of the PS and PE exams to CBT. UPLG believes that the language in the original J1 is too specific for the model documents in this period of transition. The specific language, if needed, may be more appropriate as an NCEES policy. UPLG recommends that the appropriate committee be charged with considering whether the stricken language in section J should be made into an NCEES policy. NCEES currently has a policy addressing the number of retakes for CBT in EAP 1 as mentioned above but does not have one for pencil-and-paper exams.

Finally, references to specific exam names in sections J and K were changed to "NCEES pencil-and-paper examination" or "NCEES computer-based examination." This is to allow for the transition of the PS examination to CBT in October 2016 and for the PE exam transitions as they begin to occur.

Board of directors' position

Endorses, consent agenda

UPLG Motion 19

Move that *Model Rules* 230.40 G be amended as follows:

Model Rules 230.40 Examinations

G. ~~Study Information-Exam Preparation Materials~~

- ~~1. The board will not distribute copies of questions used on prior examinations. NCEES does offer for sale copies of questions on prior examinations, and copies may be purchased directly from it.~~
- ~~2. The board may publish and make available ~~specifications exam preparation materials~~ for all examinations that are specific to the jurisdiction. Exam preparation materials for NCEES examinations are available through NCEES. (Section 130.30 D, Examinations, NCEES Model Law)~~

Rationale

The title is being changed to make it consistent with what NCEES currently calls the materials on the website and in other publications. The first sentence is being deleted because this is already covered under *Model Rules* 230.40 M, which states, “There shall be no post-administration access to, or review of, NCEES examination questions.” The other changes are for simplification and clarity.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 20

Move that *Model Law* 140.10 A be amended as follows:

Model Law 140.10 Certificates of Licensure, Seals

- A. The board shall issue to any applicant for licensure as a professional engineer or professional surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of licensure giving the licensee proper authority to practice his or her profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry the designation “Professional Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of the licensee with licensure number and shall be signed by the ~~board chairperson and the board administrator~~ appropriate authority under the seal of the board.

Rationale

This change is to make the language broader for jurisdictions that have someone other than the chair (such as the executive director) sign the certificates of licensure.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 21

Move that *Model Law* 140.20 B be amended as follows:

Model Law 140.20 Expirations, Renewals, and Reinstatement to Active Practice

- A. Certificates of licensure shall expire on the date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every individual licensed under this Act of the expiration date of the certificate of licensure and the amount of the fee required for its renewal.
- B. Renewal may be effected during the renewal period by meeting the requirements established by the board, [including the requirements for continuing professional competency as a condition for renewal](#). Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for re-examination and penalty fees.
- C. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement.

Rationale

UPLG feels that the *Model Law* should state that it is within the authority of the board to require continuing professional competency (CPC); the *Model Rules* still explains what the actual CPC requirements are. UPLG sent this proposed change to the Education Committee to review, and that committee concurred.

Board of directors' position

Endorses, consent agenda

UPLG Motion 22

Move that *Model Law* 170.30 B be amended as follows:

Model Law 170.30 Exemption Clause

- B. Contingent License—A contingent license may be issued by the board or board administrator to an applicant for ~~comity~~-licensure [by comity](#) if the applicant appears to meet the requirements for ~~comity~~-licensure [by comity](#). Such a contingent license will be in effect from its date of issuance until such time as the board takes final action on the application for ~~comity~~-licensure [by comity](#). If the board determines that the applicant does not meet the requirements for issuance of a ~~comity~~-license, the contingent license shall be immediately and automatically revoked upon notice to the applicant and no ~~comity~~-license will be issued.

Rationale

The word “comity” is stricken in the last sentence because there is no “comity license.” Rather, comity is a path for licensure. The other changes are to help clarify that.

Board of directors' position

Endorses, consent agenda

UPLG Motion 23

Move that the appropriate committee be charged with considering whether the Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer designations as defined in *Model Rules* 210.20 should be removed from the *Model Rules* and instead be included as a professional policy in the NCEES *Manual of Policy and Position Statements*.

Rationale

In its discussions, committee members noted that the definitions of Model Law Engineer (MLE), Model Law Surveyor (MLS), and Model Law Structural Engineer (MLSE), which are currently located in *Model Rules* 210.20 B, are actually internal designations given to licensees by the NCEES Records program after a thorough review of their credentials to see if they meet the requirements. Licensing boards expedite comity licensure when someone holds an NCEES Record and is designated to be an MLE, MLS, or MLSE.

The *Model Law* does not contain the three designations but instead has a broader section listing the general requirements for licensure. The *Model Rules* also has separate sections detailing education, experience, and examination requirements for licensure. While the MLE, MLS, and MLSE designations are extremely effective tools in making it easier to become licensed in other jurisdictions, UPLG believes they are out of place in the *Model Rules*. They are NCEES terms that are not intended to be adopted into each jurisdiction's laws and rules.

Therefore, the committee feels that they would be more appropriate in the Professional Policy section of the NCEES *Manual of Policy and Position Statements*, which already includes policies on expedited comity licensure and the NCEES Records program.

One point to note is that UPLG is proposing other changes to related language in the *Model Rules* this year (see Motions 25 and 31); this motion is not to relocate the designations now but for the Council to approve the concept of relocating them. Any other references to them in the *Model Rules*, such as in 230.60, would need to be addressed by the appropriate committee and brought forth for Council vote in 2016 if this motion passes.

Board of directors' position

Endorses, consent agenda

UPLG Motion 24

Move that *Model Rules* 210.20 A be amended as follows:

Model Rules 210.20 Definitions

A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions ~~of the following terms: that also apply to these *Model Rules*.~~

- ~~1. Engineer~~
 - ~~a. Engineer~~
 - ~~b. Professional engineer~~
 - ~~c. Professional engineer, retired~~
 - ~~d. Engineer intern~~
 - ~~e. Practice of engineering~~
 - ~~f. Inactive status~~
- ~~2. Professional Surveyor~~
 - ~~a. Professional surveyor~~
 - ~~b. Professional surveyor, retired~~
 - ~~c. Surveyor intern~~
 - ~~d. Practice of surveying~~
 - ~~e. Inactive status~~
- ~~3. Board~~
- ~~4. Jurisdiction~~
- ~~5. Responsible charge~~
- ~~6. Rules of professional conduct~~
- ~~7. Firm~~
- ~~8. Managing agent~~
- ~~9. Rules~~
- ~~10. Signature~~
- ~~11. Seal~~
- ~~12. Licensee~~
- ~~13. Person~~
- ~~14. Or the equivalent~~
- ~~15. Authoritative~~
- ~~16. Disciplinary action~~

Rationale

UPLG is proposing to point back to the *Model Law* definitions rather than repeat the terms in the *Model Rules* since the *Model Rules* does not expand on them.

Board of directors' position

Endorses, consent agenda

UPLG Motion 25

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination ~~using the NCEES cut score~~
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination ~~using the NCEES cut score~~

Rationale

UPLG believes this language should be removed for two reasons. First, “cut score” is not defined anywhere in the *Model Law* or *Model Rules*; the lack of a definition could be confusing to boards and applicants. Second, it is redundant to make this part of the model for boards to adopt because scoring is part of NCEES policy, which the member boards abide by as part of their agreement with NCEES.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 26

Move that *Model Rules* 220.10 A–G be amended as follows:

Model Rules 220.10 ~~Organization of the Board~~ Operations

~~A. Vacancy on the Board~~

~~If a vacancy on the board occurs for any reason and the governor fails to appoint a successor within 3 months, the board may appoint a provisional member until the governor makes an appointment. (Section 120.10, Board Appointments, Terms, NCEES Model Law)~~

~~B. Qualifications of Members~~

~~Each public member of the board shall not be or have been a professional engineer or professional surveyor and shall be a citizen of the United States and resident of this jurisdiction. (Section 120.20, Board Qualifications, NCEES Model Law)~~

~~C. Officers~~

~~The board elects or appoints annually from its membership as officers a chairperson, a vice chairperson, and a secretary. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~

~~DA. Meetings~~

- ~~1. The board holds at least [insert number] regular meetings each year. Other meetings may be called as prescribed by law. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~
- ~~21. Notices of meeting dates and times are normally given [insert amount of time required] in advance for all the regular meetings of the year. For special meetings, [insert number of days] notice must be given.~~
- ~~32. Place of meetings is determined in advance by members of the board.~~
- ~~43. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.~~

~~EB. Voting~~

~~All members of the board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the board.~~

~~FC. Rules of Order~~

~~The latest edition of *Roberts Rules of Order, Revised* shall govern the normal proceedings of the board. Exceptions include hearings that may be disciplinary in nature.~~

~~G. Compensation and Expenses~~

~~When attending to the work of the board, each member shall be entitled to the maximum allowable per diem set by the board. This includes meetings of committees of the board and time spent in necessary travel.~~

~~Further, members shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the duties of the members of the board. (Section 120.30, Board Compensation, Expenses, NCEES Model Law)~~

Rationale

The stricken language repeats language that is already provided throughout the sections of *Model Law* 120, The Licensing Board, without providing additional information; therefore, UPLG is proposing to delete the duplicative language in the *Model Rules*. The committee is also proposing to change the title to be more appropriate for the remaining language.

Board of directors' position

Endorses, consent agenda

UPLG Motion 27

Move that *Model Rules* 220.20 be amended as follows:

Model Rules 220.20 Adoption and Amendment of Rules and Regulations

~~Rules and regulations are adopted by this board under the provision of the laws governing the practice of engineering or surveying that may be reasonably necessary for the proper performance of the board's duties and the regulations of the proceedings before it. They must not be inconsistent with the constitution and laws of this jurisdiction.~~ All rules or regulations adopted, amended, or repealed by this board shall comply with the provision of the administrative procedures act of this jurisdiction. *[insert chapter, title, code, jurisdiction, date]* ~~(Section 120.60, Board Powers, NCEES Model Law).~~

Rationale

Model Law 120.60 A already defines board powers, so the stricken language above is not needed in the *Model Rules*. UPLG left the remaining administrative part because it is not included in the law and because the rules and regulations are the appropriate place to include the process for amending those rules and regulations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 28

Move that *Model Rules* 230.60 D–E be amended as follows:

Model Rules 230.60 Applications

D. Reconsideration of Applications

Reconsideration may be requested of an application that has been denied when the request is based on additional information and/or evidence that could affect the original decision. A reconsideration request or request for a hearing must be made within ~~30~~ *[insert number]* days after the applicant has been notified that the decision was made to reject the original application.

E. ~~Disposal~~ Disposition of Applications

Applications may be approved, deferred for further information (more experience, questionable references, or other reasons), or denied.

1. Approved applications—When an application is approved by the board showing that the applicant has met all the requirements for licensure or certification required by the licensure act, the applicant shall be granted licensure or certification with notification by the board.
2. Deferred applications—Applications deferred for any reason are retained ~~on file pending late disposal when proper remedy as requested is presented until such date as a proper remedy is presented or until~~ *[insert deadline for responding to board's inquiry]*.

Rationale

These are housekeeping changes to make the language more user friendly. UPLG also felt that “disposition” is the more appropriate word in the title for Paragraph E.

Board of directors' position

Endorses, consent agenda

UPLG Motion 29

Move that *Model Rules* 240.10 B be amended as follows:

Model Rules 240.10 Licensure

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the application fee. The information shown on the certificate shall be in accordance with *Model Law 140.10 Certificates of Licensure, Seals*. ~~The certificate will be signed as required by the board and will show the licensee's license number and seal of the board. (Section 140.10, *Certificates of Licensure, Seals*, NCEES Model Law)~~

Rationale

Model Law 140.10 provides a better and slightly different description of what is to be on the certificate, so UPLG recommends changing the language in the *Model Rules* to point back to the law.

Board of directors' position

Endorses, consent agenda

UPLG Motion 30

Move that *Model Rules* 250.30 B be amended as follows:

Model Rules 250.30 Disciplinary Action Procedures

B. Probable Cause

When a complaint is received by the board, it is referred to an investigative committee designated by the board. Any board member on the investigative committee cannot vote at the disciplinary hearing. *[Some boards use one member on a rotating basis. Some boards do not use a committee but use an investigator who then confers with the board and the attorney for the board.]* The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and notice of charges. Action against the respondent may be brought in the name of the board or brought before the board in the name of the complainant versus the respondent.

Rationale

Members of UPLG were concerned about the phrase “or brought before the board in the name of the complainant” in the last sentence of *Model Rules* 250.30 B because they believed that a board should not be filing charges in the name of the complainant. They recommended deleting that phrase and sent this change to the Law Enforcement Committee for feedback. The Law Enforcement Committee reviewed it and recommended that UPLG delete the entire sentence, not just that phrase. The rationale for the change is that the purpose of this section is clear without the sentence and deleting it would avoid any confusion.

