

## Memorandum 99-30

### Trial Court Unification: Expired Pilot Programs

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The Commission's trial court unification report identified for further study obsolete statutes relating to expired pilot projects and programs. The report cited Code of Civil Procedure Sections 221 (pilot project for eight person jury in civil actions in municipal courts in Los Angeles County, expired 1989) and 1012.5 (pilot project for facsimile transmission of documents, expired 1992), and Government Code Section 68520 (report by courts to Judicial Council concerning court employees, expired 1992).

A search of the codes for expired pilot projects was done by the Institute for Legislative Practice at McGeorge Law School. A copy of the Institute's report is attached as an exhibit to this Memorandum.

The search was done using the search terms "pilot project," "pilot program," "demonstration project," and "demonstration program." Professor Kelso said some of the identified pilot and demonstration projects and programs involved more than one code section. He said the Institute for Legislative Practice will supplement the attached report by identifying these additional code sections. **As suggested in the report, the staff recommends a letter be sent to each cognizant agency to determine whether there is any reason why the pertinent pilot project statute should not be repealed.**

The search did not purport to identify all obsolete statutes, but merely pilot and demonstration projects and programs. This is why Government Code Section 68520, cited above and not a pilot or demonstration project, did not appear in the search results. **The staff recommends we identify related statutes with obsolete reporting requirements, and include them in our eventual cleanup legislation.** This could be done either by the Commission's staff or by the Institute for Legislative Practice. Although many of these will be unrelated to trial court unification, the Commission has authority under Government Code Section 8298 to recommend "revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study."

Code of Civil Procedure Section 1167.2 authorizes pilot projects for deposit of rent in unlawful detainer cases. Section 1167.2 becomes inoperative by its own terms on July 1, 1999. A bill to extend the section (AB 694, Battin) died in the Assembly Judiciary Committee this session. The bill was opposed by the Western Center on Law and Poverty. The Judicial Council took a neutral position. Nini Redway of Judicial Council staff thought that, in view of the failure of AB 694, repeal of Section 1167.2 might be appropriate. Some of the comments on AB 694 suggest that there may be elements of Section 1167.2 that should be incorporated into the permanent unlawful detainer statute. Pat O'Donnell of Judicial Council staff will send us relevant materials on this question.

Respectfully submitted,

Robert J. Murphy  
Staff Counsel

Exhibit

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**TRIAL COURT UNIFICATION: EXPIRED PILOT PROGRAMS**

**MEMORANDUM**

**OBSOLETE PILOT AND DEMONSTRATION PROJECTS**

(June 10, 1999)

In the course of working on trial court unification implementing legislation, we came across several statutes authorizing pilot projects that appeared to be obsolete (i.e., the date for the pilot project had long expired but the statute remained on the books). This discovery suggested the utility of conducting a “dead letter” project (i.e., searching for obsolete statutes) focusing on pilot or demonstration projects.

We have now completed the initial search. The appendix to this memorandum lists the pilot projects that, based upon the date of enactment and the apparent length of the pilot project, appear to be obsolete. The next step in this project is to send a letter to the indicated contact agencies inquiring whether the statutory language pertaining to the apparently obsolete project can be repealed. When those responses are in, we can create a final list for Legislative Counsel of statutes that can be repealed as obsolete.

Respectfully submitted,

Erin Koch  
J. Clark Kelso  
Institute for Legislative Practice

## APPENDIX

### BUSINESS AND PROFESSIONS CODE

§ 3537.10. Training program for international medical graduate physician assistants and creation of Training Program Advisory Task Force to make recommendations by April 1, 1994, or three months after federal funds to implement this article become available.

Effective Date: January 1, 1994  
Contact: Office of Statewide Health Planning and Development.

§ 7215.6. Arbitration panel for the settlement of disputes between a guide dog user and a licensed guide dog school regarding the continued use of a guide dog by the user in all cases except those in which the dog user is the unconditional legal owner of the dog.

Effective Date: January 1, 1994  
Termination Date: January 1, 1999  
Contact: Board of Guide Dogs for the Blind

### CODE OF CIVIL PROCEDURE

§ 221. Experimental eight-person juries.

Effective Date: January 1, 1989  
Termination Date: July 1, 1989  
Contact: Judicial Council

§ 270. Audio and video recordings to produce verbatim records. (*See also* Gov't Code § 68086)

Effective Date: January 1, 1987  
Termination Date: January 1, 1994  
Contact: Judicial Council

§ 1012.5. FAX filing in courts.

Effective Date: January 1, 1991  
Termination Date: December 31, 1992  
Contact: Judicial Council

§ 1167.2. Rent deposit pilot project in unlawful detainer cases.

Effective Date: July 1, 1995  
Termination Date: July 1, 1998  
Contact: Judicial Council

**EDUCATION CODE**

§ 8234. Migrant family day care program.

Effective Date: January 1, 1995  
Termination Date: Three-year pilot program.  
Contact: Superintendent of Public Instruction

§ 8431. Infant home care pilot project.

Effective Date: January 1, 1991  
Termination Date: Three-year pilot project  
Contact:

§ 17910 et seq. Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program.

