



ment to develop a plan regarding the need for health care professionals. This bill was signed by the Governor on October 1 (Chapter 1259, Statutes of 1989).

AB 1558 (Allen), which requires the Emergency Medical Service Authority to establish continuing education standards and to designate the examinations for certification and recertification of prehospital personnel, was signed by the Governor on September 29 (Chapter 1134, Statutes of 1989).

AB 1729 (Chandler), which authorizes the imposition of a fine up to \$10,000 upon any person who subverts a licensing examination, was signed by the Governor on September 29 (Chapter 1022, Statutes of 1989).

AB 638 (Quackenbush), which would have expanded the BRN to eleven members, was vetoed by the Governor on September 16.

The following bills were made two-year bills, and may be pursued when the legislature reconvenes in January: *AB 856 (Felando)*, which would require health care facilities to utilize only persons employed by the facility, thus eliminating the use of nurses from registries in the in-hospital setting; *AB 1055 (Roos)*, which would require the Office of State-wide Health Planning and Development to develop a recruitment program for registered nurses; *AB 1581 (Murray)*, which would create the California Commission on AIDS, one member of which would be a representative of the nursing profession; *SB 368 (Torres)*, which would redefine nursing homes; *AB 459 (Frizelle)*, which would provide that previously licensed individuals may renew their licenses at any time after license expiration upon payment of the applicable fees, and upon satisfaction of continuing education requirements; *AB 395 (Felando)*, which would require all health care providers who provide services to dialysis patients at home to be held to the same standards as when they provide health care services within a dialysis clinic; and *AB 2183 (Murray)*, which would require the state Department of Health Services to license geriatric technicians.

FUTURE MEETINGS:

January 25-26 in Los Angeles.
 March 29-30 in Sacramento.
 May 24-25 in San Diego.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
 (916) 445-5101

The Board of Certified Shorthand Reporters (BCSR) 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.

MAJOR PROJECTS:

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), has again submitted proposed changes to section 2411 to the Board for approval and to all court reporting schools for their comment. The Board's attorney recommended several minor changes to help expedite approval by the Office of Administrative Law. The Board was scheduled to hold an informational hearing on section 2411 at its November meeting, and may schedule additional such hearings before the regulatory amendments are formally noticed. (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 November 1988, the Board decided to revamp its Professional Practice Exam to better test the skills required of an entry level reporter. Fifty-nine out of 119 questions on the May exam were new questions being pretested for possible use on future exams, and this pretesting will continue throughout the year. The Board hopes to have a new professional practice exam by May 1990. (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 63-64 for background information.)

School Visitations. The Board continues to conduct site visits to observe programs leading to certification of shorthand reporters. Court Reporter Training Center in San Francisco, South Coast College of Court Reporting in Westminster, and Trinity School in San Francisco all continue to receive full recognition by the Board. Over the summer,

the Board also fully recognized some schools which previously had only provisional recognition: CareerCom College of Business in Bakersfield, Golden State Business College in Visalia, and Vista del Mar School of Court Reporting in Fresno.

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 71:

AB 1854 (Speier), as amended July 20 and August 25, increases from 11 to 75 the number of superior court departments to take part in a demonstration project to assess the costs, benefits, and acceptability of using audio and video recording as a means of producing a verbatim record of proceedings. *AB 1854* also extends the demonstration project termination date from January 1, 1992, to January 1, 1994, and requires that no presently employed court reporter shall have his/her hours of employment reduced as the result of the demonstration project. Finally, this bill expands an existing provision authorizing the use of electronic recording of civil actions and misdemeanor criminal proceedings in municipal or justice court, and authorizes electronic recording in all actions or proceedings in those courts whenever a court reporter is unavailable, subject to the availability of approved equipment and equipment monitors. This bill was signed by the Governor on September 22 (Chapter 678, Statutes of 1989).

