

Memorandum 2000-73

Expired Pilot Projects (Draft Recommendation)

In the course of studying statutory changes necessary to implement trial court unification, the Commission identified a small number of apparently obsolete statutes relating to expired pilot projects. Subsequent research by the Institute for Legislative Practice at the McGeorge School of Law identified many more such statutes. The Institute contacted the agencies responsible for the pilot projects to inquire whether it would be appropriate to repeal the statutes establishing these projects. In a number of cases, the agency indicated that the pilot project had expired and that it would be appropriate to repeal the section establishing that project.

Based on the Institute's research, the staff prepared a tentative recommendation proposing the repeal of provisions establishing expired pilot projects, along with conforming amendments to correct cross-references to the provisions proposed for repeal.

In response to a draft of the tentative recommendation, the Committee on Administration of Justice of the State Bar (CAJ), submitted a letter indicating its approval of each of the changes proposed. That letter is attached as an Exhibit. As a general matter, CAJ states:

provisions relating to expired pilot projects cause clutter in the law and thereby threaten mischief, to the detriment of the administration of justice without any likely good. Their repeal, accordingly, will clear up such clutter and prevent such mischief, to the benefit of the administration of justice without any likely evil.

The tentative recommendation was circulated for public comment, with a copy sent to the person at each agency who replied to the Institute's inquiry. We received no comment on the tentative recommendation. This can probably be explained by two factors:

- (1) The subject is technical, and so long as the pilot projects have actually expired, of no substantive interest to anyone.
- (2) The agencies that responded to the Institute's inquiry may feel that additional affirmation of their earlier input is unnecessary.

In light of the authoritative statements of the responsible agencies, the independent review and approval by CAJ, and the general lack of controversy regarding this proposal, the staff recommends that the Commission adopt the attached staff draft recommendation as its final recommendation.

Respectfully submitted,

Brian Hebert
Staff Counsel

MEMORANDUM

To: Stan Ulrich, Assistant Executive Secretary
California Law Revision Commission

From: Committee on Administration of Justice
State Bar of California
Dennis Peter Maio, Reporter

Date: June 14, 2000

Subject: California Law Revision Commission —
Draft Tentative Recommendation on Expired Pilot Projects
[Study J-1309]

Recommend: Support, With Comments

On the agenda for the June 22, 2000 public meeting of the California Law Revision Commission (Commission), which is to be held in Sacramento, is a Draft Tentative Recommendation by Commission staff relating to expired pilot projects.

In the course of studying the statutory changes necessary to implement trial court unification, the Commission identified a small number of apparently obsolete provisions relating to pilot projects that had expired. On further research, it identified other apparently obsolete provisions relating to other such projects. It contacted each of the agencies responsible for implementing each of the projects to determine whether it would be appropriate to repeal the provision or provisions in question. It was informed by the agency either that (1) the provision or provisions were indeed obsolete and appropriate for repeal in a Commission-sponsored bill, or (2) the provision or provisions were obsolete, but the agency itself would sponsor repealing legislation, or (3) the provision or provisions had continuing vitality and should not be repealed.

The Draft Tentative Recommendation by Commission staff is for the Commission (1) to sponsor a bill to repeal specified provisions relating to expired pilot projects, almost all of which have been identified by the responsible agencies as obsolete and appropriate for repeal in a Commission-sponsored bill, and (2) to solicit comments on specified matters connected thereto.

The question before the Commission is whether to approve the Draft Tentative Recommendation and, consequently, circulate it for public comment as a Tentative Recommendation.

The Committee on Administration of Justice (Committee) is of the opinion that the Commission should answer this question in the affirmative. Anticipating circulation, it makes its comments below.

In the Committee's view, provisions relating to expired pilot projects cause clutter in the law and thereby threaten mischief, to the detriment of the administration of justice without any likely good. Their repeal, accordingly, will clear up such clutter and prevent such mischief, to the benefit of the administration of justice without any likely evil.

1. Code of Civil Procedure section 221, enacted in 1988, established a pilot project relating to jury composition. The project was to end by July 1, 1989. A report was to be submitted to the Legislature by January 1, 1990. The Judicial Council, Office of Governmental Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

2. Code of Civil Procedure section 270, enacted in 1986, established a pilot project relating to the electronic recording of oral proceedings in specified superior courts as part of the record on appeal. The project was to end by January 1, 1994. A report was to be submitted to the Legislature by January 1, 1992. The Judicial Council, Office of Governmental Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

3. Code of Civil Procedure section 1012.5, enacted in 1989, established a pilot project relating to the use of telefacsimile machines in the judicial process. The project, which was to last three years, was to commence on January 1, 1990, and to end on December 31, 1992. A report was to be submitted to the Legislature by December 31, 1999. The Judicial Council, Office of Governmental Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

4. Code of Civil Procedure section 1167.2, enacted in 1994, established a pilot project relating to unlawful detainer proceedings. Section 1167.25 was enacted in 1995 to modify the project. Section 1167.2 was amended in 1996 to provide, among other things, that it would be repealed by its own terms on July 1, 1999. Section 1167.2 was so repealed. Section 1167.25 was not. The omission appears to have been an oversight, inasmuch as section 1167.25 has no apparent purpose if section 1167.2 is not operative. The Judicial Council, Office of Governmental Affairs, has confirmed that section 1167.25 is obsolete and should

be repealed. Commission staff would solicit comment on whether there is any reason to preserve this provision.

The Committee is of the view that there is no such reason.

5. Government Code sections 11805–11807, enacted in 1993, established a pilot project relating to performance budgeting techniques. The project was to end by July 1, 1999. But former section 11808.1, which specified the ending date, was repealed by its own terms on January 1, 2000. Reports were to be submitted to the Legislature on or before January 1, 1996, and March 1, 1998, and after the project's conclusion. The Department of Finance has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

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

The Committee agrees for the reasons stated.

7. Government Code section 14680.8, enacted in 1986, established a pilot project relating to the management of state property. No beginning or ending date was specified. The Department of General Services has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

8. Government Code sections 15290–15300, enacted in 1986, established a pilot project relating to the furnishing of relief services to the homeless. The project was to end two years after the provisions' effective date. A report was to be submitted to the Legislature by March 1, 1988. The Department of Housing and Community Development has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

9. Government Code section 69845.6, enacted in 1980, established a pilot project relating to the register of actions in Placer County Superior Court. The project, which was to last three years, was to commence on January 1, 1981, and to end on January 1, 1984. The Judicial Council, Office of Governmental Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

10. Health and Safety Code sections 1339.51–1339.61, enacted in 1984, established a pilot project relating to chronically or terminally ill children. The project was to end by July 1, 1990. A report was to be submitted to the

Legislature by July 1, 1989. The State Department of Health, Office of Legislative Affairs, has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

11. Health and Safety Code sections 25242.5–25242.6, enacted in 1987, established a pilot project relating to a hazardous waste management internship program. The project was to commence by June 1, 1988, but had no ending date specified. Reports were to be submitted to the Legislature on or before June 1, 1988, and January 1, 1990. The University of California, Office of State Government Relations, has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

12. Health and Safety Code section 32354, enacted in 1976, established a pilot project relating to rural medical care. The project was to serve as a model for a statutory scheme that was ultimately not enacted. No beginning or ending date was specified. The Department of Health, Office of State Legislative Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

13. Health and Safety Code sections 43840, subdivision (d), 43841, and 43841.5, enacted in 1980, established a pilot project relating to alcohol-fueled vehicles. No beginning or ending date was specified. The Air Resources Board and the California Energy Commission have confirmed that section 43840, subdivision (d), is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Items 14 and 15, below.

14. Health and Safety Code sections 43840, subdivision (d), 43841, and 43841.5, enacted in 1980, established a pilot project relating to alcohol-fueled vehicles. No beginning or ending date was specified. The Air Resources Board and the California Energy Commission have confirmed that section 43841 is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Item 13, above, and Item 15, below.

15. Health and Safety Code sections 43840, subdivision (d), 43841, and 43841.5, enacted in 1980, established a pilot project relating to alcohol-fueled vehicles. No beginning or ending was specified. The Air Resources Board and the California Energy Commission have confirmed that section 43841.5 is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Items 13 and 14, above.

16. Labor Code section 4612, enacted in 1992, established a pilot project relating to employer-provided health plans. The project was to last for three years. No beginning or ending date was specified. The Division of Workers' Compensation has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

17. Penal Code sections 1000.30–1000.36, enacted in 1985, continued an existing pilot project relating to the treatment of child sexual abuse perpetrators. The project was to last for two years. No beginning or ending date was specified. The Office of Criminal Justice Planning has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

18. Penal Code section 1348.5, enacted in 1986, established a pilot project relating to representation of children in family sexual abuse cases. The project, which was to last three years, was to commence on or before July 1, 1987. Reports were to be submitted to the Legislature on or before December 31, 1988, and September 30, 1990. The Office of Criminal Justice Planning has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

19. Penal Code section 2053.3, enacted in 1993, established a pilot project relating to education of prisoners. The project, which was to last two years, was to commence on January 1, 1994, and to end on December 31, 1995. The Office of Criminal Justice Planning has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

20. Penal Code section 5020, enacted in 1984, established a pilot project relating to education of prisoners. The project was to last two years. No beginning or ending date was specified. A report was to be submitted to the Legislature after the project's conclusion. The Department of Corrections has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

21. Penal Code section 6247, enacted in 1994, established a pilot project relating to shelter of public inebriates. The project was to last for one year. No beginning or ending date was specified. A report was to be submitted to the Board of Corrections within nine months after its commencement. The Board of Corrections has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

22. Penal Code section 13823.20, enacted in 1990, established a pilot project relating to police foot patrols in drug crime areas. No beginning or ending date was specified. A report was to be submitted to the Legislature by August 31, 1991. The Office of Criminal Justice Planning has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

23. Penal Code sections 13894.5–13894.9, enacted in 1990, established a pilot project relating to fingerprinting of persons convicted of driving under the influence of alcohol. The project was to last for eighteen months. No beginning or ending date was specified. A report was to be submitted to the Legislature by November 1, 1992. The Office of Criminal Justice Planning has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

24. Penal Code section 14113, enacted in 1984, established four concurrent pilot projects relating to the prevention of violence. The projects, which were to last two years, were to commence after July 1, 1985. The Office of Criminal Justice Planning has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

25. Public Resources Code sections 25920–25931, enacted in 1993, established a pilot project relating to energy efficient mortgages. No beginning or ending date was specified. A report was to be submitted to the Governor and the Legislature on the project's completion. The California Energy Commission has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

26. Public Resources Code section 48695, enacted in 1994, established a pilot project relating to recycling of used oil filters. The project, which was to last two years, was to commence on July 1, 1995, and to end on July 1, 1997. A report was to be submitted to the Governor and the Legislature by November 1, 1997. The California Integrated Waste Management Board has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

27. Vehicle Code section 2802.5, enacted in 1989, established a pilot project relating to the staffing of vehicle inspection facilities. No beginning or ending date was specified. A report was to be submitted to the Legislature by February 1, 1992. The California Highway Patrol has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

28. Vehicle Code sections 4764.1–4764.4, enacted in 1988, established a pilot project relating to the collection of unpaid parking penalties. The project, which was to last two years, was to commence on or before December 31, 1989. Reports were to be submitted to the Legislature on or before January 1, 1991, and July 1, 1991. The Department of Motor Vehicles has confirmed that section 4764.1 is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Items 29–31, below.

29. Vehicle Code sections 4764.1–4764.4, enacted in 1988, established a pilot project relating to the collection of unpaid parking penalties. The project, which was to last two years, was to commence on or before December 31, 1989. Reports were to be submitted to the Legislature on or before January 1, 1991, and July 1, 1991. The Department of Motor Vehicles has confirmed that section 4764.2 is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Item 28, above, and Items 30 and 31, below.

30. Vehicle Code sections 4764.1–4764.4, enacted in 1988, established a pilot project relating to the collection of unpaid parking penalties. The project, which was to last two years, was to commence on or before December 31, 1989. Reports were to be submitted to the Legislature on or before January 1, 1991, and July 1, 1991. The Department of Motor Vehicles has confirmed that section 4764.3 is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Items 28 and 29, above, and Item 31, below.

31. Vehicle Code sections 4764.1–4764.4, enacted in 1988, established a pilot project relating to the collection of unpaid parking penalties. The project, which was to last two years, was to commence on or before December 31, 1989. Reports were to be submitted to the Legislature on or before January 1, 1991, and July 1, 1991. The Department of Motor Vehicles has confirmed that section 4764.4 is obsolete and should be repealed.

The Committee agrees for the reasons stated. See also Items 28–30, above.

32. Welfare and Institutions Code section 729.11, enacted in 1991, established a pilot project relating to the treatment of juvenile substance abuse offenders. The project was to last for two years. No beginning or ending date was specified. The Office of Criminal Justice Planning has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

33. Welfare and Institutions Code section 1760.3, enacted in 1988, established a pilot project relating to the removal of graffiti. The project was to last for three years. No beginning or ending date was specified. The Department of the Youth Authority has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

34. Welfare and Institutions Code section 8016, enacted in 1987, established a pilot project relating to the furnishing of financial services to seniors. The project, which was to last 18 months, was to commence on January 31, 1988. A report was to be submitted to the Legislative Analyst by May 1, 1989. The State Controller's Office has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

35. Welfare and Institutions Code section 14115.6, enacted in 1984, established a pilot project relating to billing for the services of a nurse practitioner. The project was to last for one year. No beginning or ending date was specified. A report was to be submitted to the Legislature within three months after the project's conclusion. The State Department of Health, Office of Legislative Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

36. Welfare and Institutions Code section 14133.61, enacted in 1981, established a pilot project relating to document management. The project was to last for one year, specifically, the 1981–1982 fiscal year. A report was to be submitted to the Legislature by July 31, 1982. The State Department of Health, Office of Legislative Affairs, has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

37. Welfare and Institutions Code section 16515, enacted in 1987, established a pilot project relating to respite care services for children. The project was to end by July 1, 1991. A report was to be submitted to the Legislature by July 1, 1990. The Department of Social Services has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

38. Welfare and Institutions Code sections 18210–18215, enacted in 1970, established a pilot project relating to the delivery of meals to handicapped or infirm persons who were eligible for public assistance. The project was to commence by January 1, 1971, but had no ending date specified. Annual reports

were to be submitted to the Legislature. The Department of Social Services has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

39. Welfare and Institutions Code section 18600, enacted in 1980, established a pilot project relating to services for the blind. The project was to last for two years. No beginning or ending date was specified. The Department of Rehabilitation has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

40. Welfare and Institutions Code section 18919, enacted in 1988, established a pilot project relating to so-called food stamp cash out. The project was to last for five years. No beginning or ending date was specified, except for an implied ending date of June 30, 1997. A report was to be submitted to the Legislature within nine months after the project's conclusion. The Department of Social Services has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

41. Welfare and Institutions Code section 18920, enacted in 1991, established three pilot projects relating to reporting systems for the administration of the food stamp program. The projects were to last for no more than three years. No beginning or ending date was specified. Reports were to be submitted to the Legislature quarterly, and within 90 days after the projects' conclusion. The Department of Social Services has confirmed that this provision is obsolete and should be repealed.

The Committee agrees for the reasons stated.

42. Welfare and Institutions Code sections 18990–18991, enacted in 1988, established six concurrent pilot projects relating to telephone support services for unsupervised school children. The projects were to commence by April 1, 1989, but had no ending date specified. A report was to be submitted to the Legislature by January 1, 1992. The Department of Aging has confirmed that these provisions are obsolete and should be repealed.

The Committee agrees for the reasons stated.

43. Commission staff would solicit comment on whether Government Code section 14035.1 is obsolete and should be repealed. Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date was specified. Reports were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation has confirmed that section 14045 is obsolete and should be repealed. (In Item 6, above, the Committee has stated its agreement.)

The Committee is of the view that Government Code section 14035.1 serves no purpose other than implementing section 14045. If section 14045 is obsolete and should be repealed — as is the case — the same is true of section 14035.1. See also Item 44, below.

44. Commission staff would solicit comment on whether Government Code section 65083 is obsolete and should be repealed. Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date was specified. Reports were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation has confirmed that section 14045 is obsolete and should be repealed. (In Item 6, above, the Committee has stated its agreement.)

The Committee is of the view that Government Coded section 65083 serves no purpose other than implementing section 14045. If section 14045 is obsolete and should be repealed — as is the case — the same is true of section 65083. See also Item 43, above, and Items 45 and 46, below.

45. Commission staff would solicit comment on whether Government Code section 65913.5 is obsolete and should be repealed. Section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date was specified. Reports were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation has confirmed that section 14045 is obsolete and should be repealed. (In Item 6, above, the Committee has stated its agreement.)

The Committee is of the view that Government Code section 65913.5 serves no purpose other than implementing section 14045. If section 14045 is obsolete and should be repealed — as is the case — the same is true of section 65913.5. See also Items 43 and 44, above, and Item 46, below.

46. Commission staff would solicit comment on whether Health and Safety Code section 50502.5 is obsolete and should be repealed. Government Code section 14045, enacted in 1990, established a pilot project relating to residential development near mass transit sites. No ending date was specified. Reports were to be submitted to the Legislature by January 1, 1994, and January 1, 1996. The Department of Transportation has confirmed that section 14045 is obsolete and should be repealed. (In Item 6, above, the Committee has stated its agreement.)

The Committee is of the view that Health and Safety Code section 50502.5 serves no purpose other than implementing Government Code section 14045. If Government Code section 14045 is obsolete and should be repealed — as is the case — the same is true of Health and Safety Code section 50502.5. See also Items 43–45, above.

47. Commission staff would recommend that Code of Civil Procedure section 1174.3, subdivision (a), be amended to eliminate an obsolete reference to section 1167.25, which is the subject of Item 4, above.

The Committee is of the view that Code of Civil Procedure section 1174.3, subdivision (a), should be so amended for the reasons stated.

48. Commission staff would recommend that Government Code section 65460.2, subdivision (h), be amended to eliminate an obsolete reference to section 14045, which is the subject of Item 6, above.

The Committee is of the view that Government Code section 65460.2, subdivision (h), should be so amended for the reasons stated. See also Items 43–46, above.

49. Commission staff would recommend that Government Code section 68086 be amended to eliminate obsolete references to Code of Civil Procedure section 270, which is the subject of Item 2, above.

The Committee is of the view that Government Code section 68086 should be so amended for the reasons stated.

50. Commission staff would recommend that Penal Code section 14114 be amended to eliminate an obsolete reference to section 14113, which is the subject of Item 24, above.

The Committee is of the view that Penal Code section 14114 should be so amended for the reasons stated.

Commission staff would solicit comment on whether Penal Code section 14114 itself is obsolete and should be repealed.

The Committee is of the following view: Penal Code section 14114 serves little, if any, purpose other than implementing section 14113. If section 14113 is obsolete and should be repealed — as is the case — the same is true of section 14114.

51. Commission staff would recommend that Penal Code section 14119 be amended to eliminate an obsolete reference to section 14113, which is the subject of Item 24, above.

The Committee is of the view that Penal Code section 14119 should be so amended for the reasons stated.

Commission staff would solicit comment on whether Penal Code section 14119 itself is obsolete and should be repealed.

The Committee is of the following view: Penal Code section 14119 serves little, if any, purpose other than implementing section 14113. If section 14113 is obsolete and should be repealed — as is the case — the same is true of section 14119.

52. Commission staff would recommend that Welfare and Institutions Code section 11265.5, subdivision (b)(4)(A), be amended to eliminate an obsolete reference to section 18920, which is the subject of Item 41, above.

