

Assembly Bill No. 1431

Passed the Assembly August 31, 2010

Chief Clerk of the Assembly

Passed the Senate August 30, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

Second enrollment

CHAPTER _____

An act to amend Sections 6710, 6711, 6712, 7801, and 8706 of the Business and Professions Code, relating to geologists and geophysicists.

LEGISLATIVE COUNSEL’S DIGEST

AB 1431, Hill. Geologists and geophysicists.

Existing law establishes in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, consisting of 13 members. Existing law requires that membership to include 5 engineers, one land surveyor, and 7 public members. Existing law requires the Governor to appoint 5 of the public members and all of the professional members. The Senate Committee on Rules and the Speaker of the Assembly are required to each appoint a public member.

Existing law requires the Board for Professional Engineers and Land Surveyors to administer the Geologists and Geophysicists Act.

This bill would rename the board as the Board for Professional Engineers, Land Surveyors, and Geologists. The bill would change the membership of the board to 15 to include a professional member licensed under the Geologists and Geophysicists Act and an additional public member, to be appointed by the Governor. The bill would make conforming changes to related provisions.

This bill would incorporate additional changes to Section 6710 of the Business and Professions Code proposed by SB 294, to become operative if this bill is enacted after SB 294.

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

SECTION 1. Section 6710 of the Business and Professions Code is amended to read:

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

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors, or

the Board for Professional Engineers and Land Surveyors, is deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.

(c) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 1.5. Section 6710 of the Business and Professions Code is amended to read:

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

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

(c) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 2. Section 6711 of the Business and Professions Code is amended to read:

6711. Each member of the board shall be a citizen of the United States. Five members shall be registered under this chapter. One member shall be licensed under the Land Surveyors' Act, Chapter 15 (commencing with Section 8700), one member shall be licensed under the Geologists and Geophysicists Act, Chapter 12.5 (commencing with Section 7800), and eight shall be public members who are not registered under this act, licensed under the Geologists and Geophysicists Act, or licensed under the Land Surveyors' Act. Each member, except the public members, shall have at least 12 years active experience and shall be of good standing in his or her profession. Each member shall be at least 30 years of age, and shall have been a resident of this state for at least five years immediately preceding his or her appointment.

SEC. 3. Section 6712 of the Business and Professions Code is amended to read:

6712. (a) All appointments to the board shall be for a term of four years. Vacancies shall be filled by appointment for the unexpired term. Each appointment thereafter shall be for a four-year term expiring on June 30 of the fourth year following the year in which the previous term expired.

(b) Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms.

(c) The Governor shall appoint professional members so that one is licensed to practice engineering as a civil engineer, one as an electrical engineer, one as a mechanical engineer, another is authorized to use the title of structural engineer, and one is a member of one of the remaining branches of engineering. One of the professional members licensed under this chapter or under Chapter 15 (commencing with Section 8700) shall be from a local public agency, and one shall be from a state agency.

(d) The Governor shall appoint six of the public members and the professional members qualified as provided in Section 6711. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

SEC. 4. Section 7801 of the Business and Professions Code is amended to read:

7801. (a) “Board,” as used in this chapter, means the Board for Professional Engineers, Land Surveyors, and Geologists established under Section 6710. Any reference in any law or regulation to the Board for Geologists and Geophysicists or the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.

(b) The board shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction previously vested in the Board for Geologists and Geophysicists.

(c) The board shall receive two personnel years that were previously allocated to the Board for Geologists and Geophysicists for the performance of the board’s responsibilities under this chapter.

SEC. 5. Section 8706 of the Business and Professions Code is amended to read:

8706. “Board” refers to the Board for Professional Engineers, Land Surveyors, and Geologists.

SEC. 6. Section 1.5 of this bill incorporates amendments to Section 6710 of the Business and Professions Code proposed by both this bill and SB 294. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 6710 of the Business and Professions Code, and (3) this bill is enacted after SB 294, in which case Section 1 of this bill shall not become operative.

Approved _____, 2010

Governor