



modified versions of several proposed regulatory changes which were the subject of a public hearing in February 1988. The Office of Administrative Law (OAL) disapproved the proposed changes in December 1988. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 64 and Vol. 8, No. 2 (Spring 1988) p. 77 for background information on these changes.) Following a comment period ending on April 7, the Board approved the modified versions of the regulatory changes; OAL subsequently approved the changes.

Education Committee. The Board's Education Committee, which was formed to study the Board's school curriculum requirements as set forth in section 2411, Chapter 24, Title 16 of the California Code of Regulations (CCR), met on several occasions during late spring to discuss proposed changes to the requirements. The Committee hoped to formulate formal recommendations for presentation to the Board at its June 24 meeting. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 75 and Vol. 9, No. 1 (Winter 1989) p. 64 for background information.)

Professional Practice Exam. In accordance with the Board's decision to adopt a new Professional Practice Exam test plan, the May exam consisted of 119 questions, 60 of which will be used to determine the applicant's eligibility for licensure, and 59 of which are being pretested for possible use on future exams. (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 63-64 for background information.)

LEGISLATION:

AB 1854 (Speier) would expand an existing provision authorizing the use of electronic recording of civil actions and misdemeanor criminal proceedings in municipal or justice courts, and authorize electronic recording in all actions in those courts whenever a court reporter is unavailable, including unavailability due to the necessity of assuring prompt delivery of transcripts, subject to the availability of approved equipment and equipment monitors. This bill is pending in the Assembly Judiciary Committee.

AB 1437 (Burton), as amended May 2, would require the official reporter of the court, upon the conviction of a defendant of a felony following a trial in superior court, to immediately commence preparation of an original transcript and to complete the transcript, unless ordered by the court not to commence preparation or to cease preparation. This bill would specify that, in the event a transcript on appeal is not re-

quired, the reporter shall be paid only for that portion of the transcript which is completed. AB 1437 is pending in the Assembly Ways and Means Committee at this writing.

AB 1438 (Burton), as amended May 2, would require the official reporter of felony cases, unless otherwise directed by the court, to certify a daily transcript of the proceedings if the court estimates that the case will involve twenty court days or more. This bill is pending in the Assembly Ways and Means Committee.

AB 1439 (Burton), as amended May 2, would require all criminal proceedings in superior, municipal, and justice courts involving a defendant charged with a felony to be conducted on the record with a stenographic reporter in attendance. This bill is pending in the Assembly Ways and Means Committee.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 75:

AB 459 (Frizzelle), as amended, would allow a BCSR licensee whose license has expired to renew that license at any time, without regard to length of delinquency and without requirement of reexamination, so long as continuing education requirements have been fulfilled and the appropriate fees have been paid. The Board opposes this bill, which is a two-year bill pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 1186 (Stirling), as amended May 26, would provide that, notwithstanding any other provisions of law, an appellate court may grant an extension of time for the preparation of a reporter's transcript in civil appeals to that court. This bill passed the Senate on June 8 and is pending in the Assembly Judiciary Committee.

SB 1411 (Mello), which would add Santa Cruz County to a demonstration project in designated counties to assess the costs, benefits, and acceptability of using audio and video recording instead of the record prepared by a court reporter in specified proceedings, is pending in the Senate Judiciary Committee at this writing.

RECENT MEETINGS:

At its May 19 meeting, the Board discussed its position on possible legislation which would require out-of-state licensees to have one year of work experience to qualify for the California CSR examination. No specific legislation yet exists for the purpose, but the Board had previously directed staff to contact various industry-related associations re-

garding their interest in sponsoring such legislation. Since there is a current shortage of available shorthand reporters, and since it would be politically unwise to appear to be restricting the number of CSR applicants, the Board decided to remain neutral on any such legislation.

The Board also considered whether examinees might use electronic dictionaries instead of paper dictionaries during the transcription portion of the CSR examination. Although electronic dictionaries serve the function of a spelling check, the Board decided to allow their use during the transcription portion of the exam, starting with the November 1989 exam. Examinees have traditionally been allowed to use only bound dictionaries during the examination, while they are allowed to use electronic dictionaries in their actual working conditions. This issue was expected to arise again at the Board's June meeting.

FUTURE MEETINGS:

August 26 in San Francisco.
November 10-11 in Los Angeles.
December 16 in Berkeley.

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. The SPCB is comprised of four public and three industry representatives.

The 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 fumigants; or (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. An operator may be licensed in all three branches, but will usually special-



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ize 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.

