

First Supplement to Memorandum 2000-32

Expired Pilot Projects (Draft Tentative Recommendation)

Memorandum 2000-32 presents a draft tentative recommendation proposing the repeal of statutes establishing pilot projects that have expired. After preparing that draft, the staff searched for statutory references to the sections that are proposed for repeal. This supplement presents new material that should be added to the draft tentative recommendation to account for the results of that research. See attached additions to the draft tentative recommendation. The staff does not intend to discuss the new material at the meeting unless specific questions are raised.

Additional Repeals

The draft tentative recommendation proposes the repeal of Government Code Section 14045, relating to a demonstration program to encourage high density residential development near transit sites. Government Code Sections 14035.1, 65083, 65913.5, and Health and Safety Code Section 50502.5 were enacted by the same bill as Section 14045. See 1990 Cal. Stat. ch. 1304. These provisions appear to have no purpose other than implementation of the demonstration program established in Section 14045. The staff recommends that they be proposed for repeal in the draft tentative recommendation. Language to do so is set out in the attachment.

Conforming Revisions

Some sections contain cross-references to sections proposed for repeal in the draft tentative recommendation. These cross-references will be incorrect if the referenced sections are repealed as proposed. Language to correct the erroneous references are set out in the attachment as conforming revisions. See proposed amendments to Code Civ. Proc. § 1174.3; Gov't Code §§ 65460.2, 68086; Penal Code §§ 14114, 14119; Welf. and Inst. Code § 11265.5.

As explained in notes following Penal Code Sections 14114 and 14119, and Welfare and Institutions Code Section 11265.5, those sections may actually be entirely obsolete and suitable for repeal. The notes ask for comment on whether

the sections are obsolete and should be repealed. The staff will contact the relevant agencies for comment as well.

Respectfully submitted,

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PROPOSED LEGISLATION

**Gov't Code § 14035.1 (repealed). High density residential development near mass transit
guideway station**

SEC. ____ . Section 14035.1 of the Government Code is repealed.

~~14035.1. As part of implementation of the demonstration program established pursuant to Section 14045 of the Government Code, the commission, in the allocation of funds made available pursuant to Section 99317 of the Public Utilities Code or pursuant to a voter-approved rail bond for an exclusive mass transit guideways project, shall consider those projects proposed to be located on a demonstration site where the applicant and the local entity responsible for land use decisions have entered into a binding agreement to promote high density residential development within one-half mile of a mass transit guideway station. The commission shall consider all projects within a selected demonstration site submitted to it as a part of a regional transportation program by December 1, 1993, or as an applicant for inclusion in the 1991 or subsequent Transit Capital Improvement Program. Any project selected by the commission which is located in a demonstration site shall be considered for inclusion in the 1991 or subsequent annual Transit Capital Improvement Program or in the 1992 or subsequent State Transportation Improvement Program. This section does not authorize the granting of any priority that conflicts with any bond law governed by this section, or which impairs the rights of bondholders under any of these bond laws. Nor does this section preclude the commission from applying the criteria for making awards which may be required or permitted pursuant to other provisions of law.~~

Comment. Section 14035.1 is repealed as obsolete. The section implements a pilot project that has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n Reports ___ (2000).

Note. Government Code Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date for the project is specified. Reports on the project were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation confirmed that Section 14045 is obsolete and should be repealed.

Government Code Section 14035.1 appears to serve no purpose other than implementing the pilot project established by Section 14045. If Section 14045 is obsolete, then this section should also be obsolete. The Commission would like to receive comment on whether Section 14035.1 is obsolete and should be repealed.

Gov't Code § 65083 (repealed). Residential development with increased density in close proximity to mass transit guideway stations

SEC. _____. Section 65083 of the Government Code is repealed.

