# **APPENDIX F**

# PERTINENT CODES

# BUSINESS AND PROFESSIONS CODE SECTION 6700-6706.3

#### 6700.

This chapter constitutes the chapter on professional engineers. It may be cited as the Professional Engineers Act.

## 6701.

"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" 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" 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" 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.

#### 6703.

The phrase "responsible charge of work" means the independent control and direction, by the use of initiative, skill, and independent judgment, of the investigation or design of professional engineering work or the direct engineering control of such projects. The phrase does not refer to the concept of financial liability.

## 6703.1.

"Supervision of the construction of engineering structures" means the periodic observation of materials and completed work to determine general compliance with plans, specifications, and design and planning concepts. However, "supervision of the construction of engineering structures" does not include responsibility for the superintendence of construction processes, site conditions, operations, equipment, personnel, or the maintenance of a safe place to work or any safety in, on, or about the site. For purposes of this subdivision, "periodic observation" means visits by an engineer, or his or her agent, to the site of a work of improvement.

## 6704.

In order to safeguard life, health, property, and public welfare, no person shall practice civil, electrical, or mechanical engineering unless appropriately registered or specifically exempted from registration under this chapter, and only persons registered under this chapter shall be

entitled to take and use the titles "consulting engineer," "professional engineer," or "registered engineer," or any combination of those titles, and according to registration with the board the engineering branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or "engineer-in-training." The provisions of this act pertaining to registration of professional engineers other than civil engineers, do not apply to employees in the communication industry; nor to the employees of contractors while engaged in work on communication equipment; however, those employees may not use any of the titles listed in Section 6732 unless registered. The provisions of this section shall not prevent the use of the title "consulting engineer" by a person who has qualified for and maintained exemption for using that title under the provisions of Section 6732.1, or by a person licensed as a photogrammetric surveyor.

## 6704.1.

- (a) The Department of Consumer Affairs, in conjunction with the board, and the Joint Committee on Boards, Commissions, and Consumer Protection shall review the engineering branch titles specified in Section 6732 to determine whether certain title acts should be eliminated from this chapter, retained, or converted to practice acts similar to civil, electrical, and mechanical engineering, and whether supplemental engineering work should be permitted for all branches of engineering. The department shall contract with an independent consulting firm to perform this comprehensive analysis of title act registration.
- (b) The independent consultant shall perform, but not be limited to, the following:
  - (1) meet with representatives of each of the engineering branches and other professional groups;
  - (2) examine the type of services and work provided by engineers in all branches of engineering and interrelated professions within the marketplace, to determine the interrelationship that exists between the various branches of engineers and other interrelated professions;
  - (3) review and analyze educational requirements of engineers;
  - (4) identify the degree to which supplemental or "overlapping" work between engineering branches and interrelated professions occurs;
  - (5) review alternative methods of regulation of engineers in other states and what impact the regulations would have if adopted in California;
  - (6) identify the manner in which local and state agencies utilize regulations and statutes to regulate engineering work; and
  - (7) recommend changes to existing laws regulating engineers after considering how these changes may affect the health, safety, and welfare of the public.
- (c) The board shall reimburse the department for costs associated with this comprehensive analysis. The department shall report its findings and recommendations to the Legislature by September 1, 2002.

### 6705.

A subordinate is any person who assists a registered professional engineer in the practice of professional engineering without assuming responsible charge of work.

## 6706.

- (a) An engineer who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the engineer's good faith but negligent inspection of a structure used for human habitation or owned by a public entity for structural integrity or nonstructural elements affecting life and safety. The immunity provided by this section shall apply only for an inspection that occurs within 30 days of the declared emergency. Nothing in this section shall provide immunity for gross negligence or willful misconduct.
- (b) As used in this section:

- (1) "Engineer" means a person registered under this chapter as a professional engineer, including any of the branches thereof.
- (2) "Public safety officer" has the meaning given in Section 3301 of the Government Code.
- (3) "Public official" means a state or local elected officer.

#### 6706.3.

Any reference in any law or regulation to a registered engineer, or to a registered civil, electrical, or mechanical

engineer, is deemed to refer to a licensed engineer, or to a licensed civil, electrical, or mechanical engineer, as the case may be.

# BUSINESS AND PROFESSIONS CODE SECTION 7800-7807.1

#### 7800.

This chapter of the Business and Professions Code constitutes the chapter on geologists and geophysicists. It may be cited as the Geologist and Geophysicist Act.

#### 7801.

"Board," as used in this chapter, means the Board for Geologists and Geophysicists. Any reference in any law or regulation to the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Geologists and Geophysicists.

## 7802.

"Geology," as used in this chapter, refers to that science which treats of the earth in general; investigation of the earth's crust and the rocks and other materials which compose it; and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of mankind.