Board of directors' position

Endorses, consent agenda

UPLG Motion 31

Move that *Model Law* 130.10 B and *Model Rules* 230.60 F be amended as follows:

Model Law 130.10 General Requirements for Licensure

B. Licensure as a Professional Engineer

2. Comity Licensure for a Professional Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- a. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

Model Rules 230.60 Applications

F. ~~Expedited~~ Comity Licensure

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer, professional structural engineer, or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor as defined in Section 210.20 of these Rules and as designated by NCEES. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

Rationale

Last year's MBA Committee made a motion, which passed, to charge UPLG with incorporating the changes shown above in the *Model Law*. The MBA Committee's rationale was as follows: "By making this change in the *Model Law*, mobility would no longer hinge on a set of regulations that were in effect in the recent or distant past. For the sake of mobility and public protection, comity licensure could now be based upon a set of criteria that is reasonable and justifiable and that allows the member boards to fulfill their statutory duties of protection of the public. With these obsolete concepts, many qualified professional engineers and surveyors cannot get licensed in many jurisdictions; this is contrary to what the mission of NCEES is about."

UPLG will also propose modifications to *Model Rules* 230.60. UPLG believes the changes should be made because the new language points back to the law and leaves it within the purview of each licensing board. UPLG deleted "expedited" because the section will now apply to both regular and expedited licensure by comity.

Board of directors' position

Endorses, consent agenda

Future of Surveying Task Force

Future of Surveying Task Force Motion 1

Move that NCEES fund and facilitate a meeting that includes representatives from organizations interested in the future of surveying. This group would consider and recommend additional outreach opportunities to promote the value of a surveying license. This information would be forwarded to an NCEES committee or task force for action as appropriate.

Financial impact

The costs associated with funding this meeting are estimated to be \$32,000. This amount would fund a 25-member focus group to study this issue and make recommendations for increased outreach related to the future of surveying.

Rationale

A number of affiliated groups are impacted by the reduction in the number of individuals pursuing a career in surveying. A meeting of these affected stakeholders will help to identify potential options and partners to better market the profession.

Board of directors' position

Endorses, non-consent agenda

Future of Surveying Task Force Motion 2

Move that the board of directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of five award cycles, with the first award to be made prior to the 2017 annual meeting. The award structure will essentially conform to the recommendations of the Future of Surveying Task Force.

Financial Impact

The costs associated with funding this award are estimated to be \$125,000 annually. This amount would allow the Council to annually recognize up to 10 surveying programs that meet the approved criteria for the NCEES Professional Surveying Program of Distinction.

Rationale

Many of the programs in surveying are struggling financially due to low numbers of students. The award would help to supplement the operations of programs to allow them to continue to operate and to graduate the future surveying generation.

Board of directors' position

Endorses, non-consent agenda

| Outreach Events | | | |
|--|------------|--|-----------------|
| Date | Location | Event | Participant |
| | | | |
| 6/1/2015 | San Diego | City of San Diego - 8771 Monument Preservation | Ray/Tiffany |
| 6/18/2015 | San Diego | Camp Pendleton Day 2015 - Veterans Engineering Event | Mike |
| 6/20/2015 | Sacramento | CLSA Legislative Committee Meeting | Ric |
| 6/30/2015 | Sacramento | Sacramento County Surveyor - Roundtable Discussion on Map Checking | Ric |
| 7/7/2015 | San Jose | Santa Clara County Engineers / Surveyors - NODD Form and 8771 | Ric/Ray/Tiffany |
| 7/7/2015 | Gilroy | City of Gilroy - 8771 Monument Preservation | Ric/Ray/Tiffany |
| | | | |
| Educational Outreach will be managed by Brooke Phayer | | | |
| ABET related events will be managed by Brook Phayer | | | |
| Professional Society outreach will be managed by Ric and Nancy | | | |
| | | | |

Shelley R. Macy, P.E.

For NCEES Treasurer

Macy for Treasurer makes cents!



► I am seeking election to this office because I genuinely believe in the Mission Statement of NCEES. I will devote my time and energy to motivating our group to continue moving forward in excellent service to our members.

► If elected, I will dedicate myself and demonstrate through a high level of commitment, thoughtfulness, and hard work to the treasurer duties. This is important as we transition and evaluate change associated with CBT.

► 2013-Present—University of Wyoming Civil & Architectural Engineering Advisory Board

2012-Present—Wyoming Governor's Residence Foundation Board

2011-Present—NCEES Finance Committee Member

2011-Present—Governor Appointed Board Member; Wyoming

2004-Present—Wyoming Engineering Society Presidential Project of the Year Award Committee Member

2002-Present—Macy Engineering, P.C. President; Owner; Mechanical Design Engineer/Project Manager

2002-Present—College Drive Self Storage 50% Owner and Managing partner

2002-Present—Macy Law Office, PC Financial Records and Bankruptcy Filing Manager

1999-2001—State of Wyoming Public Service Commission Rate Analyst/Engineer

1993-1999—MKK Consulting Engineers, Inc. Mechanical Design Eng./Project Manager



The Macy's

► Education

2011-2013— University of Wyoming; Master of Business Administration (MBA)

1998—Professional Engineer; State of Wyoming

1995-2005— LCCC Wyoming; took multiple business courses over this time frame to better improve services & broaden knowledge base for advising clients

1988-1993— University of Wyoming; Bachelor of Science in Mechanical Engineering with a cross college degree in Applied Mathematics

Gary W. Thompson, PLS

for

NCEES Treasurer



As NCEES Treasurer, I would:

- ❖ Work with NCEES staff and Board of Directors to oversee financial operations;
- ❖ Support and assist in the implementation of the Strategic Plan that was recently reviewed and revised by the Board of Directors, in which I played an active role;
- ❖ Support the development of a plan to utilize a portion of reserve funds to:
 - Support outreach events and programs that promote licensure of engineers and surveyors, and
 - Assist member boards to fulfill their duties of licensing PE's and PS's
- ❖ Implement cost effective and seamless migration of professional exams to computer based testing, and
- ❖ Promote licensure to our troops who have completed their military service.

NCEES Experience & Awards

- ❖ Examinations for Professional Surveyors (EPS) – Past Chair, Consultant & Member
- ❖ Surveying Exam Development Committee (2006 – present)
- ❖ Examination Policy and Procedures (EPP) – Chair and Past Consultant (2009-2013)
- ❖ Examination Audit – Consultant (2009-2013)
- ❖ Computer Based Testing Task Force (CBT) - Consultant (2009-2011)
- ❖ Nominations – Member (2006-2009); Alternate (2010-2012)
- ❖ Southern Zone Nominating Committee: Committee member 2008
- ❖ Treasurer (2013-2015)
- ❖ Finance Committee – Board Liaison (2013-2015)
- ❖ ABET ASAC Commission Representative (2015)

- ❖ **NCEES Distinguished Service Award Recipient 2013**

Professional Activities/Credentials

- ❖ Emeritus Member of the North Carolina Board of Examiners for Engineers and Surveyors
- ❖ Past President of the National Society of Professional Surveyors (NSPS)
- ❖ Past President of North Carolina Society of Surveyors (NCSS)
- ❖ Member of the American Society of Highway Engineers (ASHE), NCSS, and NSPS
- ❖ Member of the National Geospatial Advisory Committee (NGAC)
- ❖ Chair of NC Boundary Commission
- ❖ Member of the North Carolina State Mapping Advisory Committee (SMAC)
- ❖ ABET Program Evaluator

Education: Bachelor of Engineering Technology – University of North Carolina at Charlotte 1977

Work Experience

Since 1977, I have worked for the North Carolina Geodetic Survey (NCGS). As Chief since 1994, I have worked continually modernizing the agency to keep up with advances and spatial data needs in the engineering, surveying, mapping, and scientific fields.

I serve on three college advisory boards:

- Geomatics Advisory Board at NC A & T State University for the Geomatics Program in the School of Technology
- Technical Advisory Committee at Wake Technical Community College and Sandhills Community College for the Civil Engineering Technology and Geomatics Technology Programs

During my career, I have participated in numerous state and national professional organizations and have managed/coordinated national and state conferences. I have conducted seminars on a wide variety of topics important to the engineering and surveying professions and have written numerous articles and issued papers on floodplain mapping and LiDAR technology. I co-authored the *Development and Application of the State Coordinate System*.

X. Technical Advisory Committees (TACs)

- A. Assignment of Items to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs
 - 1. Approval of LSTAC Work Plan for FY2015/16
 - 2. Approval of the Traffic TAC Workplan for FY2015/16

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

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

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Facsimile: (916) 263-2246

www.bpelsg.ca.gov

**PROPOSED
WORK PLAN
TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL LAND SURVEYOR)**

INTRODUCTION

TAC (PLS) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers and Land Surveyors. The input may take the form of assistance to Board staff, direct assistance to the liaison Board members, or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the TAC (PLS) will be in the interest of safeguarding property and public welfare.

YEAR PLAN

1. To assist the Board staff in the review of applications for licensure as a Professional Land Surveyor.
2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of land surveying, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of land surveying.
6. To review ABET matters regarding the practice of land surveying when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
9. To assist Board staff in the review of Board Rule 425 - Responsible training and educational requirements and make recommended changes to meet practice standards.

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Facsimile: (916) 263-2246

www.bpelsg.ca.gov**FY 2015/16 WORKPLAN****TECHNICAL ADVISORY COMMITTEE (TRAFFIC ENGINEERING)****Introduction**

The Traffic Technical Advisory Committee recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers, Land Surveyors, and Geologists. This input may take the form of assistance to Board staff, direct assistance to the two liaison Board members, or recommendations made directly to the Board in the form of motions or recommendations.

Work plan

1. To identify and delineate any overlapping work performed by both civil and traffic engineers.
2. To identify solutions to how the overlapping civil and traffic work experience can be applied to the review of applications for licensing of civil and traffic engineers.

APPOINTMENTS TO THE GEOLOGY AND GEOPHYSICS TECHNICAL ADVISORY COMMITTEE MEMBERS

RECOMMENDED MOTION:

Reappoint William Owen and Mark Riches to additional terms serving on the Geology and Geophysics Technical Advisory Committee (G&G TAC) expiring on June 30, 2017.

BACKGROUND:

There are currently two members of the Geology and Geophysics Technical Advisory Committee (G&G TAC) whose terms have expired as of June 30, 2015. These members are currently serving during their within the one year grace period until the Board renews their terms or appoints their successors.

Mr. Owen is a licensed geologist, certified engineering geologist, and licensed geophysicist employed by the California Department of Transportation as the Chief of the Geophysics and Geology Branch. He has extensive experience in engineering geophysics and engineering geology. He has authored many technical papers and drafted guidelines on engineering and environmental geophysical applications and site characterization. Mr. Owen has served on the G&G TAC since 2013 and works in Northern California.

Mr. Riches is Vice President and Senior Geophysicist for GeoVision Geophysical Services. Mr. Riches is a licensed geophysicist with extensive experience in the application of geophysical methods in support of environmental, infrastructure and engineering problems. He has planned and managed a wide variety of geophysical investigations including the use of ground penetrating radar, seismic refraction and reflection, magnetic, electrical resistivity, electromagnetic, and borehole logging investigations. Mr. Riches is based in Southern California and has served on the G&G TAC since 2011.

The reappointment of these two G&G TAC members will provide continuity of expertise and experience on the committee as well as maintaining a diverse TAC membership.

APPOINTMENTS TO THE TRAFFIC ENGINEERING TECHNICAL ADVISORY COMMITTEE

RECOMMENDED MOTION:

Appoint Traffic TAC Members Mahmoud Khodr, Maurice Palumbo, Walter Okitsu, Jason Pack, and Tony Arseneau to a first term expiring June 30, 2017.

BACKGROUND:

The Traffic-TAC appointments have been submitted by Board Member Dr. Mohammad Qureshi, P.E. All are licensed and in good standing with the Board. Applicant resumes are attached, and a brief introduction is included below. This group of engineers bring many years and a wide variety of transportation experience to the committee.

Mahmoud Khodr is a licensed traffic engineer with extensive experience in design, planning, studies, construction and management. He is currently employed in private practice in southern California, but has worked in both public and private practice in California, Florida and New York.

Maurice Palumbo is a licensed traffic engineer with experience in mass transit including bus, rail, and ferry. He currently works for a public agency in San Francisco, and has many years of work in both private and public practice in California and New York.

Walter Okitsu is a licensed traffic and civil engineer with extensive experience in transportation planning and design. He has worked in both public and private practice in California, and is a founder of KOA Corporation.

Jason Pack is a licensed traffic engineer and has worked in both northern and southern California in private practice for more than 15-years. His work includes a wide variety of transportation projects and includes master and specific plans, travel demand, and modeling.

Tony Arseneau is a licensed traffic and civil engineer, and has worked at public agencies in both northern and central California. His experience includes highway and freeway analysis, signals, lighting, signing and striping, and route concepts.

The appointment of these candidates will help ensure the continuance and enhancement of the professional traffic engineering expertise and advice provided by the TAC.