The Committee is of the view that Welfare and Institutions Code section 11265.5, subdivision (b)(4)(A), should be so amended for the reasons stated.

Commission staff would solicit comment on whether Welfare and Institutions Code section 11265.5 itself is obsolete and should be repealed.

The Committee is of the following view: Welfare and Institutions Code section 11265.5 is nearly identical to section 18920. If section 18920 is obsolete and should be repealed — as is the case — the same is true of section 11265.5.

cc: David Long, Director of Research, State Bar of California
Patrick O'Donnell, Staff Attorney, Judicial Council of California

#J-1309

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

STAFF DRAFT RECOMMENDATION

Expired Pilot Projects

October 2000

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739
650-494-1335 FAX: 650-494-1827

SUMMARY OF RECOMMENDATION

There are a number of statutes establishing pilot projects that have expired. The Law Revision Commission recommends the repeal of these statutes as obsolete. In preparing this recommendation, the Commission benefited greatly from the assistance of the Institute for Legislative Practice at the McGeorge School of Law. In particular, the Commission appreciates the assistance of Professor J. Clark Kelso and his students, Erin Koch and Tamika Spirling.

This recommendation was prepared pursuant to Government Code Section 70219.

EXPIRED PILOT PROJECTS

In the course of studying the statutory changes necessary to implement trial court unification, the Law Revision Commission identified a small number of apparently obsolete statutes relating to expired pilot projects.¹ Further research revealed others.² The agencies responsible for implementing the expired pilot projects were contacted to learn whether it would be appropriate to repeal these statutes.³ Agency responses were of three general types⁴:

- (1) The statute in question is obsolete and appropriate for repeal in Commission-recommended legislation.
- (2) The statute is obsolete and the agency will be sponsoring legislation to repeal it. It should not be repealed in Commission-recommended legislation.
- (3) The statute has continuing relevance and should not be repealed.

The Commission recommends the repeal of those provisions that were identified by the responsible agency as obsolete and appropriate for repeal in Commission-recommended legislation.⁵ See proposed legislation, *infra*. Notes following each section proposed for repeal identify the nature of the expired pilot project and the responsible agency.

In addition, the Commission recommends the repeal of Code of Civil Procedure Section 1167.25, which relates to a pilot project established by former Code of Civil Procedure Section 1167.2. Section 1167.2 was repealed by its own terms. With the repeal of Section 1167.2, Section 1167.25 serves no purpose.

1. See *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 85 (1998).

2. The Commission is also conducting research to identify provisions imposing apparently obsolete reporting requirements, which might be appropriate for repeal.

3. In conducting this study, the Commission benefited greatly from the assistance of the Institute for Legislative Practice at the McGeorge School of Law. In particular, the Commission appreciates the assistance of Professor J. Clark Kelso and his students, Erin Koch and Tamika Spirling.

4. See Spirling & Kelso, *Obsolete Pilot and Demonstration Projects* (Inst. Leg. Prac. April 7, 2000) (on file with Commission).

5. In one case, an amendment to delete a subdivision establishing a pilot project is recommended, rather than repeal of the entire section. See proposed amendment of Health and Safety Code Section 43840, *infra*.

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Welf. & Inst. Code § 14115.6 (repealed). Independent billing for services by nurse practitioner	52
Welf. & Inst. Code § 14133.61 (repealed). Micrographics document location and retrieval system practitioner	53
Welf. & Inst. Code § 16515 (repealed). Respite care services for children	54
Welf. & Inst. Code §§ 18210-18215 (repealed). Food delivery	54
Welf. & Inst. Code § 18600 (repealed). Services for newly blind and severely visually impaired persons over 55	56
Welf. & Inst. Code § 18919 (repealed). Food stamp cash out	56
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Welf. & Inst. Code §§ 18990-18991 (repealed). Grandparent phonefriend project	60

PROPOSED LEGISLATION

1 **Code Civ. Proc. § 221 (repealed). Experimental eight person juries**

2 SECTION 1. Section 221 of the Code of Civil Procedure is repealed.

3 221. (a) A trial jury in civil actions in municipal and justice courts may consist
4 of eight persons in the County of Los Angeles, pursuant to rules adopted by the
5 Judicial Council, as an experimental project operative until July 1, 1989.

6 (b) The Judicial Council shall appoint an advisory committee which shall
7 include at least one judge of each court or courts in which the project will take
8 place, one court administrator from that court or courts, or his or her designee, and
9 one member of the Los Angeles County Bar Association, Trial Lawyers Section,
10 who practices in the municipal or justice courts, to make recommendations
11 regarding the design of the eight person jury experiment. The Judicial Council
12 shall adopt rules for the implementation of the project, including rules governing
13 the assignment of cases to eight person juries during the experimental period, and
14 establish procedures for the collection and evaluation of data.

15 (c) The Judicial Council shall report to the Legislature no later than January 1,
16 1990, comparing the performance of eight and 12 person juries. The comparison
17 shall include, but not be limited to, the following factors:

18 (1) Cross-sectional representation of the community.

19 (2) Numbers of verdicts favoring plaintiffs or defendants, and size of awards.

20 (3) Accuracy, consistency, and reliability of awards.

21 (4) Time required for impanelment, trial, and deliberations.

22 (5) Public and private costs of the jury.

23 (d) Notwithstanding the provisions of Section 206, the project courts shall
24 collect and provide to the Judicial Council the data required for a proper
25 evaluation of the experiment. Any bona fide researcher or research organization
26 shall be permitted access to any data regarding the conduct or evaluation of the
27 pilot project.

28 **Comment.** Section 221 is repealed as obsolete. The pilot project established by this section has
29 expired.

30  **Note.** Code of Civil Procedure Section 221, enacted in 1988, established a pilot project
31 relating to jury composition. The project was to end by July 1, 1989. A report on the project
32 was to be submitted to the Legislature by January 1, 1990. The Judicial Council, Office of
33 Governmental Affairs, confirmed that this section is obsolete and should be repealed.

34 **Code Civ. Proc. § 270 (repealed). Audio and video recordings used to produce verbatim**
35 **records**

36 SEC. 2. Section 270 of the Code of Civil Procedure is repealed.

37 270. (a) Notwithstanding Section 269 or any other provision of law, the Judicial
38 Council shall establish a demonstration project to assess the costs, benefits, and

1 acceptability of utilizing audio and video recording as a means of producing a
2 verbatim record of proceedings in up to 75 superior court departments.

3 The Judicial Council shall select the counties to participate in the project, but
4 shall include in its selection the Counties of Alameda, Los Angeles, Orange,
5 Sacramento, San Mateo, Santa Cruz, and Solano.

6 In each county, the project shall only commence after the board of supervisors
7 adopts a resolution finding that there are sufficient funds for the project, and the
8 superior court adopts local rules for implementation of the project. The
9 demonstration project in each county shall terminate on January 1, 1994.

10 (b) In courtrooms operating under the demonstration project, audio or video
11 recording may be used in lieu of the verbatim record prepared by a court reporter
12 except in any criminal or juvenile proceedings.

13 (c) The Judicial Council shall adopt the following: (1) specifications for audio
14 and video recording equipment; (2) rules for courtroom monitoring of audio and
15 video recording; (3) standards for the training of personnel and maintenance of
16 equipment for audio and video recording; and (4) rules for certification of
17 transcripts produced by means of audio and video recording.

18 (d) An audio or video recording or transcript produced therefrom when certified
19 as being an accurate recording, video taping, or transcript of the testimony and
20 proceedings in a case, is prima facie evidence of that testimony and those
21 proceedings.

22 (e) A transcript of a proceeding in a court of the demonstration project shall be
23 provided by the court to a party in the same manner and form and at the same cost
24 as a transcript prepared and delivered by an official court reporter. If a portion of a
25 video or audio recording fails or is unable to be understood, a transcript of such
26 portion of the proceeding shall designate such condition as "inaudible" and
27 "unintelligible," respectively.

28 (f) No presently employed court reporter shall have his or her hours of
29 employment reduced as a result of the demonstration project nor shall be required
30 to prepare a transcript of a proceeding in a court of the demonstration project.

31 (g) The Judicial Council shall report to the Legislature on or before January 1,
32 1992, and thereafter as the Legislature may require, as to the costs, benefits, and
33 acceptability of such audio or video recording as a method of keeping the verbatim
34 court record.

35 (h) The Joint Rules Committee shall appoint an advisory committee consisting
36 of two certified shorthand reporters, one person skilled in courtroom audio
37 recording, one person skilled in courtroom video recording, two judges
38 experienced in trial work, one court administrator, and two attorneys experienced
39 in trial work to evaluate the demonstration project, and it shall report its findings
40 and recommendations, including minority views, if any, to the Legislature at the
41 same times as the Judicial Council reports pursuant to subdivision (g). The
42 advisory committee shall be afforded access to all material relating to the conduct
43 and operation of the demonstration project, including, but not limited to, copies of

1 audio and video tapes, logs thereof, transcripts, transcript requests, and the identity
2 of any vendor and consultants involved in the demonstration project.

3 **Comment.** Section 270 is repealed as obsolete. The pilot project established by this section has
4 expired.

5  **Note.** Code of Civil Procedure Section 270, enacted in 1986, established a pilot project
6 relating to electronic recording to produce a verbatim record of court proceedings. The project
7 was to end by January 1, 1994. A report on the project was to be submitted to the Legislature
8 by January 1, 1992. The Judicial Council, Office of Governmental Affairs, confirmed that this
9 section is obsolete and should be repealed.

10 **Code Civ. Proc. § 1012.5 (repealed). Use of facsimile transmission**

11 SEC. 3. Section 1012.5 of the Code of Civil Procedure is repealed.

12 ~~1012.5. (a) The Legislature finds that the use of facsimile transmission (FAX~~
13 ~~machines) has become commonplace in business and government. Currently, there~~
14 ~~are over 2.5 million FAX machines in the nation and the legal profession owns~~
15 ~~approximately 12 percent of these machines. Across the nation, courts are starting~~
16 ~~to address the use of FAX machines in the judicial system as a means of~~
17 ~~transmitting documents to the courts and to lawyers and litigants.~~

18 ~~Use of FAX transmission of documents may alleviate congestion in and around~~
19 ~~courthouses, promote savings in the time spent by attorneys in filing documents~~
20 ~~with the courts and with other attorneys and litigants, and ultimately, will result in~~
21 ~~a savings to the legal consumer.~~

22 ~~Therefore, the Judicial Council shall conduct pilot projects to encompass cases~~
23 ~~filed in three or more superior courts and three or more municipal or justice courts~~
24 ~~from January 1, 1990, to December 31, 1992, to determine how best to implement~~
25 ~~the use of facsimile transmission of documents in the judicial system and to assess~~
26 ~~the extent of savings due to implementation of FAX transmission. Moreover, the~~
27 ~~Judicial Council shall report to the Legislature on the results of these pilot projects~~
28 ~~and its specific proposals for implementation.~~

29 ~~(b) The Judicial Council shall determine the effectiveness of these pilot projects~~
30 ~~by conducting a survey of attorneys, judicial officers, clerks of court, and process~~
31 ~~servers registered pursuant to Chapter 16 (commencing with Section 22350) of~~
32 ~~Division 8 of the Business and Professions Code, to determine whether the pilot~~
33 ~~project is effective in: (1) reducing courthouse congestion, (2) increasing~~
34 ~~courthouse filings by FAX to at least 25 percent of all filings in those courts~~
35 ~~participating in the pilot projects, (3) producing a time savings of at least 50~~
36 ~~percent of the time normally required to file documents with the court, and (4)~~
37 ~~producing a savings in costs billed to the client.~~

38 ~~(c) The Judicial Council shall report to the Legislature on these pilot projects and~~
39 ~~make its recommendations on any changes in law needed to promote uniform,~~
40 ~~efficient, and effective service or filing of legal documents by FAX on or before~~
41 ~~December 31, 1991. The report shall include a compilation of data, proposed~~
42 ~~standards, rules, or statutes for: (1) the types of facsimile machines, including~~

1 ~~personal computers with facsimile modems, that are suitable for use by the courts~~
2 ~~in receiving legal documents for filing, (2) the quality of paper to be used to ensure~~
3 ~~the permanency of court records, (3) the readability of documents sent by~~
4 ~~facsimile transmission, (4) the service and filing of documents which require an~~
5 ~~original signature, (5) the service on other parties to the action of legal documents~~
6 ~~by FAX, (6) the filing with the court of originals of documents first filed by FAX,~~
7 ~~(7) if necessary, modification of time periods for service and filing of documents~~
8 ~~by FAX, and (8) the cost to the courts for the equipment, supplies, additional staff,~~
9 ~~and administrative costs associated with the filing of legal documents by FAX and~~
10 ~~how these costs should be recovered.~~

11 (d) Notwithstanding any other provision of law, the Judicial Council may adopt
12 rules of court for use in the pilot project counties to facilitate the purposes of the
13 pilot project and to provide an appropriate experiment. Any rules of court adopted
14 by the Judicial Council pursuant to this subdivision shall not affect the
15 requirements for personal or substituted service of the summons and complaint or
16 any other opening paper.

17 **Comment.** Section 1012.5 is repealed as obsolete. The pilot project established by this section
18 has expired.

19  **Note.** Code of Civil Procedure Section 1012.5, enacted in 1989, established a pilot project
20 relating to the use of facsimile machines in the judicial process. The three-year project was to
21 commence on January 1, 1990, and end on December 31, 1992. A report on the project was to be
22 submitted to the Legislature by December 31, 1999. The Judicial Council, Office of
23 Governmental Affairs, confirmed that this section is obsolete and should be repealed.

24 **Code Civ. Proc. § 1167.25 (repealed). Occupant served prejudgment claim of right to**
25 **possession**

26 SEC. 4. Section 1167.25 of the Code of Civil Procedure is repealed.

27 ~~1167.25. (a) Notwithstanding Section 415.46, in addition to the service of a~~
28 ~~summons and complaint in an action for unlawful detainer, filed pursuant to~~
29 ~~Section 1167.2, upon a tenant and subtenant, if any, as prescribed in Section~~
30 ~~415.46, a prejudgment claim of right to possession, and a reply form as described~~
31 ~~in Section 1167.2 may also be served on any person who appears to be or who~~
32 ~~may claim to have occupied the premises at the time of the filing of the action.~~
33 ~~Service upon occupants shall be made pursuant to subdivision (c) of Section~~
34 ~~415.46 by serving a copy of a prejudgment claim of right to possession, as~~
35 ~~specified in subdivision (b), attached to a copy of the summons and complaint, and~~
36 ~~a reply form as described in Section 1167.2 at the same time service is made upon~~
37 ~~the tenant and subtenant, if any.~~

38 (b) ~~When an action for unlawful detainer is filed pursuant to Section 1167.2, the~~
39 ~~prejudgment claim of right to possession shall be made on the following form:~~

40  **Note.** To conserve paper, the statutory form has not been reproduced.

1 ~~–(c) Notwithstanding Section 1174.25, any occupant who is served with a~~
2 ~~prejudgment claim of right to possession in accordance with this section may file a~~
3 ~~claim, as prescribed in this section, and a reply form, as described in Section~~
4 ~~1167.2, with the court within five days of the date of service of the prejudgment~~
5 ~~claim to right of possession as shown on the return of service, which period shall~~
6 ~~include Saturday and Sunday, but excluding all other judicial holidays.~~

7 ~~(d) At the time of filing, the claimant shall be added as a defendant in the action~~
8 ~~for unlawful detainer, filed pursuant to Section 1167.2, and the clerk shall notify~~
9 ~~the plaintiff that the claimant has been added as a defendant in the action by~~
10 ~~mailing a copy of the claim filed with the court to the plaintiff with a notation so~~
11 ~~indicating. Thereafter, the name of the claimant shall be added to any pleading,~~
12 ~~filing, or form filed in the action for unlawful detainer filed pursuant to Section~~
13 ~~1167.2. Upon filing of the claim, the claimant shall comply with all of the~~
14 ~~provisions of Section 1167.2 just as any named defendant. Further, the claimant~~
15 ~~shall also be liable for the posting of a prospective rent deposit as described in~~
16 ~~subdivision (e) of Section 1167.2 as a condition of continuing to trial.~~

17 **Comment.** Section 1167.25 is repealed as obsolete. It relates to a pilot project established in
18 former Section 1167.2, which was repealed by its own terms.

19  **Note.** Code of Civil Procedure Section 1167.2, enacted in 1994, established a pilot project
20 relating to unlawful detainer proceedings. Section 1167.25 was enacted in 1995 to modify the
21 pilot program procedure. In 1996, Section 1167.2 was amended to provide that it would be
22 repealed by its own terms on July 1, 1999. An analogous “sunset” provision was not added to
23 Section 1167.25. This appears to have been an oversight, as Section 1167.25 has no purpose on
24 repeal of Section 1167.2. The Judicial Council, Office of Governmental Affairs, has confirmed
25 that Section 1167.25 is obsolete and should be repealed.

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

27 SEC. 5. Section 1174.3 of the Code of Civil Procedure is amended to read:

28 1174.3. (a) Unless a prejudgment claim of right to possession has been served
29 upon occupants in accordance with Section 415.46 ~~or 1167.25~~, any occupant not
30 named in the judgment for possession who occupied the premises on the date of
31 the filing of the action may object to enforcement of the judgment against that
32 occupant by filing a claim of right to possession as prescribed in this section. A
33 claim of right to possession may be filed at any time after service or posting of the
34 writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and
35 including the time at which the levying officer returns to effect the eviction of
36 those named in the judgment of possession. Filing the claim of right to possession
37 shall constitute a general appearance for which a fee shall be collected as provided
38 in Section 72056 of the Government Code. Section 68511.3 of the Government
39 Code applies to the claim of right to possession. An occupant or tenant who is
40 named in the action shall not be required to file a claim of right to possession to
41 protect that occupant’s right to possession of the premises.

42 (b) The court issuing the writ of possession of real property shall set a date or
43 dates when the court will hold a hearing to determine the validity of objections to

1 enforcement of the judgment specified in subdivision (a). An occupant of the real
2 property for which the writ is issued may make an objection to eviction to the
3 levying officer at the office of the levying officer or at the premises at the time of
4 the eviction.

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

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

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

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

39 (d) At the hearing, the court shall determine whether there is a valid claim of
40 possession by the claimant who filed the claim, and the court shall consider all
41 evidence produced at the hearing, including, but not limited to, the information set
42 forth in the claim. The court may determine the claim to be valid or invalid based
43 upon the evidence presented at the hearing. The court shall determine the claim to

1 be invalid if the court determines that the claimant is an invitee, licensee, guest, or
2 trespasser. If the court determines the claim is invalid, the court shall order the
3 return to the claimant of the amount of the 15 days' rent paid by the claimant, if
4 that amount was paid pursuant to paragraphs (1) or (3) of subdivision (c), less a
5 pro rata amount for each day that enforcement of the judgment was delayed by
6 reason of making the claim of right to possession, which pro rata amount shall be
7 paid to the landlord. If the court determines the claim is valid, the amount equal to
8 15 days' rent paid by the claimant shall be returned immediately to the claimant.

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

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

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

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

36 (g) If the claim of right to possession is denied pursuant to subdivision (f), or if
37 the claimant fails to appear at the hearing or, upon hearing, if the court determines
38 that there are no valid claims, or if the claimant does not prevail at a trial on the
39 merits of the unlawful detainer action, the court shall order the levying officer to
40 proceed with enforcement of the original writ of possession of real property as
41 deemed amended to include the claimant, which shall be effected within a
42 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:

 **Note.** To conserve paper, the statutory form has not been reproduced.

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

Gov't Code §§ 11805-11807 (repealed). Performance budgeting

SEC. 6. Article 2 (commencing with Section 11805) of Chapter 8 of Part 1 of Division 3 of Title 2 of the Government Code is repealed.

