

## **Status Update on AB 1431**

By Charles Nestle

March 26, 2010

As discussed previously by Peter Thams (AEG southern California Section Chair) in the AEG southern California Section newsletter and in the March AEG News, Assembly Bill 1431 (Hill) proposes to change the name of the Board for Professional Engineers and Land Surveyors to include one geologist and to add one geologist position on the board. How this is to be accomplished was the subject of a decidedly mono-directional “negotiation” between the sponsor of this bill, Professional Engineers in California Government (PECG) and their supporters, and AEG representatives during a meeting in PECG’s offices on February 16, 2010. Peter’s discussion of that meeting was emailed to AEG members March 1, and follows here:

### **Union Representing Engineers in State Government Opposes Adding Geophysicist to Board for Professional Engineers and Land Surveyors**

Peter Thams

The three section chairs of California AEG, Peter Thams, John Pfeiffer and Jared Pratt, along with Charles Nestle of the Legislative Committee met with the union Professional Engineers in California Government (PECG) on February 16, 2010, and were told PECG would not support an effort to place more than one geologist on the Board for Professional Engineers and Land Surveyors (BPELS). At a meeting in Assembly Member Hill’s office back in December, AEG representatives (Peter Thams and John Pfeiffer) were told that if AEG did not oppose PECG-sponsored Assembly Bill AB 1431, which increases the size of BPELS by one to allow for a geologist and changes the name of the board to include geologists and geophysicists, Assembly Member Hill’s office and PECG’s lobbyist, Steve Baker, would do everything they could to amend the bill to add a geologist and a geophysicist, once the bill cleared the assembly. AB1431 has cleared the Assembly and is moving on to the Senate, where it appears to be doomed to failure because it will likely need to be amended to include an additional public member, increasing the size of the board by two, and the Governor is unlikely to sign it.

PECG, representatives of various professional associations representing engineers, and G.V. Ayers from the Senate Business and Professions Committee also present at the meeting, didn’t come right out and say they wouldn’t support the addition of a geophysicist or more than one geologist to the BPELS, they simply opposed the only practical option of accomplishing this, which is to maintain the size of the board at thirteen and replace two engineering title acts with the two geology practice acts. Other options that stand no chance of success would be cautiously considered, but engineers were not going to give up their stranglehold on the board. It should be noted that BPELS does not have the majority seven public members stipulated in law, only recently acquired a fifth

public member to equal the engineers on the board, and are still outnumbered by technical members that, including a land surveyor, total six. Representatives from Assembly Member Hill's office (author of the bill) and the Governor's office, who was also invited to the meeting, did not attend.

The message was really very simple and was even alluded to if not outright stated: None of this matters to us and we're not going to waste any more time on it. It was left up to us (AEG) to garner support from the absent Governor's office to increase the size of the board. So it seems even the PECG proposal as written was doomed to failure from the outset and PECG was just going through the motions to mollify the relatively few geologists they represent in state government. The good news is that all those opposed to adding a geologist and a geophysicist to the board said they would support re-establishing the Board for Geologists and Geophysicists (BGG). The California Sections of AEG are discussing whether to oppose the PECG-sponsored AB1431 unless it is amended or support if amended. Whichever direction is chosen, we will work to amend the bill to include a both a geologist and a geophysicist through legislature with or without the support of PECG or the engineering organizations. Since the February 16th meeting, we have been told that PECG will amend the bill to eliminate geophysicists from the proposed name change in response to protest from BPELS staff.

Immediately following this meeting (beginning on the sidewalk outside the door), Jared, Peter, John, Judy Wolen, and myself discussed our options regarding support or opposition to the bill: support if amended, oppose unless amended, or remain neutral. This discussion continued for several days and generally settled on support unless amended. Later we heard that Senator Mark Wyland's office recommended remaining neutral (taking no position). Senator Wyland's opinion is important because we've approached him to carry legislation to reinstate the Board for Geologists and Geophysicists, and we want to maintain a good working relationship with him and his staff.

When the latest amended version of the bill was released (March 9, 2010 – attached) and scheduled for hearing on March 22, we re-evaluated our position and settled on Oppose As Written and Amended (see attached letter dated March 12, 2010). We felt that our position had been misunderstood in the past (as when Sam Blakeslee's staff thought we would prefer the BGG be incorporated into BPELS rather than the SMGB), and wanted to be certain that there would be no misunderstanding. We also felt that acquiescing to continually being told what to do had gotten us nowhere, and that it was time to begin doing what we know to be right.