~~65083. As part of implementation of the demonstration program established pursuant to Section 14045 of the Government Code, the regional transportation planning agency preparing the four-year regional transportation improvement program pursuant to Section 65082 shall consider those exclusive mass transit guideway projects where the applicant and the local entity responsible for land use decisions have entered into a binding agreement to promote high density residential development within one-half mile of a mass transit guideway station. Any project selected by the agency which is located in a demonstration site shall be considered for inclusion in the regional transportation improvement program. This section shall not preclude the agency from applying the criteria for making awards which may be required or permitted pursuant to other provisions of law.~~

Comment. Section 65083 is repealed as obsolete. The section implements a pilot project that has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n Reports ___ (2000).

Note. Government Code Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date for the project is specified. Reports on the project were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation confirmed that Section 14045 is obsolete and should be repealed.

Government Code Section 65083 appears to serve no purpose other than implementing the pilot project established by Section 14045. If Section 14045 is obsolete, then this section should also be obsolete. The Commission would like to receive comment on whether Section 65083 is obsolete and should be repealed.

Gov't Code § 65913.5 (repealed). Density bonus for developer of housing within one-half mile of mass transit guideway station

SEC. _____. Section 65913.5 of the Government Code is repealed.

~~65913.5. (a) As part of implementation of the demonstration program established pursuant to Section 14045 of the Government Code, a city, county, or city and county participating in the demonstration program shall grant a density bonus to a developer of housing within one-half mile of a mass transit guideway station unless the locality finds that granting of the density bonus would result in a~~

specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(b) Notwithstanding subdivision (f) of Section 65915, as used in this section, “density bonus” means a density increase of at least 25 percent over the otherwise maximum residential density allowed under the general plan and any applicable zoning and development ordinances.

(c) A city, county, or city and county may require a developer to enter into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 3 of Division 1 of Title 7 to implement a density bonus granted pursuant to this section.

(d) In an action or proceeding to attack, set aside, void, or annul a density bonus granted pursuant to this section, a court shall uphold the decision of a city, county, or city and county to grant the density bonus if the court finds that there is substantial evidence in the record that the housing development will assist the city, county, or city and county to do all of the following:

(1) Meet its share of the regional housing needs determined pursuant to Article 10.6 (commencing with Section 65580) of Chapter 4 of Division 1 of Title 7.

(2) Implement its congestion management plan adopted pursuant to Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7.

(e) Nothing in this section shall be construed to relieve any local agency from complying with the provisions of the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7.

Comment. Section 65913.5 is repealed as obsolete. The section implements a pilot project that has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n Reports ___ (2000).

 **Note.** Government Code Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date for the project is specified. Reports on the project were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation confirmed that Section 14045 is obsolete and should be repealed.

Government Code Section 65913.5 appears to serve no purpose other than implementing the pilot project established by Section 14045. If Section 14045 is obsolete, then this section should also be obsolete. The Commission would like to receive comment on whether Section 65913.5 is obsolete and should be repealed.

Health & Safety Code § 50502.5 (repealed). High density residential development

SEC. ____ . Section 50502.5 of the Health and Safety Code is repealed.

50502.5. (a) In conjunction with the implementation of the demonstration program established pursuant to Section 14045 of the Government Code, and subject to the availability of funds authorized pursuant to Chapter 3.5 (commencing with Section 50531) and Section 50771.1, the department shall consider applications for funding of high density residential development located at demonstration sites within one-half mile of an existing or proposed mass transit guideway station. If the mass transit guideway station is proposed, the application shall include a binding agreement between the local legislative body and the transit

operator regarding its timely development, including the source of committed funds.

(b) This section does not authorize the granting of any priority that conflicts with any bond law governed by this section, or which impairs the rights of bondholders under any of those bond laws. Nor does this section preclude the department from applying the criteria for making awards which may be required or permitted pursuant to other provisions of law.

Comment. Section 50502.5 is repealed as obsolete. The section implements a pilot project that has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n Reports ___ (2000).

