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SB-1452 Architecture and landscape architecture. (2023-2024)

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Senate Bill No. 1452

CHAPTER 482

An act to amend Sections 5510, 5515, 5517, 5536.1, 5536.25, 5536.4, 5550, 5550.1, 5558, 5565, 5570, 5582.1, 5600, 5600.1, 5600.3, 5604, 5610.5, 5620, 5621, 5622, 5640, 5641.3, 5641.4, 5657, and 5680.2 of, and to add Sections 5552.6, 5559, and 5658 to, the Business and Professions Code, relating to architects and landscape architects, and making an appropriation therefor.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1452, Ashby. Architecture and landscape architecture.

Existing law, the Architects Practice Act, establishes the California Architects Board in the Department of Consumer Affairs until January 1, 2025, for the licensure and regulation of persons engaged in the practice of architecture, and makes specified violations of those provisions a crime. The board is also responsible for the licensure and regulation of landscape architects.

This bill would extend the operation of the California Architects Board until January 1, 2029, and make related conforming changes. By extending the operation of these provisions, the bill would impose a state-mandated local program. The bill would also make nonsubstantive changes to various provisions of existing law relating to licensees of the board.

Existing law requires, before taking the examination for a license to practice architecture, a person to file their application for examination with the board and pay a specified application fee.

This bill would authorize the board to extend a candidate's application or examination process beyond the 5-year period, as specified, if a state of emergency is proclaimed by the Governor. The bill would require any extension granted to be an amount of time sufficient to supplement the time lost due to the state of emergency.

Existing law relating to architecture and landscape architecture requires each licensee to file their current mailing address and the current name and address of the entity through which they provide architectural services with the board and notify the board of any change, as specified.

This bill would require each licensee to also file with the board their current email address. The bill would require the board to post the above-described information obtained from licensees to its internet website, except for email addresses. The bill would also require each applicant for examination or licensure as an architect or a landscape architect who has a valid email address, as defined, to report to the board that email address at the time of application. The bill would require each licensee who has a valid email address to report to the board or verify that email address at the time of renewal. The bill would require each applicant or licensee to notify the board within 30 days of any change to their email address on file with the board. Under the bill, email addresses provided to the board pursuant to the bill would not be considered a public record and the bill would prohibit the public disclosure of those email addresses pursuant to specified law, except as provided. The bill would provide that information sent

from an email account of the board to a valid email address provided by an applicant or licensee is presumed to have been delivered to the email address provided.

Existing law prescribes the time in which an issued or renewed license expires. Existing law requires the board to give written notice by registered mail 90 days in advance of the expiration of the 5th year that a renewal fee has not been paid. Existing law authorizes an architecture or landscape architecture license that has expired to be renewed at any time within 5 years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees, except as otherwise provided. Existing law provides that a license which is not renewed within 5 years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. Existing law applicable to landscape architects authorizes the holder of the expired license to apply for and obtain a new license if no fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension, the holder of the expired license pays the fees required of new applicants, and the holder of the expired license takes and passes the current California Supplemental Examination.

This bill would prescribe the expiration of an issued or renewed license to be 2 years from the last day of the month in which the license was issued or 2 years from the date on which the renewed license last expired. The bill would remove the above-described requirement that the board give written notice by registered mail. The bill would instead authorize the holder of the expired landscape architecture license to apply for and obtain a new license if they pay all of the fees and meet all of the requirements for obtaining the original license.

Existing law imposes various fees on licensees and applicants, which are deposited in the California Architects Board Fund, a continuously appropriated fund. Under existing law, these fees are prohibited from exceeding certain amounts, including, among others, that the fee for any section of the examination administered by the board is prohibited from exceeding \$100.

This bill would instead prescribe various amounts of dollars that fees are required to be and would authorize the board to adopt regulations to set the fee at a higher amount, up to a prescribed maximum. The bill would establish a fee for a license certification and would prohibit the fee from exceeding \$40. By increasing moneys deposited into a continuously appropriated fund, this bill would make an appropriation.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5510 of the Business and Professions Code is amended to read:

5510. There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.

This section shall remain in effect only until January 1, 2029, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 5515 of the Business and Professions Code is amended to read:

5515. (a) Every person appointed shall serve for four years and until the appointment and qualification of their successor or until one year has elapsed since the expiration of the term for which they were appointed, whichever occurs first.

(b) No person shall serve as a member of the board for more than two consecutive terms.

(c) Vacancies occurring before the expiration of the term shall be filled by appointment for the unexpired term.