Effective Date: January 1, 1989  
Termination Date: ?  
Contact:

§ 4689.5. Pilot to assist selected school districts to recruit and select administrative personnel.

Effective Date: January 1, 1984.  
Termination Date: ?  
Contact: State Board of Education

§ 49581. Pilot to determine effectiveness and feasibility of implementing early diagnosis of learning disabilities testing program.

Effective Date: January 1, 1986  
Termination Date: ?  
Contact: State Department of Education

§ 52980. Pilot projects in applied academic areas and programs.

Effective Date: January 1, 1991  
Termination Date: May 1, 1994  
Contact: State Department of Education

§ 54751. College admissions test preparation pilot projects.

Effective Date: January 1, 1986  
Termination Date: Three-year grant period  
Contact: Superintendent of Public Instruction

§ 56138. Alternative dispute resolution process pilot program.

Effective Date: 1993-94 fiscal year  
Termination Date: 1995-96 fiscal year  
Contact: Superintendent of Public Instruction

§ 58000 et seq. Educational scholarships for schoolchildren demonstration project.

Effective Date: April 30, 1977  
Termination Date: ?  
Contact: ?

See § 62000.5 creating sunset date of June 30, 1995, for demonstration programs in English or language arts, mathematics, history or social science, foreign language, physical education, visual and performing arts, or science.

### **FAMILY CODE**

§ 20002. Family law pilot projects.

Effective Date: January 1, 1994 (?)  
Termination Date: Two year pilot projects  
Contact: ?

### **GOVERNMENT CODE**

§ 11807. Performance budgeting pilot project.

Effective Date: October 1, 1993  
Termination Date: January 1, 1996  
Contact: Department of Finance

§ 14045. Effectiveness of increasing densities of residential development in proximity to mass transit.

Effective Date: April 1, 1992  
Termination Date: January 1, 1996  
Contact: Department of Transportation

§ 14170 et seq. Guaranteed return trip demonstration project.

Effective Date: January 1, 1991  
Termination Date: July 30, 1993

§ 14680.8. State property management demonstration project.

Effective Date: January 1, 1987  
Termination Date: ?  
Contact: Department of General Services

§ 15291. Homeless Relief Pilot Project

Effective Date: January 1, 1987  
Termination Date: January 1, 1989  
Contact: Department of Housing and Community Development

§ 68070.1. Appearances in court by teleconferencing.

Effective Date: January 1, 1988  
Termination Date: ?  
Contact: Judicial Council

§ 69801. Extra sessions in San Bernardino County superior court.

Effective Date: January 1, 1975  
Termination Date: End of second calendar year during which extra sessions held  
Contact: Judicial Council or San Bernardino Superior Court

§ 69845.6. Suspension of register of actions in Placer County

Effective Date: January 1, 1981  
Termination Date: January 1, 1984  
Contact: Judicial Council or Placer County

**HEALTH AND SAFETY CODE**

§ 1339.54. Intermediate care facility for chronically or terminally ill children project.

Effective Date: January 1, 1985  
Termination Date: July 1, 1990  
Contact: State Department of Health

§ 11756.5. Prevention and nonresidential treatment of alcohol and drug abuse in Asian and Pacific Islander communities.

Effective Date: April 1, 1991  
Termination Date: April 1, 1994  
Contact: State Department of Alcohol and Drug Programs

§ 11758.10. Negotiated net amount contracts pilot project.

Effective Date: January 1, 1988  
Termination Date: June 30, 1994  
Contact: State Department of Alcohol and Drug Programs

§ 11758.51. San Luis Obispo AIDS education pilot project.

Effective Date: January 1, 1990  
Termination Date: July 1, 1991.  
Contact: State Department of Alcohol and Drug Programs

§ 11759.17. Employee assistance consortium demonstration program for drug free workplace

Effective Date: January 1, 1991  
Termination Date: January 1, 1993  
Contact: State Department of Alcohol and Drug Programs

§ 25242.6. Hazardous waste reduction internship program

Effective Date: January 1, 1988  
Termination Date: ?  
Contact: University of California

§ 32354. State loans and insurance procurement assistance pilot

Effective Date: [never came into existence]  
Termination Date: n/a  
Contact: State Department of Health Services

§ 43840. Pure alcohol fuels in motor vehicles pilot project

Effective Date: January 1, 1981  
Termination Date: ?  
Contact: Secretary of the Business and Transportation Agency  
or Air Resources Board

### **LABOR CODE**

§ 4612. Occupational-related medical treatment health care service plan project.

Effective Date: January 1, 1993  
Termination Date: Three-year program  
Contact: Workers Compensation and Insurance

### **PENAL CODE**

§ 1000.30. Counseling for child abuse or sexual molestation pilot project

Effective Date: June 19, 1985  
Termination Date: Two year pilot projects  
Contact: Office of Criminal Justice Planning

§ 1348.5. Examination of victims of sexual crimes pilot project.

Effective Date: July 1, 1987  
Termination Date: September 30, 1990  
Contact: ?



§ 2053.3. Correctional cell-study program.

