



FUTURE MEETINGS

September 23-24 in Sacramento.
December 2-3 in Oakland.

CERTIFIED SHORTHAND REPORTERS BOARD

*Executive Officer: Richard Black
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The Certified Shorthand Reporters Board (CSRB) is authorized pursuant to Business and Professions Code section 8000 *et seq.* The Board's regulations are found in Division 24, Title 16 of the California Code of Regulations (CCR).

CSRB licenses and disciplines shorthand reporters; recognizes court reporting schools; and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members—three public and two from the industry—who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment. The Governor appoints one public member and the two industry members; the Senate Rules Committee and the Speaker of the Assembly each appoint one public member. On January 30, new public member Teri Jackson was sworn in; Jackson was appointed by Assembly Speaker Willie Brown.

MAJOR PROJECTS

Board Continues to Consider Gift Giving and Exclusive Contracting Issues. At its November 1992 meeting, CSRB created a task force to consider whether legislative amendments are appropriate regarding shorthand reporting firms which exclusively contract with or give gifts or special prices to certain consumers, such as attorneys for insurance carriers. [13:1 CRLR 68] The task force met on January 23, and reported its findings to the Board at its February 27 meeting. Specifically, the task force recommended that the Board seek legislation requiring CSRs to disclose any special pricing or other special arrangements prior to the commencement of a deposition, certify that the disclosure was made, and prohibiting gift-giving which exceeds the Internal Revenue Service limitation of \$25 per person per year.

Following discussion, the Board adopted the task force's recommendation.

However, the Board was unable to find a legislator willing to carry the necessary legislation, and is expected to postpone further action on this proposal until next session.

Curriculum Revisions Approved.

On January 8, the Office of Administrative Law approved the Board's proposed amendments to sections 2411 and 2420(a)(3), Title 16 of the CCR, which update the required curriculum for court reporting programs and change the fixed passing score on written exams to a criterion-referenced method. [13:1 CRLR 68]

LAO Proposes To Eliminate CSRB.

In its *Analysis of the 1993-94 Budget Bill*, one of the recommendations made by the Legislative Analyst's Office (LAO) for streamlining state government proposed that the legislature eliminate the separate agencies within the Department of Consumer Affairs (DCA); eliminate the state's regulatory role in thirteen currently-regulated areas; and consolidate the remaining functions under the DCA Director. Particularly relevant to CSRB is LAO's recommendation that the state stop regulating several consumer-related business activities. In determining whether the state should continue to regulate a particular area, LAO recommended that the state consider whether the board or bureau protects the public from a potential health or safety risk that could result in death or serious injury; whether the board or bureau protects the consumer from severe financial harm; and whether there are federal mandates that require the state to regulate certain activities. Based on these criteria, LAO recommended that the state remove its regulatory authority over activities currently regulated by CSRB, among other DCA bureaus and agencies. Although no pending legislation calls for complete deregulation of CSRs, Assemblymember Pete Knight has introduced AB 585, which would abolish CSRB and transfer its regulatory role to a program under the direct supervision of the DCA Director (see LEGISLATION).

Future Board-Sponsored Legislation. The Board has postponed action on most of its legislative proposals pending the outcome of AB 585 (Knight). If AB 585 is not enacted, the Board will consider the following legislative proposals for next year: changing the Board's name to the "Court Reporters Board of California"; requiring continuing education as part of license renewal requirements; expanding the grounds for disciplinary action; creating an inactive license category; and splitting the examination application fee into one fee for the application and one fee for the examination.

LEGISLATION

AB 585 (Knight), as amended May 5, would abolish CSRB, repeal provisions pertaining to CSRB, and enact new provisions providing for the regulation of shorthand reporters by the Shorthand Reporters Program in DCA, to be administered by the DCA Director and a program administrator appointed by the Governor. [A. W&M]

AB 721 (Horcher), as amended April 13, would change the penalty fee for failure to notify CSRB of a change of address from no greater than \$20 to no greater than \$100. [A. Floor]

SB 291 (Beverly), as amended May 13, would revise the requirements for accessing, storing, destroying, transcribing, and delivering reporting notes kept by a court reporter, which it would define for the purpose of these provisions. [S. Floor]

SB 842 (Presley), as amended April 13, would authorize CSRB to issue interim orders of suspension and other license restrictions, a specified, against its licensees. [A. CPGE&ED]

AB 1929 (Weggeland), as amended May 6, would authorize a court or any party or person to request a transcript in computer-readable form, specify standards and fees for these transcripts, and specifically require computer-readable transcripts in criminal cases where the death penalty may be imposed. The bill would also broaden the definition of the term reporting notes to include notes in any form, including on other than paper produced by computer-aided transcription equipment. [A. Floor]

RECENT MEETINGS

At its February 27 meeting in El Segundo, the Board reported on its yearly planning session held on January 30-31, at which proposed goals, objectives, and future plans for the Board were developed; although only two members were expected to be present for the session, new member Teri Jackson attended for a few hours as an introduction to the Board's activities. Those in attendance discussed six general areas: examinations, school oversight, expansion of disciplinary controls, closed-captioning, public relations and advocacy, and continuing education. The main recommendation resulting from the session is for the Board to begin work streamlining its examination procedure; specifically, CSRB would like to hold examinations more frequently and in more locations in order to lessen the burden on reporters. At this writing, the Board is reviewing and reformatting the planning session report and adding specific



timelines to the objectives; the Board is expected to approve the report at its June meeting, and make the report available to the public soon thereafter.