 **Note.** Government Code Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date for the project is specified. Reports on the project were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation confirmed that Section 14045 is obsolete and should be repealed.

Health and Safety Code Section 50502.5 appears to serve no purpose other than implementing the pilot project established by Government Code Section 14045. If Section 14045 is obsolete, then this section should also be obsolete. The Commission would like to receive comment on whether Health and Safety Code Section 50502.5 is obsolete and should be repealed.

CONFORMING REVISIONS

Code Civ. Proc. § 1174.3 (amended). Occupants not named in judgment for possession

SEC. _____. Section 1174.3 of the Code of Civil Procedure is amended to read:

1174.3. (a) Unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46 or 1167.25, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. Filing the claim of right to possession shall constitute a general appearance for which a fee shall be collected as provided in Section 72056 of the Government Code. Section 68511.3 of the Government Code applies to the claim of right to possession. An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises.

(b) The court issuing the writ of possession of real property shall set a date or dates when the court will hold a hearing to determine the validity of objections to enforcement of the judgment specified in subdivision (a). An occupant of the real property for which the writ is issued may make an objection to eviction to the levying officer at the office of the levying officer or at the premises at the time of the eviction.

If a claim of right to possession is completed and presented to the sheriff, marshal, or other levying officer, the officer shall forthwith (1) stop the eviction of occupants at the premises, and (2) provide a receipt or copy of the completed claim of right of possession to the claimant indicating the date and time the completed form was received, and (3) deliver the original completed claim of right to possession to the court issuing the writ of possession of real property.

(c) A claim of right to possession is effected by any of the following:

(1) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, an amount equal to 15 days' rent together with the appropriate fee or form for proceeding in forma pauperis. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact. Immediately upon receipt of an amount equal to 15 days' rent and the appropriate fee or form for proceeding in forma pauperis, the court shall file the claim of right to possession and serve an endorsed copy with the notice of the hearing date on the plaintiff and the claimant by first-class mail. The court issuing the writ of possession shall set and hold a hearing on the claim not less than five nor more than 15 days after the claim is filed with the court.

(2) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, the appropriate fee or form for proceeding in forma pauperis without delivering the amount equivalent to 15 days' rent. In this case, the court shall immediately set a hearing on the claim to be held on the fifth day after the filing is completed. The court shall notify the claimant of the hearing date at the time the claimant completes the filing by delivering to the court the appropriate fee or form for proceeding in forma pauperis, and shall notify the plaintiff of the hearing date by first-class mail. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact.

(d) At the hearing, the court shall determine whether there is a valid claim of possession by the claimant who filed the claim, and the court shall consider all evidence produced at the hearing, including, but not limited to, the information set forth in the claim. The court may determine the claim to be valid or invalid based upon the evidence presented at the hearing. The court shall determine the claim to be invalid if the court determines that the claimant is an invitee, licensee, guest, or trespasser. If the court determines the claim is invalid, the court shall order the return to the claimant of the amount of the 15 days' rent paid by the claimant, if that amount was paid pursuant to paragraphs (1) or (3) of subdivision (c), less a

pro rata amount for each day that enforcement of the judgment was delayed by reason of making the claim of right to possession, which pro rata amount shall be paid to the landlord. If the court determines the claim is valid, the amount equal to 15 days' rent paid by the claimant shall be returned immediately to the claimant.

(e) If, upon hearing, the court determines that the claim is valid, then the court shall order further proceedings as follows:

(1) If the unlawful detainer is based upon a curable breach, and the claimant was not previously served with a proper notice, if any notice is required, then the required notice may at the plaintiff's discretion be served on the claimant at the hearing or thereafter. If the claimant does not cure the breach within the required time, then a supplemental complaint may be filed and served on the claimant as defendant if the plaintiff proceeds against the claimant in the same action. For the purposes of this section only, service of the required notice, if any notice is required, and of the supplemental complaint may be made by first-class mail addressed to the claimant at the subject premises or upon his or her attorney of record and, in either case, Section 1013 shall otherwise apply. Further proceedings on the merits of the claimant's continued right to possession after service of the Summons and Supplemental Complaint as prescribed by this subdivision shall be conducted pursuant to this chapter.