Effective Date: January 1, 1994  
Termination Date: December 31, 1995  
Contact: Department of Corrections

§ 5020. Individualized computer-based education in juvenile halls.

Effective Date: January 1, 1985  
Termination Date: Two-year pilot  
Contact: Department of Corrections and California Youth  
Authority

§ 6247. Public inebriate reception center in Orange County

Effective Date: January 1, 1995  
Termination Date: One-year pilot project  
Contact: Board of Corrections; Orange County

§ 13823.20. Foot-patrols in Los Angeles in high intensity drug-related crime areas

Effective Date: January 1, 1991  
Termination Date: ?  
Contact: Office of Criminal Justice Planning

§ 13894.7. Computer fingerprint for DUI program

Effective Date: January 1, 1991  
Termination Date: November 1, 1992  
Contact: California Council on Criminal Justice

§ 14113. Community violence prevention and conflict resolution pilot programs

Effective Date: July 1, 1985  
Termination Date: Two-year pilot  
Contact: Office of Criminal Justice Planning

**PUBLIC RESOURCES CODE**

§ 25922. Energy efficient mortgage pilot project.

Effective Date: January 1, 1994  
Termination Date: ?  
Contact: Energy Commission (?)

§ 48695. Used oil collection program.

Effective Date: July 1, 1995  
Termination Date: July 1, 1997  
Contact: Waste Management Board

**PUBLIC UTILITIES CODE**

§ 746. Bidding systems for demand side services; pilot projects for electric and gas utilities.

Effective Date: January 1, 1991  
Termination Date: ?  
Contact: Public Utilities Commission

**STREETS AND HIGHWAYS CODE**

§ 2171. Intercity corridor demonstration program.

Effective Date: January 1, 1977  
Termination Date: Three-year projects  
Contact: California Transportation Commission

§ 2227. Federal combined road plan demonstration program.

Effective Date: September 11, 1990  
Termination Date: As determined by Director with self-repeal  
Contact: California Transportation Commission

**VEHICLE CODE**

§ 2430. Emergency road service organizations; certification and training; pilot project; duration

Effective Date: July 1, 1992  
Termination Date: September 1, 1994  
Contact: DMV

§ 2802.5. Commercial vehicle inspection facilities; assignment of employees of or clerks pursuant to interagency agreement

Effective Date: January 1, 1990  
Termination Date: February 1, 1992  
Contact: DMV

§ 4764.2. Collection of unpaid parking fines

Effective Date: January 1, 1989  
Termination Date: July 1, 1991  
Contact: DMV

**WELFARE AND INSTITUTIONS CODE**

§ 729.11. Juvenile Offender Substance Abuse Treatment Program.

Effective Date: October 4, 1991  
Termination Date: Two-year program  
Contact: Office of Criminal Justice Planning

§ 898.5. Regional youth educational facilities

Effective Date: September 26, 1984  
Termination Date: January 1, 1989  
Contact: Department of Youth Authority

§ 1760.3. Graffiti removal pilot project

Effective Date: January 1, 1989  
Termination Date: Three-year project  
Contact: Department of the Youth Authority

§ 3153. Halfway houses in large metropolitan areas

Effective Date: January 1, 1966  
Termination Date: ?  
Contact: Department of Corrections

§ 8016. Services for elders pilot program

Effective Date: January 1, 1988  
Termination Date: ?  
Contact: ?

§ 14115.6. Nurse practitioner independent billing pilot project

Effective Date: January 1, 1985  
Termination Date: One year pilot  
Contact: Department of Health Services (?)

§ 14124.81 et seq. Third party liability pilot project

Effective Date: January 1, 1982  
Termination Date: Three year project  
Contact: Department of Health Services

§ 14133.61. Micrographics document location and retrieval system

Effective Date: January 1, 1982  
Termination Date: July 31, 1982  
Contact: Department of Health Services

§ 14195.2. Open drug formulary pilot

Effective Date: After July 1, 1985 on federal approval  
Termination Date: ?  
Contact: Department of Health Services (?)

§ 15200.98. Diversion of child support excess incentive funds

Effective Date: July 1, 1993  
Termination Date: Two year projects  
Contact: ?

§ 16515. Respite care services for children with special needs

Effective Date: January 1, 1988  
Termination Date: July 1, 1991  
Contact: Department of Social Services

§ 18210. Pilot food program

Effective Date: January 1, 1971  
Termination Date: ?  
Contact: Department of Social Services (?)

§ 18600. Services to newly blind and severely visually impaired persons

Effective Date: January 1, 1981  
Termination Date: Two year pilot  
Contact: Department of Rehabilitation

§ 18919. Food stamp cash out.

Effective Date: January 1, 1989  
Termination Date; June 30, 1997  
Contact: Department of Social Services

§ 18920. Food stamp reporting systems

Effective Date: October 14, 1991  
Termination Date: Two year pilots  
Contact: Department of Social Services

§ 18991. After school telephone help lines for children in k through 6<sup>th</sup> grade

Effective Date: January 1, 1989  
Termination Date: January 1, 1992  
Contact: Department of Aging