“Compromise in the rough-and-tumble legislative process is not achieved by doilies and tea.”

Jerry Brown — CA State Attorney General and  
former CA Governor

A few days prior to the March 22 hearing date, Judy Wolen called to say that a few legislator's staff wanted to meet with me prior to the hearing to discuss AEG's position letter. Apparently our position was unexpected, and people had taken notice. Judy Wolen and I met with the staff of Senator Wyland, Assembly Member Hill (the bill's author), and G.V. Ayers, the consultant to the Senate Committee on Business, Professions and Economic Development. I said that this was an important bill, that it was absolutely necessary to have a geologist on the board, that passage of this bill was better than the it's not passing (no geologist on the board), but that it didn't go far enough. I also told what I was going to say during the hearing. Staff were pleased that ours was a "soft oppose" rather than a "hard oppose."

We picked up a hearing agenda from a rack in the corridor, and earlier I had been handed a copy of a letter of support for AB 1431 prepared by Joanne Arnold, Assistant Executive Officer of BPELS (both documents are attached. I had time only to scan them cursorily, but I should have taken the time to thoroughly read these prior to the hearing. We were constantly moving around and talking to people and there just wasn't time available to pause.

During the hearing, which was attended by myself, John Pfeiffer (AEG Sacramento Section Chair), and Judy Wolen (AEG Legislative analyst), the expected discussions were heard: Assembly Member Hill's introduction was nearly word for word what I had relayed as my introduction (coincidence?), support was provided by Steve Baker (representing PEGC), Joanne Arnold (BPELS), and then I spoke when asked if there was any opposition. The committee's staff then recommended adding one additional public member to BPELS, raising the total members as proposed in AB 1431 from 13 to 15 members. Given the Governor's long-stated position on boards and commissions, and the fact that he has only appointed enough members to each board to maintain a quorum (assuming they all show up), proposing to increase the size of the board guarantees the Governor's veto. Nevertheless, all voted yes (as expected). Then, as he did at the June 15, 2009 hearing, Senator Wyland made a very telling brief discussion about how the abolition of the BGG was unnecessary as it was a special funded board and no impact to the general fund resulted from consolidating it with BPELS.

On the flight back to Los Angeles, I thoroughly read the agenda discussion and Joanne Arnold's letter – *twice* – and recognized that the arguments in support of AB 1431 prepared by Ms. Arnold and reiterated in the agenda, had no basis in fact. Had I recognized this earlier, I would have pointed this out during the hearing (though the outcome probably would not have changed). Instead, that evening I wrote a second letter (attached) discussing the fatal flaws in Ms. Arnold's logic. What we will never know is if this letter represents a gross misunderstanding or lack of knowledge of the most fundamental aspects of the Professional Engineers Act by the board's Assistant Executive Officer, or if that letter intentionally misrepresented the facts. Ultimately neither matters; what does is that the statements in that letter clearly illustrate that we must all diligently scrutinize facts as presented by representatives of BPELS. Because at least some of the information presented by that board is demonstrably false.

AMENDED IN SENATE MARCH 9, 2010  
AMENDED IN ASSEMBLY JANUARY 4, 2010  
AMENDED IN ASSEMBLY APRIL 14, 2009  
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1431**

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**Introduced by Assembly Member Hill**

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1431, as amended, 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 Rules Committee 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 and Geophysicists*. The bill would change the membership of the board to 14 to include a professional member licensed under the Geologists and Geophysicists Act. *The bill would make conforming changes to related provisions.*

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

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

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

3 6710. (a) There is in the Department of Consumer Affairs a  
4 Board for Professional Engineers, Land Surveyors, ~~Geologists,~~  
5 ~~and Geophysicists~~ *and Geologists*, which consists of 14 members.

6 (b) Any reference in any law or regulation to the Board of  
7 Registration for Professional Engineers and Land Surveyors, *or*  
8 *the Board for Professional Engineers and Land Surveyors*, is  
9 deemed to refer to the Board for Professional Engineers, Land  
10 Surveyors, ~~Geologists, and Geophysicists~~ *and Geologists*.