**APPOINTMENTS TO THE TRAFFIC ENGINEERING
TECHNICAL ADVISORY COMMITTEE**

| Name | Zip code | Region in CA | Licensing | Public Employment | Private Employment |
|------------------|-----------------|-------------------------|------------------|------------------------------|-------------------------------|
| Khodr, Mahmoud | 92374 | South | TR | | XXX |
| Palumbo, Maurice | 94904 | Central | TR | XXX | |
| Pack, Jason | 92503 | South | TR | | XXX |
| Arseneau, Troy | 95540 | North | TR & CE | XXX | |
| Okitsu, Walter | 91030 | South | TR & CE | | XXX |

Mahmoud A. Khodr, PE (Traffic), PTOE

Education

ME, Civil Engineering
(Transportation), City
University of New York, 1989

BS, Civil Engineering,
Florida International
University, 1983

AA, Miami-Dade Community
College, 1980

Licenses/Registrations

Professional Engineer
(Traffic), California, #2065,
Issued 02/25/2000, Exp.
06/30/2016

Professional Engineer,
Florida, #59018, Issued
01/01/2002, Exp. 02/28/2017

Certifications:

Professional Traffic
Operations Engineer™
(PTOE) 1116, Exp. 04/2018

Maintenance of Traffic, MOT,
Florida, K360541544490

Years of Experience

31

Professional Associations

American Society of Civil
Engineers

Institute of Transportation
Engineers

Training and Certifications

Professional Traffic
Operation Engineer

Advanced - Maintenance of
Traffic (BT-05-0079)

Work Status

US Citizen

Languages

English and Arabic

Summary

Over 31 years of extensive professional experience in transportation engineering, at senior transportation engineer/project manager level involved in all types of traffic, electrical, ITS and civil engineering projects and tasks including conceptual engineering studies, preliminary engineering and final design. The experience includes studies, design, management and construction support responsibilities in Public Works and Private projects. Specializing in road management, roadway design, signalization, ITS and traffic engineering projects, including preparation of Project Study Report (PSR), Project Reports (PR), Plans, Specifications and Estimates (PS&E). Experience working in a multi-disciplinary team environment design/build (D-B) projects. Able to monitor project costs, including control of project schedules. Supervision, reviewing and approving contractor project submittals, construction support resolving technical issues and ensuring compliance with contract requirements and agencies standards.

Senior Traffic Manager

AECOM - (Legacy URS Corporation) Ontario, California September 2013 - Present

Task Manager for SR-91 Design-Build (D/B) highway project in Corona, Riverside County, CA. Responsibilities include preparation of the project plans and specifications for Traffic, Electrical and ITS elements for the SR-91 Corridor Improvement Project CIP. Coordination with all discipline teams, sub-consultants, contractors, client and local agencies. The project includes corridor Improvements to reduce congestion on the freeway and improve mobility between Orange County and Riverside County. The installation of two Express Lanes in each direction along 12-mile stretch of the Riverside Freeway, which extends from SR-241 to SR-91/I-15 Interchange. The improvements also encompasses the I-15 freeway extending from 2nd Street in the City of Norco to Cajalco Road in the City of Corona

Project Manager

AECOM - Ontario, California June 2006 - August 2013

Highway Lead Design Engineer/Task Manager for Design-Build (D/B) highway project in Qatar, responsibilities include preliminary and final highway design plans, project reports and coordination with all design disciplines to meet construction schedule. Responding to request for information (RFI) from the contractor. Coordination with contractor, program managers and local agencies. Manage and supervise the highway design groups, and coordinating with the project manager and project director.

Task manager for I-10/I-110 ExpressLanes Design-Build project in Los Angeles, California. Managed several ITS, signalization and Highway Safety projects for California Department of Transportation (Caltrans) District 5, 6 & 8 and local agencies. Responsibilities included the developing of Project Study Report (PSR), Project Report (PR) and Plans, Specifications & Estimates (PS&E), meetings with client, stakeholders and Project Development Team members. Successfully completed projects on schedule and within assigned budgets. Participated in construction supports during project's construction. Managing and supervising design engineers and technical staff. Responsible for business development and office support.

Section Manager/Senior Engineer IV

Broward County, Traffic Engineering Division, May 2003 - May 2006
Fort Lauderdale, Florida

Managed the Special Projects Section of the Traffic Engineering Division for Broward County. Responsibilities included County Wide Road Management and Special Projects such as Street Lighting Program, Pavement Markings Program, Maintenance of Traffic Program and issuing plans approval, County Wide Traffic Data Collection, School Safety and School Crossing Guards Program, Neighborhood Traffic Calming Program; and GIS Program. Responsible for Management and Supervision of thirteen staff members and over fifty School Crossing Guards and coordination with other sections within the Division.

Branch Manager/Senior Engineer

Katz, Okitsu & Associates
San Bernardino, California

October 2002 - April 2003

Managed Branch Office in the Inland Empire Area. Responsibilities include business development and management for the San Bernardino Office. Work included day-to-day operation of the office, supervising engineers and technical staff, reviewing traffic studies, traffic signal plans, traffic control plans, preparing proposals & interviews, and attending technical and management meetings with clients and other senior company staff.

Office Manager/Senior Engineer

Korve Engineering, Inc.,
San Bernardino, California

February 2001 - September 2002

Managed the San Bernardino Office with seven staff members. Responsibilities include business development and management activities. Work included day-to-day operation of the office, preparing proposals & interviews, and attending technical and management meetings with clients and other senior company staff. Direct and assist the staff on all roadway and traffic engineering projects, including roadways, traffic signals, signing and pavement markings, traffic control plans and utility plans. Client meetings and coordination to discuss project schedules and deliverables.

Project Manager/Transportation Engineer

City of Los Angeles - DOT, TPS, ATMS
Los Angeles, California

June 1997 - January 2001

Managed HOV and Transit Bus Priority Improvement Projects in the City of Los Angeles. The work responsibility includes preparation of Plans, Specifications and Estimates (PS&E) for highway projects, traffic signals, geometric design and roadway construction. Made certain that design standards and specifications for the City of Los Angeles were followed. Supervised and assigned work to engineers and technical staff. Initiate project meetings and coordinate with other City Departments. Responsible for monthly progress and quarterly project reports, project invoices and budgets. Assisted the department with the preparation of several Capital Improvements Project Applications (Call for Project) to secure funding from the Los Angeles County Metropolitan Transportation Authority (LACMTA).

Senior Project Engineer

Korve Engineering, Inc.,
San Bernardino, California

June 1989 - May 1997

Participated in Design-Build project in the Los Angeles area. As Senior Project Engineer, I was responsible for highway and roadway design, and traffic engineering projects. Insured production of Plans, Specifications and Estimate (PS&E) was coordinated with utility companies, agency's staff and other stakeholders. Secured project construction permits and coordinated with sub-consultants. Utilizing AutoCAD and MicroStation for design and plans production. Made certain that design standards and specifications for State and Local Public Agencies were followed. Supervised engineering and technical staff and was responsible for maintaining project budget, schedule and producing progress reports and invoicing.

Participated in numerous Traffic Impact Analysis and Circulation/EIR study projects in the Los Angeles area. Conducted traffic studies and prepared traffic impact reports for several development projects in southern California. Prepared traffic counts and verified existing field conditions needed for the projects. Coordinated project study with the appropriate agency and followed their traffic study guidelines and requirements. Prepared preliminary design plans and cost estimate for the projects. Supervised junior engineering staff. Developed companywide CAD standards for traffic engineering work, such as traffic signal design, signing and striping, and traffic control. Was responsible for upgrading and maintaining computers hardware and software for the office.

Project Design Engineer

I.J. Handa P.C. Consulting Engineers
New York, New York

April 1986 - May 1989

Participated in several roadway design projects for the City of New York. Utilized AutoCAD technology to prepare design and construction documents. Participated in bridge design projects and was responsible for plans production of several highway, bridge and building projects in the New York area. Conducted load-rating analysis and structural design for bridges for New York State projects. Prepared Project Development Identification (PDI) document, which included preliminary design, coordination with all utility companies and agencies, Prepared final design plans, specifications and estimate and performed construction inspection during construction. Made certain that agency's design standards, guidelines and requirements were followed. Supervised technical staff and initiated the company CADD standards.

Design/Field Engineer

Aconl Constructors, Inc.
Miami, Florida

January 1984 - March 1986

Participated in several construction projects in southern Florida. I was responsible for field check, quantities take off, preparing construction cost estimate for commercial and residential projects. Performed construction field layout. Specializing in prefabricate metal building design and construction.

Special Skills

- Use of Personal Computer and software such as AutoCAD, MicroStation, InRoads, MS Project, Word, Access, PowerPoint & Excel, and Arc GIS.
- Highway Capacity Software (HCS), Intersection Capacity Utilization (ICU), and Synchro & SimTraffic.
- Participated as an instructor for MicroStation software for engineers and architects at Westech College, Pomona, CA, from November 2000 to May 2003.

Work Related Training/Seminars

- Project Management and safety training courses, AECOM & URS, California, 2006-2014
- Synchro and SimTraffic, Trafficware, Fort Lauderdale, Florida, 2005.
- ESRI, Building Geodatabases I & II, ESRI West Palm Beach, Florida, 2005.
- ESRI, ArcIMS, ESRI West Palm Beach, Florida, 2005.
- FEMA - National Incident Management System (NIMS) an Introduction, Fort Lauderdale, Florida, 2005.
- Florida Maintenance of Traffic, Tampa, Florida, 2004.
- Government Services Database Training, Fort Lauderdale, Florida, 2003.
- Management Action Program, Southern California, 2003
- InRoads Version 8.0, Westech College, Pomona, California 2002.
- Fundamentals of Roadway Lighting, UC, ITS Extension, Ontario, California, 1995.
- Traffic Access and Impact Studies for Site Development, ITE, Los Angeles, 1990.
- AutoCAD Certificate of Achievement, CAD Solutions, Inc., New York, 1986.

Memberships

- Member of American Society of Civil Engineers (ASCE), 1986
- Member of the Institute of Transportation Engineers (ITE), 1994

MAURICE PALUMBO

PROFESSIONAL EXPERIENCE

Principal Planner/Traffic Engineer
1996 - forward

Golden Gate Bridge, Highway and Transportation District
San Francisco, CA

Lead Planner or District representative for complex long- and short-term transportation projects related to design and/or operation of Transbay Terminal; SMART commuter rail/Golden Gate Transit intermodal facilities; San Francisco Bus Rapid Transit (BRT) proposals; bus transit freeway facilities; bus transit capital facilities; pedestrian safety at bus and ferry facilities; bus stop design guidelines; ferry terminal parking plans and facilities; midday bus storage lot; and special event ferry services. Prepared evaluation of paid parking alternatives for ferry terminal, transit ridership trend analysis; transit fare restructuring, traffic and pedestrian wayfinding signs; and environmental studies pertaining to projected transportation impacts. Prepared bus stop guidelines, system-wide inventory and assessment of bus stops (ADA issues, pedestrian paths of travel, amenities and bicycle facilities). Provided supervision of technical work.

Office Manager/Sr. Transportation Engineer
1994 - 1996

Gannett Fleming
San Francisco, CA

Lead Planner for evaluating feasibility & service plans for 3 new commuter rail corridors in Bay Area for BART. Supervised staff responsible for design of Pittsburg/Bay Point BART station and BART alignment between Castro Valley & Pleasanton stations. Project Management Oversight (PMO) for FTA to monitor Caltrain station improvements and rolling stock procurement projects. Prepared conceptual alignment and operating plans for New Orleans RTA 4.0-route mile historic streetcar route. Prepared work scopes, budgets and presentation material. Administered project budgets, contracts and deliverables.

Associate Transportation Engineer
1991 - 1994

Wilbur Smith Associates
San Francisco, CA

Principal Planner to assess technologies for 16 corridors within San Diego County. Developed travel time model and cost estimates for various transit technologies, recommended alignments, and prepared summary report. Evaluated transit technologies for 3.5-route mile grade-separated shuttle between Oakland Airport and nearby BART station. Prepared cost estimate for 5.5-route mile San Francisco LRT, complex environmental impact studies related to transit and traffic impacts. Administered work scopes, budgets and technical analyses. Presented findings to city councils.

Lead Transportation Engineer
1990 - 1991

Parsons Brinckerhoff Quade & Douglas
New York, NY

Projected traffic and transit impacts, and developed measures to mitigate construction impacts for the Central Artery/Third Harbor Tunnel in Boston. Assisted in formulation of toll-collection policy in the New York metropolitan area; evaluated economic trends and developed forecasts pertaining to one-way toll collection operation at the Verrazano-Narrows Bridge. Developed spreadsheet models and technical reports, including statistical analyses and recommendations. Evaluated travel forecasting rates used in Environmental Impact Statements.

Senior Transportation Planner
1987 - 1990

TAMS Consultants, Inc.
New York, NY

Project Manager for Origin-Destination study of nations' largest commuter railroad. Developed work scopes and customer surveys; monitored subconsultant contracts; trained staff; evaluated staff performance; and acted as primary liaison with client. Prepared traffic impact reports (residential, retail and mixed land uses) following federal, state and city environmental requirements. Evaluated alternative alignments for a 15.4-mile freeway waterfront corridor. Developed space requirements for international and domestic airport facilities in the U.S. and Asia.