Comment. Sections 11805-11807 are repealed as obsolete. The pilot project established by these sections has expired.

 **Note.** Government Code Sections 11805-11807, enacted in 1993, established a pilot project relating to performance budgeting techniques. The project was to end by July 1, 1999. However, former Section 11808.1, which specified the project ending date, was repealed by its own terms on January 1, 2000. Reports on the project were to be submitted to the Legislature on or before January 1, 1996 and March 1, 1998, and after the conclusion of the project. The Department of Finance confirmed that these sections are obsolete and should be repealed.

The full text of the article is set out below for reference:

§ 11805. Performance budgeting pilot project development

11805. The Department of Finance shall develop a performance budgeting pilot project, involving at least four departments, including the Stephen P. Teale Consolidated Data Center, the Department of Parks and Recreation, the Department of General Services, and the Department of Consumer Affairs, or other departments substituted by the Department of Finance, to be implemented during the 1994-95 fiscal year. The pilot project shall be developed by the department in accordance with the following principles:

(a) Strategic planning is central.

(b) Outcome measures are the primary focus of management accountability.

(c) Productivity benchmarks measure progress toward strategic goals.

(d) Performance budgeting may work in conjunction with total quality management, which emphasizes an orientation toward customer service and quality improvement.

(e) Budget contracts between the Legislature and the executive branch require departments to deliver specified outcomes for a specified level of resources.

(f) Budget contracts shall include evaluation criteria, and shall specify "gainsharing" provisions, in which 50 percent of savings resulting from innovation are reinvested in the program.

(g) Managers are provided sufficient operational flexibility to achieve stated outcomes.

(h) Legislative involvement is critical and is appropriately focused on strategic planning and performance outcomes.

(i) Innovation is rewarded, not punished.

§ 11806. Legislative review of budget contracts

11806. Budget contracts entered into pursuant to Section 11805 shall be reviewed by the fiscal subcommittees of the Assembly and the Senate. Any budget contract proposed to be effective for the fiscal year beginning July 1 shall be submitted in draft form no later than January 31 to the fiscal subcommittees of the Assembly and the Senate.

§ 11807. Evaluation of pilot program

11807. The Department of Finance shall evaluate the pilot program and submit a report to the Chairperson of the Joint Legislative Budget Committee on or before January 1, 1996. The

1 evaluation shall determine the extent to which performance budgeting results in a more cost-
2 effective and innovative provision of government services. The evaluation also shall report on the
3 gainsharing rewards to each department in the program and the specific innovation which brought
4 about the savings.

5 **§ 11808.1 Budgets and reports to be delivered to the legislature**

6 11808.1 (a)(1) As required in subdivision (e) of Section 11805, the Department of General
7 Services shall enter into a contract with the Legislature that produces specified financial
8 performance.

9 (2) The department also shall deliver all of the following to the Legislature in accordance with
10 the following timelines:

11 (A) On or before January 10, 1997, the department shall submit its budget for the 1997-98
12 fiscal year to the Legislature in the traditional program format and in an alternative format that
13 displays financial performance by program and element.

14 (B) During the 1997-98 fiscal year, the department shall track financial performance for each
15 program and element to ascertain whether, or to what degree, the department attained the
16 performance specified.

17 (C) On or before March 1, 1998, the department shall submit a report to the Legislature on the
18 extent to which the department attained the specified performance for the first half of the 1997-98
19 fiscal year.

20 (D) On or before January 10, 1998, the department shall submit its budget for the 1998-99
21 fiscal year to the Legislature in the traditional program format and in an alternative performance
22 format. The Legislature may determine which format the department shall use for the 1998-99
23 fiscal year. If the Legislature chooses to use the performance budget format, the Budget Bill shall
24 be amended accordingly.

25 (E) The pilot project shall conclude by July 1, 1999, and the department shall submit a final
26 report identifying any efficiencies and economies resulting from performance budgeting and
27 recommending whether the department should continue performance budgeting on a permanent
28 basis.

29 (b) This section shall remain in effect only until January 1, 2000, and as of that date is repealed,
30 unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

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

33 SEC. 7. Section 14035.1 of the Government Code is repealed.

34 ~~14035.1. As part of implementation of the demonstration program established~~
35 ~~pursuant to Section 14045 of the Government Code, the commission, in the~~
36 ~~allocation of funds made available pursuant to Section 99317 of the Public~~
37 ~~Utilities Code or pursuant to a voter-approved rail bond for an exclusive mass~~
38 ~~transit guideways project, shall consider those projects proposed to be located on a~~
39 ~~demonstration site where the applicant and the local entity responsible for land use~~
40 ~~decisions have entered into a binding agreement to promote high density~~
41 ~~residential development within one-half mile of a mass transit guideway station.~~
42 ~~The commission shall consider all projects within a selected demonstration site~~
43 ~~submitted to it as a part of a regional transportation program by December 1, 1993,~~
44 ~~or as an applicant for inclusion in the 1991 or subsequent Transit Capital~~
45 ~~Improvement Program. Any project selected by the commission which is located~~
46 ~~in a demonstration site shall be considered for inclusion in the 1991 or subsequent~~
47 ~~annual Transit Capital Improvement Program or in the 1992 or subsequent State~~
48 ~~Transportation Improvement Program. This section does not authorize the granting~~

1 of any priority that conflicts with any bond law governed by this section, or which
2 impairs the rights of bondholders under any of these bond laws. Nor does this
3 section preclude the commission from applying the criteria for making awards
4 which may be required or permitted pursuant to other provisions of law.

5 **Comment.** Section 14035.1 is repealed as obsolete. The section implements a pilot project that
6 has expired.

7  **Note.** The Commission recommends repeal of Government Code Section 14045. See *infra*.
8 Government Code Section 14035.1 serves no purpose other than implementing the pilot project
9 established by Section 14045. Since Section 14045 is obsolete, this section is also obsolete.

10 **Gov't Code § 14045 (repealed). Residential development near mass transit**

11 SEC. 8. Section 14045 of the Government Code is repealed.

12 14045. (a) The department, in cooperation with the commission, shall develop
13 and implement a demonstration program to test the effectiveness of increasing
14 densities of residential development in close proximity to mass transit guideway
15 stations to increase the benefit from public investment in mass transit. The
16 department and commission shall jointly select three or more demonstration sites,
17 at least one of which includes an existing transit station and at least two of which
18 include proposed transit stations. Each demonstration site shall be located in a city
19 or county that has adopted land use policies and programs encouraging the
20 development of high-density residential development near mass transit guideway
21 stations. These policies and programs may be included in the locality's general
22 plan, zoning ordinance, including a density bonus ordinance adopted pursuant to
23 Section 65915, development agreement adopted pursuant to Article 2.5
24 (commencing with Section 65864) of Chapter 3 of Division 1 of Title 7,
25 redevelopment plan or amendment to the plan adopted pursuant to Article 4
26 (commencing with Section 33330) of Chapter 4 of Part 1 of Division 24 of the
27 Health and Safety Code, and congestion management plan adopted pursuant to
28 Chapter 2.6 (commencing with Section 65099) of Division 1 of Title 7.

29 (b) The department shall prepare a preliminary report regarding the disposition
30 of projects proposed for inclusion in either the 1991 or subsequent annual Transit
31 Capital Improvement Program or the 1992 or subsequent State Transportation
32 Improvement Program, and a final report regarding the impact of the
33 demonstration program on the level of use of mass transit by residents living
34 within one-half mile of the mass transit guideway station. The department shall
35 submit each report to the commission for review and comment. The commission
36 shall submit the preliminary report, with its comments, to the Legislature no later
37 than January 1, 1994, and the final report, with its comments, to the Legislature no
38 later than January 1, 1996.

39 **Comment.** Section 14045 is repealed as obsolete. The pilot project established by this section
40 has expired.

41  **Note.** Government Code Section 14045, enacted in 1990, established a pilot project relating to
42 residential development near mass transit sites. No ending date for the project is specified.

1 Reports on the project were to be submitted to the Legislature by January 1, 1994, and January 1,
2 1996. The Department of Transportation confirmed that this section is obsolete and should be
3 repealed.

4 **Gov't Code § 14680.8 (repealed). State property management**

5 SEC. 9. Section 14680.8 of the Government Code is repealed.

6 ~~14680.8. (a) The Department of General Services shall conduct a state property~~
7 ~~management demonstration project within a defined geographic region to be~~
8 ~~determined by the department. The federal and local governments may add funds~~
9 ~~to the total amount the state makes available for consulting fees in exchange for~~
10 ~~the consultant's analysis of the market value of locally or federally owned public~~
11 ~~buildings and the consultant's evaluation of opportunities to adopt proactive assets~~
12 ~~management procedures and strategies with respect to those properties.~~

13 ~~(b) In conducting this demonstration project, the department shall, utilizing a~~
14 ~~request for proposal process, contract with real estate investment and development~~
15 ~~consultants, alternative public sector financing consultants, and public~~
16 ~~management and policy consultants, in order to provide all of the following~~
17 ~~services:~~

18 ~~(1) Develop an information base on state-occupied property to include location,~~
19 ~~size, and present use in leased space, and location, size, present use, and estimated~~
20 ~~market value of state-owned space.~~

21 ~~(2) Identify segments of state-owned properties, such as, by market value, size,~~
22 ~~geographic region, proximity to commercial development, or historical~~
23 ~~significance, and recommend an order of priorities in which proactive assets~~
24 ~~managers should consider disposition or ownership restructuring alternatives.~~

25 ~~(3) Describe and analyze in terms of cost and benefits to the state alternatives for~~
26 ~~selling, exchanging, or restructuring ownership of land or buildings currently~~
27 ~~owned by the state. These alternatives shall include, but not be limited to,~~
28 ~~appropriate forms of leveraged leasing.~~

29 ~~(4) Enumerate possible options for earning revenue on the state's real estate~~
30 ~~holdings, including estimates of overall revenue currently foregone due to the lack~~
31 ~~of proactive assets management, and expected interest earnings on investment of~~
32 ~~the revenue from sale of state-owned properties the present use of which is not~~
33 ~~economical from a proactive assets management point of view.~~

34 ~~(5) Develop a proactive assets management methodology, with~~
35 ~~recommendations structuring cost controls and performance incentives within state~~
36 ~~government to meet strategic goals, including, but not limited to, all of the~~
37 ~~following:~~

38 ~~(A) To reduce occupancy costs.~~

39 ~~(B) To maximize efficiency of space utilization.~~

40 ~~(C) To maintain or increase the value of state-owned property.~~

41 ~~(D) To maximize revenue from state-controlled property.~~

1 (E) To manage property to support and implement state programs and policies,
2 with an emphasis on the utilization of existing state-owned facilities.

3 (6) Assess the strength of bureaucratic resistance to proactive assets management
4 in state government and suggest means of managing this resistance, including
5 identification of appropriate areas for compromise.

6 (7) Analyze existing state and federal laws pertaining to proactive assets
7 management options in state government, identify existing legal barriers to
8 proposed alternative models for proactive assets management, and recommend
9 changes in legislation necessary to facilitate the alternatives that would minimize
10 state costs and maximize state revenue.

11 (8) Analyze the public policy implications of the recommendations for
12 implementation of a proactive assets management approach to state-owned and
13 state-controlled real estate, including, but not limited to, all of the following:

14 (A) Long-term versus short-term advantages and disadvantages of custodial
15 property management and proactive assets management.

16 (B) Normalization parameters for public-private partnerships created for the
17 purpose of conducting property management activities on behalf of the state,
18 including an analysis of civil service barriers to contracting for specialized
19 services.

20 (C) The comparative effectiveness of personal versus institutional incentives for
21 performance of public obligations.

22 (e) The department shall appoint an advisory committee to assist the department
23 and the consultants utilized under the demonstration project. The advisory
24 committee shall participate in all aspects of the pilot project, including the
25 assistance in the development of the request for proposals, as required under
26 subdivision (a), and reviewing and commenting upon the final recommendations
27 of the consultants prior to submission to the Governor and the Legislature. The
28 department shall invite the federal government and affected local governments to
29 participate in the advisory committee. The advisory committee shall include, but is
30 not limited to, representatives, who shall be either directors or business service
31 officers, of the state agencies that own or occupy property in the designated pilot
32 project area.

33 (d) The department shall submit to the Legislature and the Governor the final
34 recommendations of the consultants utilized under this section, along with any
35 comments made on those recommendations by the advisory committee created
36 under subdivision (c).

37 **Comment.** Section 14680.8 is repealed as obsolete. The pilot project established by this section
38 has expired.

39 ☞ **Note.** Government Code Section 14680.8, enacted in 1986, established a pilot project relating
40 to the management of state property. No fixed beginning or ending date for the project is
41 specified. The Department of General Services confirmed that this section is obsolete and should
42 be repealed.

1 **Gov't Code §§ 15290-15300 (repealed). Homeless relief pilot project**

2 SEC. 10. Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3
3 of Title 2 of the Government Code is repealed.

4 **Comment.** Sections 15290-15300 are repealed as obsolete. The pilot project established by
5 these sections has expired.

6 ☞ **Note.** Government Code Sections 15290-15300, enacted in 1986, established a project
7 relating to the provision of relief services to the homeless. The project was to end two years after
8 the sections' effective date. A report on the project was to be submitted to the Legislature by
9 March 1, 1988. The Department of Housing and Community Development confirmed that these
10 sections are obsolete and should be repealed.

11 The full text of the chapter is set out below for reference:

12 **§ 15290. Legislative findings and declarations**

13 15290. The Legislature finds and declares all of the following:

14 (a) Many persons residing in this state lack sufficient income or capacity to provide daily
15 shelter, food, and clothing for themselves or their families.

16 (b) Federal, state, local, and private efforts to assist these homeless persons are not well
17 coordinated and data concerning these shelterless persons are not kept in a consistent manner.

18 (c) Local and state efforts to help homeless persons have not fixed overall coordination
19 responsibility with individuals in either county or state government.

20 (d) Existing programs providing homeless services to unsheltered residents, especially clients
21 such as the elderly, displaced workers, juveniles, veterans, and the mentally ill do not adequately
22 meet the needs of these persons.

23 (e) The expansion, improvement, and initiation of homeless services to unsheltered residents
24 will aid in returning these persons to productive society.

25 (f) To feed the hungry, clothe the naked, and to house the homeless consistent with this part is a
26 priority for this state.

27 **§ 15291. Establishment and administration of project**

28 15291. There is hereby established the Homeless Relief Pilot Project, to be administered by the
29 Department of Housing and Community Development for a period of two years from the
30 effective date of this part in the County of San Diego. The purpose of the project shall be to
31 coordinate and centralize the delivery of state and local services, both public and private, for
32 homeless persons in order to maximize the individual benefit and cost-effectiveness of those
33 services and to assess the suitability of the program model hereby established for implementation
34 on a permanent statewide basis.

35 **§ 15292. Definitions**

36 15292. The following definitions shall govern the construction of this part:

37 (a) "Board" means the Federal Emergency Management Agency Board in the County of San
38 Diego.

39 (b) "Department" means the Department of Housing and Community Development.

40 (c) "Homeless person" means an individual who lacks the financial resources, mental capacity,
41 or community ties needed to provide for his or her own adequate shelter.

42 (d) "Permanent housing" means occupancy, for at least 90 days, in either of the following:

43 (1) A dwelling unit with self-contained kitchen and bathroom facilities, which dwelling unit is
44 not a shelter for homeless persons.

45 (2) A duly accredited public or private facility for the care of the mentally or physically ill,
46 which facility is not a juvenile hall, reform school, jail, prison, or similar penal institution.

47 (e) "Positive cash flow" means steady income equal to or in excess of expenses.

48 (f) "Steady income" means a legal, regular, permanent source of funds maintained for a period
49 of at least 90 days while resident in permanent housing.

1 **§ 15293. Powers and duties**

2 15293. The department shall have the following powers and duties:

3 (a) To promulgate such rules and regulations as are necessary for the effective administration of
4 this part.

5 (b) To recommend a comprehensive plan for the coordinated delivery of existing state services
6 for homeless persons in San Diego County to every state entity administering such services. The
7 recommendations shall be in writing. The recommendations shall be consistent with the local plan
8 required pursuant to Section 15294. The recommendations shall be included in the report to the
9 Legislature required by Section 15300 and shall include comments regarding compliance by the
10 various state entities with the recommendations.

11 (c) Approve the local plan for the delivery of services to homeless persons required pursuant to
12 Section 15294. If the department does not approve the local plan by March 1, 1987, it shall report
13 a detailed explanation why the report was not approved to the Legislature within 30 days.

14 (d) Disburse and monitor funds appropriated for the purposes of Section 15294.

15 (e) Report to the Legislature as required by Section 15300.

16 **§ 15294. Allocation of funds**

17 15294. The department shall allocate funds to the board for provision of services to homeless
18 persons pursuant to a local plan to be submitted by January 1, 1987, which contains all of the
19 following elements:

20 (a) Coordinated delivery of local public and private services for homeless persons, including
21 designation by the county of a single person to coordinate the delivery of local county services.

22 (b) Collection of information, including, but not limited to, the number of homeless persons in
23 the county and the currently unmet needs of the homeless.

24 (c) Establishment of one or more homeless service centers administered by the board, or its
25 contractor, which shall provide at least all of the following services:

26 (1) Food.

27 (2) Clothing.

28 (3) Emergency shelter in accordance with Section 15296.

29 (4) Transportation services to a place of permanent residence in accordance with Section
30 15297.

31 (5) Case management services, including an evaluation of the client's needs and the making of
32 referrals to other entities which provide services needed by the client. These case management
33 services shall include an assessment of existing entitlements and the prevention of duplication of
34 services in accordance with subdivision (a).

35 **§ 15295. Use of funds**

36 15295. None of the funds provided under this part may be used to satisfy, directly or indirectly,
37 the county's existing legal obligations under Section 17000 of the Welfare and Institutions Code,
38 to provide food, clothing, transportation, shelter, and other necessities of life. Funds may be used
39 for both capital and operating costs, as specified in the local plan. Funds shall be used to expand
40 availability of existing programs, resources, and services, or to initiate new ones. If pilot project
41 funding is reduced or eliminated, no new services pursuant to this part shall be mandated on the
42 county. The county is not required to divert existing funding for mental health, alcohol and drug
43 programs for services under this part.

44 **§ 15296. Emergency shelter services**

45 15296. (a) In providing emergency shelter services under this part, the board or its contractor
46 may utilize either direct services or a voucher system.

47 (b) A homeless person shall be entitled to an annual maximum concurrent stay in an emergency
48 shelter funded by this part of 90 days provided that within the first five days he or she begins
49 participation in case management services and provided that he or she complies with rules of
50 conduct and cleanliness established by the shelter.

1 **§ 15297. Permanent residence in another state**

2 15297. Whenever a homeless person indicates a desire to establish permanent residence in
3 another state and demonstrates that he or she will be able to establish a permanent residence in
4 another state, such as with relatives, friends, or through the acceptance of a pending job offer, the
5 board or its contractor shall, if consistent with cost effectiveness guidelines which shall be
6 adopted by the board, provide the individual with funding for transportation to the out-of-state
7 residence. The board or its contractor may purchase the necessary services. An agency shall not
8 be eligible to disburse funds for transportation under this part until it has received approval from
9 the board. Each disbursement of funds for transportation shall be approved by the board
10 coordinator. The board shall adopt guidelines specifying the manner in which an individual would
11 have to verify his or her potential permanent residence in order to receive services under this
12 section. Under no circumstances may a homeless person be forced to relocate.