(2) In all other cases, the court shall deem the unlawful detainer Summons and Complaint to be amended on their faces to include the claimant as defendant, service of the Summons and Complaint, as thus amended, may at the plaintiff's discretion be made at the hearing or thereafter, and the claimant thus named and served as a defendant in the action shall answer or otherwise respond within five days thereafter.

(f) If a claim is made without delivery to the court of the appropriate filing fee or a form for proceeding in forma pauperis, as prescribed in this section, the claim shall be immediately deemed denied and the court shall so order. Upon the denial of the claim, the court shall immediately deliver an endorsed copy of the order to the levying officer and shall serve an endorsed copy of the order on the plaintiff and claimant by first-class mail.

(g) If the claim of right to possession is denied pursuant to subdivision (f), or if the claimant fails to appear at the hearing or, upon hearing, if the court determines that there are no valid claims, or if the claimant does not prevail at a trial on the merits of the unlawful detainer action, the court shall order the levying officer to proceed with enforcement of the original writ of possession of real property as deemed amended to include the claimant, which shall be effected within a reasonable time not to exceed five days. Upon receipt of the court's order, the levying officer shall enforce the writ of possession of real property against any occupant or occupants.

(h) The claim of right to possession shall be made on the following form:

: NOTICE: If your claim to possession is found to :
: be valid, the unlawful detainer action against :
: you will be determined at trial. At trial, you :
: may be found liable for rent, costs, and, in :
: some cases, treble damages. :

CLAIM OF RIGHT TO POSSESSION AND NOTICE OF HEARING

NOTICE TO OCCUPANTS

YOU MUST ACT AT ONCE IF ALL THE FOLLOWING ARE TRUE:

- (1) You are not named, in the accompanying form called Writ of Possession;
- (2) You occupied the premises on or before the date the unlawful detainer (eviction) action was filed; and
- (3) You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM

- (1) Before the date of eviction at the sheriff's or marshal's office located at: (address)
- (2) OR at the premises at the time of the eviction. (Give this form to the officer who comes to evict you.)

If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED along with the parties named in the writ.

After this form is properly filed, A HEARING WILL BE HELD to decide your claim.

If you do not appear at the hearing, you will be evicted without a further hearing.

CLAIM OF RIGHT TO POSSESSION AND NOTICE OF HEARING

Comment. Subdivision (a) of Section 1174.3 is amended to eliminate an obsolete reference to former Section 1167.25.

Gov't Code § 65460.2 (amended). Transit village plan

SEC. _____. Section 65460.2 of the Government Code is amended to read:

65460.2. A city or county may prepare a transit village plan for a transit village development district that addresses the following characteristics:

(a) A neighborhood centered around a transit station that is planned and designed so that residents, workers, shoppers, and others find it convenient and attractive to patronize transit.

(b) A mix of housing types, including apartments, within not more than a quarter mile of the exterior boundary of the parcel on which the transit station is located.

(c) Other land uses, including a retail district oriented to the transit station and civic uses, including day care centers and libraries.

(d) Pedestrian and bicycle access to the transit station, with attractively designed and landscaped pathways.

(e) A rail transit system that should encourage and facilitate intermodal service, and access by modes other than single occupant vehicles.

(f) Demonstrable public benefits beyond the increase in transit usage, including all of the following:

- (1) Relief of traffic congestion.