Deputy Chief, Planning and Environmental Review
1984 - 1987

New York City Department of Transportation
New York, NY

Directed and supervised technical staff responsible for: bus stop location, streetscape improvements,

traffic calming and circulation studies, pedestrian safety studies, signal warrant investigations, on-street parking regulations and traffic impact studies. Provided technical assistance to elected officials, departmental executive staff and citizen community boards. Prepared work scopes, monitored project budgets, and prepared federal and state grant applications. Conferred with Federal, State, and City officials on cooperative projects. Evaluated citizen issues addressed to Mayor's Office.

Manager for Transportation Studies
1981 - 1984

New York City Department of City Planning
New York, NY

Prepared alternative concept designs for a bus transit terminal. Evaluated pedestrian circulation and layout for over 50 rapid transit stations. Evaluated transit and traffic-related impacts generated by proposed zoning variances or multi-use developments. Developed strategies to enhance pedestrian circulation, increase traffic safety and increase on-street parking supply in local commercial districts. Supervised junior technical staff.

EDUCATION

MS Transportation Planning & Engineering, Polytechnic Institute of New York, Brooklyn

BS Civil Engineering, Polytechnic Institute of New York, Brooklyn

AS Construction Technology, Istituto Tecnico "Antonio Pacinotti," Pisa, Italy

PROFESSIONAL REGISTRATION

Traffic Engineer, California, License No. TR 1887

PROFESSIONAL AFFILIATIONS

Institute of Transportation Engineers (ITE)

- Member No. 11156
- Reviewer of Traffic Control Devices Handbook: 2nd Edition
Chapter 5: Guide and Motorist Information Signs
- Writer for ITE Informational Report on Pedestrian & Bicycle Safety in Parking Lots

California Board for Professional Engineers & Land Surveyors

- Subject matter expert in the development of CA Traffic Engineering licensing examination (2003 – 2008)

Federal Highway Administration (FHWA)

- Volunteer for MUTCD Peer to Peer Program on Traffic Control Devices
(http://mutcd.fhwa.dot.gov/tech_p2p.htm)

National Committee on Uniform Traffic Control Devices (<http://www.ncutcd.org/>)

- Executive Board Member
- Full Member representing International Bridge, Tunnel and Turnpike Association (IBTTA) and Golden Gate Bridge, Highway & Transportation District (GGBHTD)
- Chair, Task Force for Toll and Managed Lanes Task Force
- Chair, Airport Signing Task Force
- Member, Strategic Planning Task Force
- Member, Pedestrian Task Force

American Association of State Highway and Transportation Officials (AASHTO)

- Subcommittee on Traffic Engineering (<http://scote.transportation.org>)
Associate Member representing GGBHTD
- Chair, Airport Signing Task Force

National Cooperative Highway Research Program (NCHRP) 20-07/Task 237

- Reviewer of AASHTO *Geometric Design of Transit Facilities on Highways and Streets*, 1st edition

Transportation Research Board (TRB)

- Member of Parking Management Sub-committee of Transportation Demand Management Committee (ABE050)

Transit Cooperative Research Program (TCRP)

- Chair: Project A-39: Improving Transportation Network Efficiency Through Implementation of Transit-Supportive Roadway Strategies
- Panel for Synthesis 117, Better On-Street Bus Stops
- Panel of Topic SB-23, Synthesis Integrating Passenger Ferry Service with Mass Transit
- Reviewer of Project A-15C, 3rd Edition of *Transit Capacity and Quality of Service Manual (TCQSM)*

- Reviewer of Report H-40, Guidelines for Ferry Transportation Services – A National Overview

PROFESSIONAL ACTIVITIES

CA Board for Professional Engineers and Land Surveyors

- Subject matter expert assisted in development of California Traffic Engineering licensing examination for the (2003 – on going)

Institute of Transportation Engineers (ITE)

- Reviewer of Traffic Control Devices Handbook: 2nd Edition
Chapter 5: Guide and Motorist Information Signs

Transportation Research Board (TRB)

- Reviewer of technical papers pertaining to parking for the TRB Annual Meeting and/or publication in the Transportation Research Record (2004 – on going)

California Public Parking Association (CPPA)

- Represented GGBHTD at 2004 Annual Conference in Anaheim, CA

HONORS and AWARDS

GGBHTD Employee of the Month, February 2010

Special Recognition by GGBHTD General Manager, Identified discrepancies in AASHTO "Green Book" pertaining to turning requirements of a 45-ft transit coach. October 14, 2005.

Unified Honors Program of Polytechnic Institute of New York

SOFTWARE PROFICIENCY

Highly proficient in Microsoft® Excel®, Word®, PowerPoint® and Adobe® Acrobat®.

Working knowledge with Google® Earth Pro, Adobe® Illustrator®, database, project management and photo editing software.

PRESENTATIONS and PUBLICATIONS

MUTCD Update, speaker at 2014 IBTTA Facilities Management and Maintenance Workshop: Jersey City, NJ, 2014

MUTCD, lead panel speaker at 2011 IBTTA Facilities Management and Maintenance Workshop: Nashville, TN, 2011

Special Event Ferry Service to Pac Bell Park, San Francisco, author and speaker at APTA 2000 Transportation Planning Workshop: Portland, OR, 2000

Automated Guideway Transit Technologies in California, APTA 1994 Rapid Transit Conference: Sacramento, CA

New York City's Hazard Elimination Engineering Program, International Symposium on Transportation Safety; Athens, Greece, 1985

New York's Traffic Blue Zone, first annual International Making Cities Livable Conference; Venice, Italy, 1985

High Speed Rail Transport in the United States: Past Experience and Future Perspectives, Institute for Transportation Studies in the EEC: Trieste, Italy, 1984

UMTA Section 15 Uniform Reporting and Accounting System, article in Bolletino d'Informazione: Rome, Italy, 1984

Transportation Systems in Italy, New York City Department of City Planning, New York, 1983

Coordinated Mass Transit Services in New York City, Lombardy Regional Transport Ministry Conference on Transportation in Urban Areas: Milan, Italy, 1983



Jason Pack, PE

Principal

About

Mr. Pack began working for Fehr & Peers after receiving his degree in Civil Engineering from the University of California, Davis in 1999. He worked in the Bay Area market for over four years and worked in the Sacramento market for another five years before moving to Southern California in 2008. He has worked on a wide variety of transportation projects, from general plans and specific plans to detailed corridor, interchange, and signal coordination studies. Additionally, he has applied or developed travel demand forecast models on over 50 projects in the State of California. Jason services our clients throughout Southern California and Arizona, with projects from Bakersfield to San Diego, and Phoenix to Long Beach. Jason has had papers/presentations accepted to the TRB National Roundabout Conference, the ITE National Conference, and the California APA Conferences. Jason also teaches two classes for the ASCE national webinar series on Roundabout Feasibility Assessment and Process of Signal Coordination.

Education

Bachelor of Science in Civil Engineering, University of California, Davis, 1999

Affiliations

Institute of Transportation Engineers – Northern California Section Treasurer and Secretary
Urban Land Institute – Member of the OC/IE Sustainable Communities Initiatives Council (SCIC)
American Planning Association
American Public Works Association

Professional Registration

Licensed Traffic Engineer, State of California (TR 2402)

Presentations

Roundabout Analysis Framework – Transportation Research Board Annual Roundabout Conference, 2008
Roundabout Analysis Framework – Institute of Transportation Engineers (ITE) National Conference, 2008
Circulation Elements – Who Shifted my Transportation Planning Paradigm – California APA Annual Conference, 2008
Sustainability for the OC/IE – California APA Annual Conference, 2011
Multi-Modal Levels of Service – ULI SCIC
Innovative Interchange Designs – District 8 Professional Liaison Committee Meeting, 2011
Parking Strategies and GIS Based Parking Analysis – SCAG Toolbox Tuesday, 2011
Roundabout Operations and Feasibility – ASCE national webinar series, 2011 and 2012
Process to Signal Coordination – ASCE national webinar series, 2011 and 2012

Project Experience

General Plans

Jason has worked on a wide variety of General Plans throughout the state of California, as noted below:

- City of Carlsbad
- City of San Marcos
- Town of Yucca Valley
- City of Upland
- City of Los Alamitos
- City of Chico



Orange County | Walnut Creek | Denver | Honolulu | Inland Empire | Oakland | Roseville
Salt Lake City | San Diego | San Francisco | San José | Santa Monica | Seattle | Reno

8141 E. Kaiser Blvd.
Suite 110
Anaheim, CA 92808
(714) 941-8800

- City of Saratoga
- City of Rancho Cordova
- Metro-Bakersfield
- Butte County
- City of Jackson
- City of Taft

Most of these projects included Complete Street elements, extensive travel demand forecasting, and some level of multi-modal transportation assessment

Specific Plans/Master Plans/Corridor Plans

Jason has completed assessment for more than 20 specific plans, master plans, and corridor plans. Key projects are identified below:

- MAG High Capacity Transit Corridors Sustainability Study – Evaluating the benefits of providing transit oriented development along the high capacity transit corridors in the greater Phoenix area
- Long Beach Boulevard Corridor Specific Plan – Completing the transportation recommendations and assessment for this corridor in the City of Long Beach including extensive multi-modal assessment
- Cal Poly Pomona Master Plan – Completed the transportation recommendations and assessment of the proposed University Master Plan
- Holt Boulevard Corridor Plan – Assessing the corridor in the City of Ontario to consider multi-modal opportunities along the corridor (including a Bus Rapid Transit application)
- Wine Country Community Plan – Assisted Riverside County in developing a travel demand forecasting model and evaluation of the plan for the Temecula Wine Country Area
- CollegeTown Specific Plan – Assessing redevelopment of the block south of the Cal State Fullerton Campus including the closure of Nutwood Avenue, application of a street car through the project, and mixed-use development on the site (including Hope International University, retail, housing, and other development opportunities)
- San Bernardino Bus Rapid Transit TOD Overlay Study – Assisting in developing transportation

strategies in support of TOD along the SBx BRT system

- Downtown Roseville Specific Plan – Completed transportation planning and evaluation of the downtown plan
- South East Growth Area (SEGA) – Completed the smart growth assessment of the SEGA specific plan in Fresno

CEQA/NEPA Assessment

Jason has completed transportation assessments for over 100 projects dictated by either CEQA or NEPA. These included impact assessment to support negative declarations, transportation sections for EIRs, and transportation sections for EISs or joint EIR/EISs.

Notable projects include most of those described above, the Palm Desert Westfield Expansion EIR, Rancho Cordova Rio del Oro EIR/EIS (9,000 d.u. specific plan), NASA Moffitt Field Reuse EIS, San Bernardino Valley Community College Master Plan EIR, and the Santa Ana Charter School Study.

In addition, Jason is currently assisting in developing transportation impact analysis guidelines and a travel demand management manual for the California State University Statewide System, which will define the state of the practice and recommended procedures for assessment of CSU assessment.