## 7802.1.

"Geophysics," as used in this chapter, refers to that science which involves study of the physical earth by means of measuring its natural and induced fields of force, including, but not limited to, electric, gravity, and magnetic, and its responses to natural and induced energy and the interpreting of these measurements and the relating of them to the physics of the earth.

#### 7803

"Geologist," as used in this chapter, refers to a person engaged in the practice of geology.

#### 7803.1.

"Geophysicist," as used in this chapter, refers to a person engaged in the practice of geophysics.

### 7804.

Only a person registered as a geologist under the provisions of this chapter shall be entitled to take and use the title "professional geologist." Only a person registered as a geologist and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geologist.

## 7804.1.

Only a person registered as a geophysicist under the provisions of this chapter shall be entitled to take and use the title "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.

#### 7805.

The term "responsible charge of work" means the independent control and direction by the use of initiative, skill and independent judgment of geological or geophysical work or the supervision of such work.

#### 7806.

A subordinate is any person who assists a professional geologist or professional geophysicist in the practice of geology or geophysics without assuming the responsible charge of work.

#### 7807.

A qualified geologist is a person who possesses all the qualifications specified in Section 7841 for registration except that he is not registered.

#### 7807.1.

A qualified geophysicist is a person who possesses all the qualifications specified in Section 7841.1 for registration except that he is not registered.

# FISH AND GAME CODE SECTION 1500-1507

# 1501.5.

- (a) The department may enter into contracts for fish and wildlife habitat preservation, restoration, and enhancement with public and private entities whenever the department finds that the contracts will assist in meeting the department's duty to preserve, protect, and restore fish and wildlife.
- (b) The department may grant funds for fish and wildlife habitat preservation, restoration, and enhancement to public agencies, Indian tribes, and nonprofit entities whenever the department finds that the grants will assist it in meeting its duty to preserve, protect, and restore fish and wildlife.
- (c) Contracts authorized under this section are contracts for services and are governed by Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code. No work under this section is public work or a public improvement, and is not subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
- (d) This section does not apply to contracts for any of the following:
  - (1) Construction of office, storage, garage, or maintenance buildings.
  - (2) Drilling wells and installation of pumping equipment.
  - (3) Construction of permanent hatchery facilities, including raceways, water systems, and bird exclosures.
  - (4) Construction of permanent surfaced roadways and bridges.
  - (5) Any project requiring engineered design or certification by a registered engineer.
  - (6) Any contract, except contracts with public agencies, nonprofit organizations, or Indian tribes that exceed fifty thousand dollars (\$50,000) in cost, excluding the cost for gravel, for fish and wildlife habitat preservation, restoration, and enhancement for any one of the following:
    - (A) Fish screens, weirs, and ladders.
    - (B) Drainage or other watershed improvements.
    - (C) Gravel and rock removal or placement.
    - (D) Irrigation and water distribution systems.
    - (E) Earthwork and grading.
    - (F) Fencing.
    - (G) Planting trees or other habitat vegetation.
    - (H) Construction of temporary storage buildings.

# FISH AND GAME CODE SECTION 1600-1616

# 1600.

The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state, as well as providing a significant part of the people's food supply; therefore their conservation is a proper responsibility of the state. This chapter is enacted to provide conservation for these resources.

#### 1601.

The following definitions apply to this chapter:

- (a) "Agreement" means a lake or streambed alteration agreement.
- (b) "Day" means calendar day.
- (c) "Emergency" has the same definition as in Section 21060.3 of the Public Resources Code.
- (d) "Entity" means any person, state or local governmental agency, or public utility that is subject to this chapter.

#### 1609.

- (a) The director may establish a graduated schedule of fees to be charged to any entity subject to this chapter. The fees charged shall be established in an amount necessary to pay the total costs incurred by the department in administering and enforcing this chapter, including, but not limited to, preparing and submitting agreements and conducting inspections. The department may adjust the fees pursuant to Section 713. Fees received pursuant to this section shall be deposited in the Fish and Game Preservation Fund.
- (b) (1) The fee schedule established pursuant to subdivision (a) may not impose a fee that exceeds five thousand dollars (\$5,000) for any agreement.
  - (2) The fee limitation described in paragraph (1) does not apply to any agreement issued pursuant to subdivision (g) of Section 1605.

# FISH AND GAME CODE SECTION 5980-5993

#### 5981.

The department shall examine all conduits; and order the owner of a conduit to install, and it is the duty of such an owner to install, a screen on the conduit when, in the opinion of the department, a screen is necessary to prevent fish from passing into the conduit. Except as provided in Sections 5987, 5988 and 5989, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit and one-half by the department.