- (2) Improved air quality.
- (3) Increased transit revenue yields.
- (4) Increased stock of affordable housing.
- (5) Redevelopment of depressed and marginal inner-city neighborhoods.
- (6) Live-travel options for transit-needy groups.
- (7) Promotion of infill development and preservation of natural resources.
- (8) Promotion of a safe, attractive, pedestrian-friendly environment around transit stations.
- (9) Reduction of the need for additional travel by providing for the sale of goods and services at transit stations.
- (10) Promotion of job opportunities.
- (11) Improved cost-effectiveness through the use of the existing infrastructure.
- (12) Increased sales and property tax revenue.
- (13) Reduction in energy consumption.
- (g) Sites where a density bonus of at least 25 percent may be granted pursuant to specified performance standards.
- (h) Other provisions that may be necessary, based on the report prepared pursuant to subdivision (b) of former Section 14045, as enacted by Section 3 of Chapter 1304 of the Statutes of 1990.

Comment. Subdivision (h) of Section 65460.2 is amended to correct an obsolete reference to former Section 14045.

Gov't Code § 68086 (amended). Official reporters and official reporting services

SEC. ____ . Section 68086 of the Government Code is amended to read:

68086. (a) ~~In all superior court departments not selected to participate in the demonstration project established under Section 270 of the Code of Civil Procedure~~ The following provisions apply in superior court:

(1) In addition to any other trial court fee required in civil cases, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official reporter on the first and each succeeding judicial day those services are required.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court at the beginning of the second and each succeeding day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time during either the morning or afternoon court session.

(4) The costs for the services of the official reporter shall be recoverable as taxable costs at the conclusion of trial.

(5) The Judicial Council shall adopt rules to ensure all of the following:

(A) That parties are given adequate and timely notice of the availability of an official reporter.

(B) That if an official reporter is not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable as provided in paragraph (4).

(C) That if the services of an official pro tempore reporter are utilized pursuant to this section, no other charge will be made to the parties.

~~(b) In all superior court departments selected to participate in the demonstration project established under Section 270 of the Code of Civil Procedure, and in all municipal courts~~ The following provisions apply in municipal court:

(1) In addition to any other trial court fee required in civil cases, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for official reporting services on the first and each succeeding judicial day those services are required.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court at the beginning of the second and each succeeding day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time during either the morning or afternoon court session.

(4) The costs for the official reporting services shall be recoverable as taxable costs at the conclusion of trial.

(5) The Judicial Council shall adopt rules to ensure all of the following:

(A) That litigants receive adequate information about any change in the availability of official reporting services.

(B) That if official reporting services are not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable as provided in paragraph (4).

(C) That if the services of a pro tempore reporter are utilized because official reporting services are unavailable, no other charge will be made to the parties for recording the proceeding.

Comment. Section 68086 is amended to eliminate obsolete references to former Code of Civil Procedure Section 270.

☞ **Note.** The proposed amendment of Section 68086 is only intended to eliminate the cross reference to Code of Civil Procedure Section 270. The Commission is aware that the section may also need to be amended to reflect the elimination of municipal courts in many counties as a consequence of trial court unification. That issue will be addressed in a separate Commission study.

Penal Code § 14114 (amended). Program priorities

SEC. _____. Section 14114 of the Penal Code is amended to read:

14114. (a) First priority shall be given to programs which provide community education, outreach, coordination, and include creative and effective ways to translate the recommendations of the California Commission on Crime Control and Violence Prevention into practical use in one or more of the ~~subject areas set forth in Section 14113.~~ following subject areas:

(1) Parenting, birthing, early childhood development, self-esteem, and family violence, to include child, spousal, and elderly abuse.

(2) Economic factors and institutional racism.

(3) Schools and educational factors.

(4) Alcohol, diet, drugs, and other biochemical and biological factors.

(5) Conflict resolution.

(6) The media.

(b) At least three of the programs shall do all of the following:

(a) (1) Use the recommendations of the California Commission on Crime Control and Violence Prevention and incorporate as many of those recommendations as possible into its program.

(b) (2) Develop an intensive community-level educational program directed toward violence prevention. This educational component shall incorporate the commission's works "Ounces of Prevention" and "Taking Root," and shall be designed appropriately to reach the educational, ethnic, and socioeconomic individuals, groups, agencies, and institutions in the community.