On April 11, Assembly Speaker Willie Brown appointed Republican Wayne Grisham of Norwalk to the SPCB. Mr. Grisham was previously the mayor of La Mirada and is a former member of the California Assembly and the U.S. House of Representatives.

MAJOR PROJECTS:

Fee Reduction Regulations Rejected. Following a February 25 public hearing, the Board voted to repeal sections 1948 and 1997, Chapter 19, Title 16 of the California Code of Regulations (CCR). The two sections set forth all of the Board's various filing, licensure, and application fees. Due to a surplus, fees are currently unnecessary. Because it finds "the process of raising and lowering fees by regulation [to be] a lengthy and cumbersome process," the Board decided to discontinue setting its fees by regulation and instead set future fees, when necessary, by majority resolution of the Board, subject to the approval of the Director of the Department of Consumer Affairs. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 65 for background information.)

On June 7, the Office of Administrative Law (OAL) rejected the Board's repeal of the fee regulations, on grounds that the regulatory action failed to meet the necessity and consistency standards of Government Code section 11349.1. OAL rejected the Board's proposal to set fees by resolution, finding that "the setting of a fee or amending the fee amount by a state agency constitutes the issuance of a regulation subject to the procedural rulemaking requirements of the [Administrative Procedure Act] and subject to review by OAL."

Other Board Rulemaking. OAL has also ruled on other SPCB rulemaking action taken on February 25. (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 64-65 for background information.) In June, OAL approved the Board's amendment of section 1937, Chapter 19, Title 16 of the CCR, to require that any qualifying manager or designated licensed operator certifying the training, experience, and employment of an applicant for licensure be licensed in the branch(es) for which he/she is certifying experience. OAL also

approved the adoption of new section 1918, which defines the term "supervision" for purposes of required supervision by qualifying managers and branch supervisors over a structural pest control company's employees.

However, OAL rejected the Board's adoption of new section 1954, which would set forth criteria for SPCB approval and revocation of approval of courses required to be completed by applicants for a Branch 1, 2, or 3 operator's license. According to OAL, the language of the new section failed to comply with the necessity, clarity, and consistency standards of Government Code section 11349.1.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 76:

AB 908 (Killea), which would require passage of a written examination every three years as a condition of license renewal for structural pest control operators, passed the Assembly on June 1 and is pending in the Senate Business and Professions Committee.

AB 2342 (Kelley) was substantially amended on May 8. This bill would prohibit a registered structural pest control company from commencing any work on a contract, or signing, issuing, or delivering documents expressing an opinion or statement relating to the control of pests or organisms until an inspection has been made. Violation of this provision would be a misdemeanor. AB 2342 would also provide that unlicensed employees of a structural pest control company may quote prices in response to a request for a price quotation. This bill is pending in the Assembly Ways and Means Committee at this writing.

AB 1682 (Sher) was amended on June 8. It would authorize licensed contractors to apply wood preservatives after making a specified disclosure to the customer; and would create a new branch of pest control practice—Branch 4 (Roof Restoration). AB 1682 has passed the Assembly and is pending in the Senate Business and Professions Committee at this writing.

AB 1443 (Hauser), regarding disclosure requirements by an individual who inspects property before a structural pest control operator begins work, when the inspection is required as a condition of making a loan, failed passage in the Assembly Committee on Governmental Efficiency and Consumer Protection on May 10.

AB 459 (Frizzelle), which would enable Board licensees who have allowed their licenses to expire to renew those licenses at any time, regardless of length of delinquency and without reexamination requirement, is a two-year bill pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

RECENT MEETINGS:

At its May 19 meeting, SPCB continued its discussion of a proposal to list liquid nitrogen as a fumigant. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 76 for background information.) In order to gain further information on this issue, the Board discussed the possibility of holding two informational hearings—one for the public and one to obtain expert testimony—prior to formally noticing its rulemaking proposal. However, the Board decided to instead direct staff to gather further information and work with Tallon Pest Control, the proponents of the proposal, in researching the various issues related to the use of liquid nitrogen as a fumigant.

Also at the May 19 meeting, the Board's Inspection Report Review Committee reported on its progress in revamping SPCB's Structural Pest Control Inspection Report form, in compliance with AB 4274 (Bane) (Chapter 1184, Statutes of 1988). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 65 for background information.)

FUTURE MEETINGS:

To be announced.

TAX PREPARER PROGRAM

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Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers commercial tax preparers and tax interviewers in California.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory and practice within the previous eighteen months or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the