Interchange and Corridor Studies

Jason has completed the Traffic Report for numerous transportation infrastructure studies throughout California. The most notable of these studies are described below:

- Monterey Avenue Signal Coordination Study – Palm Desert
- OCTA Main Street Grade Separation Study – Orange
- OCTA Ball Road Grade Separation Study – Anaheim
- Rock Springs Bridge Study – San Bernardino County
- Avenue 66 Grade Separation Study – Riverside County
- SR-32 Project Study Report (PSR) - Chico
- Jefferson Boulevard/South River Road/U.S. 50 PSR – Sacramento
- Fresno-Madera Infrastructure Deficiency Study (FIDS) – Three freeways and 32 interchanges

- Folsom Boulevard Corridor Study – Sacramento
- Kern COG HOV/BRT Feasibility Study – Bakersfield

Travel Demand Model Development

Jason has completed applied or completed travel demand models on over 50 projects in the State. His use of models has given him an extensive understanding of forecasting and its integration with operations assessment. Some of his notable projects:

- Temecula Wine Country TransCAD TDF Model Development
- City of Upland TransCAD TDF Model Development
- Kern COG Voyager 4-D TDF Model Enhancement
- Tulare CAG Voyager 4-D TDF Model Enhancement
- Butte County TransCAD TDF Model Development
- Grass Valley TransCAD TDF Model Development
- Rancho Cordova Sub Area TP+/MINUTP TDF Model Development
- MAG Sustainability Study – Direct Ridership Forecasting Development
- SEGA Sub-Area TP+ TDF Model Development and Direct Ridership Forecasting
- Kern COG Long Range Transit Plan Forecasts
- Kern COG Commuter Rail Corridor Studies

Parking Assessment

Jason has completed numerous parking assessments. Key studies are identified below:

- Downtown Roseville Parking Management Plan – Developed a GIS-based shared parking model to assess parking demand in the downtown area
- Cal Poly Pomona Parking Assessment
- San Bernardino Community College Parking Assessment
- Crafton Hills Parking Assessment
- Cupertino City Center Shared Parking Assessment
- San Bernardino TOD Overlay Parking Code Development

TROY A. ARSENEAU, P.E., T.E., PTOE

Fortuna, CA 95540

Objective: TAC-Traffic Appointment, Board for Professional Engineers, Land Surveyors, and Geologists

Experience: 3/1/15 – Present

Project Manager (Senior Transportation Engineer), Office of Project Management, Program/Project Management Division, California Department of Transportation (Caltrans) District 1 – Eureka

- Serve as Project Manager for several Caltrans projects
- Continue to serve as District 1 Intersection Control Evaluation (ICE) Coordinator
- Continue to serve as an instructor for conventional highway analysis and freeway analysis courses at the Caltrans Traffic Mobility Workshop

2/7/06 – 2/28/15

Branch Chief (Senior Transportation Engineer), Office of Traffic Operations, Maintenance and Operations Division, California Department of Transportation (Caltrans) District 1 – Eureka

- Served as *Interim Branch Chief of District 1 Office of Traffic Safety* from 10/1/13 – 11/28/13
- Serve as District ICE Coordinator
- Supervised staff of 12, including: 9-Transportation Engineers (6-Civil, 3-Electrical), 1-Transportation Engineering Technician, 1-Electrical Engineering Technician, 1-Associate Staff Analyst
- Served as Acting Deputy District Director of Maintenance and Operations Division in absence of Deputy District Director.
- Initiated operational improvement projects on the state highway system
- Serve as a Traffic Engineer Expert Witness representing Caltrans in legal matters
- Serve as instructor for conventional highway analysis at the Caltrans Traffic Mobility Workshop (formally the Traffic Operations Academy), October 2009 to present.
- Supervised Transportation (Electrical) Engineers in such functions as traffic signal design, traffic signal timing, traffic signal coordination, Intelligent Transportation System (ITS) design, highway lighting design, traffic count station design, and other electrical projects on the state highway
- Supervised Transportation (Civil) Engineers in such functions as TMP preparation, traffic control plan preparation, traffic specifications preparation, sign and striping plan preparation, traffic operational analysis, microsimulation modeling, Intergovernmental Review (IGR) and encroachment permit review, Traffic Impact Study (TIS) review, review of Caltrans project reports and Plans, Specifications, and Estimate (PS&E), lane closure chart preparation, and traffic volume data collection.

Experience:
(Continued)

1/9/06 – 2/6/06

Transportation Engineer (Civil), Range D, Office of Traffic Operations, Maintenance and Operations Division, California Department of Transportation (Caltrans) District 1 – Eureka

- Performed Traffic Operational Analysis of the state highway system
- Performed traffic microsimulation and other studies, including calculation of Level of Service (LOS), traffic signal warrants, other traffic warrants, roundabout analysis
- Reviewed and prepared comments for Intergovernmental Review (IGR) projects and Encroachment Permit applications
- Reviewed and prepared comments for Traffic Impact Studies (TIS) prepared by consultants for developments in the IGR/California Environmental Quality Act (CEQA) process.
- Reviewed and prepared comments for Caltrans project reports and Plans, Specifications, and Estimate packages
- Prepared Traffic Management Plans (TMP's) and Lane Closure Charts
- Provided traffic comments and recommendations to other Caltrans functional units, local agencies, and to the general public

12/2/04 – 1/8/06

Transportation Engineer (Civil), Range D, Office of Community and System Planning, Planning Division, California Department of Transportation (Caltrans) District 1 – Eureka, CA

- As Lead Worker of System Planning, assisted Senior Transportation Planner in training/work oversight of branch personnel
- Acting Senior Transportation Engineer, System & Community Planning, May 2005 – Aug 2005 (Supervised one Transportation Engineer and four planners). Advertised to fill vacant positions and interviewed candidates; performed employee evaluations; filled in for Deputy Director of Planning at meetings in District 1 and all-district planning meetings.
- Contract Manager for the Greater Eureka Area/Humboldt County Travel Demand Forecasting Model Update Project, coordinated/chaired meetings of the Greater Eureka Area Technical Advisory Group (GEATAG), provided consultant oversight review of the project to update the existing Humboldt County Travel Demand Forecasting Model (TransCAD)
- Prepared Request for Proposals and agreements and provided oversight of consultant traffic modeling projects/planning studies
- Prepared grant applications for planning studies
- Prepared Route Concept Reports, Transportation System Development Plans, and District System Management Plan
- Reviewed Intergovernmental Review (IGR) projects

**TROY A.
ARSENEAU**
Page 3

Experience:
(Continued)

2001 – 12/2/04

Transportation Engineer (Civil), Range C/D, Office of Traffic Engineering, Maintenance & Operations Division, Caltrans District 6 – Fresno, CA

- Prepared Operational Analysis Reports for the Prunedale Improvement Project on U.S. 101 in Monterey County and for the Tulare County Expressway Project on State Route 65
- As a Lead Worker, assisted Senior Engineer in training/work oversight of branch personnel
- Performed Traffic Safety Analysis and Accident Studies
- Reviewed and Provided Comments for PS & E packages
- Reviewed and Provided Comments for IGR projects
- Reviewed Traffic Impact Studies for development projects
- Reviewed and Provided Comments and Prepared Permit Engineering Evaluation Reports (PEER) for Permit applications
- Performed Traffic Operational Analysis, including Level of Service Analysis, Micro simulation Modeling of highway and freeway segments, Queuing Analysis, Freeway Weaving Analysis; Freeway Bottleneck Analysis; working with Synchro/SimTraffic, Highway Capacity Manual, FREQ, and Paramics software and Microsoft Excel Spreadsheets and Macros
- Provided technical recommendations to other functional units in District/Region such as Design, Construction, Permits, Planning, and Environmental Planning
- Communicated with public regarding traffic engineering matters

1997 - 2001 Transportation Engineer (Civil), Range C, Design Branch D, Design IV, Project Development, Caltrans Central Region – Fresno, CA

- As a Design Lead Worker designed and managed, through the construction phase, a 10-mile long, \$10 million dollar AC Overlay & Widening project on State Route 46 in Kern County
- Prepared Project Initiation Documents (PSR's, PSSR's, & PR's)
- Prepared PS & E packages for various Caltrans projects
- Represented Caltrans Design at Open Houses for freeway projects
- Organized and Facilitated Project Development Team Meetings for Caltrans Projects, including preparing and delivering presentations of design alternatives and project status

Experience:
(Continued)

1997 (Sept-Nov)

Engineer III, Project Development Branch, Design Division, Public Works & Development Services Department, County of Fresno, Fresno, CA

- Prepared PS & E packages for County roads projects

1995-1997

Engineer III, Transportation Branch, Design Division, Public Works & Development Services Department, County of Fresno, Fresno, CA

- Prepared PS & E packages for traffic signal and traffic signal coordination projects
- Prepared County Traffic Signal Priority List
- Calculated Traffic Indices (TI's)/Volume Projections
- Prepared County HPMS Reports to Caltrans
- Prepared Request for Proposals and agreements and monitored consultant-designed County traffic signal and traffic signal coordination projects
- Prepared Federal project funding applications for County projects
- Prepared collision diagrams and safety index calculations
- Prepared accident studies

1992-1995

Engineer II/III, Design Services Branch, Design Division, Public Works & Development Services Department, County of Fresno, Fresno, CA

- Prepared Specifications & Estimates for PS & E packages for County highway, bridge, and capital improvement projects
- Performed contract bid administration for County improvement projects
- Prepared Request for Proposals and agreements and monitored consultant-designed County landfill and roadway projects

Experience:
(Continued)

**1989-1992 Engineer I, Urban Hydraulics Section, Fresno
Metropolitan Flood Control District, Fresno, California**

- Performed plan check review of storm drain, street improvement, sewer and water, utility, and subdivision plans
- Performed hydrology and hydraulic studies
- Designed storm drain detention basins
- Attended development meetings at the City & County representing District interests

**Professional
Memberships**

Institute of Transportation Engineers (ITE): Member since 1993, ITE Traffic Engineering Council

TRB/NCHRP:

Project Panel Member, NCHRP Project 3-85, Development of Guidelines for the Use of Simulation and Other Models in Highway Capacity Analysis, Transportation Research Board of the National Academies, September 2005-present

**Software
Experience:**

Knowledge/experience in use of Synchro/SimTraffic, Highway Capacity Manual (HCM) Software, FREQ, TransCAD, Paramics, VisSIM, Microstation, AutoCAD, Microsoft (MS) Excel, MS Power Point, MS Word, and MS Access

Career Training:

Caltrans Freeway Operations Academy (May 2003), Caltrans Traffic Safety Academy (March 2002), Fundamentals of Traffic Engineering, Institute of Transportation Studies (ITS)-UC Berkley Tech Transfer 5-Day Course (1995), Various other UC Berkley Extension ITS courses (1995-2009), Caltrans Management Training Program (Sept-Dec 2007), Caltrans Traffic Operations Academy (October 2009).

Military:

Air Force Reserve Officer Training Corps (AFROTC) Cadet: August 1983-May 1988, Commissioned 2nd Lieutenant in U.S. Air Force: May 1988; Served Active Duty/Undergraduate Navigator Training: January 1989-May 1989 (did not complete program); Inactive Reserves: May 1989-1996; Honorable Discharge 1996

Activities:

Toastmasters International: Member since 1998, Distinguished Toastmaster (DTM) Award (Aug 2004); Gideons International: Member since 1999

Hobbies:

Long distance (marathon) running, hiking, freelance writing, photography

References:

Available upon request

**WALTER OKITSU, P.E., PTOE, PTP
PRINCIPAL ENGINEER**

Mr. Okitsu is a founder and a principal of KOA Corporation. Mr. Okitsu has extensive experience in transportation planning and traffic design over a wide variety of highway, transitway, and bikeway projects. This includes designs for traffic signals, street lighting, signing & striping, worksite traffic control. He has field and managerial experience on traffic impact, feasibility analysis, and circulation projects.

EMPLOYMENT HISTORY

1979-1981, University of California, Berkeley, Institute of Transportation Studies: Research Associate

1981-1985, City of Los Angeles Department of Transportation: Transportation Engineering Associate, served in Hollywood-Wilshire District, Metro Red Line Planning, and Traffic Signal Timing sections.

1985-1987, Walter Okitsu Engineering Services, Los Angeles, CA: traffic engineer and transportation planner.

1987-2007, Katz, Okitsu & Associates, Monterey Park, CA: founder, principal

2007-2010, Crain & Associates, Los Angeles, CA: managing director

2010-present, KOA Corporation, Monterey Park, CA: principal

FIELDS OF EXPERTISE

Traffic Engineering Design

Design of traffic signals, street lighting, signing and striping, bikeways, railroad grade crossing controls, rail transit layouts, bus rapid transit, Intelligent Transportation Systems applications, parking lots, roundabouts, traffic calming devices.

Traffic Operations

Traffic signal synchronization, traffic signal timing, traffic safety investigations, speed zone surveys.

Transportation Planning

Environmental impacts of traffic, traffic level of service for streets and highways, parking studies, bikeway studies, safe routes to school plans.

OTHER

California Board of Registration for Professional Engineers & Land Surveyors, Traffic Engineering Professional Engineering Review Committee (TE PERC), Member, 1995-1996

Education

B.S., Civil Engineering, California State University, Los Angeles (1994)

M.S., Transportation Engineering, UC Berkeley (1981)

B.S., Math-Computer Science, UCLA (1979)

Year Entered Profession

1981

Registrations

Professional Engineer (Traffic)

CA # 1406

Professional Engineer (Civil)

CA # 52655

Professional Traffic Operations Engineer (PTOE)

Professional Transportation Planner (PTP)

Affiliations

Institute of Transportation Engineers,

Western District Past President

Registered Traffic Engineers of

America, Founder and President

California Legislative Council for

Professional Engineers, Director

UCLA School of Engineering and

Applied Sciences, Instructor for

undergraduate transportation

engineering courses

XI. President's Report/Board Member Activities

XII. Approval of Consent Items

- A. Approval of the Minutes of the April 15-16, 2015, Board Meeting
- B. Approval of the Minutes of the June 11, 2015, Board Meeting

DRAFT

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

Department of Consumer Affairs, HQ2
1747 N. Market Blvd., Hearing Room
Sacramento, CA 95834

April 15-16, 2015

Wednesday, April 15, 2015

| | |
|-------------------------------|---|
| Board Members Present: | Robert Stockton, Vice President; Asha Brooks; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; and Patrick Tami |
| Board Members Absent: | Kathy Jones Irish, President; Natalie Alavi; Diane Hamwi; Philip Quartararo; Hong Beom Rhee |
| Board Staff Present: | Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel) |

I. Roll Call to Establish a Quorum

Vice President Stockton called the meeting to order at 9:04 a.m. Roll call was taken and a quorum established.