(c) (3) Include the imparting of conflict resolution skills.

(d) (4) Coordinate with existing community-based, public and private, programs, agencies, organizations, and institutions, local, regional, and statewide public educational systems, criminal and juvenile justice systems, mental and public health agencies, appropriate human service agencies, and churches and religious organizations.

(e) (5) Seek to provide specific resource and referral services to individuals, programs, agencies, organizations, and institutions confronting problems with violence and crime if the service is not otherwise available to the public.

(f) (6) Reach all local ethnic, cultural, linguistic, and socioeconomic groups in the service area to the maximum extent feasible.

Comment. Section 14114 is amended to eliminate an obsolete reference to former Section 14113.

 **Note.** Penal Code Section 14113, enacted in 1984, established four concurrent pilot projects relating to violence prevention. The two-year projects were to commence after July 1, 1985. The Office of Criminal Justice Planning confirmed that Section 14113 is obsolete and should be repealed.

The extent to which Section 14114 is related to Section 14113 is not clear. It may be that the section is directly related to the obsolete pilot projects established in Section 14113 and is also obsolete. The Commission would like to receive comments on whether Section 14114 is obsolete and should be repealed.

Penal Code § 14119 (amended). Pilot programs and workshops

SEC. ____ . Section 14119 of the Penal Code is amended to read:

14119. ~~(a) Commencing on or after July 1, 1985, the Office of Criminal Justice Planning shall contract for no more than four pilot programs as described in Section 14113.~~

(b) Commencing on or after July 1, 1985, the Office of Criminal Justice Planning shall promote, organize, and conduct a series of one-day crime and violence prevention training workshops around the state. The Office of Criminal Justice Planning shall seek participation in the workshops from ethnically, linguistically, culturally, educationally, and economically diverse persons, agencies, organizations, and institutions.

- (e) (b) The training workshops shall have all of the following goals:
- (1) To identify phenomena which are thought to be root causes of crime and violence.
 - (2) To identify local manifestations of those root causes.
 - (3) To examine the findings and recommendations of the California Commission on Crime Control and Violence Prevention.
 - (4) To focus on team building and interagency cooperation and coordination toward addressing the local problems of crime and violence.
 - (5) To examine the merits and necessity of a local crime and violence prevention effort.
- (d) (c) There shall be at least three workshops.

Comment. Section 14119 is amended to eliminate an obsolete reference to former Section 14113.

 **Note.** Penal Code Section 14113, enacted in 1984, established four concurrent pilot projects relating to violence prevention. The two-year projects were to commence after July 1, 1985. The Office of Criminal Justice Planning confirmed that Section 14113 is obsolete and should be repealed.

The extent to which Section 14119 is related to Section 14113 is not clear. It may be that the section is directly related to the obsolete pilot projects established in Section 14113 and is also obsolete. The Commission would like to receive comments on whether Section 14119 is obsolete and should be repealed

Welf. & Inst. Code § 11265.5 (amended). Testing of reporting systems

SEC. _____. Section 11265.5 of the Welfare and Institutions Code is amended to read:

11265.5. (a)(1) The department may, subject to the requirements of federal regulations and Section 18204, conduct three pilot projects, to be located in the Counties of Los Angeles, Merced, and Santa Clara, upon approval of the department and the participating counties. The pilot projects shall test the reporting systems described in subparagraphs (A), (B), and (C) of paragraph (4).

(2)(A) The pilot project conducted in Los Angeles County shall test one or both reporting systems described in subparagraphs (A) and (B) of paragraph (4). The pilot project population for each test shall be limited to 10,000 cases.

(B) The pilot projects in the other counties shall test one of the reporting systems described in subparagraph (A) or (C) of paragraph (4) and shall be limited to 2,000 cases per project.