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

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

19 6711. Each member of the board shall be a citizen of the United  
20 States. Five members shall be registered under this chapter. One  
21 member shall be licensed under the Land Surveyors' Act, Chapter  
22 15 (commencing with Section 8700), one member shall be licensed  
23 under the Geologists and Geophysicists Act, Chapter 12.5  
24 (commencing with Section 7800), and seven shall be public  
25 members who are not registered under this act, licensed under the  
26 Geologists and Geophysicists Act, or licensed under the Land  
27 Surveyors' Act. Each member, except the public members, shall  
28 have at least 12 years active experience and shall be of good  
29 standing in his *or her* profession. Each member shall be at least  
30 30 years of age, and shall have been a resident of this state for at  
31 least five years immediately preceding his or her appointment.

32 SEC. 3. Section 7801 of the Business and Professions Code is  
33 amended to read:

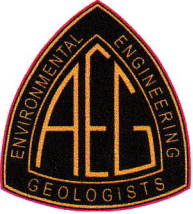
34 7801. (a) "Board," as used in this chapter, means the Board  
35 for Professional Engineers ~~and~~, Land Surveyors, *and Geologists*  
36 established under Section 6710. Any reference in any law or  
37 regulation to the Board for Geologists and Geophysicists or the  
38 State Board of Registration for Geologists and Geophysicists shall

1 be deemed to refer to the Board for Professional Engineers and,  
2 Land Surveyors, *and Geologists*.

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

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

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# Association of Environmental & Engineering Geologists

*"Connecting Professionals, Practice, and the Public"*

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March 12, 2010

Senator Gloria Negrete-McLeod  
Chair, Senate Committee on Business, Professions and Economic Development  
State Capitol, Room 2053  
Sacramento, CA 95814

**RE: AB 1431 (Hill) – Oppose As Written and Amended (March 9, 2010)**

The Association of Environmental and Engineering Geologists (AEG) opposes passage of AB 1431 unless the following amendments are included:

- Maintain the total number of board members at the current level (13).
- Add one (1) Geophysicist to the board.
- Add "Geophysicist" to the board name.
- Revise Business and Professions Code §6712(c) and (d) to include the Geologist and Geophysicist positions as Governor's appointees.

AEG believes increasing the size of the board will result in decreased efficiency. The board may remain at the current level of thirteen (13) members by exchanging the two Title Act positions currently on the board (Structural Engineer and "...one of the remaining branches...") with the two geologist Practice Act positions (Geologist and Geophysicist).

As a Title Act license, the *practice* of structural engineering in California *does not* require a license as a Structural Engineer. The same is true for the remaining branches of engineering other than Civil, Mechanical, and Electrical. The practice of Geology and Geophysics *does* require a license per State law. Practice acts exist because the public and the legislature have determined that licensure of those professions is necessary for public protection. It follows that a board's professional members must be licensed under that board's practice acts in order for those members to be considered qualified to address public safety-related issues related to their profession.

Lastly, the latest amended AB 1431 does not state who has appointing authority for the geologist position. As professional members are Governor's appointments, it is essential that Business and Professions Code §6712 be revised to provide a mechanism for appointment.

Charles Nestle  
Legislative Committee      Cell: (626) 233-9260      [ctnestle@socal.rr.com](mailto:ctnestle@socal.rr.com)  
(Representing the Sacramento, San Francisco, and southern California Sections of AEG)

cc: Senate BP&ED Committee members

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## California Legislature

### Senate Committee on Business, Professions & Economic Development

Senator  
**Gloria Negrete McLeod**  
Chair

**Monday, March 22, 2010**  
**1:30 p.m. or Upon adjournment of session, Room 3191**

### AGENDA

#### Measures Heard in File Order

<u>ITEM#</u>	<u>BILL#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>
1.	SB 1084	Liu	California Economic Security Task Force
2.	SB 1106	Yee	Prescribers: dispensing of samples
3.	SB 1171	Negrete McLeod	Regulatory boards: operations
4.	SCR 63	Yee	Secondhand goods
5.	AB 1235	Hayashi	Healing arts: peer review
6.	AB 1431	Hill	Geologists and geophysicists





**SENATE COMMITTEE ON BUSINESS, PROFESSIONS  
AND ECONOMIC DEVELOPMENT**

Senator Gloria Negrete McLeod, Chair

Bill No: AB 1431 Author: Hill  
As Amended: March 9, 2010 Fiscal: Yes

**SUBJECT:** Geologists and geophysicists.

**SUMMARY:** Renames the Board for Professional Engineers and Land Surveyors and increases the Board membership from 13 to 14 by adding a licensed geologist or geophysicist to the Board.