13 **§ 15298. Job placement and counseling services**

14 15298. The board or its contractor may also provide job placement services, including job
15 counseling, to homeless persons. If the board contracts with other entities to provide job services
16 under this chapter, the board shall utilize incentives to reward agencies that successfully place
17 homeless individuals in unsubsidized employment.

18 The board or its contractor may also provide or arrange for the provision of counseling
19 services.

20 **§ 15299. Loans to individuals placed in employment**

21 15299. If consistent with cost effectiveness guidelines which shall be adopted by the board, a
22 contractor may utilize funds allocated pursuant to this part in order to provide loans to individuals
23 placed in employment for first and last month's rent and for cleaning deposits. Any loan made
24 pursuant to this section shall be approved by the board.

25 **§ 15300. Status report and recommendations**

26 15300. By March 1, 1988, the department shall report to the Legislature on the status of the
27 project and make recommendations for its future disposition.

28 (a) At minimum, the report on program status shall include the percentage of homeless persons
29 in the county, from January 1, 1987, to January 1, 1988, to whom all of the following apply:

30 (1) Those who obtain permanent housing.

31 (2) Those who achieve a steady income.

32 (3) Those who maintain a positive cash flow.

33 (b) At minimum, the department's recommendations shall address questions of termination or
34 continuation and restriction to San Diego County or expansion statewide.

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

37 SEC. 11. Section 65083 of the Government Code is repealed.

38 ~~65083. As part of implementation of the demonstration program established~~
39 ~~pursuant to Section 14045 of the Government Code, the regional transportation~~
40 ~~planning agency preparing the four-year regional transportation improvement~~
41 ~~program pursuant to Section 65082 shall consider those exclusive mass transit~~
42 ~~guideway projects where the applicant and the local entity responsible for land use~~
43 ~~decisions have entered into a binding agreement to promote high density~~
44 ~~residential development within one-half mile of a mass transit guideway station.~~
45 ~~Any project selected by the agency which is located in a demonstration site shall~~
46 ~~be considered for inclusion in the regional transportation improvement program.~~
47 ~~This section shall not preclude the agency from applying the criteria for making~~
48 ~~awards which may be required or permitted pursuant to other provisions of law.~~

1 **Comment.** Section 65083 is repealed as obsolete. The section implements a pilot project that
2 has expired.

3 ☞ **Note.** The Commission recommends repeal of Government Code Section 14045. See *supra*.
4 Government Code Section 65083 serves no purpose other than implementing the pilot project
5 established by Section 14045. Since Section 14045 is obsolete, this section is also obsolete.

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

7 SEC. 12. Section 65460.2 of the Government Code is amended to read:
8 65460.2. A city or county may prepare a transit village plan for a transit village
9 development district that addresses the following characteristics:

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

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

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

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

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

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

23 (1) Relief of traffic congestion.

24 (2) Improved air quality.

25 (3) Increased transit revenue yields.

26 (4) Increased stock of affordable housing.

27 (5) Redevelopment of depressed and marginal inner-city neighborhoods.

28 (6) Live-travel options for transit-needy groups.

29 (7) Promotion of infill development and preservation of natural resources.

30 (8) Promotion of a safe, attractive, pedestrian-friendly environment around
31 transit stations.

32 (9) Reduction of the need for additional travel by providing for the sale of goods
33 and services at transit stations.

34 (10) Promotion of job opportunities.

35 (11) Improved cost-effectiveness through the use of the existing infrastructure.

36 (12) Increased sales and property tax revenue.

37 (13) Reduction in energy consumption.

38 (g) Sites where a density bonus of at least 25 percent may be granted pursuant to
39 specified performance standards.

40 (h) Other provisions that may be necessary, based on the report prepared
41 pursuant to subdivision (b) of former Section 14045, as enacted by Section 3 of
42 Chapter 1304 of the Statutes of 1990.

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

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

5 SEC. 13. Section 65913.5 of the Government Code is repealed.

6 ~~65913.5. (a) As part of implementation of the demonstration program established~~
7 ~~pursuant to Section 14045 of the Government Code, a city, county, or city and~~
8 ~~county participating in the demonstration program shall grant a density bonus to a~~
9 ~~developer of housing within one-half mile of a mass transit guideway station~~
10 ~~unless the locality finds that granting of the density bonus would result in a~~
11 ~~specific, adverse impact upon the public health or safety, and there is no feasible~~
12 ~~method to satisfactorily mitigate or avoid the specific adverse impact.~~

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

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

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

26 ~~(1) Meet its share of the regional housing needs determined pursuant to Article~~
27 ~~10.6 (commencing with Section 65580) of Chapter 4 of Division 1 of Title 7.~~

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

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

33 **Comment.** Section 65913.5 is repealed as obsolete. The section implements a pilot project that
34 has expired.

35  **Note.** The Commission recommends repeal of Government Code Section 14045. See *supra*.
36 Government Code Section 65913.5 serves no purpose other than implementing the pilot project
37 established by Section 14045. Since Section 14045 is obsolete, this section is also obsolete.

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

39 SEC. 14. Section 68086 of the Government Code is amended to read:

40 68086. (a) ~~In all superior court departments not selected to participate in the~~
41 ~~demonstration project established under Section 270 of the Code of Civil~~
42 ~~Procedure~~ The following provisions apply in superior court:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **Comment.** Section 68086 is amended to delete obsolete references to former Code of Civil
42 Procedure Section 270.

1 **Gov't Code § 69845.6 (repealed). Suspension of maintenance of register of actions**

2 SEC. 15. Section 69845.6 of the Government Code is repealed.

3 ~~69845.6. As a three-year pilot project, the Placer County Board of Supervisors~~
4 ~~may direct the clerk of the Superior Court in Placer County to suspend the~~
5 ~~maintenance of a register of actions from January 1, 1981, to January 1, 1984.~~
6 ~~After January 1, 1984, the clerk of the Superior Court in Placer County shall keep~~
7 ~~a register of actions pursuant to Section 69845 or 69845.5, unless a statute enacted~~
8 ~~prior to January 1, 1984, extends such pilot project.~~

9 **Comment.** Section 69845.6 is repealed as obsolete. The pilot project established by this section
10 has expired.

11 ☞ **Note.** Government Code Section 69845.6, enacted in 1980, established a pilot project relating
12 to the register of actions in Placer County Superior Court. The three-year project was to
13 commence on January 1, 1981, and end on January 1, 1984. The Judicial Council, Office of
14 Governmental Affairs, confirmed that this section is obsolete and should be repealed.

15 **Health & Safety Code §§ 1339.51-1339.61 (repealed). Chronically or terminally ill children**

16 SEC. 16. Article 11 (commencing with Section 1339.51) of Chapter 2 of
17 Division 2 of the Health and Safety Code is repealed.

18 **Comment.** Sections 1339.51-1339.61 are repealed as obsolete. The pilot project established by
19 these sections has expired.

20 ☞ **Note.** Health and Safety Code Sections 1339.51-1339.61, enacted in 1984, established a pilot
21 project relating to chronically or terminally ill children. The project was to end by July 1,
22 1990. A report on the project was to be submitted to the Legislature by July 1, 1989. The State
23 Department of Health, Office of Legislative Affairs, confirmed that these sections are obsolete
24 and should be repealed.

25 The full text of the article is set out below for reference:

26 **§ 1339.51. Legislative findings and declaration**

27 1339.51. The Legislature finds and declares as follows:

28 (a) That parents of children who have chronic illnesses or disabilities or who have terminal
29 illness have no place to turn for temporary relief from the burden of providing for the daily
30 physical care needs of their children.

31 (b) That many single parents of these children must work or further their education, but are
32 unable to find a child care agency in the community equipped and staffed to provide the physical
33 care required for these children.

34 (c) That there are children for whom home health aides provide adequate care, but who have
35 unmet socialization needs.

36 (d) That these children daily require more than the incidental medical care available in a
37 community care facility, but less than the medical care provided in an acute care hospital or
38 skilled nursing facility.

39 (e) That the extraordinary demands placed upon the families of these children often result in
40 unnecessary and expensive admissions to acute care hospitals or skilled nursing facilities or in
41 delayed discharge from acute care.

42 **§ 1339.52. Definitions**

43 1339.52. For the purposes of this article:

44 (a) "Children" means persons under the age of 21 years.

45 (b) "Chronic illness" means a physical condition which restricts physical development, impairs
46 ability to engage in age-appropriate accustomed and expected activities, and requires periodic
47 medical treatment during the year in a hospital or other medical outpatient or inpatient facility.

1 “Chronic illness” does not include developmental disabilities as defined in Section 4512 of the
2 Welfare and Institutions Code.

3 (c) “Intermediate care facility for chronically or terminally ill children” means a facility which
4 provides 24-hour personal care and supportive health services and day care to children with
5 chronic or terminal illnesses who need care and supervision and regular health services, and each
6 client has been certified by the client’s attending physician and surgeon as not requiring
7 continuous skilled nursing care. An intermediate care facility for chronically or terminally ill
8 children shall be limited to a capacity of 12 day care clients with provision for intermittent 24-
9 hour care for no more than four of the day care clients at any one time.

10 **§ 1339.53. Care to be provided in intermediate care facility**

11 1339.53. The care provided in an intermediate care facility for chronically or terminally ill
12 children under this chapter shall include, but not be limited to, child supervision, dietary services,
13 administration of medications, day activities and socialization, coordination with local education
14 agencies, and special services, as determined by the client’s attending physician and surgeon. At
15 the time of admission or within 24 hours of admission, an individual care plan shall be developed.
16 The individual care plan shall be coordinated by a registered nurse who shall be on call at all
17 times for the provision of needed skilled nursing services. Medications shall be administered by
18 the registered nurse and licensed vocational nurse within the scope of their respective licenses.
19 The department shall determine staffing standards which shall include at least one licensed
20 vocational nurse and at least one care provider trained in early childhood education. Each client
21 accepted for care shall be under the continuing supervision of an attending physician and surgeon
22 who shall evaluate the client as needed and at least once every 30 days unless there is an alternate
23 schedule. The attending physician and surgeon shall document the visits in the client’s health
24 record.

25 **§ 1339.54. Demonstration project**

26 1339.54. The state department shall establish a demonstration project for one intermediate care
27 facility for chronically or terminally ill children as provided in this chapter as follows:

28 (a) On or before July 1, 1985, the state department shall contract with a qualified organization
29 in Sacramento County using a competitive bidding process to conduct the demonstration project.

30 (b) On or before July 1, 1989, the state department shall submit to the Legislature an evaluation
31 report which shall include, but not be limited to, all of the following:

- 32 (1) The number of children served.
- 33 (2) The medical diagnosis of children served.
- 34 (3) The reasons for admission.
- 35 (4) The services provided.
- 36 (5) The length of stay.
- 37 (6) The reason for discharge.
- 38 (7) An evaluation of the services by the family.
- 39 (8) The private and public cost of service.
- 40 (9) Recommendations for expansion or termination of the program. If it is recommended that
41 the program be expanded, the report shall identify possible funding sources for the expansion and
42 shall identify any waivers necessary to secure the funding.
- 43 (10) An assessment of the cost effectiveness of the project.

44 (c) The state department shall conduct an evaluation of the program at least annually.

45 (d) The demonstration project established pursuant to the section, shall be extended until July 1,
46 1990.

47 **§ 1339.55. Fire safety standards applicable to facility**

48 1339.55. (a) The intermediate care facility for chronically or terminally ill children shall meet
49 the same fire safety standards adopted by the State Fire Marshal pursuant to Sections 13113,
50 13113.5, 13143, and 13143.6 that apply to community care facilities, as defined in Section 1502,
51 of similar size and with residents of similar age and ambulatory status. No other state or local
52 regulations relating to fire safety shall apply to these facilities, and the requirements specified in
53 this section shall be uniformly enforced by state and local fire authorities.

1 **§ 1339.56. Seismic safety requirements of facility**

2 1339.56. The intermediate care facility for chronically or terminally ill children shall meet the
3 same seismic safety requirements applied to community care facilities of similar size with
4 residents of similar age and ambulatory status. No additional requirements relating to seismic
5 safety shall apply to these facilities.

6 **§ 1339.57. Zoning of facility**

7 1339.57. For the purposes of all local zoning and use permit ordinances, an intermediate care
8 facility for chronically or terminally ill children shall be considered to be a community care
9 facility of six beds or less and shall meet the requirements of Section 1566.3. No other state or
10 local requirements relating to zoning and use permits shall apply to these facilities.

11 **§ 1339.58. Multipurpose spaces in facility**

12 1339.58. Multipurpose spaces in an intermediate care facility for chronically or terminally ill
13 children shall be utilized to provide rest periods, space, and accommodation for day care clients.

14 **§ 1339.59. Daily rate**

15 1339.59. Subject to approval by the state department, the provider of services pursuant to the
16 demonstration project shall establish a daily rate based on the cost of care, and a sliding daily fee
17 scale based on ability to pay. The families of children receiving services under this chapter shall
18 be billed in accordance with the sliding fee scale.

19 **§ 1339.60. Termination of demonstration project**

20 1339.60. The director may terminate the demonstration project at any time it is determined that
21 conditions exist which constitute a threat to the health, safety, security, and welfare of the clients.

22 **§ 1339.61. Legislative intent; flexibility**

23 1339.61. It is the intent of the Legislature that for purposes of this article, statutes and
24 regulations governing intermediate care facilities be applied to this demonstration project by the
25 state department in a manner that provides for maximum flexibility in requirements in areas
26 including, but not limited to, staffing, dietary services, physical plant and equipment, and client
27 records, so long as this flexibility is consistent with client health and safety.

28 **Health & Safety Code §§ 25242.5-25242.6 (repealed). Hazardous Waste Reduction**
29 **Internship**

30 SEC. 17. Chapter 11.6 (commencing with Section 25242.5) of Chapter 6.5 of
31 Division 20 of the Health and Safety Code is repealed.

32 **Comment.** Sections 25242.5-25242.6 are repealed as obsolete. The pilot project established by
33 these sections has expired.

34 ☞ **Note.** Health and Safety Code Sections 25242.5-25242.6, enacted in 1987, established a pilot
35 project relating to a hazardous waste management internship program. The project was to
36 commence by June 1, 1988, but no ending date for the project is specified. Reports on the
37 project were to be submitted to the Legislature on or before June 1, 1988, and January 1,
38 1990. The University of California, Office of State Government Relations, confirmed that these
39 sections are obsolete and should be repealed.

40 The full text of the chapter is set out below for reference:

41 **§ 25242.5. Establishment of program; hazardous waste audits**

42 25242.5. The Legislature hereby requests the University of California to develop a hazardous
43 waste reduction internship pilot program, except as provided in Section 25242.6, on or before
44 June 1, 1988, which would place students in engineering, environmental sciences, or related
45 subject areas in private businesses for the purpose of providing onsite assistance on hazardous
46 waste reduction methods to small quantity generators. These students shall assist small businesses
47 by conducting hazardous waste audits, assisting in preparing waste reduction plans, and providing

1 information concerning the hazardous waste laws and regulations as they apply to small quantity
2 generators.

3 **§ 25242.6. Funding of program; feasibility study; implementation report**

4 The Legislature hereby requests the University of California to do all of the following:

5 25242.6. (a) Attempt to secure funds from private foundations, industry, the federal
6 government, or other sources for the costs of the program which the University of California is
7 authorized to establish pursuant to this article.

8 (b) Notwithstanding Section 25242.5, if the funding specified in subdivision (a) is not
9 available, the University of California is requested to instead conduct a study and submit a report
10 to the Legislature on or before June 1, 1988, concerning the feasibility of establishing a hazardous
11 waste reduction internship program, including an examination of similar existing programs in
12 other states and whether such a program could be operated on a fee-for-service basis.

13 (c) Report to the Legislature on or before January 1, 1990, concerning the implementation of
14 this article, including outreach strategies, number and type of businesses requesting assistance,
15 number and type of businesses assisted and type of assistance provided, a summary of successes
16 and problems with the pilot project, and the potential for expanding the program statewide.

17 **Health and Safety Code § 32354 (repealed). Rural California professional liability loan**
18 **program**

19 SEC. 18. Section 32354 of the Health and Safety Code is repealed.

20 ~~32354. The program established by the Chowchilla Memorial Hospital District
21 and others who enter such a joint powers agreement shall be deemed to be a pilot
22 project to be used as a guide for the State Department of Health Services in
23 establishing the Rural California Professional Liability Loan Program in the event
24 Assembly Bill 2865 of the 1975-76 Regular Session is enacted, and in such case
25 funds for loans under this chapter shall be made available from the Rural
26 California Professional Liability Loan Fund upon creation by the State Controller.~~

27 **Comment.** Section 32354 is repealed as obsolete. The pilot project established by this section
28 has expired.

29  **Note.** Health and Safety Code Section 32354, enacted in 1976, established a pilot project
30 relating to rural medical care. The project was to serve as a model for a statutory scheme that was
31 ultimately not enacted. No fixed beginning or ending date for the project is specified. The
32 Department of Health, Office of State Legislative Affairs, confirmed that this section is obsolete
33 and should be repealed.

34 **Health & Safety Code § 43840 (amended). Alcohol-fueled vehicles**

35 SEC. 19. Section 43840 of the Health and Safety Code is amended to read:

36 43840. (a) The Legislature finds and declares that emission of air pollutants from
37 motor vehicles is a major contributor to air pollution within the State of California
38 and, therefore, declares its policy to encourage the testing of various types of
39 vehicle fuels, which would contribute substantially to the protection and
40 preservation of the public health and well-being.

41 (b) The Legislature further finds and declares that programs to expand the use of
42 alcohols as substitutes for gasoline and other petroleum-based fuels can offer
43 significant environmental benefits while reducing the nation's dependence on
44 imported crude oil.

1 (c) The Legislature further finds and declares that pure alcohol fuels burn cleanly
2 and that motor vehicles fueled with alcohol can be modified at reasonable cost to
3 burn alcohol fuels without decreasing efficiency and without creating air quality
4 problems.

5 ~~(d) It is, therefore, the intent and purpose of Legislature, to authorize the~~
6 ~~establishment of a demonstration program in the County of Ventura for the testing~~
7 ~~of pure alcohol fuels in the county and municipal motor vehicle fleets.~~

8 **Comment.** Section 43840 is amended to delete subdivision (d), which is obsolete. The pilot
9 project established by that subdivision has expired.

10  **Note.** Health and Safety Code Sections 43840(d)-43841.5, enacted in 1980, established a pilot
11 project relating to alcohol-fueled vehicles. No fixed beginning or ending date for the project is
12 specified. The Air Resources Board and the California Energy Commission confirmed that these
13 provisions are obsolete and should be repealed.

14 **Health & Safety Code § 43841 (repealed). Alcohol-fueled vehicles**

15 SEC. 20. Section 43841 of the Health and Safety Code is repealed.

16 ~~43841. The Secretary of the Business and Transportation Agency shall~~
17 ~~reimburse the County of Ventura from funds appropriated for alternative motor~~
18 ~~vehicle fuels for the cost of conversion of fleet vehicles provided that the state~~
19 ~~board finds both of the following:~~

20 ~~(a) All changes to the vehicles are absolutely necessary for the vehicles to~~
21 ~~operate on pure alcohol.~~

22 ~~(b) The fuel systems of the motor vehicles have been certified pursuant to~~
23 ~~Section 43006.~~

24 **Comment.** Section 43841 is repealed as obsolete. The pilot project which it implements has
25 expired.