(3)(A) The pilot projects shall be designed and conducted according to standard scientific principles, and shall be in effect for a period of 24 months.

(B) The projects may be extended an additional year upon the approval of the department.

(C) The projects shall be designed to compare the monthly reporting system with alternatives described in paragraph (4) as to all of the following phenomena:

(i) Administrative savings resulting from reduced worker time spent in reviewing monthly reports.

- (ii) The amount of cash assistance paid to families.
 - (iii) The rate of administrative errors in cases and payments.
 - (iv) The incidence of underpayments and overpayments and the costs to recipients and the administering agencies of making corrective payments and collecting overpayments.
 - (v) Rates at which recipients lose eligibility for brief periods due to failure to submit a monthly report but file new applications for aid and thereafter are returned to eligible status.
 - (vi) Cumulative benefits and costs to each level of government and to aid recipients resulting from each reporting system.
 - (vii) The incidence of, and ability to, prosecute fraud.
 - (viii) Ease of use by clients.
 - (ix) Case errors and potential sanction costs associated with those errors.
- (4) The pilot projects shall adopt reporting systems providing for one or more of the following:
- (A) A reporting system that requires families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no recent work history to report changes in circumstances that affect eligibility and grant amount as changes occur. These changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported shall be provided to recipients of aid along with benefit payments each month.
 - (B) A reporting system that permits families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no changes in eligibility criteria, to report electronically monthly, using either an audio response or the food stamp on-line issuance and recording system, or a combination of both. Adequate instruction and training shall be provided to county welfare department staff and to recipients who choose to use this system prior to its implementation.
 - (C) A reporting system that requires all families to report changes in circumstances that affect eligibility and grant amount as changes occur. The changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported, shall be provided to recipients of aid along with benefit payments each month.
- (b)(1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department, upon the department's review and approval of the proposals, to the federal agency on the

counties' behalf. The development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.

(1.5) Each pilot county shall prepare and submit quarterly reports, annual reports, and a final report to the department.

(2) Each quarterly report shall be submitted no later than 30 calendar days after the end of the quarter.

(3) Each annual report shall be submitted no later than 45 days after the end of the year.

(4)(A) Each pilot county shall submit a final report not later than 90 days following completion of the pilot projects required by this section and ~~Section 18920~~.

(B)(i) As part of the final report, the pilot counties shall prepare and submit evaluations of the pilot projects to the department.

(ii) Each evaluation shall include, but not be limited to, an analysis of the factors set forth in paragraph (3) of subdivision (a) compared to each other and the current reporting systems in both the AFDC and food stamp programs. The final evaluations shall be prepared by an independent consultant or consultants contracted with for that purpose prior to the commencement of the projects.

(C) The department shall review and approve the evaluations submitted by the pilot counties and shall submit them to the appropriate policy and fiscal committees of the Legislature.

(c) The department may terminate any or all of the pilot projects implemented pursuant to this section after a period of six months of operation if one or more of the pilot counties submits data to the department, or information is otherwise received, indicating that the pilot project or projects are not cost-effective or adversely impact recipients or county or state operations based on the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a).

(d) The pilot projects shall be implemented only upon receipt of the appropriate federal waivers.

Comment. Subdivision (b)(4)(A) of Section 11265.5 is amended to eliminate an obsolete reference to former Section 18920.

 **Note.** Welfare and Institutions Code Section 11265.5 is nearly identical to Welfare and Institutions Code Section 18920, although they appear in different subject areas of the code. Section 11265.5 is in a part governing "Aid And Medical Assistance," while Section 18920 is in a chapter governing "Food Stamps." Both sections were added by the same bill. See 1991 Cal. Stat. ch. 1046. It is not clear whether the expiration of the pilot project established under Section 18920 means that the pilot project established under Section 11265.5 is also expired. The Commission would like to receive comment on whether Section 11265.5 is obsolete and should be repealed.