**Existing law:**

- 1) Licenses and regulates engineers and land surveyors by the Board for Professional Engineers and Land Surveyors (Board) within the Department of Consumer Affairs.
- 2) Provides that the Board is made up of 13 members, consisting of 6 professional members (5 engineers and 1 land surveyor) and 7 public members.
  - a) The Governor appoints 5 public members and the 6 professional members.
  - b) The Senate Rules Committee and the Speaker of the Assembly each appoint a public member.
- 3) Establishes, effective October 23, 2009, that 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 (BGG), thereby requiring the Board to administer the Geologists and Geophysicists Act.

**This bill:**

- 1) Renames the Board as the Board for Professional Engineers, Land Surveyors and Geologists.
- 2) Increases the membership of the Board from 13 to 14 by adding a professional member licensed under the Geologist and Geophysicist Act.
- 3) Makes technical, conforming and clarifying changes.

**FISCAL EFFECT:** The Assembly Appropriations Committee analysis, dated January 21, 2010, indicates minor costs of less than \$20,000 per year to the Professional Engineers and Land Surveyors Fund, a Special Fund.

**COMMENTS:**

1. **Purpose.** This bill is sponsored by Professional Engineers in California Government (PECG) to rename the Board for Professional Engineers and Land Surveyors to the Board for Professional Engineers, Land Surveyors and Geologists, and increase the membership of the Board from 13 to 14 by adding a professional member licensed under the Geologists and Geophysicists Act.

In 2009, the Legislature approved and the Governor signed ABX4 20 (Strickland, Chapter 18, Statutes of 2009, effective October 23, 2009). One provision of that bill consolidated the BGG into the Board, thereby transferring all licensing and regulatory responsibilities for licensed geologists and geophysicists to the Board. However, the legislation did not change the name of the Board to reflect its new responsibilities, nor did it include a licensed geologist or geophysicist on the Board now overseeing geologist and geophysicists. This bill would make those changes.

2. **Hearing on Governor's Elimination, Consolidation and Reorganization Proposals.** In the summer of 2009, the Business, Professions and Economic Development Committee (Committee) convened a hearing on the Governor's Elimination, Consolidation and Reorganization Proposals made in the May Revision of the 2009-2010 State Budget. The Budget Conference Committee had requested that the Committee consider a number of the specific elimination, consolidation and reorganization proposals made by the Governor, as well as other consolidation proposals identified by the Committee. In the hearing, the Committee received testimony from the Administration, the departments, boards and bureaus that would be affected by the proposed changes, the Legislative Analyst's Office (LAO), the Center for Public Interest Law, professional associations, members of the regulated professions, and members of the public. The Committee made its recommendations in a Report to the Conference Committee. Those recommendations and the legislative changes necessary to implement the recommendations were the bases for ABX4 20.

At that hearing, the Committee considered 13 separate consolidation or elimination proposals, including whether the BGG should be consolidated with the State Mining and Geology Board. That proposal was approved on an 8-1 vote. Ultimately, during Budget negotiations, that recommendation was modified to consolidate the Board of Geologists and Geophysicists with the Board for Professional Engineers and Land Surveyors. Those changes were included in ABX4 20 (Strickland, Chapter 18, Statutes of 2009).

3. **Background on Consolidation Efforts.** Over that last fifteen years, a number of efforts have been made to merge or consolidate the BGG into other regulatory agencies. In 1994, the Business and Professions Committee initially reviewed whether the BGG should be merged with another entity including the Board. At that time, no changes were made to BGG. In 1996 and again in 1999, the Joint Legislative Sunset Review Committee (Sunset Review Committee) and DCA reviewed the Geology Board and both DCA and the Sunset Review Committee recommended BGG be continued as an independent board and not be combined with any other entity.

In 2004, the Governor's California Performance Review (CPR) recommendation was to combine BGG with the Board of Mining and Geology and place the new board under the Division of Land Management within the proposed new Department of Natural Resources.

LAO and the Administration's CPR Commission rejected this proposal. The Governor's Reorganization Plan which included converting the BGG to a bureau was rejected by the Legislature, and ultimately withdrawn by the Administration.

4. **Arguments in Support.** The Sponsor argues in support that changing the makeup and name of the Board is good policy and common sense so that the title reflects the professions the Board is licensing. The Sponsor further believes that fairness and common sense requires that the Board include at least one licensee. It is not reasonable for a Board to oversee a profession without any professional representation of that profession, according to the Sponsor.