Also at its February meeting, the Board voted to indefinitely postpone implementation of its new grading policy with respect to the grammar and punctuation requirements of the transcript portion of the licensing exam. The new policy has made grading of the exams difficult and impractical, and has caused concern among exam takers. The Board also postponed discussion of new proposals to tighten security during the exam, including requiring a passport photo to take the exam and disallowing late entrances or exam time changes.

At its May meeting in Burlingame, the Board expressed concern about AB 585 (Knight), which would abolish CSRB (*see* LEGISLATION). Some members believe that if the regulation of CSRs is subsumed under DCA, public input would be diminished because public members would no longer be involved in the process, the regulation of CSRs would become political, and the individual autonomy of the Board would be lost.

■ FUTURE MEETINGS

November 11 in Los Angeles.

STRUCTURAL PEST CONTROL BOARD

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The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. SPCB's enabling statute is Business and Professions Code section 8500 *et seq.*; its regulations are codified in Division 19, Title 16 of the California Code of Regulations (CCR).

SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates. A licensed field representative may also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumi-

gants; (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections; and (4) Branch 4, Wood Roof Cleaning and Treatment, the application of wood preservatives to roofs by roof restorers. Effective July 1, 1993, all Branch 4 licensees must be licensed contractors. An operator may be licensed in all four branches, but will usually specialize in one branch and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application, and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry members. Industry members are required to be licensed pest control operators and to have practiced in the field at least five years preceding their appointment. Public members may not be licensed operators. All Board members are appointed for four-year terms. The Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

■ MAJOR PROJECTS

Update on SPCB's Rescission of Specific Notices. At its November 6 meeting, SPCB decided to rescind all twenty of its "Specific Notices" then in effect and to analyze all of its notices to decide which should be adopted as regulations, which should be rewritten as informational bulletins, and which should be withdrawn altogether. [13:1 CRLR 70] These Specific Notices, approved by the Board over the course of the past decade, represent SPCB policies and interpretations of various statutes and regulations, and are intended to guide the conduct of licensees. SPCB's unusual action came as a result of an October 26 petition for rulemaking filed by Center for Public Interest Law intern Lisa Werries pursuant to Government Code section 11347.

At its May 6-7 meeting, the Board voted unanimously to appoint a committee to develop proposed language which would incorporate the content of particular Specific Notices into regulations. The committee will follow the suggested language and recommendations of Department of Consumer Affairs (DCA) legal counsel Don Chang. The Board will also rewrite as necessary and reissue as infor-

mational bulletins the following Specific Notices: III-1-92 (Insulation on Foundations in Subarea); I-2-89 (Owner/Occupant Pesticide Notice); and III-1-84 (Mobile Homes). Other Specific Notices not being adopted as regulations will be reissued as informational bulletins without revision.

Board Considers Regulation Regarding Preconstruction Application of Termiticide. At its May 6-7 meeting, SPCB considered a regulatory proposal which would require that a preconstruction application of termiticide for protection from subterranean termites shall not be made at less than the manufacturer's label specifications. Apparently, the major trade association (Pest Control Operators of California) has recently adopted similar language as an industry standard and would like SPCB to adopt a comparable regulation. The Board agreed to pursue this amendment and tentatively scheduled a public hearing on the proposed action in August.

Board Proposes to Clarify Reinspection Language. Also at its May meeting, the Board considered pursuing regulatory changes to clarify several issues regarding reinspections. Specifically, the proposed changes would require that a reinspection be performed if it is requested by the person who ordered the original inspection, provide that the request for reinspection must be made within four months of the original inspection, and require that the reinspection be performed within ten working days of the request for a fee not more than the original fee. The Board agreed to pursue this change, and tentatively scheduled a public hearing regarding the proposed language in August.

Inspection Report Definitions and Requirements. At its May meeting, SPCB unanimously agreed to refer proposed amendments to section 1993, Title 16 of the CCR, concerning inspection reports, to the Technical Advisory Committee for review. The proposed amendments would provide the following:

-An original inspection report is the report of the first inspection conducted on a structure in accordance with the requirements of Business and Professions Code section 8516. This report is either a complete or limited inspection.

-A complete report is the report of an inspection of all visible and accessible portions of a structure in accordance with the requirements of Business and Professions Code section 8516(b).

-A limited report is a report on only part of a structure. Such a report shall include a diagram of the area inspected and shall specifically indicate which por-