26  **Note.** Health and Safety Code Sections 43840(d)-43841.5, enacted in 1980, established a pilot
27 project relating to alcohol-fueled vehicles. No fixed beginning or ending date for the project is
28 specified. The Air Resources Board and the California Energy Commission confirmed that these
29 provisions are obsolete and should be repealed.

30 **Health & Safety Code § 43841.5 (repealed). Alcohol-fueled vehicles**

31 SEC. 21. Section 43841.5 of the Health and Safety Code is repealed.

32 ~~43841.5. The Secretary of the Business and Transportation Agency shall make~~
33 ~~the reimbursement pursuant to Section 43841 only in the event the County of Los~~
34 ~~Angeles and the California Energy Commission fail to reach an agreement, on or~~
35 ~~before December 31, 1980, to conduct a demonstration program similar to that~~
36 ~~provided in this article, as determined by the secretary, for the testing of alcohol~~
37 ~~fuels. If the County of Los Angeles and the State Energy Resources Conservation~~
38 ~~and Development Commission do reach such an agreement by December 31,~~
39 ~~1980, no reimbursement shall be made pursuant to this article.~~

40 **Comment.** Section 43841.5 is repealed as obsolete. The pilot project which it implements has
41 expired.

1 ☞ **Note.** Health and Safety Code Sections 43840(d)-43841.5, enacted in 1980, established a pilot
2 project relating to alcohol-fueled vehicles. No fixed beginning or ending date for the project is
3 specified. The Air Resources Board and the California Energy Commission confirmed that these
4 provisions are obsolete and should be repealed.

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

6 SEC. 22. Section 50502.5 of the Health and Safety Code is repealed.

7 50502.5. (a) In conjunction with the implementation of the demonstration
8 program established pursuant to Section 14045 of the Government Code, and
9 subject to the availability of funds authorized pursuant to Chapter 3.5
10 (commencing with Section 50531) and Section 50771.1, the department shall
11 consider applications for funding of high density residential development located
12 at demonstration sites within one-half mile of an existing or proposed mass transit
13 guideway station. If the mass transit guideway station is proposed, the application
14 shall include a binding agreement between the local legislative body and the transit
15 operator regarding its timely development, including the source of committed
16 funds.

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

22 **Comment.** Section 50502.5 is repealed as obsolete. The section implements a pilot project that
23 has expired.

24 ☞ **Note.** The Commission is recommending the repeal of Government Code Section 14045. See
25 *supra*. Health and Safety Code Section 50502.5 appears to serve no purpose other than
26 implementing the pilot project established by Government Code Section 14045. If Section 14045
27 is obsolete, then this section is also obsolete.

28 **Lab. Code § 4612 (repealed). Employer-provided health care**

29 SEC. 23. Section 4612 of the Labor Code is repealed.

30 4612. (a) A pilot project is hereby authorized, for a duration of up to 36 months,
31 under regulations to be developed and implemented by the administrative director.
32 The purpose of the pilot project is to authorize an employer participating in the
33 pilot project to contract with a licensed health care service plan to be the exclusive
34 provider of medical, surgical, and hospital treatment for occupational and
35 nonoccupational injuries and illnesses incurred by its employees. The health care
36 service plan shall provide all occupational-related medical treatment coverage
37 required by this division without any payment by the employee of deductibles,
38 copayments, or any share of the premium. Employers participating in the pilot
39 project shall make available health plan coverage for their employees' dependents
40 for the treatment of nonindustrial injuries and illnesses. Nothing herein shall
41 require an employer to pay for that dependent coverage. An employer participating
42 in the pilot project shall offer its employees a choice between the exclusive

1 provider of care option and a traditional health benefits plan which allows
2 employees to obtain workers' compensation treatment from a traditional workers'
3 compensation provider. In the case of a pilot project established by a
4 multiemployer, collectively bargained employee welfare benefit plan, or by a
5 recognized exclusive bargaining agent for state employees that sponsors an
6 employee welfare benefit plan for the benefit of employees, this choice may be
7 exercised by an exclusive or certified bargaining agent that represents employees
8 of the employer.

9 (b) That pilot project may be implemented in four counties as designated by the
10 administrative director and may include more than one health care service plan.
11 One county shall be in northern California, one in central California, and two in
12 southern California. Multiemployer, collectively bargained employee welfare
13 benefit plans that operate in one or more of the designated counties, or recognized
14 bargaining agents for state employees that sponsor a welfare benefit plan, may
15 implement a pilot project in all counties in which participants are employed and
16 covered for nonoccupational injuries and illnesses.

17 (c) Notwithstanding the terms of Section 4600, 4601, or any other provision of
18 this article, an employee employed by an employer participating in the pilot
19 project who has elected to enroll in the pilot project shall not have the option of
20 predesignating a personal physician, other than a physician provided by the
21 licensed health care service plan designated by the participating employer, as his
22 or her treating physician, nor shall an employee have the option of changing to a
23 physician not provided by the health care service plan pursuant to Section 4601.
24 However, this section shall not be construed to limit the requirement under Section
25 4600 that an employer provide treatment reasonably required to cure or relieve the
26 effects of an injury, nor shall this section be construed to prohibit an employee
27 from changing to another provider of health care services during any annual open
28 enrollment period.

29 (d) The administrative director shall, at the completion of the second year of the
30 pilot project, or sooner if feasible, prepare a preliminary report, and within one
31 year after completion of the pilot project, prepare a final report to the Legislature
32 and the Governor describing the pilot project. The report shall include a review of
33 the following:

- 34 (1) Employer costs.
- 35 (2) Vocational rehabilitation implications of 24-hour care pilot projects.
- 36 (3) Numbers and percentages of employees in pilot worksites that enroll in the
37 plan.
- 38 (4) Incentives used by employers to encourage enrollment in the plan.
- 39 (5) Extent to which dependents of pilot project employees enroll in health plans.
- 40 (6) Determination of employee satisfaction with the pilot program.
- 41 (7) Extent to which employees enrolling in the pilot plan continue to stay within
42 it during the length of the pilot program.

1 (8) Differentials in costs of treatment between different types of pilot programs
2 for occupational and nonoccupational injuries and illnesses.

3 (9) Differentials in costs of treatment and of indemnity benefits among
4 workplaces comparable in size, type of industry, and location, between pilot
5 programs and non-24-hour care for occupational and nonoccupational injuries and
6 illnesses.

7 (10) Differentials in costs of claims administration between pilot programs.

8 (11) Percentage of occupational injury claims litigated and the type of dispute
9 giving rise to litigation.

10 (12) How continuing obligations for medical treatment under workers'
11 compensation will be secured after completion of the pilot project.

12 (13) Whether the pilot project was or could be utilized by small employers.

13 The pilot project shall be deemed a success if the administrative director can
14 verify that the information contained in the report required by paragraphs (1) to
15 (13), inclusive, compares favorably with that of employers and employees not
16 included in the pilot project. In order to prepare the report, the administrative
17 director shall prescribe information to be collected by each approved pilot program
18 for submission to the division in a timely manner.

19 (e) The administrative director shall prepare an itemization of the costs to the
20 division associated with preparation of the report described in subdivision (d). The
21 cost of the report shall be borne by the employers participating in the pilot project,
22 and, if available, by other external sources outside of the General Fund.
23 Contribution by the employers shall be apportioned on a per capita basis based
24 upon the number of employees enrolled under the pilot project.

25 (f) For purposes of this section, "health care service plan" includes health care
26 service plans and disability insurers that offer a managed care product within a
27 pilot project county, workers' compensation insurers as defined in Section 3211 of
28 the Labor Code that offer a managed care product within a pilot project county,
29 multiemployer collectively bargained employee welfare benefit plans that offer a
30 managed care product within a pilot project county, and welfare benefit plans
31 sponsored by recognized exclusive bargaining agents for state employees. Pilot
32 projects covering state employees shall be approved by the state employer and
33 approved pursuant to Part 5 (commencing with Section 22751) of Title 2 of the
34 Government Code.

35 (g) The employer's contract with the health care service plan shall include a
36 surcharge or other provision to cover the cost of the medical care of an injured
37 employee which is required by this division after the employee leaves the
38 contracting employer's employment.

39 (h) Enrollment or subscription in the pilot project may not be canceled or not
40 renewed except in the following:

41 (1) Failure to pay the charge for that coverage if the subscriber has been duly
42 notified and billed for the charge and at least 15 days has elapsed since the date of
43 notification.

1 ~~(2) Fraud or deception in the use of the services or facilities of the plan or~~
2 ~~knowingly permitting that fraud or deception by another.~~

3 ~~(3) Any other good cause as is agreed upon in the contract between the plan and~~
4 ~~a group or the subscriber.~~

5 ~~(i) Notwithstanding any other provision of this section, no employer that is~~
6 ~~required to bargain with an exclusive or certified bargaining agent which~~
7 ~~represents employees of the employer in accordance with state or federal~~
8 ~~employer-employee relations law for represented employees, shall contract with a~~
9 ~~managed care organization for purposes of this section unless authorized to do so~~
10 ~~by mutual agreement between the bargaining agent and the employer.~~

11 **Comment.** Section 4612 is repealed as obsolete. The pilot project established by this section
12 has expired.

13  **Note.** Labor Code Section 4612, enacted in 1992, established a pilot project relating to
14 employer-provided health plans. The project was to last for three years. No fixed beginning or
15 ending date for the project is specified. The Division of Workers' Compensation confirmed that
16 this section is obsolete and should be repealed.

17 **Penal Code §§ 1000.30-1000.36 (repealed). Treatment of child sexual abuse perpetrators**

18 SEC. 24. Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2
19 of the Penal Code is repealed.

20 **Comment.** Sections 1000.30-1000.36 are repealed as obsolete. The pilot project governed by
21 these sections has expired.

22  **Note.** Penal Code Sections 1000.30-1000.36, enacted in 1985, continued an existing pilot
23 project relating to the treatment of child sexual abuse perpetrators. The project was to last for two
24 years. No fixed beginning or ending date for the project is specified. The Office of Criminal
25 Justice Planning confirmed that these sections are obsolete and should be repealed.

26 The full text of the chapter is set out below for reference:

27 **§ 1000.30. Selection of participating counties**

28 1000.30. The Office of Criminal Justice Planning shall, pursuant to Chapter 1660 of the
29 Statutes of 1984, establish a pilot project for a period of two years in not more than three
30 counties. The pilot projects shall test a program to provide treatment to child sexual abuse
31 perpetrators, including intrafamilial and pedophilic abusers, and including abusers who are
32 incarcerated, as well as those who are not. The office shall designate the pilot project counties
33 from among those counties that wish to participate. The office shall give priority to selection of at
34 least two of the three pilot projects in counties where an existing project provides services to child
35 sexual abuse perpetrators and where the proposed pilot project is an expansion of, and integrated
36 with, existing services.

37 These counties shall provide all of the following information to the Office of Criminal Justice
38 Planning:

39 (a) Identification of sexual abuse perpetrator treatment and victim services as a need in the
40 county's child abuse services plan developed pursuant to Section 18962 of the Welfare and
41 Institutions Code.

42 (b) Evidence in the application to provide service under this chapter that county mental health,
43 welfare department, district attorney, juvenile court, superior court, municipal court, probation
44 department, and private child welfare service agencies are participating in and coordinating case
45 referral, case management, and service delivery to the target population.

46 (c) Evidence as to how incest offender treatment will be integrated with victim treatment.

1 Nothing in this section prohibits the use by district attorneys of counseling and other treatment
2 programs as a diversion from prosecution. In pilot counties, diversion services shall be integrated
3 with the services provided under this chapter.

4 **§ 1000.31. Applicability of chapter provisions**

5 1000.31. The provisions of this chapter shall be applicable in the designated counties for the
6 duration of the pilot project.

7 **§ 1000.32. Counseling of convicted offenders**

8 1000.32. (a) Except as provided in subdivision (b), in any case in which the defendant has been
9 convicted in a pilot project county of violating Section 261, 264.1, 285, 286, 288, 288a, or 289,
10 and the victim is a person who was under 18 years of age at the time the offense was committed,
11 the court shall, in addition to any other punishment or confinement that may be imposed, require
12 counseling of the convicted person pursuant to Section 1000.33, when the person is confined or
13 placed on probation within the county.

14 (b) Notwithstanding subdivision (a), a court may exclude from counseling and other treatment
15 programs any convicted person described in subdivision (a) who is confined within the county, if
16 the person is found by the court not to be amenable to counseling or other treatment services on
17 either of the following bases:

18 (1) The person is a repeat offender who has previously been ordered by a court to receive
19 counseling and who has been found by either the court or a counselor to be nonresponsive or not
20 amenable to counseling services.

21 (2) The person has professed to the court that he or she continues to sexually abuse children and
22 has refused counseling services.

23 **§ 1000.33. County mental health department**

24 1000.33. In a pilot project county, the county mental health department shall do both of the
25 following:

26 (a) Assign a counselor to the convicted person described in Section 1000.32. The counselor
27 shall be qualified, as determined by the county mental health department, in carnal abuse or
28 sexual molestation counseling, as appropriate.

29 (b) Determine and collect from the convicted person a fee for the counseling, according to
30 ability to pay, but not exceeding actual cost.

31 **§ 1000.34. Reimbursement of pilot counties**

32 1000.34. The state shall reimburse each pilot project county less any fees received pursuant to
33 subdivision (b) of Section 1000.33 for any costs it incurs in conducting the pilot project under this
34 chapter.

35 **§ 1000.36. Award of project funds**

36 1000.36. To the extent that funds are appropriated for that purpose, the Office of Criminal
37 Justice Planning shall award project funds to three counties which meet the criteria set forth in
38 Section 1000.30. Pilot counties shall utilize each of the following:

39 (a) Third-party payments, where appropriate.

40 (b) Defendant fees, where ordered by the court.

41 (c) Existing counseling treatment and education services, where appropriate.

42 (d) Project funds to provide case management for each defendant and to purchase appropriate
43 services where subdivisions (a), (b), and (c) are not applicable.

44 **Penal Code § 1348.5 (repealed). Representation of child in family sexual abuse cases**

45 SEC. 25. Section 1348.5 of the Penal Code is repealed.

46 ~~1348.5. (a) On or before July 1, 1987, upon adoption of a resolution of the board~~
47 ~~of supervisors, a county may establish a three-year pilot project, whereby the~~
48 ~~court, in any criminal action in which an act of child abuse or molestation is~~
49 ~~alleged against a member of the child's immediate family, may appoint a~~

1 children's representative to represent the interests of the minor who was a victim
2 of, or a witness to, the alleged act of abuse or molestation, provided that the victim
3 or witness is under the age of 14. Counties participating in the program shall report
4 to the Legislature before December 31, 1988, on the interim results of the
5 program, and shall submit a final report to the Legislature on or before September
6 30, 1990, on the results of this program.

7 (b) The program shall be considered to be successful if the participation of child
8 witnesses in criminal matters has increased 10 percent after the first year and
9 increased 20 percent after the third year of the program. The amount of the
10 increase shall be determined by comparing the 1986 participation rate with the
11 participation rate data for 1987 and 1989, respectively.

12 (c) The court shall consider all of the following guidelines in appointing the
13 children's representative.

14 (1) The person's willingness and ability to undertake working with and
15 accompanying the child witness through all proceedings, including criminal
16 proceedings, dependency proceedings, and civil proceedings.

17 (2) The person's willingness and availability to communicate with the child
18 witness.

19 (3) The person's willingness and availability to express the child's concerns to
20 those authorized to come in contact with the child as a result of the proceedings.

21 (d) After considering the guidelines stated in subdivision (b), the court, in its
22 discretion, may appoint a trained volunteer as a children's representative,
23 including a person who has received training from a program formed and operated
24 under the guidelines established by the National Court Appointed Special
25 Advocate Association.

26 (e) In cases involving more than one child victim under the age of 14, the court
27 may, if it finds it appropriate, appoint a children's representative for each of the
28 victims.

29 (f) In consideration of the special ethical responsibilities of attorneys and the
30 attendant problems that might be raised by an attorney serving as a children's
31 representative, the court shall not appoint attorneys as children's representatives
32 under this section.

33 (g) In order to be appointed as a children's representative, the volunteer shall
34 meet all of the following requirements:

35 (1) Possess adequate training in the court process, the dynamics of child abuse
36 and neglect, child abuse laws, the social service system, and how to avoid
37 becoming a witness in a case. Volunteers shall receive this training from persons
38 who are involved in the judicial process (prosecutors, defense attorneys, county
39 counsel, social services, child protective services, judges, and advisory board).
40 Each county shall establish such a training program.

41 (2) Be screened for a criminal record pursuant to Section 11105.3, including, but
42 not limited to, a fingerprint check. A criminal conviction, other than a conviction

1 of a sexually related crime or a conviction of child abuse, shall not bar a person
2 from acting as a children's representative.

3 (3) Meet other requirements as deemed necessary by the court.

4 (4) Not have any interest in the case, nor any connection to either the
5 prosecution or defense.

6 (h) The requirements of this section are the minimum requirements for the
7 appointment of a volunteer as a children's representative. Each county
8 participating in the program shall appoint a volunteer special children's
9 representative advisory board, which shall develop additional criteria requiring
10 additional initial training, continuing in-service training, a system to screen
11 volunteer applicants on an individual basis, and guidelines for supervising and
12 monitoring the volunteers.

13 The board shall be appointed by the board of supervisors and shall be composed
14 as specified by the board as nominated by the local child abuse council.

15 (i) The court shall admonish the children's representative that he or she shall not
16 discuss the facts and circumstances of the case with the child witness.

17 (j) The court shall appoint an administrator whose duties shall be to enforce the
18 guidelines established by this section and the guidelines set up by the volunteer
19 advisory board. The administrator's duties shall also include monitoring the
20 training program and supervising the volunteers.

21 (k) The children's representative shall do all of the following:

22 (1) Accompany the child witness through all proceedings, including criminal
23 proceedings, dependency proceedings, and civil proceedings.

24 (2) Explain to the child witness in terms he or she will understand, based upon
25 his or her age and maturity, the nature and progress of the proceedings and what
26 the child will be called upon to do, including, but not limited to, telling the child
27 that he or she is expected to tell the truth. These explanations shall be made prior
28 to the child's courtroom appearance.

29 (3) Be available to observe the minor in all aspects of the case, in order to
30 consult with the court as to any special needs of the minor. These consultations
31 shall take place prior to the testimony of the child. For purposes of this paragraph,
32 the court, during a recess, may recognize the children's representative when the
33 representative indicates a need to address the court. The representative shall
34 indicate such a need through the court clerk or bailiff. If a jury is present in the
35 courtroom when the court decides to meet with the representative, the judge shall
36 excuse the jury or convene an in-chambers session with the representative, the
37 defense attorney, and the prosecuting attorney. The session shall be on the record.

38 (l) It is the intent of the Legislature that the court shall consider the goal of
39 continuity between the children's representative and a child victim or witness in
40 the various court proceedings. The Legislature thereby declares that it is desirable
41 for a children's representative appointed to represent the interests of the minor in a
42 dependency proceeding to continue to represent the minor's interest in any ensuing
43 criminal and civil proceedings.

