Professions Code section 8674. The filing additionally required that applications for continuing education course approval and approval as a provider of continuing education must be accompanied by fees. On January 8, 1987 OAL notified SPCB of its disapproval of the proposed amendments to sections 1948 and 1953, due to SPCB’s failure to establish necessity as required by Government Code section 11349.1. Section 1953 also failed to satisfy the clarity standard of Government Code section 11349.1.

Additionally, on December 9, 1986 SPCB submitted to OAL a regulatory package adopting section 1936.1, amending sections 1903, 1911, 1912, 1913, 1914, 1916, 1917, 1937, 1937.1, 1937.2, 1937.12, 1937.13, 1937.14, 1937.16, 1970, 1970.4, 1983, 1996.1, and 1998, and repealing section 1944 of Title 16 of the California Administrative Code. (See CRLR Vol. 5, No. 4 (Fall 1986) p. 53.) The proposed regulatory changes, with the exception of sections 1944 and 1983, implement the provisions of SB 358 (Carpenter), which became effective January 1, 1987; thus, SPCB requested an early effective date for the proposed regulatory changes. However, on January 8, 1987, OAL notified SPCB of its disapproval of the proposed regulatory action to adopt, amend, and repeal the specified actions of Title 16 OAL stated that sections 1912, 1917, and 1936.1 violate the clarity standard of Government Code section 11349.1 (a)(3); section 1937.2 fails to properly cite the authority on which the regulation is based, as required by Government Code section 11349.1(a)(2); sections 1903, 1914 and 1937.2 fail to comply with the reference standard required by Government Code section 11349.1(a)(5); and sections 1937, 1937.1, 1936.1, 1937.2, 1970.4 and 1998 fail to employ the proper underline/strikeout format in certain parts of their texts.

LEGISLATION:

AB 4082 (Filante), effective January 1, 1987, requires the removal of the sunset provisions of the Pesticide Enforcement Program under AB 294. (See CRLR Vol. 5, No. 4 (Fall 1985) p. 44 for further information.)

RECENT MEETINGS:

In 1986, the SPCB approved the purchase of microfilm equipment to alleviate the Board’s volume of office records which are encroaching on needed space and making record reference an administrative nightmare. However, the 1986/87 budget deadline had passed prior to the Board’s approval, thus requiring postponement of the equipment purchase until the 1987/88 appropriation. At its January 10 meeting, Ms. Ferreira reported that although the Board has approved the purchase of microfilm equipment, the purchase also requires approval by both the Department of General Services and the Department of Finance. A feasibility study is presently being conducted. The Board hopes to purchase the equipment by July 1, 1987.

In August 1986, the Board passed a motion to hire a legal intern to review the Board’s Specific Notices, industry minimum standards, and policy directives for determining their compliance with the current Structural Pest Control Act and Rules and Regulations. The intern was hired on December 8, 1986, and at its meeting on January 10, the Board reported completion of the legal intern’s review. The intern is now compiling information for a report on the revision of the continuing education exams and the operator and field representative licensing exams. The revised examinations will include questions on changes to SPCB’s licensing procedures as a result of SB 358 (Carpenter). (See CRLR Vol. 5, No. 4 (Fall 1985) p. 45.)

On January 10, Ms. Sharp reported that reserves from the Pesticide Enforcement Fund are exceeding permissible levels. Under the enforcement provision of AB 294, structural pest control companies are required to place a Pesticide Use Report Stamp on Monthly Summary Pesticide Use Report Forms submitted to the county agricultural commissioner. (See CRLR Vol. 5, No. 4 (Fall 1985) p. 44.) SPCB currently charges a $5.00 fee per stamp. Because of the excessive funds, the Board approved a proposal to lower the Pesticide Use Report Stamp fee to $3.00. At its March 8 meeting, the Board noted March 17 as the effective date for the stamp fee decrease.

On December 16 in southern California, a fumigation death was reported. An investigation following the death revealed the fumigation company’s full compliance with all laws. No violations were cited.

The Department of Food and Agriculture and the SPCB will conduct the second training seminar for staffs of county agricultural commissioners required by AB 294. Enacted in 1984, AB 294 tightens the relationship between SPCB, the Department of Food and Agriculture, and the county agricultural commissioners. (See CRLR Vol. 5, No. 4 (Fall 1985) p. 44 for AB 294 implementation requirements.) The seminar will be conducted in two or three segments around the state and is tentatively scheduled for May or June of 1987. On September 23 and 24, 1986 the first training seminar was conducted. Forty-two county agricultural commissioners’ staffs attended, along with five Board specialists and two consumer services representatives.

FUTURE MEETINGS:

May 16 in San Francisco.
July 25 in Newport Beach.
October 10 in Sacramento.

TAX PREPARER 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.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

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) would abolish the Tax Preparers Program. Legislative position papers in support of this bill argue that the Program (I) has taken no disciplinary actions by way of administrative hearings over the last three
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