

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 1120 (Jones)
Version: March 15, 2022
Hearing Date: April 19, 2022
Fiscal: Yes
Urgency: No
AM

SUBJECT

Engineering, land surveying, and geology

DIGEST

This bill requires applicants for licensure and certificates to provide to the Board for Professional Engineers, Land Surveyors, and Geologists (Board) their email address and notify the Board of any changes. The bill specifies that emails provided are not a public record and are exempt from disclosure. The bill also clarifies that unlicensed individuals cannot offer professional engineering and land surveying services, removes a requirement that the Board mail notice of a pending expiration of a certificate of registration or authority within 60 to 90 days of the expiration, and updates surveying requirements to require two or more control points for a survey.

EXECUTIVE SUMMARY

Current law authorizes the Board to license and regulate engineers, land surveyors, and geologists and geophysicists practicing in California under their respective practice acts. This bill makes several changes to those practice acts at the request of the Board. First, the bill removes the requirement for the Board to provide notice of the pending expiration of a certificate or registration. Second, the bill clarifies that an unlicensed person is not authorized to offer professional engineering and land surveying services. Lastly, the bill requires applicants for licensure and certificates, including renewals, to provide the Board an email address and specifies those email addresses are not public records and are exempt from disclosure under the CPRA. The bill also updates provisions related to surveying requirements, including, requiring two or more control points.

The bill is sponsored in part by the California Board for Professional Engineers, Land Surveyors, and Geologists, and in part by the California Land Surveyors Association. There is no known opposition. This bill passed out of the Senate Business, Professions and Economic Development Committee on a 12-0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Board for Professional Engineers, Land Surveyors, and Geologists (Board) within the Department of Consumers Affairs to license and regulate engineers pursuant to the Professional Engineers Act, land surveyors pursuant to the Professional Land Surveyor's Act, and geologists and geophysicists pursuant to the Geologist and Geophysicist Act. (Bus. & Prof. Code §§ 6700, et. seq., §§ 8700, et. seq., and §§ 7800 et. seq., respectively.)
 - a) Provides that civil, electrical, or mechanical engineers or land surveyors are not prohibited from practicing within the scope of their license, as specified, as a sole proprietorship, partnership, limited liability partnership (LLP), firm, or corporation if specified conditions are met. (Bus. & Prof. Code § 6738(a) & 8729(a).)
 - b) Requires the board, within 60 to 90 days before the expiration of a certificate of registration or certificate of authority under the Professional Engineers Act, to mail notice of the pending expiration to a registrant or authority holder, as provided. (Bus. & Prof. Code § 6795.1.)
- 2) Recognizes particular methods for defining and stating points on the earth's surface in California. (Pub. Res. Code Q§ 8801, et seq.). Requires a survey to be referenced to and have field-observed statistically independent connections to one or more horizontal reference, as provided. (Pub. Res. Code § 8813.1(a).)
 - a) Defines a system of plane coordinates established by the United States Coast and Geodetic Survey defining and stating the positions or locations of points on the surface of the earth within the State of California is based on the North American Datum of 1927 as the "California Coordinate System (CCS) of 1927." (Pub. Res. Code § 8801(a).)
 - b) Defines a system of plane coordinates established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California and that is based on the North American Datum of 1983 as "CCS of 1983." (*Id.* at subd. (b).)
- 3) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)

- b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 4) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 7920.000 et seq.)
- a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7922.530.)
 - b) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 6253.)

This bill:

- 1) Requires an applicant for licensure or certification to report their email address to the board at the time of application. Requires each licensee and certificate holder to report their email address, if they have a valid email address, to the board at the time of renewal. Requires BPELSG applicants, certificate holders, and licensees to notify the board within 30 days of any change to their email address.
 - a) Exempts the email addresses provided to the Board from disclosure under the CPRA, unless required pursuant to a court order by a court of competent jurisdiction.
 - b) Makes legislative findings and declarations to demonstrate the need for the limitation on access to emails provided to the Board.
- 2) Provides that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 (SPCS2002) as established by NGS and maintained by either NGS or CSRC is to be known as the "California Coordinate System of 2022."
 - a) Requires, on or after January 1, 2023, that surveys using a CCS83 value or values must be referenced to and have field-observed statistically independent connections to two or more horizontal reference stations. Updates the reference to the most current CCS.
- 3) Repeals the Board's requirement to mail a renewal notice to licensees and certificate holders 60 to 90 days prior to expiration. Deletes obsolete language to clarify professional engineering and land surveying services must be performed by a licensee.