1 ~~(m) The children's representative shall not be required to testify with respect to~~
2 ~~the contents of a dependency proceeding in any other proceeding.~~

3 ~~(n) The judge may appoint a children's representative at the initial proceeding or~~
4 ~~any proceeding thereafter. The minor or a person representing the minor may~~
5 ~~request the appointment of a representative.~~

6 ~~(o) The children's representative is not immune from prosecution for dissuading~~
7 ~~a witness or from interfering with any judicial proceeding.~~

8 ~~(p) The children's representative shall not discuss the facts and circumstances of~~
9 ~~the case with the child witness.~~

10 ~~(q) Nothing in this act shall be construed to confer or create a privilege between~~
11 ~~the child and the children's representative.~~

12 ~~(r) The inability of the children's representative to attend any proceeding is not~~
13 ~~cause for a continuance.~~

14 ~~(s) The children's representative shall not be involved in any investigatory~~
15 ~~interviewing with the child.~~

16 **Comment.** Section 1348.5 is repealed as obsolete. The pilot project established by this section
17 has expired.

18 ☞ **Note.** Penal Code Section 1348.5, enacted in 1986, established a pilot project relating to
19 representation of a child in family sexual abuse cases. The three-year project was to commence on
20 or before July 1, 1987. Reports on the project were to be submitted to the Legislature on or
21 before December 31, 1988 and September 30, 1990. The Office of Criminal Justice Planning
22 confirmed that this section is obsolete and should be repealed.

23 **Penal Code § 2053.3 (repealed). Prisoner cell study**

24 SEC. 26. Section 2053.3 of the Penal Code is repealed.

25 2053.3. (a) ~~The Director of Corrections shall implement a two-year correctional~~
26 ~~education program that increases inmate assignments through adoption of a pilot~~
27 ~~project cell study program. The program shall be implemented at three institutions,~~
28 ~~one for female inmates and two for male inmates, with the sites to be chosen by~~
29 ~~the Department of Corrections and the employee bargaining unit. Inmates shall be~~
30 ~~assigned to a classroom for three hours per day or 15 hours per week, not to~~
31 ~~exceed 20 inmates per classroom. Classroom-assigned inmates shall then be~~
32 ~~assigned to their cells for a study period of three hours per day or 15 hours per~~
33 ~~week. Inmates shall be housed contiguously to ensure appropriate educational~~
34 ~~supervision and educational assistance by an instructor and inmate teaching~~
35 ~~assistants. Cell study instruction shall be limited to 80 inmates housed~~
36 ~~contiguously where feasible to accomplish the objectives of the cell study~~
37 ~~program. The department shall adjust cell assignments to accomplish the~~
38 ~~program's intent. In implementing this program, the department shall adhere to the~~
39 ~~State Building Standards Law (Part 2.5 (commencing with Section 18901) of~~
40 ~~Division 13 of the Health and Safety Code).~~

41 ~~(b) An inmate participating in a cell study program pursuant to this section shall~~
42 ~~demonstrate appropriate educational progress, as certified by the instructor, as a~~

1 ~~condition of any reduction in the time served pursuant to Section 2933.~~
2 ~~Appropriate educational progress shall be demonstrated based upon preprogram~~
3 ~~and postprogram testing that reflects improved literacy of the inmate.~~

4 ~~(c)(1) The pilot project cell study program shall commence on January 1, 1994,~~
5 ~~and end on December 31, 1995.~~

6 ~~(2) Representatives from the Department of Corrections and the employee~~
7 ~~bargaining unit shall evaluate the cell study program and submit a report to the~~
8 ~~Legislature by July 30, 1996. If there is not a consensus, then a minority opinion~~
9 ~~shall also be included with the final report.~~

10 ~~(d) The Department of Corrections may initiate a system of negative~~
11 ~~timekeeping with regard to the participation of inmates in inmate work, training,~~
12 ~~and education assignments.~~

13 **Comment.** Section 2053.3 is repealed as obsolete. The pilot project established by this section
14 has expired.

15  **Note.** Penal Code Section 2053.3, enacted in 1993, established a pilot project relating to
16 education of prisoners. The two-year project was to commence on January 1, 1994, and end on
17 December 31, 1995. The Office of Criminal Justice Planning confirmed that this section is
18 obsolete and should be repealed.

19 **Penal Code § 5020 (repealed). Individualized prisoner education**

20 SEC. 27. Section 5020 of the Penal Code is repealed.

21 ~~5020. (a) The Department of Corrections and the California Youth Authority~~
22 ~~shall conduct a two-year pilot project in juvenile halls, the Youth Authority, and~~
23 ~~the state prison system if and when the necessary computer hardware, software,~~
24 ~~and technical assistance is donated to the departments to implement innovative~~
25 ~~individualized education programs in these institutions.~~

26 ~~(b) The Department of the Youth Authority and the Department of Corrections~~
27 ~~shall, within budgetary limitations, provide staff to be trained and participate in~~
28 ~~educating and testing the inmates. At the end of the project period, the departments~~
29 ~~shall evaluate the effectiveness of the training techniques employed and report to~~
30 ~~the Legislature on their findings.~~

31 **Comment.** Section 5020 is repealed as obsolete. The pilot project established by this section
32 has expired.

33  **Note.** Penal Code Section 5020, enacted in 1984, established a pilot project relating to
34 education of prisoners. The project was to last for two years. No fixed beginning or ending date
35 for the project is specified. A report on the project was to be submitted to the Legislature after the
36 conclusion of the project. The Department of Corrections confirmed that this section is obsolete
37 and should be repealed.

38 **Penal Code § 6247 (repealed). Public inebriate reception center**

39 SEC. 28. Section 6247 of the Penal Code is repealed.

40 ~~6247. (a) Notwithstanding any other provision of this chapter, the County of~~
41 ~~Orange may establish, in consultation with the Board of Corrections, a regional~~
42 ~~public inebriate reception center in the County of Orange as a one-year pilot~~

1 project to provide short-term shelter with a minimum capacity of 20 sleeping
2 spaces, surveillance, assessment, and referral services for men and women.

3 (b) The County of Orange may operate and administer the pilot program
4 specified in subdivision (a) and report to the board within nine months after
5 commencement of operation of the regional public inebriate reception center as to
6 whether its operation has resulted in cost savings by diversion of persons from the
7 criminal justice system, and in other public benefits.

8 **Comment.** Section 6247 is repealed as obsolete. The pilot project established by this section
9 has expired.

10 ☞ **Note.** Penal Code Section 6247, enacted in 1994, established a pilot project relating to shelter
11 of public inebriates. The project was to last for one year. No fixed beginning or ending date for
12 the project is specified. A report on the project was to be submitted to the Board of Corrections
13 within nine months of commencement of the project. The Board of Corrections confirmed that
14 this section is obsolete and should be repealed.

15 **Penal Code § 13823.20 (repealed). Foot patrols in high intensity drug-related crime areas**

16 SEC. 29. Section 13823.20 of the Penal Code is repealed.

17 13823.20. (a) The Office of Criminal Justice Planning shall establish a
18 demonstration project in the City of Los Angeles for the purpose of creating police
19 foot patrols in high intensity drug-related crime areas. Funds for these
20 demonstration projects shall be allocated to the City of Los Angeles no later than
21 30 days following enactment of this section.

22 (b) The office also shall issue a request for proposal to select at least three
23 additional cities for police foot patrol demonstration projects. Funds for this
24 request for proposal shall be awarded no later than 90 days following enactment of
25 this section.

26 (c) The police department in each city shall identify targeted areas for foot
27 patrols based on high incidence of crime related to drug trafficking and other drug
28 crimes. At a minimum, the Los Angeles Police Department shall target areas in
29 south Los Angeles, central Los Angeles, east Los Angeles, and the San Fernando
30 Valley.

31 (d) The Office of Criminal Justice Planning shall conduct an evaluation of the
32 foot patrol programs created by this section and shall submit a report to the
33 Legislature no later than August 31, 1991.

34 (e) The evaluation shall examine the effectiveness of the program relative to the
35 following objectives:

36 (1) Each city shall demonstrate empirically that areas targeted for foot patrols
37 have a high incidence of drug-related crimes.

38 (2) Officers are deployed to the targeted areas at least 20 percent of the time of
39 each week.

40 (3) Against a baseline period established by the city police department, the
41 following reductions occur in the aggregate for the targeted areas during the pilot
42 period:

- 1 ~~(A) An 8 percent reduction in radio calls.~~
- 2 ~~(B) A 6 percent reduction in repressible crime.~~
- 3 ~~(C) A 12 percent reduction in violent crime.~~
- 4 ~~(4) Each city shall demonstrate whether changes in the incidence of drug-related~~
- 5 ~~crimes in areas adjacent to the targeted areas are appreciable and the extent to~~
- 6 ~~which those changes may be caused by increased foot patrol activity in the~~
- 7 ~~targeted areas.~~

8 **Comment.** Section 13823.20 is repealed as obsolete. The pilot project established by this
9 section has expired.

10 ☞ **Note.** Penal Code Section 13823.20, enacted in 1990, established a pilot project relating to
11 police foot patrols in drug crime areas. No fixed beginning or ending date for the project is
12 specified. A report on the project was to be submitted to the Legislature by August 31, 1991. The
13 Office of Criminal Justice Planning confirmed that this section is obsolete and should be repealed.

14 **Penal Code §§ 13894.5-13894.9 (repealed). Fingerprinting of persons convicted of driving**
15 **under the influence**

16 SEC. 30. Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4
17 of the Penal Code is repealed.

18 **Comment.** Sections 13894.5-13894.9 are repealed as obsolete. The pilot project established by
19 these sections has expired.

20 ☞ **Note.** Penal Code Sections 13894.5-13894.9, enacted in 1990, established a pilot project
21 relating to fingerprinting of persons convicted of driving under the influence of alcohol. The
22 project was to last for eighteen months. No fixed beginning or ending date for the project is
23 specified. A report on the project was to be submitted to the Legislature by November 1, 1992.
24 The Office of Criminal Justice Planning confirmed that these sections are obsolete and should be
25 repealed.

26 The full text of the chapter is set out below for reference:

27 **§ 13894.5. Legislative findings and declarations**

28 13894.5. The Legislature finds and declares all of the following:

29 (a) The people of California have a public safety interest in ensuring that individuals who are
30 arrested and convicted of driving a motor vehicle while under the influence of an alcoholic
31 beverage, any drugs, or any controlled substances receive the appropriate sentence or penalty
32 based on that individual's complete driving history.

33 (b) An accurate record of the prior arrests and convictions of a person for driving under the
34 influence may not be available to the judge at the time of sentencing because the person may have
35 used an alias or some other form of false identification.

36 (c) There is a need for a reporting system that can identify, in a timely fashion, the prior arrest
37 histories of those arrested for driving under the influence.

38 (d) The intent of this act is to require that a pilot project relating to the fingerprinting of those
39 persons arrested for driving under the influence be implemented in a designated county.

40 **§ 13894.6. Pilot fingerprint project**

41 13894.6. The Department of Justice shall designate an appropriate county or portion of a
42 county, with the county's consent, for a pilot fingerprint project. The designated area should be as
43 self-contained as possible to increase the likelihood that the arrestees' residences, places of work,
44 and general driving patterns are within its boundaries. In consultation with the department, the
45 sheriff of the designated county shall fingerprint persons who are arrested for a violation of
46 Section 23152 or 23153 of the Vehicle Code using a livescan fingerprint computer system. The

1 | sheriff of the county designated by the Department of Justice shall cooperate with the department
2 | in the county's implementation of the pilot project.

3 | **§ 13894.7. Persons arrested for driving under influence of alcohol**

4 | 13894.7. Under the pilot project, the sheriff of the designated county shall statistically track the
5 | persons arrested for driving under the influence for an 18-month period to determine whether the
6 | same individuals are arrested for subsequent driving offenses during the pilot period and whether
7 | the person's prior records in the pilot project fingerprint data base are successfully matched as a
8 | result of the fingerprint identification process.

9 | **§ 13894.8. Livescan fingerprint computer system**

10 | 13894.8. The sheriff of the portion of the county designated by the Department of Justice shall
11 | take the fingerprints of persons arrested for driving under the influence of alcohol or drugs, or
12 | both, with the livescan fingerprint computer system.

13 | **§ 13894.9. Report**

14 | 13894.9. The Bureau of Crime Statistics, within the Department of Justice, shall advise on the
15 | study's design, review the findings, and assist the county in preparing a report to the Legislature
16 | which shall be submitted by the designated county to the Legislature on or before November 1,
17 | 1992. The report shall include all of the following:

18 | (a) The basis for the selection of the county or the portion of a county designated for the
19 | implementation of the pilot project, including consideration of the number of persons arrested for
20 | driving under the influence in the jurisdiction chosen, the geography, and the population.

21 | (b) The staffing and other support requirements of the designated county sheriff's department
22 | which assisted in the taking and processing of the fingerprints with regard to the implementation
23 | of the pilot project.

24 | (c) Any recommendations by the sheriff or the department for legislation as a result of the pilot
25 | project.

26 | **Penal Code § 14113 (repealed). Community violence prevention and conflict resolution**

27 | SEC. 31. Section 14113 of the Penal Code is repealed.

28 | ~~14113. (a) The Office of Criminal Justice Planning shall contract for four two-~~
29 | ~~year community violence prevention and conflict resolution pilot programs~~
30 | ~~throughout this state. They shall be commenced after July 1, 1985. Each of the~~
31 | ~~four pilot programs may continue for a maximum of two years.~~

32 | ~~(b) Each program shall address the following subject areas as they interrelate~~
33 | ~~with violence and to the extent they affect the geographic area served by the~~
34 | ~~programs:~~

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

37 | ~~(2) Economic factors and institutional racism.~~

38 | ~~(3) Schools and educational factors.~~

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

40 | ~~(5) Conflict resolution.~~

41 | ~~(6) The media.~~

42 | **Comment.** Section 14113 is repealed as obsolete. The pilot projects established by this section
43 | have expired.

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

1 **Penal Code § 14114 (amended). Program priorities**

2 SEC. 32. Section 14114 of the Penal Code is amended to read:

3 14114. (a) ~~First priority shall be given to programs which provide community~~
4 ~~education, outreach, coordination, and include creative and effective ways to~~
5 ~~translate the recommendations of the California Commission on Crime Control~~
6 ~~and Violence Prevention into practical use in one or more of the subject areas set~~
7 ~~forth in Section 14113. following subject areas:~~

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

10 ~~(2) Economic factors and institutional racism.~~

11 ~~(3) Schools and educational factors.~~

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

13 ~~(5) Conflict resolution.~~

14 ~~(6) The media.~~

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

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

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

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

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

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

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

35 **Comment.** Section 14114 is amended to replace an obsolete reference to former Section 14113
36 with the substance of the former provision.

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

38 SEC. 33. Section 14119 of the Penal Code is amended to read:

39 14119. (a) ~~Commencing on or after July 1, 1985, the Office of Criminal Justice~~
40 ~~Planning shall contract for no more than four pilot programs as described in~~
41 ~~Section 14113.~~

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

7 (c) The training workshops shall have all of the following goals:

8 (1) To identify phenomena which are thought to be root causes of crime and
9 violence.

10 (2) To identify local manifestations of those root causes.

11 (3) To examine the findings and recommendations of the California Commission
12 on Crime Control and Violence Prevention.

13 (4) To focus on team building and interagency cooperation and coordination
14 toward addressing the local problems of crime and violence.

15 (5) To examine the merits and necessity of a local crime and violence prevention
16 effort.

17 (d) There shall be at least three workshops.

18 **Comment.** Section 14119 is amended to delete an obsolete reference to former Section 14113.

19 **Pub. Res. Code §§ 25920-25931 (repealed). Energy efficient mortgages**

20 SEC. 34. Chapter 10.7 (commencing with Section 25920) of Division 15 of the
21 Public Resources Code is repealed.

22 **Comment.** Sections 25920-25931 are repealed as obsolete. The pilot project established by
23 these sections has expired.

24  **Note.** Public Resources Code Sections 25920-25931, enacted in 1993, established a pilot
25 project relating to energy efficient mortgages. No fixed beginning or ending date for the project is
26 specified. A report on the project was to be submitted to the Governor and the Legislature on the
27 project's completion. The California Energy Commission confirmed that these sections are
28 obsolete and should be repealed.

29 The full text of the chapter is set out below for reference:

30 **§ 25920. Legislative findings and declarations**

31 25920. The Legislature hereby finds and declares all of the following:

32 (a) The Energy Policy Act of 1992 (P.L. 102-486) directs the federal government to establish
33 an energy efficient mortgage pilot program in five states to promote the purchase of existing
34 energy efficient residential buildings and the installation of cost-effective improvements in
35 existing residential buildings. The act also establishes a training program regarding the benefits of
36 energy efficient mortgages and the operation of a pilot program, and authorizes the appropriation
37 of federal funds to carry out those pilot programs and training programs.

38 (b) The high cost of housing is a critical problem in California, as less than one-half of
39 California households can afford to buy a median-priced home.

40 (c) Reducing a home's monthly energy costs through energy efficiency improvements can
41 make the home more affordable by increasing the homeowner's disposable income, which allows
42 the homeowner to qualify for a higher mortgage and increases the number of Californians that can
43 afford to buy a home.

44 (d) More than 60 percent of California homes were built before energy standards were adopted
45 for new homes in the mid-1970s. These older homes are disproportionate energy consumers. The
46 average home built in 1968 consumes twice the energy of a home built after 1983.

1 (e) A wide range of cost-effective energy efficiency improvements can be made to homes,
2 resulting in lower energy use, lower utility energy bills, reduced societal demand for new energy
3 sources, and reduced environmental degradation related to the generation of energy.

4 (f) Energy efficient mortgages provide money to fund energy efficiency improvements in
5 residential homes, resulting in lower energy costs to the homeowner. Energy efficient mortgages
6 also increase the number of Californians, particularly of low- and moderate-income, who can
7 qualify for home financing, because the incremental increase in monthly mortgage cost is more
8 than offset by lower monthly energy bills.

9 (g) Although energy efficient mortgages have been available for a number of years, they are
10 rarely used because borrowers are unaware of their existence or of the benefits that they can
11 provide, and most lenders and real estate licensees are unaware of, or unfamiliar with, the energy
12 efficient mortgage.

13 (h) The 1992-93 California Energy Plan, endorsed by the Governor, recommends that the state
14 support the marketing of mortgages that account for energy efficiency.

15 **§ 25921. Additional legislative findings and declarations**

16 25921. The Legislature further finds and declares all of the following:

17 (a) It is in the interest of the people of this state that energy efficient mortgages be marketed
18 and made available statewide, to increase awareness of their availability and their benefits.

19 (b) It is also in the interest of the state to seek to participate in federal government programs in
20 this area, including energy efficient mortgage pilot and related training programs, and to seek
21 federal funding to promote the use of energy efficient mortgages.

22 **§ 25922. Development and implementation of pilot program**

23 25922. The commission shall develop and implement a pilot program to determine how best to
24 inform homeowners and potential homeowners of the availability, methods, and benefits of
25 obtaining an energy efficient mortgage.

26 **§ 25923. Functions of pilot program**

27 25923. The pilot program shall be designed to do all of the following:

28 (a) Meet the eligibility requirements of the energy efficient mortgage pilot program and training
29 program established by the federal government pursuant to the Energy Policy Act of 1992 (P.L.
30 102-486) if this state is chosen to participate in the federal government's pilot program.

31 (b) Familiarize mortgage lenders, real estate licensees, home appraisers, home inspectors,
32 energy utilities, energy service providers, and other participants with the features of the energy
33 efficient mortgage and the benefits that can result from its use.

34 (c) Identify and implement effective methods of informing the public of the availability and
35 benefits of the energy efficient mortgage.

36 (d) Develop methods of incorporating the use of the energy efficient mortgage into the regular
37 business practices of mortgage lenders, real estate licensees, home appraisers, home inspectors,
38 and other persons involved in the sale, refinancing, and remodeling of residential real estate.

39 (e) Encourage the use of a home energy rating analysis as a precondition to qualification for an
40 energy efficient mortgage.