II. Public Comment

During Public Comment, Eugenie Thompson asked the Board to consider the amendments in the Streets and Highways Code that became effective January 2015. She asked the Board to review the code to aid in outreach.

Ryan Kersting, president of SEAOC, reported they are continuing to work on the significant structures proposal and make changes based on the feedback received. Once revised, they would like to resubmit it to the Structural and Civil TACs for review.

Jeremy Herbert came before the Board to explain that colleagues from the Air Resources Board were routinely denied application to sit for the civil engineering exam. The Civil TAC reviewed the work requirements at the Air Resources Board and determined that it does not fall within the civil engineering definition. He is

discouraged that staff is recommending an oppose position to AB 320. He hopes the Board will take a neutral or support position.

Rob McMillan, CLSA Board Liaison, thanked the Board for the support in the Sacramento CLSA Chapter's efforts to provide lunches for the Land Surveyor candidates at Cal Expo this week.

III. Legislation

A. Legislative Process

Ms. Williams presented the Board with a Life Cycle of Legislation flow chart and explained the legislative process.

B. Discussion of Legislation for 2015:

Ms. Williams provided an overview of the FYI Legislation for budget bills SB 69 and AB 103. She explained that at the beginning of each year, the budget bills are presented to both houses and are identical, which is why they are presented as a Senate Bill and an Assembly Bill. No action was needed.

AB 12

This bill would require every state agency, department, board, bureau, or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations by January 1, 2018. Additionally, this bill would require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions.

| | |
|----------------|---|
| MOTION: | Mr. King and Mr. Tami moved to take a watch position. |
| VOTE: | Motion passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

AB 85

The Bagley-Keene Open Meeting Act requires that all meetings of a state body be open and public and that all persons be permitted to attend and participate in a meeting of a state body. This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body.

Ms. Williams noted that the Board is already in compliance with the Bagley-Keene Open Meeting Act. This bill will further define a state body to include groups of two or more.

| | |
|----------------|--|
| MOTION: | Mr. Tami and Ms. Brooks moved to take a watch position |
| VOTE: | Motion passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

AB 320

This bill would prohibit a person from using the title "Environmental Engineer" unless the person is licensed as an "Environmental Engineer". This bill would set forth the intent of the Legislature that the Board be responsible for defining environmental engineering through rulemaking and that the Board adopt standardized examination materials applicable to environmental engineering, as specified.

Mr. Toppin, representing PECG, asked the Board to take a support position.

Mr. Withycombe, with the Air Resources Board, asked the Board to put aside the staff's recommendation and adopt a support position or at least a neutral position.

Mr. Milkey believes a Title Act is an achievable goal and urges the Board to support AB 320.

Ms. Eissler explained the difference between practice acts and title acts.

| | |
|----------------|--|
| MOTION: | Mr. King and Mr. Silva moved to oppose the bill for the reason that the Board continues to believe that there is not sufficient public protection through the creation of an additional Title Act and that the Board understands that a need may exist to provide a licensing path for individuals whose education and experience is in environmental engineering and is willing to continue the discussion of this issue with affected parties. |
| VOTE: | Motion Passed. |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

AB 507

This bill would require the Department of Consumer Affairs (DCA) to submit a report to the Legislature and the Department of Finance (DOF) in January 2016 that details its plan for implementing BreEZe for the 19 boards and bureaus, of which this Board is one, that have not yet transitioned into the new system.

| | |
|----------------|--|
| MOTION: | Mr. King and Dr. Qureshi moved to take a watch position. |
| VOTE: | Motion Passed. |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |

| | | | | | |
|-------------------|---|--|--|---|--|
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

AB 1060

This bill would require a board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or penalty reduction through first-class mail and by email.

| | |
|----------------|--|
| MOTION: | Mr. King and Mr. Johnson moved to take a watch position. |
| VOTE: | Motion Passed. |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

SB 284

This bill indefinitely extends provisions that authorize persons licensed to engage in the practice of engineering or land surveying to form registered limited liability partnerships and foreign limited liability partnerships and requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice.

| | |
|----------------|---|
| MOTION: | Mr. King and Ms. Brooks moved to take a support position. |
| VOTE: | Motion Passed. |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

SB 799

Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures, hospitals and other medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer. This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer, thus reverting the language back to that which was in effect prior to the amendments made in 2014.

Ms. Eissler explained that language had been added late in the legislative cycle last year, which meant that interested parties had little time to review it. Concerns have now arisen that the language is not sufficiently clear. Since this language relates to SEAOC's significant structures proposal, the Senate decided it would be best to remove the language for now and allow SEAOC and all interested parties to develop new, clearer language as part of SEAOC's significant structures proposal.

| | |
|----------------|---|
| MOTION: | Mr. King and Dr. Qureshi move to take a support position. |
| VOTE: | Motion Passed. |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |

| | | | | | |
|-------------------|---|--|--|---|--|
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

AB 177 This bill extends the sunset dates of the Board for Professional Engineers, Land Surveyors, and Geologists; the California Architects Board; and the Landscape Architects Technical Committee to January 1, 2020. This extension of the sunset dates will allow each program to continue licensing and enforcement operations for an additional four years.

Ms. Eissler added that it is scheduled to be heard in the Assembly Business and Professions Committee on April 28, 2015. She explained that since the Board already has a Support position on the bill, no additional action is required at this time.

Vice President Stockton welcomed Betsy Mathieson and recognized Erik Zinn for all his efforts.

VII. Executive Officer's Report

D. Sunset Review and Response

Issue #6: The need for continued licensure of Geophysicists in the State of California.

Mr. Moore reported that the topic is considered a carryover issue from the Board's 2010-11 Sunset report, where the legislature discussed the elimination of the geophysicist license. He indicated that money is not an issue, and the main concern is the lack of participation in exam development. Based on the information contained in the background paper, the Assembly and Senate Committees felt that there was enough justification to discontinue regulating the geophysicist license. He explained that the Board would maintain the existing licenses and cease issuing any more. Ms. Eissler stated that while what geophysicists do is important to the public, it does not require the same level of State-regulated public protection as other professions.

During public comment, various interested parties presented information in support of continuing the geophysicist license.

Mr. King's observations included possibly changing legislation to administer exams less than every year, making changes to the testing and grading schedule to better accommodate potential participants, exploring the possibility of participation for license renewal, and eliminating the ability of geologists to practice geophysics. It is apparent that the current system is not sustainable and is leaning toward trying some of the remedies.

Ms. Eissler provided some history from when the Board went through Sunset four years ago. The direction from the Committees at that time was to review geophysicist licensure and make a recommendation to the legislature a year later. Town hall meetings were held, and it was determined to continue monitoring the licensure until the next Sunset. While there was great input from the geophysicist community during the town hall meetings, the lack of participation with exam development continues.

Mr. King suggested making no changes at this time but continuing to monitor it and work with the interested parties, and if there is no change by the next Sunset Review, then there will be clear evidence that all suggestions from the community did not work.

Mr. Silva questioned whether it would be better to monitor it for a shorter period of time, rather than waiting four years for the next Sunset Review. After further discussion, the following motion was made.

| | |
|----------------|---|
| MOTION: | <p>Mr. King and Mr. Silva moved the following:</p> <p>After consideration of testimony from the geophysicist and geologist community, the Board recommends to the Committees that no changes be made at this time on the issue of the Professional Geophysicist license but that the Board recognizes that the current situation is not sustainable. The Board heard suggestions from the licensing community related to reforms that could include, but may not be limited to:</p> <ul style="list-style-type: none"> • Reduction for the frequency of exam administration (i.e., every other year) • Eliminating the authorization for Professional Geologists to practice Geophysics • Realign all examination development processes to reflect private practitioner workload • Implement mandatory participation requiring licensees to assist with exam development <p>The Board agreed to provide a report to the Committees within one year.</p> |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | | X | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

Issue #9: Examination of California Laws and Regulations.

Ms. Eissler explained that this issue combines two different issues the Board presented in the 2014 Sunset Report. The first issue is that there is no requirement for applicants for licensure as professional geologists and geophysicists to pass an examination on the laws and regulations as there currently is for professional engineer and land surveyor applicants. The second issue is the recommendation that licensees should be required to take and pass a laws and regulations examination at the time of renewal to ensure that they are keeping current on the laws that affect their practice and license.

She reported that although the Committees seem receptive to the idea that the licensees do need to maintain knowledge and compliance with the laws and regulations, they offered some alternatives.

Mr. Moore explained one of the alternatives is that the Board should consider a check-box on the renewal notice that the licensee would attest that they reviewed the current laws and regulations. He noted that the licensees already attest to that and are still not aware as evidenced by enforcement actions. He believes the best method is to provide an on-line exam that licensees must take at the time of renewal or be subject to enforcement action if they fail or refuse to take the exam.

Ms. Eissler indicated that either option would require legislative changes.

| | |
|----------------|---|
| MOTION: | Mr. King and Dr. Qureshi moved that the Board support a response to the Committees recommending expansion of the Board's current authority to require passage of a laws and |
|----------------|---|

| | |
|--------------|--|
| | regulations examination for those applying for licensure under the Geologist and Geophysicist Act. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

| | |
|----------------|--|
| MOTION: | Mr. Tami and Mr. King moved that the Board support a response to the Committees recommending expansion of the Board's current authority to require that licensee take a laws and regulations examination at the time of renewal or be subject to enforcement action if they fail or refuse to take the exam. |
| VOTE: | Motion Passed. |

Issue #16: Webcasting. Should the Board be required to webcast its meetings?

Ms. Eissler explained the reason the Board does not webcast its meetings is that the Board believes that webcasting, which is simply a static video feed, does not provide public access or the ability for public to participate in the Board's meetings, unlike videoconferencing or teleconferencing does. As such, staff recommends that the Board respond to the Committees as shown in the meeting materials agenda packet.

| | |
|----------------|---|
| MOTION: | Mr. King and Mr. Johnson moved to support the recommended response. |
| VOTE: | Motion Passed. |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |

| | | | | | |
|-------------------|---|--|--|---|--|
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

VII. Executive Officer's Report (cont.)

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the Workgroup has been working on the legislation that was presented in the Board meeting materials.

B. Personnel

Mr. Kereszt reported that Brandon Smith and Gina Cruz were added to the Licensing Unit, Chole Jimenes has been hired to oversee the EIT and LSIT applications, and Patty Smith was recently made Lead Analyst within the Licensing Unit.

Mr. Moore reported that Raymond Mathe will return to the Board as the Senior Registrar Land Surveyor and added that applications for the Senior Registrar Geologist position have been received.

C. BreEZe Update

Mr. Moore noted that the Director reported that negotiations would take place to implement Release 2 and start a new contract for the remaining boards and bureaus. The contracts are expected to be finalized within the next week or two.

Mr. Alameida reported that the total budget including the proposed expenditures for the PELS Fund is \$1.98 million and \$139,000 for the Geology and Geophysics Account. As of the last Fiscal Year, the Board has spent \$580,000 from the PELS Fund and \$37,000 from the Geology and Geophysics Account.

The Board expressed concerns with the continued delays and the impact they have on the Board's operations and ability to function effectively and efficiently. Mr. Moore indicated that he would discuss the Board's concerns with the Director.

IV. Consideration of Rulemaking Proposals

A. Proposed Amendments to Title 16, California Code of Regulations Sections 416 and 3060 (Substantial Relationship Criteria)

Ms. Eissler reported that at the February meeting the text was presented for final approval, but there were concerns, and the Board decided to split the regulation so that there would be one paragraph that addressed applicants for licensure and the other for licensees. During the course of that meeting, language was drafted, and the Board approved it so it could be noticed for the 15-day comment period. However, when staff was ensuring the language was formatted properly to show the changes, there was a concern that it was not correctly expressing the Board's stated intent from the inception of this proposal. The language that the Board approved at the last meeting only included additional items in the paragraph that would address denial of a license and did not include those items in the paragraph that would address revocation or suspension of a license.

After much discussion, it was determined that the regulations should not be amended at this time since there was not a consensus regarding what changes should be made to the existing regulations. It was decided that individual Board members could provide input to staff regarding their concerns and suggestions, and staff would compile that input for discussion at a future meeting if anything was received.

| | |
|----------------|--|
| MOTION: | Mr. Tami and Dr. Qureshi moved to withdraw existing rulemaking proposal. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |

| | | | | | |
|---------------|---|--|--|--|--|
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | X | | | | |
| Patrick Tami | X | | | | |

Jerry Silva left at 3:43 p.m.

VIII. Exams/Licensing

A. Spring 2015 Examination Update

Mr. Kereszt updated the Board on the Spring 2015 examination administration. He noted that both national and state-specific exams for geologists had taken place, and there were no reportable incidents, and he expected to have information regarding the results at the next Board meeting. The national engineers and land surveyors examination administration will be taking place on April 17-18. The state-specific exam for land surveyors will be taking place on April 20. The Seismic Principles and Engineering Surveying exam are currently taking place.

Prometric test centers have acquired new 23-inch monitors and the Exam Development staff is looking forward to feedback from test takers.

