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:**

**Examinations.** The results from the last exam indicate a 47% pass rate, which is an increase over the previous exam pass rate of 35%. The Board has been reviewing examination contents and administration procedures to determine whether changes are needed to facilitate higher passage rates. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 67; Vol. 7, No. 3 (Summer 1987) p. 93; and Vol. 7, No. 1 (Winter 1987) pp. 59-60.) Only two items have been removed from the exam, one item from each section. To pass the recent exam, a candidate must have correctly answered 70% of 99 items on the English portion and 75% of 59 items on the professional portion.

**Citation and Fine Programs.** The Board is studying a list of recommendations presented by a committee which is composing guidelines for the citation and fine program under SB 2335 (Mon-tyoya). (See CRLR Vol. 7, No. 4 (Fall 1987) p. 67; Vol. 7, No. 3 (Summer 1987) p. 93; and Vol. 7, No. 1 (Winter 1987) pp. 59-60.)

**RECENT MEETINGS:**

At its December meeting, the Board discussed allowing examiners to use computers for portions of their licensing exam. The Board voted to table the idea indefinitely due to feasibility problems in implementing such a program. In addition, the Board expressed concerns regarding fairness to other exam candidates and loss of uniformity of standards in test scores if computers were allowed.

Also in December, the Board announced a new grading system for the dictated portion of the exam to ensure a minimum level of competence regarding simple capitalization and punctuation.

The Board also discussed measures to limit the number and location of shorthand agencies recruiting new personnel at exam sites. The Board expressed the opinion that exam sites are not appropriate places for such activities. Although the Board is unable to ban the recruitment process altogether, it will work to discourage it by defining the examination area more broadly and by soliciting support from hotels where the exam is conducted.

Also at the December meeting, the Board discussed amending section 2419(c), Title 16 of the California Administrative Code. The regulation change would provide better guidelines for determining which working reporters could sit for an exam based on work experience. Currently, a working reporter applying for licensure must have 1,400 working hours in one calendar year in order to sit for the exam. These 1,400 hours must be spent "making" depositions, court-related documents, and transcripts of administrative hearings. The Board would like to see the term "making" broken down into recording and transcribing, with more emphasis placed on transcribing. This would result in a more accurate petition and worksheet filed by the exam candidate.

The Board was scheduled to formally vote on whether to pursue this regulatory change at its February meeting.

**FUTURE MEETINGS:**

To be announced.

**STRUCTURAL PEST CONTROL BOARD**

Registrar: Mary Lynn Ferreira (916) 924-2291

The Structural Pest Control Board (SPCB) licenses structural pest control operators and field representatives. The latter can function only under a licensed operator and secure pest control work for the operator. Each structural pest control firm is required to have one licensed operator, regardless of the number of branches the firm operates. A licensed field representative can 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 can be licensed in all three branches, but more often will limit the variety of his or her expertise for purposes of efficiency and subcontract out to other firms.

SPCB also issues applicant 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 representatives. At its October 3 meeting, the Board elected new officers, including James Steffenson as Board President and Paul Laemmle as Vice President.

**MAJOR PROJECTS:**

**New Microfilm Equipment.** At the December Board meeting, SPCB Registrar Mary Lynn Ferreira reported that due to a budget problem, the Board's
purchase of new microfilm equipment has again been delayed. The Board has been attempting to purchase the new equipment since 1986. With the Board's existing equipment, it takes one to two hours to locate specific reports which are on microfilm. The new, more efficient equipment would expedite this process by finding reports within minutes. The latest delay occurred when the Department of Finance failed to approve the expenditure, which will total approximately $75,000. (For background information, see CRLR Vol. 7, No. 2 (Spring 1987) p. 70; Vol. 6, No. 4 (Fall 1986) p. 54; and Vol. 6, No. 3 (Summer 1986) p. 44.)