41 (f) Identify obstacles to the use of energy efficient mortgages and recommend ways to mitigate
42 or eliminate the obstacles.

43 **§ 25924. Workshops and consultations**

44 25924. (a) The commission shall convene one or more workshops with mortgage lenders, real
45 estate licensees, home appraisers, home inspectors, energy utilities, energy service providers, and
46 other appropriate parties to solicit recommendations on the implementation of the pilot program.
47 The commission shall encourage those parties to participate in the pilot program.

48 (b) The commission shall consult, as needed, with the Department of Financial Institutions, the
49 Department of Real Estate, and the Department of Housing and Community Development in
50 carrying out this chapter.

1 **§ 25925. Report to governor and legislature**

2 25925. The commission shall report to the Governor and the Legislature upon the completion
3 of the pilot program. Copies of the report shall also be sent to the appropriate policy committees
4 of the Legislature, including the housing committees of the Senate and the Assembly. The report
5 shall include all of the following:

6 (a) Results of the pilot program, including, but not limited to, the number of energy efficient
7 mortgages used and the number of people who qualified for home financing as a result of using
8 an energy efficient mortgage.

9 (b) Obstacles to the use of energy efficient mortgages.

10 (c) Recommendations on how to improve the use and effectiveness of energy efficient
11 mortgages.

12 **Pub. Res. Code § 48695 (repealed). Used oil filter recycling**

13 SEC. 35. Section 48695 of the Public Resources Code is repealed.

14 48695. (a) ~~The board may, on or before July 1, 1995, establish a pilot program~~
15 ~~for recycling used oil filters. Any pilot program established pursuant to this section~~
16 ~~shall develop opportunities for the public to voluntarily dispose of used oil filters~~
17 ~~and be eligible for an incentive fee of four cents (\$0.04) upon disposal.~~

18 (b) ~~The board shall operate any pilot program established pursuant to this section~~
19 ~~from July 1, 1995, until July 1, 1997. The board shall, in conducting any pilot~~
20 ~~program established pursuant to this section, solicit voluntary participation by~~
21 ~~certified used oil collection centers and curbside collection programs, operate the~~
22 ~~program in specific geographic areas selected by the board, and pay a recycling~~
23 ~~incentive fee to every participating curbside collection program or certified used~~
24 ~~oil collection center for used oil filters collected from the public and transferred to~~
25 ~~a metal reclaimer for the purpose of recycling.~~

26 (c) ~~The board shall, on or before November 1, 1997, prepare a report on the~~
27 ~~success or failure of any pilot program established pursuant to this section and~~
28 ~~include recommendations for legislation, if warranted, for a used oil filter~~
29 ~~recycling program. The board shall make the report available to the Governor, the~~
30 ~~appropriate policy and fiscal committees of the Legislature, and, upon request, to~~
31 ~~Members of the Legislature.~~

32 (d) ~~The board shall not expend more than one hundred twenty thousand dollars~~
33 ~~(\$120,000) annually during each year of the two-year pilot program for purposes~~
34 ~~of conducting the program.~~

35 (e) ~~If a statewide oil filter recycling program is enacted by the Legislature prior~~
36 ~~to July 1, 1997, the board shall terminate the pilot program and prepare the final~~
37 ~~report within six months of the enactment of the oil filter recycling program.~~

38 **Comment.** Section 48695 is repealed as obsolete. The pilot project established by these
39 sections has expired.

40  **Note.** Public Resources Code Section 48695, enacted in 1994, established a pilot project
41 relating to recycling of used oil filters. The two-year project was to commence on July 1, 1995,
42 and end on July 1, 1997. A report on the project was to be submitted to the Governor and the
43 Legislature by November 1, 1997. The California Integrated Waste Management Board
44 confirmed that this section is obsolete and should be repealed.

1 **Veh. Code § 2802.5 (repealed). Commercial vehicle inspection facilities**

2 SEC. 36. Section 2802.5 of the Vehicle Code is repealed.

3 2802.5. (a) ~~The Department of the California Highway Patrol, in cooperation~~
4 ~~with the Public Utilities Commission, the State Board of Equalization, the~~
5 ~~Department of Motor Vehicles, the Judicial Council, and other appropriate~~
6 ~~agencies, shall develop an interagency agreement under which the agencies shall~~
7 ~~assign one or more employees or interagency clerks at one or more commercial~~
8 ~~vehicle inspection facilities of the department which are open on a continuous~~
9 ~~basis. The employees or interagency clerks shall be assigned duties to perform on~~
10 ~~behalf of the state agencies which are a party to the agreement as specified in~~
11 ~~subdivision (b). However, in the case of the Judicial Council, the clerk shall~~
12 ~~perform duties on behalf of the clerk of the municipal court district in which the~~
13 ~~inspection facility is located, or of the superior court in a county in which there is~~
14 ~~no municipal court.~~

15 (b) ~~The employees or interagency clerks may issue registration permits for any~~
16 ~~of the state agencies which are parties to the interagency agreement, accept the~~
17 ~~payment of any fees due any of the state agencies, accept payment of bail or fines,~~
18 ~~set court dates, and perform other ministerial administrative functions for the state~~
19 ~~agencies or court. The Department of the California Highway Patrol, in~~
20 ~~cooperation with the other state agencies, shall provide computerized equipment~~
21 ~~appropriate to identify the status of any vehicles or drivers passing through the~~
22 ~~inspection facility. The employees or interagency clerks shall accept payment by~~
23 ~~credit card. Assigned personnel may remain the employees of their respective~~
24 ~~agencies, or as may otherwise be provided by the interagency agreement. The~~
25 ~~interagency agreement shall provide for sharing of associated costs between~~
26 ~~participating agencies, based on the anticipated enhanced revenue collections.~~

27 (c) ~~At the request of any peace officer, the employees or interagency clerks shall~~
28 ~~determine the status of any outstanding warrants and whether all fees due have~~
29 ~~been paid with respect to a driver or vehicle present at the inspection facility.~~

30 (d) ~~A peace officer at the inspection facility may store or impound any vehicle~~
31 ~~upon determination that the vehicle or the driver of the vehicle has failed to pay~~
32 ~~registration, regulatory, fuel permit, or other fees, or has any outstanding warrants~~
33 ~~in any county in the state. The stored or impounded vehicle shall be released upon~~
34 ~~payment of those fees, fines, or the posting of bail. Upon request, the driver or~~
35 ~~owner of the vehicle may request a hearing to determine the validity of the seizure.~~

36 (e) ~~The Department of the California Highway Patrol may implement this~~
37 ~~program as a demonstration pilot program at one or more locations. The~~
38 ~~department, on or before February 1, 1992, shall report its recommendations for~~
39 ~~continuation, expansion, or termination of the program to the Legislature. The~~
40 ~~report shall also include comments from the trucking industry concerning the~~
41 ~~benefits and problems in the program and any recommendations as a result of the~~
42 ~~pilot project. The report shall also consider the potential for ports of entry at major~~

1 highway entry points to California, similar to programs already implemented in
2 other states.

3 **Comment.** Section 2802.5 is repealed as obsolete. The pilot project established by this section
4 has expired.

5  **Note.** Vehicle Code Section 2802.5, enacted in 1989, established a pilot project relating to
6 staffing of vehicle inspection facilities. No fixed beginning or ending date for the project is
7 specified. A report on the project was to be submitted to the Legislature by February 1, 1992. The
8 California Highway Patrol confirmed that this section is obsolete and should be repealed.

9 **Veh. Code § 4764.1 (repealed). Collection of unpaid parking penalties**

10 SEC. 37. Section 4764.1 of the Vehicle Code is repealed.

11 4764.1. The Legislature finds that there is a significant loss of revenue to local
12 governments due to the present inability of the department to collect unpaid
13 parking violation penalties in cases where the ownership of a vehicle has been
14 transferred. It is, therefore, the intent of the Legislature that the department, in
15 cooperation with parking citation processing agencies, shall develop a plan to
16 establish a pilot program by which parking violation penalties and administrative
17 fees may be collected without regard to whether a vehicle is transferred.

18 **Comment.** Section 4764.1 is repealed as obsolete. The pilot project established by Sections
19 4764.1-4764.4 has expired.

20  **Note.** Vehicle Code Sections 4764.1-4764.4, enacted in 1988, established a pilot project
21 relating to the collection of unpaid parking penalties. The two-year project was to commence on
22 or before December 31, 1989. Reports on the project were to be submitted to the Legislature
23 on or before January 1, 1991 and July 1, 1991. The Department of Motor Vehicles confirmed
24 that these sections are obsolete and should be repealed.

25 **Veh. Code § 4764.2 (repealed). Collection of unpaid parking penalties**

26 SEC. 38. Section 4764.2 of the Vehicle Code is repealed.

27 4764.2. Notwithstanding Section 4764, the department shall, in cooperation with
28 parking citation processing agencies, develop a plan to establish a pilot program
29 by which parking penalties and administrative fees may be collected without
30 regard to whether a vehicle is transferred. The plan shall address, but not be
31 limited to, a review of the following:

32 (a) A method by which parking violators with 25 or more notices of parking
33 violations on file with the department can be identified and be made responsible
34 for payment of their parking penalties. The director may establish a lower
35 numerical threshold if it is determined to be cost-effective.

36 (b) A system by which a common identifier can assist the department in
37 identifying any vehicles owned by the same owner if a common identifier is
38 deemed desirable.

39 **Comment.** Section 4764.2 is repealed as obsolete. The pilot project established by Sections
40 4764.1-4764.4 has expired.

41  **Note.** Vehicle Code Sections 4764.1-4764.4, enacted in 1988, established a pilot project
42 relating to the collection of unpaid parking penalties. The two-year project was to commence on

1 or before December 31, 1989. Reports on the project were to be submitted to the Legislature
2 on or before January 1, 1991 and July 1, 1991. The Department of Motor Vehicles confirmed
3 that these sections are obsolete and should be repealed.

4 **Veh. Code § 4764.3 (repealed). Collection of unpaid parking penalties**

5 SEC. 39. Section 4764.3 of the Vehicle Code is repealed.

6 ~~4764.3. The department, pursuant to Section 4763, shall assess a fee to cover the~~
7 ~~costs of the pilot program.~~

8 **Comment.** Section 4764.3 is repealed as obsolete. The pilot project established by Sections
9 4764.1-4764.4 has expired.

10  **Note.** Vehicle Code Sections 4764.1-4764.4, enacted in 1988, established a pilot project
11 relating to the collection of unpaid parking penalties. The two-year project was to commence on
12 or before December 31, 1989. Reports on the project were to be submitted to the Legislature
13 on or before January 1, 1991 and July 1, 1991. The Department of Motor Vehicles confirmed
14 that these sections are obsolete and should be repealed.

15 **Veh. Code § 4764.4 (repealed). Collection of unpaid parking penalties**

16 SEC. 40. Section 4764.4 of the Vehicle Code is repealed.

17 ~~4764.4. The department shall report on the plan developed pursuant to Section~~
18 ~~4764.2 to the Legislature on or before March 31, 1989. The report shall examine~~
19 ~~whether the costs of the pilot program can be recovered from fees and whether the~~
20 ~~pilot program will result in a net revenue gain for all local agencies which~~
21 ~~participate in the program. If the pilot program is shown to be cost-effective, then~~
22 ~~the department may request funding for the program in the 1989-90 Governor's~~
23 ~~Budget. Upon appropriation of funds for the pilot program in the 1989-90 Budget~~
24 ~~Act, the department may implement a 24-month pilot program on or before~~
25 ~~December 31, 1989. The department shall submit an interim report to the~~
26 ~~Legislature evaluating the results of the pilot program by January 1, 1991, and a~~
27 ~~final report, with recommendations, by July 1, 1991.~~

28 **Comment.** Section 4764.4 is repealed as obsolete. The pilot project established by Sections
29 4764.1-4764.4 has expired.

30  **Note.** Vehicle Code Sections 4764.1-4764.4, enacted in 1988, established a pilot project
31 relating to the collection of unpaid parking penalties. The two-year project was to commence on
32 or before December 31, 1989. Reports on the project were to be submitted to the Legislature
33 on or before January 1, 1991 and July 1, 1991. The Department of Motor Vehicles confirmed
34 that these sections are obsolete and should be repealed.

35 **Welf. & Inst. Code § 729.11 (repealed). Juvenile offender substance abuse treatment**
36 **program**

37 SEC. 41. Section 729.11 of the Welfare and Institutions Code is repealed.

38 ~~729.11. (a) There is hereby established within the Office of Criminal Justice~~
39 ~~Planning, a demonstration program known as the "Juvenile Offender Substance~~
40 ~~Abuse Treatment Program." The goal of the demonstration program shall be to~~
41 ~~provide substance abuse intervention options for the juvenile courts.~~

1 (b) The Office of Criminal Justice Planning shall establish a county probation
2 department demonstration project in at least three counties which shall be selected
3 from among those counties submitting applications to the office. The
4 demonstration projects shall be limited to the treatment of delinquent youth who
5 have been assessed to be substance dependent or in imminent danger of substance
6 dependence. Eligible youth will be those over which the juvenile court has
7 retained jurisdiction pursuant to Section 602.

8 (c) The goals and functions of each demonstration project shall include, but are
9 not limited to, all of the following:

10 (1) Development of substance assessment screening instruments at each project
11 to be used at intake to classify the juvenile for possible placement in the program.

12 (2) Intensive in-custody substance abuse programs, including drug and alcohol
13 education, individual and group counseling, family counseling, job training, self-
14 esteem and personal motivation, life skills, and a volunteer mentor support
15 network.

16 (d) Wards placed in custody shall be assigned to substance intervention team
17 staff trained in program elements based on a reduced caseload.

18 (e) All wards who complete an in-custody substance abuse program or those
19 placed directly on probation by the courts who require substance abuse
20 intervention shall be transferred to an intensive aftercare or maximum supervision
21 probation caseload. Wards assigned to these intensive caseloads may be required
22 to meet intensive surveillance standards, including antidrug testing, day reporting,
23 frequent contact with the probation officer, frequent contact with a therapist, and
24 participation in designated community service substance prevention work projects
25 for selected youth.

26 During this period of supervision, program elements, similar to those provided
27 within juvenile custodial facilities, shall be established in the community for
28 individual probationers, and their families, by designated intervention team staff.
29 The "intervention team staff" shall include a probation officer, a treatment
30 counselor, an educator, and job counselor.

31 (f) The development of the programs specified in subdivisions (c), (d), and (e)
32 shall be in consultation with the county drug and alcohol administrator to assure
33 appropriate program standards and to assure that the program is not duplicative,
34 and that it is coordinated with California's Drug and Alcohol Abuse Master Plan,
35 as specified in Section 11998.1 of the Health and Safety Code.

36 (g) The demonstration program shall be a two-year program and is contingent
37 upon the availability and receipt of federal Anti-Drug Abuse Act funding. The
38 first-year funding of the program shall be appropriated from moneys received by
39 the Office of Criminal Justice Planning pursuant to the federal Anti-Drug Abuse
40 Act of 1988 (Public Law 100-690). The second year of funding the program shall
41 be provided by the selected demonstration program projects.

42 **Comment.** Section 729.11 is repealed as obsolete. The pilot project established by this section
43 has expired.

1 ☞ **Note.** Welfare and Institutions Code Section 729.11, enacted in 1991, established a two-year
2 pilot project relating to treatment of juvenile substance abuse offenders. The project was to last
3 for two years. No fixed beginning or ending date for the project is specified. The Office of
4 Criminal Justice Planning confirmed that this section is obsolete and should be repealed.

5 **Welf. & Inst. Code § 1760.3 (repealed). Graffiti removal pilot project**

6 SEC. 42. Section 1760.3. of the Welfare and Institutions Code is repealed.

7 ~~1760.3. (a) For purposes of this section “graffiti” means any unauthorized~~
8 ~~inscription, word, figure, or design which is marked, etched, scratched, drawn, or~~
9 ~~painted on any structural component of any building, structure, or other facility~~
10 ~~regardless of its content or nature and regardless of the nature of the material of~~
11 ~~that structural component.~~

12 ~~(b) The Youth Authority shall establish and monitor the progress of a three-year~~
13 ~~pilot project in Los Angeles County for the removal of graffiti. The pilot project~~
14 ~~shall be administered by the Los Angeles County Probation Office which shall~~
15 ~~require adults, minors, or adults and minors, who are on probation, as part of~~
16 ~~community service ordered to be performed as a condition of their probation, to~~
17 ~~perform work necessary and proper to repair, remove, clean, or reconstruct any~~
18 ~~damage or defacement resulting from the application of graffiti to public buildings,~~
19 ~~structures, or other facilities owned by the state, Los Angeles County, any city~~
20 ~~within Los Angeles County, or any district or other political subdivision of the~~
21 ~~state.~~

22 ~~(c) The Los Angeles County Probation Office also may, in its discretion, as part~~
23 ~~of the pilot project, require wards of the juvenile court who are placed in the~~
24 ~~juvenile hall for Los Angeles County or any juvenile home, ranch, or camp located~~
25 ~~in Los Angeles County to perform work necessary and proper to repair, remove,~~
26 ~~clean, or reconstruct any damage or defacement resulting from the application of~~
27 ~~graffiti to public buildings, structures, or other facilities owned by the state, Los~~
28 ~~Angeles County, any city within Los Angeles County, or any district or other~~
29 ~~political subdivision of the state.~~

30 **Comment.** Section 1760.3 is repealed as obsolete. The pilot project established by this section
31 has expired.

32 ☞ **Note.** Welfare and Institutions Code Section 1760.3, enacted in 1988, established a pilot
33 project relating to removal of graffiti. The project was to last for three years. No fixed beginning
34 or ending date for the project is specified. The Department of the Youth Authority confirmed that
35 this section is obsolete and should be repealed.

36 **Welf. & Inst. Code § 8016 (repealed). Financial services for seniors**

37 SEC. 43. Chapter 1 (commencing with Section 8016) of Division 8 of the
38 Welfare and Institutions Code is repealed.

39 **Comment.** Section 8016 is repealed as obsolete. The pilot project established by this section
40 has expired.

41 ☞ **Note.** Welfare and Institutions Code Section 8016, enacted in 1987, established a pilot project
42 relating to the provision of financial services to seniors. The eighteen-month project was to

1 commence on January 31, 1988. A report on the project was to be submitted to the Legislative
2 Analyst's office by May 1, 1989. The State Controller's Office confirmed that this section is
3 obsolete and should be repealed.

4 The full text of the chapter, which consists of a single section, has been set out below for
5 reference.

6 **§ 8016 . Financial services for seniors**

7 8016. (a) The public guardian shall enter into a contract or written agreement with eligible
8 private or public nonprofit agencies to provide those services in subdivision (c) to seniors.

9 (b) Eligible agencies shall only include those agencies which provide case management
10 services to seniors. Preference shall be given to proposals from those agencies which are
11 providing case management services to seniors under the Institutionalization Prevention Services
12 Program, also referred to as the Linkages Program, pursuant to Sections 9390, and following, or
13 the Multipurpose Senior Services Program.

14 (c) Services which may be provided to seniors pursuant to subdivision (a) include all of the
15 following:

16 (1) Financial counseling for elders in need of assistance in the management of their income or
17 referral to an appropriate agency.

18 (2) Assistance for elders in payment of bills, mailing checks, organizing a budget, and other
19 fiscal administrative jobs when the elders are able to manage their own finances, but due to a
20 disability, such as vision loss, loss of motor functioning, or mild confusion, need regular
21 assistance.