(d) Each appointment shall expire on June 30 of the fourth year following the year in which the previous term expired.

(e) The Governor shall appoint three of the public members and the five licensed members qualified as provided in Section 5514. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

SEC. 3. Section 5517 of the Business and Professions Code is amended to read:

5517. 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 the executive officer by this chapter.

This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 4. Section 5536.1 of the Business and Professions Code is amended to read:

5536.1. (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and, if licensed under this chapter, shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. The failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.

(b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board, which shall at a minimum bear the licensee's name, their license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.

(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.

(d) The board may adopt regulations necessary for the implementation of this section.

SEC. 5. Section 5536.25 of the Business and Professions Code is amended to read:

5536.25. (a) A licensed architect who signs and stamps plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved in writing by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the written authorization or approval was not unreasonably withheld by the architect and the architectural service rendered by the architect who signed and stamped the plans, specifications, reports, or documents was not also a proximate cause of the damage.

(b) The signing and stamping of plans, specifications, reports, or documents which relate to the design of fixed works shall not impose a legal duty or responsibility upon the person signing the plans, specifications, reports, or documents to observe the construction of the fixed works that are the subject of the plans, specifications, reports, or documents. However, this section shall not preclude an architect and a client from entering into a contractual agreement that includes a mutually acceptable arrangement for the provision of construction observation services. This subdivision shall not modify the liability of an architect who undertakes, contractually or otherwise, the provision of construction observation services for rendering those services.

(c) (1) For purposes of this section, "construction observation services" means periodic observation of completed work to determine general compliance with the plans, specifications, reports, or other contract documents. However, "construction observation services" does not mean the superintendence of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

(2) For purposes of this subdivision, "periodic observation" means visits by an architect, or their agent, to the site of a work of improvement.

SEC. 6. Section 5536.4 of the Business and Professions Code is amended to read:

5536.4. (a) No person may use an architect's instruments of service, as those professional services are described in paragraph (2) of subdivision (b) of Section 5500.1, without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use.

(b) An architect shall not unreasonably withhold consent to use their instruments of service from a person for whom the architect provided the services. An architect may reasonably withhold consent to use the instruments of service for cause, including, but not limited to, lack of full payment for services provided or failure to fulfill the conditions of a written contract.

SEC. 7. Section 5550 of the Business and Professions Code is amended to read:

5550. Subject to the rules and regulations governing examinations, any person who meets the qualifications set forth in this article shall be entitled to an examination for a license to practice architecture. Before taking the examination, the person shall file their application for examination with the board and pay the application fee fixed by this chapter. The fee shall be retained by the board.

SEC. 8. Section 5550.1 of the Business and Professions Code is amended to read:

5550.1. (a) An applicant for a license to practice architecture shall be required, as part of the examination for licensure, to demonstrate to the board's satisfaction their knowledge and understanding of and proficiency in exterior and interior barrier free design.

(b) The board shall include questions regarding exterior and interior barrier free design as part of the examination. Those questions shall periodically be reviewed by the board to ensure that the examination reflects current regulations and the latest developments in barrier free design.

SEC. 9. Section 5552.6 is added to the Business and Professions Code, to read:

5552.6. (a) The board may extend a candidate's application or examination process beyond the five-year period described in Section 109 of Title 16 of the California Code of Regulations if a state of emergency is proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(b) Any extension granted under subdivision (a) shall be an amount of time sufficient to supplement the time lost due to the state of emergency.

SEC. 10. Section 5558 of the Business and Professions Code is amended to read:

5558. (a) Each person holding a license to practice architecture under this chapter shall file with the board their current mailing address, email address, and the proper and current name and address of the entity or entities through which they provide architectural services. For purposes of this section, "entity" means any individual, firm, corporation, or limited liability partnership.

(b) (1) The board shall post the information obtained in subdivision (a) to its internet website, pursuant to Section 5559, except for email addresses.

(2) To protect the privacy of licensees, the email addresses provided to the board pursuant to subdivision (a) shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), unless required by an order of a court of competent jurisdiction.

SEC. 11. Section 5559 is added to the Business and Professions Code, immediately following Section 5558, to read:

5559. (a) Each applicant for examination or licensure who has a valid email address shall report to the board that email address at the time of application.

(b) A licensee who has a valid email address shall report that email address to the board at the time of renewal.

(c) Each applicant or licensee shall notify the board within 30 days of any change to their email address on file with the board.

(d) To protect the privacy of applicants and licensees, the email addresses provided to the board pursuant to subdivisions (a) and (b) shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), unless required by an order of a court of competent jurisdiction.

