SENATE BILL
No. 228

Introduced by Senator Figueroa

February 15, 2005

An act to amend Sections 7804.1, 7810, 7815.5, 7835.1, 7837, 7841.1, 7850.1, 7852.1 of the Business and Professions Code, relating to geologists and geophysicists.

LEGISLATIVE COUNSEL'S DIGEST
SB 228, as amended, Figueroa. Board for Geologists and Geophysicists: sunset date.
Existing law, the Geologist and Geophysicist Act, provides for the regulation of geologists and geophysicists by the Board for Geologists and Geophysicists, in the Department of Consumer Affairs. Under existing law, the provisions creating the board and authorizing the board to appoint an executive officer will become inoperative on July 1, 2006, and will be repealed as of January 1, 2007.
This bill would extend to unspecified dates the dates on which these provisions are inoperative and repealed instead make these provisions inoperative and repealed on July 1, 2011 and January 1, 2012, respectively.
The bill would also change references to “registered geophysicist” to “professional geophysicist” in specified provisions.

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

SECTION 1. Section 7804.1 of the Business and Professions Code is amended to read:
Only a person registered as a geophysicist under the provisions of this chapter shall be entitled to take and use the title “Registered—Professional Geophysicist.” Only a person registered as a geophysicist and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geophysicist.

SECTION 1.

SEC. 2. Section 7810 of the Business and Professions Code is amended to read:

7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.

Each member shall hold office until the appointment and qualification of the member’s successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.

Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint three of the public members and the three members qualified as provided in Section 7811. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occurred on or after January 1, 1983. At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.

This section shall become inoperative on ________ July 1, 2011, and, as of ________ January 1, 2012, is repealed, unless a
later enacted statute, that becomes operative 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. 3. Section 7815.5 of the Business and Professions Code
is amended to read:

7815.5. The board may appoint a person exempt from civil
service who shall be designated as an executive officer and who
shall exercise the powers and perform the duties delegated by the
board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2011,
and, as of January 1, 2012, is repealed, unless a later
enacted statute, which becomes effective on or before January 1,
2012, deletes or extends the dates on which it becomes
inoperative and is repealed.

SEC. 4. Section 7835.1 of the Business and Professions Code
is amended to read:

7835.1. All geophysical plans, specifications, reports, or
documents shall be prepared by a registered professional
gephysicist, registered certified specialty geophysicist,
professional geologist, registered certified specialty geologist, or
by a subordinate employee under his or her direction. In addition,
they shall be signed by the registered professional geophysicist,
registered certified specialty geophysicist, professional geologist,
or registered certified specialty geologist, or stamped with his or
her seal, either of which shall indicate his or her responsibility
for them.

SEC. 5. Section 7837 of the Business and Professions Code is
amended to read:

7837. A subordinate to a geologist or geophysicist registered
under this chapter, insofar as he or she acts solely in that
capacity, is exempt from registration under the provisions of this
chapter. This exemption, however, does not permit any
subordinate to practice geology or geophysics for others in his or
her own right or to use the title “professional geologist” or
“registered professional geophysicist.”

SEC. 6. Section 7841.1 of the Business and Professions Code
is amended to read:
7841.1. An applicant for registration as a geophysicist shall have all of the following qualifications. This section shall not apply to applicants for registration as geologists.

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

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

(1) Graduation with a major in a geophysical science or any other discipline which in the opinion of the board is relevant to geophysics.

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

(c) Have at least seven years of professional geophysical work which shall include either a minimum of three years of professional geophysical work under the supervision of a registered professional geophysicist, except that prior to July 1, 1973, professional geophysical work shall qualify under this subdivision if it is under the supervision of a qualified geophysicist, or a minimum of five years’ experience in responsible charge of professional geophysical work. Professional geophysical work does not include the routine maintenance or operation of geophysical instruments, or, even if carried out under the responsible supervision of a professional geophysicist, the routine reduction or plotting of geophysical observations.

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

Teaching in the geophysical sciences referred to in this section at a college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of third or fourth year or graduate courses.

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

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

(d) Successfully pass a written examination.

SEC. 7. Section 7850.1 of the Business and Professions Code is amended to read:

7850.1. Any applicant who has passed the examination and has otherwise qualified hereunder as a geophysicist, upon payment of the registration fee fixed by this chapter shall have a certificate of registration issued to him or her as a professional geophysicist.

SEC. 8. Section 7852.1 of the Business and Professions Code is amended to read:

7852.1. (a) Each geophysicist registered under this chapter may, upon registration, obtain a seal of the design authorized by the board bearing the registrant’s name, number of his or her certificate, and the legend “Registered—Professional Geophysicist.”

(b) Each specialty geophysicist certified under this chapter may, upon certification, obtain a seal of the design authorized by the board bearing the registrant’s name, number of his or her certificate and the legend “Certified Specialty Geophysicist.”