With the latest amendments to remove the term "Geophysicist" from the proposed name, the Board for Professional Engineers and Land Surveyors is in support of the bill, stating:

The Board's position is not intended to slight geophysicists; the Board does not believe that it is necessary to include their title in the name of the Board. In response to the argument that geophysicists are a practice protected group of licensees, so are the engineering professions of civil, electrical, and mechanical engineers and those titles are not currently included in the name of the Board. Furthermore, the 200 California licensed geophysicists are not hired by your average public consumer; they are hired by a more sophisticated consumer. Therefore, being able to locate the Board that regulates geophysicists would not be an issue.

5. **Arguments in Opposition.** The Association of Environmental and Engineering Geologists (AEG) has taken an oppose unless amended position on the bill, urging that the bill be amended to: (1) maintain the number of Board members at 13 members, the current level; (2) add one geophysicist to the Board; (3) add "Geophysicist" to the name of the Board; (4) revise Business and Professions Code § 6712 to make conforming changes regarding the Governor's authority to appoint the new Board members.

AEG believes increasing the size of the Board will result in decreased efficiency, and suggests that the Board remain at the current level of 13 members by exchanging the two title act positions currently on the Board (one structural engineer; one of the remaining branches of engineering) with two Geologist and Geophysicist Act licensees.

AEG further argues that as a title act license, the *practice* of structural engineering *does not* require a structural engineer license; and the same is true for the remaining branches of engineering, other than civil, mechanical, and electrical, but the practice of geology and geophysics *does* require a license in California. According to AEG, practice acts exist because the public and the Legislature have determined that licensure of those professions is necessary for public protection; and it therefore follows that "a board's professional members must be licensed under the board's practice acts in order for those members to be considered qualified to address public safety-related issues related to their profession."

6. **Policy Issue: Public Member Majority.** Over the last 15 years, the Legislature has made significant strides with the consumer boards under DCA in balancing the professional and public representation in board membership. The Legislature has consistently moved toward having greater public representation on consumer boards, and has established public member majorities on all non-health boards (except for the California Architects Board which

has 5 professional and 5 public members), and several health-related boards have public member majorities (Board of Podiatric Medicine, Acupuncture Board, Board of Behavioral Sciences, Board of Vocational Nurses and Psychiatric Technicians).

In 2001, the Sunset Review Committee, addressed the balance of public and professional on DCA boards as a "crosscutting issue" under sunset review, stating:

As a general rule, consumer protection is best served when consumers have balanced representation on the boards under the Department's purview. Consumers are generally represented by a board's public members. Prior to the initiation of the sunset review process, many boards had more professional members than public members. The sunset review process has been effective in bringing greater balance to most Department boards . . . The primary rationale for professional members on licensing boards is their understanding of the profession they regulate.

Since that time, based upon the Sunset Review Committee and Administration recommendations, several bills have been enacted which have moved the boards to greater consumer representation.

***In its current form, this bill would add a licensed geologist or geophysicist to the Board, increasing the membership to 14 members and making the number of professional members equal to the number of public members. In order to maintain a public member majority on the Board, staff recommends amending the bill to include an additional public member, bringing the total Board membership to 15 (7 professional, 8 public members).***

#### **SUPPORT AND OPPOSITION:**

##### Support:

Professional Engineers in California Government (Sponsor)  
Board for Professional Engineers and Land Surveyors

##### Opposition:

Association of Environmental and Engineering Geologists

Consultant: G. V. Ayers

**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

2535 CAPITOL OAKS DRIVE, SUITE 300, SACRAMENTO, CA 95833-2926

TELEPHONE: (916) 263-2222 CALNET: 8-435-2222

INTERNET ADDRESS: <http://www.dca.ca.gov/pels>

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March 15, 2010

The Honorable Jerry Hill  
California State Assembly  
State Capitol, Room 4146  
10<sup>th</sup> and L Streets  
Sacramento, CA 95814

**RE: Support of Assembly Bill 1431**

Dear Assembly Member Hill:

The Board for Professional Engineers and Land Surveyors voted at its January 27, 2010, Board meeting to support Assembly Bill 1431 if it was amended to remove the term "Geophysicist" from the proposed name change of the Board. Your March 9, 2010, amendment removes the term "Geophysicist" from the proposed change so the Board is now in support of your bill.