(e) Information sent from an email account of the board to a valid email address provided by an applicant or licensee is presumed to have been delivered to the email address provided.

(f) For the purposes of this section, "valid email address" means an email address at which the applicant or licensee is currently receiving email at the time the application or license renewal is submitted to the board.

SEC. 12. Section 5565 of the Business and Professions Code is amended to read:

5565. The board's decision may do the following:

- (a) Provide for the immediate complete suspension by the holder of the license of all operations as an architect during the period fixed by the decision.
- (b) Permit the holder of the license to complete any or all contracts for the performance of architectural services shown by evidence taken at the hearing to be then unfinished.
- (c) Impose upon the holder of the license compliance with any specific conditions as may be just in connection with their operations as an architect disclosed at the hearing, and may further provide that until those conditions are complied with no application for restoration of the suspended or revoked license shall be accepted by the board.
- (d) Assess a fine not to exceed five thousand dollars (\$5,000) against the holder of a license for any of the causes specified in Section 5577. A fine may be assessed in lieu of, or in addition to, a suspension or revocation. All fines collected pursuant to this subdivision shall be deposited to the credit of the California Architects Board Fund.

SEC. 13. Section 5570 of the Business and Professions Code is amended to read:

5570. In any proceeding for review by a court, the court may permit, in its discretion, upon the filing of a proper bond by the holder of the license in an amount to be fixed by the court, guaranteeing the compliance by the holder of the license with specific conditions imposed upon them by the board's decision, if any, the holder of the license to continue to practice as an architect pending entry of judgment by the court in the case. There shall be no stay of the board's decision pending an appeal or review of any proceeding, unless the appellant or applicant for review files a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the board's decision in the first instance.

SEC. 14. Section 5582.1 of the Business and Professions Code is amended to read:

- 5582.1.** (a) The fact that the holder of a license has affixed their signature to plans, drawings, specifications, or other instruments of service which have not been prepared by them, or under their responsible control, constitutes a ground for disciplinary action.
- (b) The fact that the holder of a license has permitted their name to be used for the purpose of assisting any person to evade the provisions of this chapter constitutes a ground for disciplinary action.

SEC. 15. Section 5600 of the Business and Professions Code is amended to read:

- 5600.** (a) All licenses issued or renewed under this chapter shall expire two years from the last day of the month in which the license was issued or two years from the date on which the renewed license last expired.
- (b) To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.
- (c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

SEC. 16. Section 5600.1 of the Business and Professions Code is amended to read:

- 5600.1.** (a) The board shall give written notice to a licensee 30 days in advance of the regular renewal date and shall give written notice 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid.
- (b) The board shall also notify licensees of the availability of abstract and other informational materials on requirements for interior and exterior barrier-free design to permit access to and use of the architectural environment by the physically handicapped.

SEC. 17. Section 5600.3 of the Business and Professions Code is amended to read:

- 5600.3.** A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may apply for and obtain a new license only if they pay all of the fees, and meet all of the requirements set forth in this chapter for obtaining an original license, except as follows:
- (a) An examination shall not be required if the expired license was issued without an examination.

(b) Examination may be waived by the board if it finds that with due regard for the public interest, the holder of the expired license is qualified to practice architecture.

(c) The holder of the expired license shall not be required to meet the qualifications set forth in this chapter relating to education.

The board may, by regulation, authorize the waiver or refund of all or any part of the application fee paid by a person to whom a license is issued without an examination under this section.

SEC. 18. Section 5604 of the Business and Professions Code is amended to read:

5604. The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the board as follows:

(a) The application fee for reviewing a candidate's eligibility to take any section of the examination shall be one hundred dollars (\$100). The board may adopt regulations to set the fee at a higher amount, up to a maximum of one hundred fifty dollars (\$150).

(b) The fee for any section of the examination administered by the board shall be one hundred dollars (\$100). The board may adopt regulations to set the fee at a higher amount, up to a maximum of one hundred fifty dollars (\$150).

(c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.

(d) The fee for an application for reciprocity shall be one hundred dollars (\$100). The board may adopt regulations to set the fee at a higher amount, up to a maximum of two hundred fifty dollars (\$250).

(e) The fee for a duplicate license shall be twenty-five dollars (\$25). The board may adopt regulations to set the fee at a higher amount, up to a maximum of fifty dollars (\$50).

(f) The renewal fee shall be four hundred dollars (\$400). The board may adopt regulations to set the fee at a higher amount, up to a maximum of six hundred dollars (\$600).