NCEES will convert their Principles and Practices of Surveying examination to a computer based format beginning with the Fall 2016 administration.

B. Approval of Oregon State Specific Engineering Geology and Hydrogeology Examinations for Comity Licensure

| | |
|----------------|---|
| MOTION: | Dr. Qureshi and Mr. King moved to accept the Oregon State-Specific Engineering Geology examination as equivalent to the California examination for the purpose of licensure by comity as a Certified Engineering Geologist. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |

| | | | | | |
|---------------|---|--|--|---|--|
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

IX. Discussion of California Department of Water Resources Urban Water Management Plan Preparation as It Relates to Civil Engineering and Geology

Mr. Moore reported that the Department of Water Resources (DWR) is updating the Urban Water Management Plan. Members of the Civil and Geology TAC worked with Susan Christ to review the content. It was determined that preparing a report under these guidelines is not considered engineering. There was discussion between staff and DWR to insert a note into the guidebook as a precaution.

| | |
|----------------|--|
| MOTION: | Mr. King and Ms. Brooks moved to submit a formal request to the Department of Water Resources that the 2015 UWMP Guidebook include the recommended language regarding appropriately-licensed individuals performing work as required under the Professional Engineers Act. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

X. Approval of Delinquent Reinstatements

| | |
|----------------|---|
| MOTION: | Mr. King and Dr. Qureshi moved to approve the delinquent reinstatement applicants listing in the meeting materials agenda packet. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

XI. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

Mr. Moore noted that SEAOC asked if the Civil and Structural TACs could review the matter relating to significant structures and have an open forum. The Board directed staff to coordinate the meeting.

Mr. Moore indicated he will try and schedule a joint Civil and Geology TAC meeting to discuss environmental engineering.

B. Appointment of TAC Members

| | |
|----------------|---|
| MOTION: | Ms. Mathieson and Mr. Satorre moved to appoint June Oberdorfer to the Geology and Geophysics TAC. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |

| | | | | | |
|---------------|---|--|--|---|--|
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

C. Reports from the TACs

The next Land Surveyor TAC meeting will take place May 27, 2015.

Dr. Qureshi reminded everyone that a committee was to be formed for the Traffic/Civil overlap issue.

XIV. **Approval of Consent Items**

A. Approval of the Minutes of the February 9-10, 2015, Board Meeting

| | |
|----------------|--|
| MOTION: | Dr. Qureshi and Ms. Brooks moved to approve. |
| VOTE: | Motion Passed |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | | | | X | |
| Asha Brooks | X | | | | |
| Diane Hamwi | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Betsy Mathieson | | | X | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

VI. **Enforcement**

C. Possible Misuse of the Complaint/Investigation Process by Licensees

Mr. Tami reported that he has been approached by several licensees complaining of abuses of the enforcement program. Specifically, restraining trade and turning in others without legitimacy. Mr. Santiago pointed out that without a specific situation it is difficult to address. Mr. Duke added that each complaint is taken on a case by case basis. Mr. King said there is potential for abuse. Ms. Eissler indicated the Enforcement Unit is sensitive to these types of complaints; however, complaints that fall within the Board's jurisdiction must be investigated no matter what motivated the person to file the complaint since it is the Board's legislatively-mandated duty to protect the public through the investigation of complaints. Mr. Santiago and Mr.

Duke noted that if there was clear evidence that the person filing the complaint knew he or she was making false statements in the complaint, then there might be grounds for action against that person; however, that would be extremely hard to prove.

V. Administration

A. FY 2014/15 Budget Summary

Mr. Alameida reported that there are zero months in reserve for the Geology fund and explained that the Governor's program expenditures must be identified for Fiscal Year 2015/16 and 2016/17.

VI. Enforcement (Cont.)

A. Enforcement Statistical Report

Ms. Criswell reported that staff is working hard, and at this point only 5% of the cases are over a year old, and a large portion of those are not within the control of the Board. She is looking to have Division of Investigation (DOI) Deputy Chief David Chriss attend a future Board meeting. Mr. Chriss met with both Mr. Moore and Ms. Criswell and discussed some of the successes and challenges with their investigations and how it affects the boards and bureaus. While it is really encouraging to be able to reduce the numbers, there are some hurdles that are beyond the Board's control.

Mr. King would like to see data that would indicate how long a case is with DOI separate from the overall time the case is under investigation. Ms. Criswell and Ms. Eissler indicated that they would work on developing these statistics.

B. Policy on Disclosure of Complaints and Enforcement Actions
No Report Given.

XII. Liaison Reports

A. ASBOG

Mr. Moore reported that an Out-of-State travel request was submitted and approved to attend the ASBOG meeting; however, Mr. Zinn's term expired, and Ms. Mathieson had prior commitments and was unable to attend. Another Out-of-State travel request will be submitted for the fall examination development meeting.

B. ABET

There will be opportunities in the fall for Board Members and staff to serve as observers. Dates will be provided at a future Board meeting.

C. NCEES

Mr. Moore reported that Ms. Eissler and Mr. Johnson have received approval for Out-of-State travel and will be attending the Western Zone meeting in Scottsdale, AZ.

Mr. Moore asked if there is anyone interested in attending the Annual Meeting scheduled August 19-22, 2015 in Williamsburg, VA. Vice President Stockton and Mr. Johnson tentatively agreed to attend.

Mr. Tami noted that one of the topics of discussion will be the path to licensure for structural candidates.

D. Technical and Professional Societies
No report given.

XIII. **President's Report/Board Member Activities**
No report given.

XV. **Other Items Not Requiring Board Action**
Mr. Moore reminded the Board that a Nominating Committee for the President and Vice President for the next fiscal year would need to be appointed. Ms. Eissler noted that in the past, there has been a two-person committee made up of individuals who are past presidents. President Jones Irish and Mr. Tami were selected to serve as the Nominating Committee.

The Board recessed at 5:33 p.m.

DRAFT

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

April 15-16, 2015 Wednesday, April 15, beginning at 9:00 a.m. and continuing on
Thursday, April 16, beginning at 9:00 a.m., if necessary

Thursday, April 16, 2015

| | |
|-------------------------------|---|
| Board Members Present: | Robert Stockton, Vice President; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; and Patrick Tami |
| Board Members Absent: | Kathy Jones Irish, President; Natalie Alavi; Asha Brooks; Diane Hamwi; Philip Quartararo; Hong Beom Rhee; Jerry Silva |
| Board Staff Present: | Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel) |

I. Roll Call to Establish a Quorum

Vice President Stockton called the meeting to order at 9:10 a.m. Roll call was taken, and a quorum established.

II. Public Comment

No Public Comment

XVI. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126(e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
3. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185
4. Paul Christopher Ehe v. Board for Professional Engineers, Land Surveyors, and Geologists (San Bernardino Superior Court, Case No. CIVDS1413253)

XVII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during Closed Session, the Board discussed the lawsuits as noticed, took action on four stipulations, one default decision, and two proposed decisions.

XV. Other Items Not Requiring Board Action (cont.)

Vice-President Stockton directed staff to write an article to be placed in the Board newsletter in reference to unlicensed activity as it relates to offering and performing land surveying services.

XVIII. Adjourn

The Board adjourned at 10:08 a.m.

PUBLIC PRESENT

Paul Milkey

Don Schinske, SEAOC

Hans Van de Vrugt, Southwest Geophysics

Brien Hecker, InDepth Corp.

Keith Millard, California Dept. of Water Resources

Talia Cortese, CPIL

Bill Henrich, Norcal Geophysical Consultants, Inc.

Ryan Kersting, SEAOC

Jeremy Herbert

Bob DeWitt, ACEC-CA

Steve Hao, CalTrans

DRAFT

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

Division of the State Architect
Department of General Services
10920 Via Frontera, Suite 300, Conference Room A
San Diego, CA 92127

June 11, 2015

Thursday, June 11, 2015

| | |
|-------------------------------|--|
| Board Members Present: | Robert Stockton, Vice President; Natalie Alavi; Asha Brooks; Eric Johnson; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; and Patrick Tami |
| Board Members Absent: | Kathy Jones Irish, President; Coby King; Philip Quartararo; Hong Beom Rhee; and Jerry Silva; |
| Board Staff Present: | Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer; Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Ray Mathe (Registrar); and Michael Santiago (Legal Counsel) |

I. Roll Call to Establish a Quorum

Vice President Stockton called the meeting to order at 9:02 a.m. Roll call was taken, and a quorum was established.

II. Public Comment

During public comment, Abbas Rastandeh with the City of San Diego indicated that he and his colleagues are having difficulty passing the PE examination because of their age. He explained that he is 55 and the ability to complete the examination in a timely manner is nearly impossible. They would like the Board to consider their age. He believes that placing older candidates in the same pool as younger test takers is unfair and proposed that the Board consider different methods.

Carl Josephson, SE, shared an issue involving civil litigation involving a California licensed Civil Engineer. This engineer lost their license in another state and subsequently had their license revoked then reinstated with strict probation terms. He asked how California responds when a license is revoked in another state. He referenced Business and Professions Code 141, that if there is an action taken against your license in another state that it can be used as a basis for action against a license in California. Many states require disclosure on renewal forms to indicate whether action has been taken against the license, and he suggested California consider this addition to the renewal notices.

III. Legislation

A. Discussion of Legislation for 2015

Mr. Alameida reviewed the Legislation calendar.

AB 320 - This bill would prohibit a person from using the title “Environmental Engineer” unless the person is licensed as an engineer. The bill would permit a licensed civil, electrical, or mechanical engineer to use the title “Environmental Engineer” without obtaining additional qualifications.

The bill was amended on April 23, 2015, which was after the Board took an oppose position. Board staff recommends that the Board vote to oppose the new version of the bill.

During Public Comment, Mehrdad Nabizadeh, representing PECG, proposed that the Board wait to take a position until the Sunrise questionnaire has been completed.

Mr. Moore indicated that a letter would be sent to the author conveying the Board’s position.

| | |
|----------------|---|
| MOTION: | Dr. Qureshi and Ms. Alavi moved to oppose AB 320 as amended April 23, 2015. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

AB 12 – Mr. Alameida reported that this bill relates to administrative regulations that Board staff routinely reviews and revises regulations to eliminate inconsistent overlapping or outdated provisions and mirror them to statute.

AB 85 – Mr. Alameida reported that this bill pertains to the Bagley-Keene Open Meeting Act in establishing or defining a state body to include groups of two or

more individuals. The Board took a watch position at the last Board meeting. He reviewed the staff analysis and mentioned that the Board of Accountancy is currently opposed. Mr. Santiago added that the Board of Registered Nursing is also opposed.

Mr. Moore indicated that a letter would be sent to the author conveying the Board's position.

| | |
|----------------|--|
| MOTION: | Mr. Tami and Mr. Satorre moved to oppose AB 85 as amended on April 15, 2015, as it is unclear from the proposed wording if meetings of two or less would be permitted. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

AB 507 – This bill would require the Department of Consumer Affairs to submit a report to the Legislature and the Department of Finance each year that details its plan for implementing BreEze for the 19 boards and bureaus, of which this Board is one, that have not yet transitions into the new system.

The Board will maintain a watch position.

AB 1060 – Mr. Alameida reported this bill would require a board, upon suspension or revocation of a license, to provide the ex-licensee with information pertaining to rehabilitation, reinstatement, or penalty reduction through first-class mail and by email.

The Board will maintain a watch position.

AB 177 – The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land Surveyors, and Geologists, in the Department of Consumer Affairs. This bill

would extend the operation of these provisions until January 1, 2020. Mr. Alameida reported that AB 177 would merge the Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund into one fund which would be renamed the Professional Engineer's, Land Surveyor's, and Geologist's Fund and added that there is enforcement information regarding disciplinary action taken by the Board if a licensee or certificate holder fails or refuses to respond to a written request from a representative of the Board to cooperate in the investigation of complaint against that licensee or certificate holder.

Ms. Eissler noted that the bill had been amended since the Board originally took its support position. She explained that the amendments were those selected by the Assembly Business and Professions Committee to address issues raised during the Sunset Review, and Board staff worked with the Committee staff on the language.

Board staff recommends the Board take a position of support on the current version of the bill as amended on April 23, 2015.

Mr. DeWitt representing ACEC, Mr. McMillan representing CLSA, Mr. Nabizadeh representing PECG, and Mr. Josephson representing SEAOC, indicated that their organizations support the bill as amended.

Mr. Moore indicated that a letter would be sent to the author conveying the Board's position.

| | |
|----------------|---|
| MOTION: | Dr. Qureshi and Mr. Johnson moved to support AB 177 as amended on April 23, 2015. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

SB 284 – Mr. Alameida reported that this bill will continue the authorization for engineers and land surveyors to operate within their scope of licensure while conducting business as a limited liability partnership similar to that of certified public accountants and attorneys and to be designated as a registered limited liability partnership or foreign limited liability partnership, something that they have been authorized to do since 2010.

He added that ACEC is the sponsor of this bill and that the current amendments extend the operation of legislation to January 1, 2019.