COMMENTS

1. Author's statement

The author writes:

SB 1120 updates the regulations for industries covered by the Board for Professional Engineers, Land Surveyors, and Geologists to conform with modern industry standards.

2. This bill makes noncontroversial changes to the practice acts for engineers, land surveyors, and geologists and geophysicists, and surveying requirements

The Senate Business, Professions and Economic Development Committee has considered this bill's changes to the practice acts for engineers, land surveyors, and geologists and geophysicists, and the updates to the surveying requirements in the Public Resources Code. The analysis of that Committee is incorporated here by reference. There is no opposition to the bill, and these measures appear to be reasonable changes that will (1) allow the Board to conduct its business in a more efficient manner, (2) clarify that professional engineering and land surveying services must be performed by a licensee, and (3) update surveying requirements to current scientific and technological standards.

3. Limiting access to emails provided to the Board appears consistent with the state's right to privacy and limits on disclosure of public records

By exempting email addresses provided to the Board from disclosure under the CPRA and providing they are not public records, this bill brings the provisions of the practice acts for engineers, land surveyors, and geologists and geophysicists in line with other licensing acts administered by other entities within the DCA.¹ The bill provides that this limitation on access to public records is needed in the interest of protecting the applicants' and licensees' privacy. As there is no apparent reason why applicants' and licensees' email addresses should be subject to disclosure as public records, the bill's finding on the need for protecting their privacy seems warranted.

4. Statements in support

The California Board for Professional Engineers, Land Surveyors, and Geologists, sponsor of the provisions of the bill that relate to the Professional Engineers Act, the

¹ Current law provides that CPA applicants' and licensees' email addresses provided to the California Board of Accountancy are not public records and are not disclosable under the CPRA, in the interest of protecting the applicants' and licensees' privacy. (Bus. & Prof. Code § 5009.5.)

Professional Land Surveyor's Act, and the Geologist and Geophysicist Act (the Acts), writes:

Specifically, SB 1120 would add sections to [the Acts] to require applicants and licensees to provide the Board with their email address (if they have one) and to notify the Board of any updates to that email address. Although email has become the preferred method of communication for most people, current law does not require applicants or licensees to provide the Board with their email address, nor does it require them to update their email address if it changes. This prevents the Board from being able to rely upon email to provide vital information to applicants and licensees such as application status, examination results, license renewals, and enforcement actions, even if it is more expeditious and cost effective than mail sent through the US Postal Service.[...]

The California Land Surveyors Association, sponsor of the provisions of the bill related to surveying requirements, writes:

SB 1120 makes five, largely technical, changes to laws relating to land surveying and is the product of work from both our client and the California Board for Professional Engineers, Land Surveyors, and Geologists. Specifically, this bill makes updates within the California Coordinate System (CCS) to clarify that two or more GPS control points is needed for newly established surveys. The National Geodetic Survey (NGS) is currently in the process of revamping the national State Plane Coordinate System (SPCS). In California, land surveyors use the CCS which is part of the national SPCS and controls the substantive requirement for surveying, statutorily defining how to locate points on earth's surface within the state of California. The NGS' effort is part of a larger effort to improve the tools relating to land surveying based upon new technologies and best available information. SB 1120 helps make this important update.

SUPPORT

California Board for Professional Engineers, Land Surveyors, and Geologists (sponsor)
California Land Surveyors Association (sponsor)

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1030 (Chen, 2021) would have removed the same duplicative and obsolete language as this bill, and would have expanded the scope of practice for civil engineers. AB 1030 died in the Assembly Business and Professions Committee.

AB 298 (Irwin, Ch. 300, 2021), made various changes related to the California Board of Accountancy, including provisions exempting licensee and applicant email addresses from disclosure under the CPRA.

PRIOR VOTES:

Senate Business, Professions and Economic Development Committee (Ayes 12, Noes 0)