(g) The delinquency fee may not exceed 50 percent of the renewal fee.

(h) The fee for a retired license shall be one hundred fifty dollars (\$150) and shall not exceed the fee prescribed in subdivision (c).

(i) The fee for a license certification shall not exceed forty dollars (\$40).

SEC. 19. Section 5610.5 of the Business and Professions Code is amended to read:

5610.5. The income of a professional architectural corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), shall not in any manner accrue to the benefit of that shareholder or their shares in the professional architectural corporation.

SEC. 20. Section 5620 of the Business and Professions Code is amended to read:

5620. The duties, powers, purposes, responsibilities, and jurisdiction of the California State Board of Landscape Architects that were succeeded to and vested with the Department of Consumer Affairs in accordance with Chapter 908 of the Statutes of 1994 are hereby transferred to the California Architects Board. The Legislature finds that the purpose for the transfer of power is to promote and enhance the efficiency of state government and that assumption of the powers and duties by the California Architects Board shall not be viewed or construed as a precedent for the establishment of state regulation over a profession or vocation that was not previously regulated by a board, as defined in Section 477.

(a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3 of Division 3.

Whenever in this chapter "board" is used, it refers to the California Architects Board.

(b) Except as provided herein, the board may delegate its authority under this chapter to the Landscape Architects Technical Committee.

(c) After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or

repeal those regulations.

(d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 21. Section 5621 of the Business and Professions Code is amended to read:

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of the member's successor or until one year shall have elapsed, whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 22. Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 23. Section 5640 of the Business and Professions Code is amended to read:

5640. It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment, for a person to do any of the following without possessing a valid, unrevoked license as provided in this chapter:

(a) Engage in the practice of landscape architecture.

(b) Use the title or term "landscape architect," "landscape architecture," "landscape architectural," or any other titles, words, or abbreviations that would imply or indicate that they are a landscape architect, as defined in Section 5615.

(c) Use the stamp of a licensed landscape architect, as provided in Section 5659.

(d) Advertise or put out a sign, card, or other device that might indicate to the public that they are a licensed landscape architect or qualified to engage in the practice of landscape architecture.

SEC. 24. Section 5641.3 of the Business and Professions Code is amended to read:

5641.3. An architect, professional engineer, or land surveyor licensed or registered under the statutes of this state, insofar as the licensed or registered professional practices the profession for which they are licensed or registered, is exempt from this chapter, except that an architect, professional engineer, or land surveyor shall not use the title "landscape architect" unless they hold a license as required under this chapter.

SEC. 25. Section 5641.4 of the Business and Professions Code is amended to read:

5641.4. A landscape contractor licensed under the statutes of this state, insofar as they work within the classification for which the license is issued, may design systems and facilities for work to be performed and supervised by that landscape contractor and is exempt from this chapter, except that a landscape contractor shall not use the title "landscape architect" unless they hold a license as required under this chapter.

SEC. 26. Section 5657 of the Business and Professions Code is amended to read:

5657. Each licensee shall file their current mailing address with the board at its office in Sacramento, California, and shall notify the board of any and all changes of mailing address, providing both their old and new address within 30 days after a change. A penalty as provided in this chapter shall be paid by a licensee who fails to notify the board within 30 days after a change of address.

SEC. 27. Section 5658 is added to the Business and Professions Code, to read:

5658. (a) Each applicant for examination or licensure who has a valid email address shall report to the board that email address at the time of application.

(b) Each licensee who has a valid email address shall report to the board or verify that email address at the time of renewal.

(c) Each applicant or licensee shall notify the board within 30 days of any change to their email address on file with the board.

(d) To protect the privacy of applicants and licensees, the email addresses provided to the board pursuant to subdivisions (a) and (b) shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), unless required by an order of a court of competent jurisdiction.

(e) Information sent from an email account of the board to a valid email address provided by an applicant or licensee is presumed to have been delivered to the email address provided.

(f) For the purposes of this section, "valid email address" means an email address at which the applicant or licensee is currently receiving email at the time the application or license renewal is submitted to the board.

SEC. 28. Section 5680.2 of the Business and Professions Code is amended to read:

5680.2. A license that is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if they pay all of the fees and meet all of the requirements set forth in this chapter for obtaining an original license.

SEC. 29. The Legislature finds and declares that Sections 11 and 27 of this act, which add Sections 5559 and 5658 to the Business and Professions Code, and Section 10, which amends Section 5558 of the Business and Professions Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act balances the public's right to access records of the California Architects Board with the need to protect the privacy of applicants and licensees.

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.