Mr. Moore indicated that a letter would be sent to the author conveying the Board's position.

| | |
|----------------|---|
| MOTION: | Mr. Tami and Ms. Brooks moved to support SB 284 as amended May 5, 2015. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

SB 799 – Mr. Alameida reported that this bill was amended April 20, 2015, and would remove language that was added to Section 6735 last year at the request of SEAOC for clarity. Concerns have been expressed by several parties over the new wording of Section 6735 and the potential misinterpretation that could result because of this new wording. It was decided that the best course of action would be to remove that language and return Section 6735 to its prior state and allow SEAOC to develop cleaner language that could be included with its "Significant Structures" proposal in the future.

Ms. Eissler noted that the amendments made on April 20, 2015, do not affect the Board's laws, and the Board has already voted to support the bill.

Mr. Josephson reported that SEAOC understands the confusion that arose from the language that was introduced and hopes to propose clearer language through its "Significant Structures" proposal.

IV. Consideration of Rulemaking Proposals

A. Proposal to Amend Title 16, California Code of Regulations section 464 (Corner Record)

Mr. Mathe reported that an LS TAC meeting took place the day prior. The wording in Board Rule 464 did not apply to the statutes properly and only referred to one statute, Section 8773, which was the original Corner Record legislation; however, there are other sections in the Professional Land Surveyors' Act that reference Corner Records that should also be referenced in Board Rule 464. The Board had previously approved amendments to the language, but it has since been reworded based on comments from the TAC and the land surveying community. Therefore, staff is recommending that the Board approve the language to begin the rulemaking process.

| | |
|----------------|---|
| MOTION: | Mr. Satorre and Ms. Alavi moved to approve the proposed amendments to Board Rule 464, as shown in the meeting materials agenda packet, to direct staff to begin the formal rulemaking process to adopt the regulations, and to delegate authority to the Executive Officer to make non-substantive and technical changes before notice, if necessary. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

V. Enforcement

A. Enforcement Statistical Report

Ms. Eissler reported that cases are progressing and that staff is working collaboratively with the Division of Investigation and the Office of the Attorney General to address concerns with the processing of cases.

VI. Exams/Licensing

A. Spring 2015 Examination Results

Mr. Moore reviewed the examination statistics. Vice-President Stockton inquired about comparisons to the National average. Mr. Moore indicated that currently first time vs. repeat test taker information is the only data collected. Staff is working on acquiring consistent data to provide for future meetings.

During public comment, Mr. McMillan requested an overall breakdown of results by test plan area to better assist review course providers and candidates with examination preparation. Mr. Moore indicated that he will consult with the vendor to see if this can be done.

Ms. Mathieson indicated that she would like to see historical data over time. Mr. Moore noted that Larry Kereszt, the Licensing Program Manager, was working to provide additional statistics, and the requested statistics will be included.

VII. Approval of Delinquent Reinstatements

Mr. Johnson noted that there is no cap on the length of time that can pass for a person to apply for reinstatement of a delinquent license. Ms. Eissler indicated that statute would need to be changed. It is within the Board's Strategic Plan for the Board to discuss what process should be done for the PE and PLS delinquent reinstatements. Geologists and geophysicists must renew their license in five years or go through the application and examination process to obtain a new license; however, the statutes provide professional engineers and land surveyors a way to reinstate a delinquent license at any time after it has expired. Mr. Stockton directed staff to begin research on delinquent reinstatements, inactive status, volume over the last five years, and comparisons between PELS and G&G.

| | |
|----------------|---|
| MOTION: | Mr. Johnson and Ms. Brooks moved to approve the delinquent reinstatements listed in the meeting materials agenda package. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|--------------------|------------|-----------|----------------|---------------|----------------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |

| | | | | | |
|------------------|---|--|--|---|--|
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

VIII. Administration

A. FY 2014/15 Budget Summary

Mr. Alameida reviewed the Board's PELS fund. He indicated that the expenditures have decreased in operating equipment and expenses as a result of examination contracts and general expenses. Personal services increased about \$80,000, but the reduction for the operating equipment and expenses was approximately \$280,000. Revenue has decreased by \$700,000 due to the cyclical nature. Applications are at 8,546 for Fiscal Year 2014/15 versus 8,726 of Fiscal Year 2013/14.

Mr. Alameida added that the budget allotment is at \$9.86 million, projection to Year-End is at \$7.83 million, Surplus/Deficit is \$2.03 million, and the Revenue to year-end \$7.96 million.

The Geology and Geophysicists fund is looking positive. Fiscal Year 2014/15 expenditures are at \$813,000 versus \$905,000 for Fiscal Year 2013/14. Revenue is at \$871,000 versus \$797,000 for Fiscal Year 2014/14 with an increase in applications. The budget allotment is \$1.42 million with projection to Year-End is at \$1.21 million which creates a \$207,000 surplus which is needed to maintain its health for the following year.

Mr. Moore reported that a compromised decision was reached by the Legislative Budget Conference Committee regarding DCA's request for BreZE budget funding. A report at the next meeting will be provided once the effect of the compromise on the Board's budget is known.

IX. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the workgroup is continuing to work on regulations. Ms. Mathieson requested additional information on the regulations listed to be included on future reports.

B. Personnel

Mr. Moore introduced Laurie Racca as the new staff geologist. He added that Carmen Jimenez, who has worked with the Board for many years as a proctor and a permanent intermittent employee, has been hired as a full-time permanent employee to serve as a receptionist. The Board currently has two vacancies.

C. BreEZe Update

Mr. Moore reported that he met with DCA, and they agreed to assist the Board in beginning to develop a needs assessment that will benefit the Board for the design and implementation of either BreEZe or another replacement system. DCA also agreed to support the Board in contracting with an outside firm to assist with the needs assessment.

X. **Technical Advisory Committees (TACs)**

A. Assignment of Items to TACs

Mr. Moore explained that they are currently trying to assemble a Joint Civil and Structural TAC meeting to discuss SEAOC's Significant Structures proposed language. In addition, staff is currently recruiting volunteers to serve on the Traffic TAC.

B. Appointment of TAC Members

| | |
|----------------|--|
| MOTION: | Ms. Roberts and Dr. Qureshi moved to reappoint Structural TAC members: Ryan Huxley, Williston Warren, Alireza Asgari, Gregg Brandow, and Doug Hohbach to a second term and to stagger the expiration dates of the terms. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

| | |
|----------------|--|
| MOTION: | Mr. Tami and Ms. Alavi moved to reappoint Land Surveyor TAC member Michael S. Butcher to a second term expiring June 30, 2017. |
| VOTE: | All Aye; Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | X | | | | |

| | | | | | |
|-------------------|---|--|--|---|--|
| Natalie Alavi | X | | | | |
| Asha Brooks | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

C. Reports from the TACs

Mr. Mathe reported that the Land Surveyor TAC met the day before and reported that it was Paul Enneking's last meeting. His term will expire June 30, 2015.

A work plan for Board approval will be available at the next meeting.

During the TAC meeting, they discussed California Code of Regulations Section 464. Mr. Mathe foresees comments coming in during the 45-day comment period during the rulemaking process.

In addition, they reviewed a proposal from the International Union of Operating Engineers, Local 3 and the California & Nevada Civil Engineers and Land Surveyors Association, Inc. to amend the definition of land surveying in Section 8726 of the Professional Land Surveyors' Act.

There was good discussions on licensure and corner records. The LS TAC requested to meet more frequently.

Mr. Tami would like to present a certificate to Mr. Enneking for his service to the Board.

XI. Liaison Reports

A. ASBOG

Mr. Moore reported that there is a new Interim Executive Director. She notified the Board of a new schedule of examinations that will be included in the next agenda.

B. ABET

Mr. Moore indicated that there are currently no requests to attend ABET visits; however, we expect to receive them soon.

C. NCEES

Mr. Johnson attended the Western Zone meeting and reported the huge impact California has on NCEES. Mr. Moore was re-nominated and elected as Western Zone Secretary/Treasurer. There is a huge opportunity for California, and Mr. Johnson believes it is imperative for California to continue to participate in NCEES zone meetings.

Ms. Eissler added that the meeting was combined with the Southern Zone. The various committees and task forces provided presentations of what had been accomplished throughout the year and presented information about the motions that will be presented at the Annual Meeting, one of which relates to the Structural Engineer license. She believes some of those motions will be presented at the July Board meeting so that the Board can direct its representatives to the Annual Meeting on the Board's position.

Mr. Moore reported that Ms. Eissler is currently on the Law Enforcement Committee for NCEES and helped facilitate a law enforcement forum for the Western and Southern Zones. She was also selected to be on the Law Enforcement Committee for the next year by the President-Elect.

Mr. Tami reported that there are two candidates running for NCEES Treasurer; Gary Thompson, LS emeritus member of the North Carolina Board, and Shelley Macy, PE of the Wyoming Board.

Mr. Tami added there is an emerging engineers and surveyors group that will require mentors from California.

D. Technical and Professional Societies

Mr. Moore provided an update on the Board's outreach efforts. Both Brooke Phayer, Outreach Coordinator, and Mike Donelson, Staff Electrical Engineer, met with professors at the California State University, Northridge during the Engineering Design Showcase. Mr. Phayer attended the UC San Diego Women in Science and Tech Conference. Mr. Moore and Mr. Alameida attended the ACSE, APWA luncheon May 20, 2015, in Bakersfield where they provided information on legislation and licensure. Susan Christ, Staff Civil Engineer, attended the Engineering Project Showcase at CalPoly San Luis Obispo and met with the Deans. Dr. Qureshi provided his feedback from his attendance at the CalPoly Pomona Engineering showcase. Dr. Qureshi suggested career fairs as they would be more beneficial. Mr. Moore added that he gave a presentation at the AEG Risk Analysis seminar on May 30, 2015, and, several Board staff attended the UCD Engineering Design Showcase.

During public comment, Mr. Josephson, representing SEAOC, stated that SEAOC is looking forward to working with the TACs on Significant Structures. Mr. Nabizadeh, representing PECG, agreed with Mr. Josephson. Mr. McMillan

expressed his appreciation of the Board and TAC members' efforts and added that the CLSA Board is considering candidates to recommend to fill Land Surveyor member position on the Board and vacancy on the LS TAC.

XII. President's Report/Board Member Activities

Mr. Moore announced that Diane Hamwi resigned from the Board.

2:04 p.m. Ms. Brooks left the meeting.

XIII. Nomination and Election of President and Vice President for Fiscal Year 2015/16

Assisting Ms. Jones Irish as the Nomination Committee, Mr. Tami nominated Robert Stockton as President and Coby King as Vice-President.

| | | |
|----------------|---|--|
| MOTION: | Mr. Johnson and Ms. Roberts moved to accept the nominations as recommended by the nominating committee and close nominations and to elect Mr. Stockton as President and Mr. King as Vice-President for FY2015/16. | |
| VOTE: | All Aye; Motion Carried | Abstentions: Vice President Robert Stockton |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish | | | | X | |
| Robert Stockton | | | X | | |
| Natalie Alavi | X | | | | |
| Asha Brooks | | | | X | |
| Eric Johnson | X | | | | |
| Coby King | | | | X | |
| Betsy Mathieson | X | | | | |
| Philip Quartararo | | | | X | |
| Mohammad Qureshi | X | | | | |
| Hong Beom Rhee | | | | X | |
| Karen Roberts | X | | | | |
| Ray Satorre | X | | | | |
| William Silva | | | | X | |
| Patrick Tami | X | | | | |

XIV. Approval of Consent Items

A. Approval of the Minutes of the April 15-16, 2015, Board Meeting

Ms. Satorre and Mr. Tami moved to approve the minutes. However the motion was withdrawn when Ms. Mathieson requested clarification of time period Mr. King specified during the discussion of continued licensure for geophysicists. The minutes will be returned at the next meeting for adoption.

XV. Other Items Not Requiring Board Action

Ms. Eissler reminded the Board that the next Board meeting will be held July 16-17, 2015 in Sacramento. The September Board meeting will be held in Redding, and the November Board meeting will be held San Bernardino.

Mr. Tami asked to discuss listing the names of delinquents in the Board Bulletin at a future meeting.

XVI. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
2. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

Ms. Brooks returned at 2:31 p.m.

XVII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during Closed Session, the Board took action on a stipulation, a matter remanded back by the Superior Court, four proposed decisions, and a petition for reconsideration.

II. Public Comment

During Public Comment, Mr. Woolley expressed his opposition to the language in AB 177 that would add Section 8780.2.

XVIII. Adjourn

Meeting adjourned at 3:49 p.m.

PUBLIC PRESENT

Mehrdad Nabizadeh, PEGG
Curt Burfield, Caltrans Office of Land Surveys
Rob McMillan, CLSA
Abbas Rastandeh, City of San Diego
Bob DeWitt, ACEC

XIII. Other Items Not Requiring Board Action

XIV. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

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XV. Open Session to Announce the Results of Closed Session

XVI. Adjourn