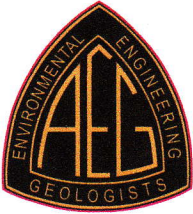
The Board's position is not intended to slight geophysicists; the Board does not believe that it is necessary to include their title in the name of the Board. In response to the argument that geophysicists are a practice protected group of licensees, so are the engineering professions of civil, electrical, and mechanical engineers and those titles are not currently included in the name of the Board. Furthermore, the 200 California licensed geophysicists are not hired by your average public consumer; they are hired by a more sophisticated consumer. Therefore, being able to locate the Board that regulates geophysicists would not be an issue.

Thank you for your time in this matter. If you have any questions or concerns, please contact me at (916) 263-2283.

Sincerely,

Joanne Arnold  
Assistant Executive Officer

Cc: Senate Business, Professions and  
Economic Development Committee  
Steve Baker, Aaron Read & Associates



# Association of Environmental & Engineering Geologists

*"Connecting Professionals, Practice, and the Public"*

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March 22, 2010

Mr. G.V. Ayers  
Consultant, Senate Committee on Business, Professions and Economic Development  
State Capitol, Room 2053  
Sacramento, CA 95814

**RE: Rebuttal to March 15, 2010 letter by Joanne Arnold in Support of AB 1431**

Mr. Ayers,

I wish to correct factual errors in statements made by Ms. Joanne Arnold in her (attached) March 15, 2010 letter of support of AB 1431. Firstly:

*"In response to the argument that geophysicists are a practice protected group of licensees, so are the engineering professions of civil, electrical, and mechanical engineers and those titles are not currently included in the name of the Board."*

Civil, electrical, and mechanical engineers are branches of professional engineering that have practice protection (B&P Code §6701 and 6702 et. sec.). The primary title is "Professional Engineer" and, therefore, contrary to the statement made by Ms. Arnold, *all engineers are currently represented by the existing Board name.*

This is also reflected in the fact that the title "Professional Engineer" is required for use by all engineers in California in the seal design specified in Code (B&P Code §6764).

The above-mentioned Code sections are copied below.

Additionally, the following statement made by Ms. Arnold is not supported by any study and has no basis in fact:

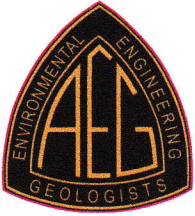
*"Furthermore, the 200 California licensed geophysicists are not hired by your average public consumer; they are hired by a more sophisticated consumer."*

During the last Sunset Review hearing for the Board for Geologists and Geophysicists, Senator Figueroa specifically asked who the consumers of professional geologic services were. I provided as accurate a response as I could, based on a single year's list of projects requiring geological services submitted for review to the County of Los Angeles. As far as I am aware, this is the only such study ever done for the geological profession, and I doubt that the Board for Professional Engineers and Land Surveyors staff has had the opportunity to contract for such a study since taking over the former BGG's responsibilities.

Thank you.

Charles Nestle  
Legislative Committee      Cell: (626) 233-9260    [ctnestle@socal.rr.com](mailto:ctnestle@socal.rr.com)  
(Representing the Sacramento, San Francisco, and southern California Sections of AEG)

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# Association of Environmental & Engineering Geologists

*“Connecting Professionals, Practice, and the Public”*

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6701. **Professional engineer** defined “**Professional engineer**,” within the meaning and intent of this act, refers to a person engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

6702. Civil engineer defined “Civil engineer” as used in this chapter means a **professional engineer** in the branch of civil engineering and refers to one who practices or offers to practice civil engineering in any of its phases.

6702.1. Electrical engineer defined “Electrical engineer” as used in this chapter means a **professional engineer** in the branch of electrical engineering and refers to one who practices or offers to practice electrical engineering in any of its phases.

6702.2. Mechanical engineer defined “Mechanical engineer” as used in this chapter means a **professional engineer** in the branch of mechanical engineering and refers to one who practices or offers to practice mechanical engineering in any of its phases.

6764. Seal or stamp Each **professional engineer** registered under this chapter shall, upon registration, obtain a seal or stamp of a design authorized by the board bearing the registrant’s name, number of his or her certificate or authority, the legend “**professional engineer**” and the **designation of the particular branch or authority in which he or she is registered**, and may bear the expiration date of the certificate or authority.

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