# FISH AND GAME CODE SECTION 6020-6028

#### 6021

The department shall examine new or existing conduits, and may install, maintain, repair, and replace fish screens, bypasses, or other devices to prevent the passage of fish through a conduit, when in the opinion of the department such a screen or device is practical and necessary. The owner of a conduit shall grant to the department the right of access to the conduit for the installation and maintenance of the screen, and shall provide the department with an easement for a site for the installation of the screen or device deemed suitable by the department. The owner shall also supply sufficient water for a bypass to carry fish stopped by the screen or device back to the channel from which they were diverted, and an easement for the bypass channel, but such easement shall not require the acquisition or leasing of additional lands by the owner. No water for a bypass shall be required if the channel from which the water is diverted is dry or incapable of supporting fish life below the point of diversion.

# FISH AND GAME CODE SECTION 6100

## 6100.

Notwithstanding any provision of Article 3 (commencing with Section 5980) and Article 4 (commencing with Section 6020), on or after the effective date of this article, any new diversion of water from any stream having populations of salmon and steelhead which is determined by the department to be deleterious to salmon and steelhead shall be screened by the owner. The construction, operation, or maintenance costs of any screen required pursuant to this article shall be borne by the owner of the diversion.

The department within 30 days of receipt of a notice of such diversion, or within the time determined by mutual written agreement, shall submit to the owner its proposals as to measures necessary to protect the salmon and steelhead. The department shall notify the owner that it shall make onsite investigation and shall make any other investigation before it shall propose any measure necessary to protect fishlife. The department, or any agency of the state, shall provide the owner of the diversion any available information which is required by such owner in order to comply with the provisions of this article. The diversion shall not commence until the department has determined that measures necessary to protect fishlife have been incorporated into the plans and construction of such diversion.

#### 7360.

- (a) A person shall not sport fish in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains, in addition to a valid California sport fishing license and any applicable stamp or validation issued pursuant to Section 7149 or 7149.05, a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to his or her valid sport fishing license.
- (b) The commission may modify, by regulation, the geographic parameters specified in subdivision (a).
- (c) The department or an authorized license agent shall issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a base fee of five dollars (\$5), in the 2004 license year, which shall be adjusted annually thereafter pursuant to Section 713.

## 7361.

Fees received by the department pursuant to Section 7360 shall be deposited in a separate account in the Fish and Game Preservation Fund. The department shall expend the funds in that account for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, including, but not limited to, striped bass, sturgeon, black bass, halibut, salmon, surf perch, steelhead trout, and American shad. Funds shall be expended to benefit sport fish populations, sport fishing opportunities, and anglers within the geographic parameters established in Section 7360, and consistent with state and federal Endangered Species Act requirements and applicable commission policies. It is the intent of the Legislature that these funds be used to augment, not replace, funding that would otherwise be allocated to Bay-Delta sport fisheries from the sale of fishing licenses, the California Bay-Delta Authority, or other federal, state, or local funding sources.

# LABOR CODE SECTION 1720-1743

#### 1720.4.

- (a) This chapter shall not apply to any of the following work:
  - (1) Any work performed by a volunteer. For purposes of this section, "volunteer" means an individual who performs work for civic, charitable, or humanitarian reasons for a public agency or corporation qualified under Section 501(c)(3) of the Internal Revenue Code as

a tax-exempt organization, without promise, expectation, or receipt of any compensation for work performed.

- (A) An individual shall be considered a volunteer only when his or her services are offered freely and without pressure and coercion, direct or implied, from an employer.
- (B) An individual may receive reasonable meals, lodging, transportation, and incidental expenses or nominal nonmonetary awards without losing volunteer status if, in the entire context of the situation, those benefits and payments are not a substitute form of compensation for work performed.
- (C) An individual shall not be considered a volunteer if the person is otherwise employed for compensation at any time (i) in the construction, alteration, demolition, installation, repair, or maintenance work on the same project, or (ii) by a contractor, other than a corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, that is receiving payment to perform construction, alteration, demolition, installation, repair, or maintenance work on the same project.
- (2) Any work performed by a volunteer coordinator. For purposes of this section, "volunteer coordinator" means an individual paid by a corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, to oversee or supervise volunteers. An individual may be considered a volunteer coordinator even if the individual performs some nonsupervisory work on a project alongside the volunteers, so long as the individual's primary responsibility on the project is to oversee or supervise the volunteers rather than to perform nonsupervisory work.
- (3) Any work performed by members of the California Conservation Corps or of Community Conservation Corps certified by the California Conservation Corps pursuant to Section 14507.5 of the Public Resources Code.
- (b) This section shall apply retroactively to otherwise covered work concluded on or after January 1, 2002, to the extent permitted by law.
- (c) This section shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statue, which is enacted before January 1, 2009, deletes or extends that date.