AB 294 Enforcement Problems. Also at the December SPCB meeting, representatives of the California Department of Food and Agriculture (CDFA) and county agricultural commissioners joined Board members and staff in discussing problems attendant to the AB 294 Pesticide Enforcement Program. AB 294 (Filante), effective in 1985, established concurrent jurisdiction among CDFA, county agricultural commissioners, and SPCB for enforcement of laws governing pesticide use. At the December meeting, Doug Okumura, a CDFA representative, discussed some of the issues currently involved in administering the program, suggesting that additional funding is needed for training, and perhaps the recruitment of someone to coordinate the enforcement activities of the numerous agencies involved.

The Board will review the original memorandum of understanding for the AB 294 program and consider possible changes which should be made therein. Additionally, an SPCB subcommittee may be appointed to work with county agricultural commissioners and CDFA in an attempt to address difficulties arising in the program. (For background information, see CRLR Vol. 7, No. 2 (Spring 1987) p. 70; Vol. 6, No. 4 (Fall 1986) p. 54; Vol. 6, No. 3 (Summer 1986) p. 44; Vol. 6, No. 1 (Winter 1986) p. 45; Vol. 5, No. 4 (Fall 1985) p. 44; and Vol. 5, No. 3 (Summer 1985) p. 62.)

Board Activities to be Automated. At the October 3 SPCB meeting, Registrar Ferreira reported that the Board will be fully automated by December 1988. The Department of Consumer Affairs is presently implementing a system which will speed up many Board functions, including licensing, accounting, and complaint procedures. Additionally, a complaint tracking system will be installed.

LEGISLATION:

AB 1596 (Cortese), which would authorize the CDFA Pesticide Enforcement Branch to levy fines, as specified, for violations of laws relating to produce which carries pesticide residue, passed the Assembly in late January and is awaiting committee assignment in the Senate as of this writing. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 68 and Vol. 7, No. 3 (Summer 1987) p. 91 for background information.)

FUTURE MEETINGS:
May 14 in Santa Barbara.

TAX PREPARATOR PROGRAM
Administrator: Don Procida
(916) 324-4977


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 amount of $2,000 with the Department of Consumer Affairs.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

LEGISLATION:

SB 91 (Boatwright), which would have abolished the Tax Preparer Program as introduced, was amended on January 11 to establish a Tax Practitioner Program in the Franchise Tax Board (FTB). Under the Program, "tax practitioners" would be licensed and "tax preparers" would be registered. The Program would impose eligibility requirements for licensure, registration, and recertification of either, including examination, educational, fee, and bonding requirements.

The amended bill would also establish a State Tax Practitioner Committee composed of nine members—three licensees, three representatives of the tax preparation industry, and three public members—to advise the administrator of the Tax Practitioner Program.

If the amended bill is passed, the Tax Practitioner Program would become part of the FTB on January 1, 1989.

RECENT MEETINGS:
At its December 17 meeting, the first meeting since November 7, 1986, the Advisory Committee heard recommendations from the FTB on proposed amendments to SB 91 which would keep the Tax Preparer Program intact. Subsequently, the bill was amended to incorporate the recommendations, with the intent to facilitate a service to consumers, provide a better-prepared tax return, and protect state revenues.

The FTB also proposed several recommendations designed to strengthen the Program. The Advisory Committee discussed the proposals and voted to adopt several of them. One such proposal adopted by the Committee would initiate a qualifying exam for tax practitioners and tax preparers. Currently, tax practitioners who are over eighteen years of age and have a high school diploma may register for licenses after sixty hours of training. Under the proposal, minimum training would be increased to 75 hours, and reexamination would be required every three years. Those already registered would have three years in which to pass the exam.

The Advisory Committee also voted to increase the required number of continuing education hours from twenty to thirty hours per year. A third proposal adopted would create a two-tiered system of tax preparers. The first tier would include the tax practitioner, or the owner of the office. This position would require a license, 75 hours of training, an exam, and thirty hours of continuing education per year. The second tier would include the tax preparer, who is the employee of the tax practitioner. This position would require sixty hours of training, thirty hours of continuing education, and the exam. Tax preparers must be registered. Currently, there are two levels of tax preparers—the tax preparer and the tax interviewer—but the qualifications to register are the same for each.