SB 1411 (Mello), as amended August 28, adds Santa Cruz County to those counties participating in a demonstration project to assess the costs, benefits, and acceptability of using audio and video recording instead of the record prepared by a court reporter in certain proceedings. Although this bill was signed by the Governor on September 22 (Chapter 697, Statutes of 1989), an August 28 amendment provides that the bill will not become operative if *AB 1854* is enacted and takes effect on or before January 1, 1990.

AB 1437 (Burton), as amended August 22, would have required 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 cease preparation. This bill was vetoed by the Governor on September 30.

The following bills were made two-year bills, and may be pursued when the



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legislature reconvenes in January: *SB 1186 (Stirling)*, which 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 a civil appeal to that court upon a showing of good cause; *AB 1438 (Burton)*, which, as amended July 12, 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; *AB 1439 (Burton)*, which would require all criminal proceedings in open court in superior, municipal, or justice court involving a defendant charged with a felony to be conducted on the record with a stenographic reporter in attendance; and *AB 459 (Frizzelle)*, which 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.

RECENT MEETINGS:

The Board elected new officers at its June 24 meeting. Ron Clifton now serves as Chair; Linda Wing is Vice-Chair.

At its August 26 meeting, the Board discussed a formal request that examinees be notified as to whether they passed the shorthand reporter exam the day after the exam. In the past, examinees have been notified of their status one week after the exam; the Board voted to continue this practice, as one week is not an excessive amount of time.

The Board also decided to hire additional exam graders and will be screening candidates in the upcoming months.

FUTURE MEETINGS:

December 16 in Berkeley.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira (916) 924-2291

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.

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.

Licenses 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 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:

Proposed Regulatory Changes. On August 4, SPCB held a public hearing regarding several proposed amendments to its regulations, which appear in Chapter 19, Title 16 of the California Code of Regulations (CCR). Two amendments to section 1991 were proposed: an amendment to section 1991(a)(8) and the addition of new section 1991(a)(13). Amended section 1991(a)(8) would clarify the conditions under which a licensee should use local treatment instead of fumigation when treating structural infestations. New section 1991(a)(13) would establish procedures by which licensees may correct infestation problems encountered in wood decks, patios, fences, and similar structures.

On the day of the hearing, the Board

received an extensive written comment from Interested California Exterminators (ICE) regarding the proposed amendments to section 1991(a)(8). ICE is an unincorporated association consisting of individuals involved in the structural pest control industry in California. ICE also commented on the use of liquid nitrogen as a local treatment, a procedure known as the "Blizzard system" (see CRLR Vol. 9, No. 2 (Spring 1989) p. 76 for details). The Board decided to postpone discussion on both issues until sometime after November 20; this would give the Board enough time to review the documents submitted by ICE and would also allow industries promoting the "Blizzard system" sufficient time to respond to supplemental questions submitted by the Board on August 25.

Several other amendments to section 1991 previously adopted by the Board have not yet been submitted to the Office of Administrative Law (OAL) for approval. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 75-76 and Vol. 9, No. 1 (Winter 1989) pp. 64-65 for background information.)

Also at the August 4 hearing, the Board adopted a proposed amendment to section 1970.4(a) (*Pesticide Disclosure Requirement*) of Chapter 19, Title 16 of the CCR. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 75-76 for details.) The adopted language requires the name of the pest to be controlled, the pesticides or fumigants to be used, the active ingredients, and a health cautionary statement be included on the Occupant's Fumigation Notice.

The Board also approved proposed new section 1970.5 (*Commencing Aeration*), Chapter 19, Title 16 of the CCR. Business and Professions Code section 8505.3 requires a licensee to be present to conduct direct and personal supervision during the entire time fumigants are being released, the time ventilation is commenced, and at the time a property is released for occupancy. The Board had earlier determined that licensees are not clear on the meaning of the term "the time ventilation is commenced", and proposed section 1970.5 to clarify this term. Section 1970.5 defines this term as "the period of time commencing when the seal [of the structure] is broken and ending when all seals/tarps are removed."

Finally, the Board approved new section 1990(c), which specifies when a wood patio, deck, or similar structure should be inspected. SPCB adopted the following language: "If a wood deck, wood patio or other similar structure touches or connects with the structure