22 (3) Provision of representative payee services for elders with a mental or physical disability or a
23 drug or alcohol problem who cannot manage their money and who receive checks from any
24 government agencies. The representative payee services shall be provided by the public guardian,
25 and the contracting agency shall be responsible for budgeting. The public guardian shall be
26 responsible for auditing expenditures authorized by the contracting agency.

27 (4) Durable power of attorney for elders who are unable to manage their finances, who are
28 competent when the power of attorney is created, and who agree to financial management
29 assistance.

30 (5) Conservatorship services for elders who are unable to manage their finances or other
31 aspects of daily living and who are not competent.

32 (d) This section is not intended to prevent either the public guardian or the contracting service
33 agencies from exercising power of attorney or placing clients on conservatorship as appropriate.

34 (e) Elders who are competent shall be required to authorize, in writing, the commencement or
35 termination of financial services under this section.

36 (f) Any agency contracting for the provision of services under this section and the public
37 guardian may charge fees for those services provided by each, at a rate based on the type and
38 amount of services provided and the ability of the elders to pay. Fees charged under this section
39 shall not exceed the usual and customary rates charged by similar providers, and shall be limited
40 to the costs of administering these programs.

41 (g) Any provider of services under this section shall only be liable for actual damages in the
42 event of malfeasance or self-dealing.

43 (h) The provision of services under this section shall be an 18-month pilot program, in which
44 any or all of the Counties of Los Angeles, Orange, San Francisco, and Yolo may, upon request for
45 funding, participate.

46 (1) Counties' public guardians shall notify the Controller of their intention to participate by
47 January 31, 1988.

48 (2) The Controller shall notify each interested county's public guardian of the amount available
49 for allocation to the county according to the formula in subdivision (k) by March 1, 1988.

50 (3) Public guardians in participating counties shall issue requests for proposals by April 1,
51 1988.

1 (i) Not less than 85 percent of the funds appropriated for the pilot program shall be used for the
2 purposes of the program, and not more than 15 percent of the funds appropriated may be used for
3 administrative costs incurred by the public administrator in the pilot program.

4 (j) As part of the administrative function, the public guardian in each participating county shall,
5 by May 1, 1989, submit a report to the Legislative Analyst's office, which shall include, but not
6 be limited to, the following data:

7 (1) The total number of seniors served by the program.

8 (2) The number of seniors served at each level of service described in subdivision (c).

9 (3) The number of seniors which reasonably have been diverted from conservatorship or
10 institutionalization due to their participation in the program.

11 (4) Total amount of money raised for the program through the use of fees charged, and the
12 degree to which use of fees assisted in furtherance of the program.

13 (k) The sum of two hundred forty thousand dollars (\$240,000) is appropriated for the duration
14 of the pilot program, without regard to fiscal years, from the General Fund to the Controller, for
15 allocation to eligible counties requesting funding for commencement of the program established
16 pursuant to this act. The funds shall be allocated in the following manner:

17 (1) The Controller shall allot to each participating county a base amount of thirty thousand
18 dollars (\$30,000).

19 (2) The Controller shall divide the remainder of the two hundred forty thousand dollars
20 (\$240,000) as follows:

21 (A) The Controller shall add together the total number of persons placed on probate
22 conservatorship in each participating county.

23 (B) The Controller shall add to each county's base amount an amount equal to the percentage
24 that each county's number of persons on conservatorship is to the total number of
25 conservatorships among the participating counties.

26 (C) No single county's allotment under the formula for this section shall exceed ninety
27 thousand dollars (\$90,000). If any county's total allotment exceeds ninety thousand dollars
28 (\$90,000), the amount over ninety thousand dollars (\$90,000) shall be apportioned to the
29 remaining participating counties based on the percentage that each of the remaining county's
30 number of persons on conservatorship is to the total number of conservatorships among those
31 remaining counties.

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

33 SEC. 44. Section 11265.5 of the Welfare and Institutions Code is amended to
34 read:

35 11265.5. (a)(1) The department may, subject to the requirements of federal
36 regulations and Section 18204, conduct three pilot projects, to be located in the
37 Counties of Los Angeles, Merced, and Santa Clara, upon approval of the
38 department and the participating counties. The pilot projects shall test the reporting
39 systems described in subparagraphs (A), (B), and (C) of paragraph (4).

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

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

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

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

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

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

7 (ii) The amount of cash assistance paid to families.

8 (iii) The rate of administrative errors in cases and payments.

9 (iv) The incidence of underpayments and overpayments and the costs to
10 recipients and the administering agencies of making corrective payments and
11 collecting overpayments.

12 (v) Rates at which recipients lose eligibility for brief periods due to failure to
13 submit a monthly report but file new applications for aid and thereafter are
14 returned to eligible status.

15 (vi) Cumulative benefits and costs to each level of government and to aid
16 recipients resulting from each reporting system.

17 (vii) The incidence of, and ability to, prosecute fraud.

18 (viii) Ease of use by clients.

19 (ix) Case errors and potential sanction costs associated with those errors.

20 (4) The pilot projects shall adopt reporting systems providing for one or more of
21 the following:

22 (A) A reporting system that requires families with no income or whose only
23 income is comprised of old age, survivors, or disability insurance benefits
24 administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter
25 7 of Title 42 of the United States Code, and with no recent work history to report
26 changes in circumstances that affect eligibility and grant amount as changes occur.
27 These changes shall be reported directly to the county welfare department in
28 person, in writing, or by telephone. In all cases in which monthly reporting is not
29 required, a form advising recipients of what changes must be reported, and how
30 they may be reported shall be provided to recipients of aid along with benefit
31 payments each month.

32 (B) A reporting system that permits families with no income or whose only
33 income is comprised of old age, survivors, or disability insurance benefits
34 administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter
35 7 of Title 42 of the United States Code, and with no changes in eligibility criteria,
36 to report electronically monthly, using either an audio response or the food stamp
37 on-line issuance and recording system, or a combination of both. Adequate
38 instruction and training shall be provided to county welfare department staff and to
39 recipients who choose to use this system prior to its implementation.

40 (C) A reporting system that requires all families to report changes in
41 circumstances that affect eligibility and grant amount as changes occur. The
42 changes shall be reported directly to the county welfare department in person, in
43 writing, or by telephone. In all cases in which monthly reporting is not required, a

1 form advising recipients of what changes must be reported, and how they may be
2 reported, shall be provided to recipients of aid along with benefit payments each
3 month.

4 (b)(1) The participating counties shall be responsible for preparing federal
5 demonstration project proposals, to be submitted by the department, upon the
6 department's review and approval of the proposals, to the federal agency on the
7 counties' behalf. The development, operation, and evaluation of the pilot projects
8 shall not result in an increase in the state allocation of county administrative funds.

9 (1.5) Each pilot county shall prepare and submit quarterly reports, annual
10 reports, and a final report to the department.

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

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

15 (4)(A) Each pilot county shall submit a final report not later than 90 days
16 following completion of the pilot projects required by this section ~~and Section~~
17 ~~18920~~.

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

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

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

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

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

36 **Comment.** Subdivision (b)(4)(A) of Section 11265.5 is amended to delete an obsolete
37 reference to former Section 18920.

38 **Welf. & Inst. Code § 14115.6 (repealed). Independent billing for services by nurse**
39 **practitioner**

40 SEC. 45. Section 14115.6 of the Welfare and Institutions Code is repealed.

41 ~~14115.6. The department shall establish a pilot project under which a nurse~~
42 ~~practitioner may bill independently for services provided in a nursing facility, as~~

1 defined in Section 1250 of the Health and Safety Code. Nurse practitioners shall
2 be compensated by the department for those services which would be compensable
3 had the services been provided by a physician. If a nurse practitioner chooses to
4 bill independently for these services, the department shall make the payment for
5 the services directly to the nurse practitioner. The department shall ensure that
6 payments made to providers who employ nurse practitioners who bill separately
7 are adjusted to reflect this separation so as not to increase the financial obligation
8 incurred by the Medi-Cal program. The department shall establish a
9 reimbursement rate for nurse practitioners who choose to bill independently
10 pursuant to this section.

11 The pilot project shall be in operation for one year and the department shall
12 submit a report to the Legislature no later than three months after the completion
13 of the project.

14 Nurse practitioners shall, however, continue to bill through physicians for
15 Medicare patients until such time as relevant federal regulations are changed or
16 until waivers of relevant federal regulations are obtained.

17 The department shall seek any federal waivers necessary to avoid conflict with
18 federal law. If a waiver is necessary, the department may, until the waiver is
19 obtained, limit the implementation of this section to the extent that federal
20 matching funds are available.

21 **Comment.** Section 14115.6 is repealed as obsolete. The pilot project established by this section
22 has expired.

23  **Note.** Welfare and Institutions Code Section 14115.6, enacted in 1984, established a pilot
24 project relating to billing for the services of a nurse practitioner. The project was to last for one
25 year. No fixed beginning or ending date for the project is specified. A report on the project was to
26 be submitted to the Legislature within three months after the conclusion of the project. The State
27 Department of Health, Office of Legislative Affairs, confirmed that this section is obsolete and
28 should be repealed.

29 **Welf. & Inst. Code § 14133.61 (repealed). Micrographics document location and retrieval**
30 **system practitioner**

31 SEC. 46. Section 14133.61 of the Welfare and Institutions Code is repealed.

32 14133.61. The State Director of Health Services shall implement and pilot test
33 the use of a micrographics document location and retrieval system in the San
34 Francisco Medi-Cal Field Office during fiscal year 1981-82 as a means to reduce
35 treatment authorization request requirements on providers in the area served by
36 that field office. The purpose of the pilot test is to demonstrate the feasibility of
37 using a micrographics supported records system to reduce TAR requirements on
38 providers of Medi-Cal services. System implementation shall be through a lease
39 contract with a micrographics company doing business in California. The State
40 Director of Health Services shall report progress on this pilot project to the
41 Legislature by July 31, 1982.

42 **Comment.** Section 14133.61 is repealed as obsolete. The pilot project established by this
43 section has expired.

1 ☞ **Note.** Welfare and Institutions Code Section 14133.61, enacted in 1981, established a pilot
2 project relating to document management. The project was to last for one year, during the 1981-
3 1982 fiscal year. A report on the project was to be submitted to the Legislature by July 31, 1982.
4 The State Department of Health, Office of Legislative Affairs, confirmed that this section is
5 obsolete and should be repealed.

6 **Welf. & Inst. Code § 16515 (repealed). Respite care services for children**

7 SEC. 47. Section 16515 of the Welfare and Institutions Code is repealed.

8 ~~16515. The State Department of Social Services shall select two county~~
9 ~~children's service agencies to operate a model project to provide respite care~~
10 ~~services for children with special needs in the area of physical and health~~
11 ~~handicaps in foster care. The respite care pilot project shall be operational until~~
12 ~~July 1, 1991.~~

13 ~~(a) The director shall designate the County of Orange and the County of San~~
14 ~~Diego as the pilot counties to provide respite care for handicapped children in~~
15 ~~family homes, small family homes, as defined in paragraph (6) of subdivision (a)~~
16 ~~of Section 1502 of the Health and Safety Code.~~

17 ~~(b) The services to be provided shall include respite care defined as child care~~
18 ~~occurring up to 24 hours in one day. This respite care shall not be provided for any~~
19 ~~longer than 48 hours for any child in any one month.~~

20 ~~(c) The State Department of Social Services in conjunction with the Orange~~
21 ~~County Social Services Agency and the San Diego County Department of Social~~
22 ~~Services, shall report to the Legislature on the effectiveness of this respite care~~
23 ~~pilot project by July 1, 1990. The evaluation report shall include, but not be~~
24 ~~limited to, the following data, by county:~~

25 ~~(1) The number of handicapped children in family homes and small family~~
26 ~~homes before, during, and at the conclusion of the respite care pilot project.~~

27 ~~(2) The number of foster children for whom respite care was provided by the~~
28 ~~pilot project.~~

29 ~~(3) The number of hours of respite care provided by the pilot project.~~

30 ~~(4) The cost of providing respite care, on an hourly and aggregated basis.~~

31 ~~(d) This project shall be deemed to be successful if the Counties of Orange and~~
32 ~~San Diego each experience a 25 percent increase in the total number of family~~
33 ~~homes and small family homes.~~

34 **Comment.** Section 16515 is repealed as obsolete. The pilot project established by this section
35 has expired.

36 ☞ **Note.** Welfare and Institutions Code Section 16515, enacted in 1987, established a pilot
37 project relating to respite care services for children. The project was to end by July 1, 1991. A
38 report on the project was to be submitted to the Legislature by July 1, 1990. The Department of
39 Social Services confirmed that this section is obsolete and should be repealed.

40 **Welf. & Inst. Code §§ 18210-18215 (repealed). Food delivery**

41 SEC. 48. Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of
42 Division 9 of the Welfare and Institutions Code is repealed.

1 **Comment.** Sections 18210-18215 are repealed as obsolete. The pilot project established by
2 these sections has expired.

3 ☞ **Note.** Welfare and Institutions Code Sections 18210-18215, enacted in 1970, established a
4 pilot project relating to the delivery of meals to handicapped or infirm persons who are eligible
5 for public assistance. The project was to commence by January 1, 1971, but no ending date for
6 the project is specified. Annual reports on the project were to be submitted to the
7 Legislature. The Department of Social Services confirmed that these sections are obsolete and
8 should be repealed.

9 The full text of the article is set out below for reference:

10 **§ 18210. Pilot project**

11 18210. In addition to other demonstration projects authorized under this chapter a pilot project
12 shall be conducted pursuant to this article. This project shall commence January 1, 1971, and be
13 limited to two counties, one in the northern and one in the southern part of this state, which are
14 willing to participate and are designated for participation by the department.

15 **§ 18211. Meals for handicapped or infirm persons**

16 18211. A designated county may prepare and deliver, or contract to be prepared and delivered,
17 meals in the county to handicapped or infirm persons eligible for public assistance under Chapter
18 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5
19 (commencing with Section 13000), and Chapter 6 (commencing with Section 13500) of Part 3 of
20 this division or any handicapped or infirm persons who meet the eligibility requirements of aid to
21 the aged except for their age and who without such service may be required to live in a protective
22 living arrangement. A designated county may provide such service to other persons unable to
23 properly provide meals for themselves and who are unable to secure assistance to do so who shall
24 pay the full cost of such meals to the county. The service may be provided pursuant to contract by
25 the county with another public or private organization.

26 **§ 18212. Charge for portion of cost of meals**

27 18212. The department shall develop and test as a part of the pilot project under this article
28 methods under which persons furnished meals as provided under Section 18211 may be charged a
29 portion of the cost of home-delivered meals based on their ability to pay, provided that the
30 charges for any meals provided to a recipient shall not exceed one-third of the daily food
31 allowance of that recipient.

32 **§ 18212.5. Cooperation and study; voluntary nonprofit organizations**

33 18212.5. In carrying out the provisions of this article the department shall cooperate with,
34 secure information from, and study the methods and procedures of any voluntary nonprofit
35 organization with the consent of such organization that is conducting similar federally funded
36 projects on the effective date of this act.

37 **§ 18213. Federal funds**

38 18213. The department shall actively seek, and make maximum use of, federal funds which
39 might be available for the purposes of this chapter.

40 **§ 18214. Annual progress reports**

41 18214. The department shall make annual progress reports to the Legislature including, but not
42 limited to, a cost and benefit analysis of the program established pursuant to this article and any
43 information and comparative analysis of other programs secured pursuant to Section 18212.5 not
44 later than the fifth legislative day of the legislative session, commencing with the 1971 Regular
45 Session of the Legislature.

46 **§ 18215. Appropriation**

47 18215. There is hereby appropriated from the General Fund the sum of fifty thousand dollars
48 (\$50,000) provided that the federal government makes available an amount equal to or in excess
49 of such sum prior to July 1, 1971, for allocation to the designated counties for the purposes of this
50 article.

1 **Welf. & Inst. Code § 18600 (repealed). Services for newly blind and severely visually**
2 **impaired persons over 55**

3 SEC. 49. Section 18600 of the Welfare and Institutions Code is repealed.

4 18600. There is hereby established a two-year pilot project under which the State
5 Department of Rehabilitation shall contract with private nonprofit organizations
6 serving the blind to provide the newly blind and severely visually impaired
7 persons 55 years of age or older with the following services as needed:

8 (a) Counseling.

9 (b) Personal adjustment including instruction in daily living skills.

10 (c) Instruction in orientation and mobility.

11 As used in this article a severely visually impaired person shall be defined as a
12 person who, with best corrected vision, is unable to read newsprint.

13 **Comment.** Section 18600 is repealed as obsolete. The pilot project established by this section
14 has expired.

15  **Note.** Welfare and Institutions Code Section 18600, enacted in 1980, established a pilot
16 project relating to services for the blind. The project was to last for two years. No fixed beginning
17 or ending date for the project is specified. The Department of Rehabilitation confirmed that this
18 section is obsolete and should be repealed.

19 **Welf. & Inst. Code § 18919 (repealed). Food stamp cash out**

20 SEC. 50. Section 18919 of the Welfare and Institutions Code is repealed.

21 18919. (a) The director may establish, within the Food Stamp Program, the Food
22 Stamp Cash Out Demonstration Project.

23 (b) To enable San Diego County to conduct a demonstration project, the director
24 may, by formal order, waive the enforcement of Section 18904 and specific
25 regulations and standards. The order establishing the waiver shall provide
26 alternative methods and procedures of administration and issuance, shall not be in
27 conflict with the basic purposes or coverage provided by law, shall not reduce the
28 amount of benefits that recipients would otherwise be entitled to under the Food
29 Stamp Program, shall not be general in scope but shall apply only to this project,
30 shall not exceed five years, and shall not take effect unless and until the following
31 conditions have been met:

32 (1) The appropriate federal agency has agreed on or before June 30, 1989, to
33 waive the federal requirements for the same project.

34 (2) A comprehensive plan, including an analysis of the expected costs and
35 savings, has been published in a newspaper of general circulation in San Diego
36 County and filed with the policy and fiscal committees of each house of the
37 Legislature.

38 (c) During the duration of the demonstration project, cashed out food stamp
39 benefits shall not be considered as income in determining eligibility, the amount of
40 aid, or benefit levels in any other public benefit or subsidy program. Applicants
41 and recipients shall be entitled to the same rights to fair hearings and appeals that
42 they would otherwise be entitled to under the Food Stamp Program.

1 ~~(d) San Diego County shall submit an annual report to the department on the~~
2 ~~demonstration project authorized by this section. The county shall additionally~~
3 ~~collect and report any data and findings as required by the department and shall~~
4 ~~cooperate with the department in evaluating the demonstration project.~~

5 ~~(e) Within nine months of the termination of the demonstration project~~
6 ~~authorized by this section, the department shall submit to the Legislature a report~~
7 ~~evaluating the effectiveness of the demonstration project. The report shall address,~~
8 ~~but not be limited to, the impact of the demonstration project on all of the~~
9 ~~following:~~

10 ~~(1) Food stamp processing and mailing costs.~~

11 ~~(2) Eligibility staff time and other administrative costs.~~

12 ~~(3) Losses caused by fraud and theft.~~

13 ~~(4) Changes in program benefits received by, and receptivity to cashed out~~
14 ~~benefits of, food stamp recipients.~~

15 ~~(5) Food stamp error rate prior to and during cash out of food stamps.~~

16 ~~(f) The director may extend the demonstration project to June 30, 1997.~~

17 **Comment.** Section 18919 is repealed as obsolete. The pilot project established by this section
18 has expired.

19  **Note.** Welfare and Institutions Code Section 18919, enacted in 1988, established a pilot
20 project relating to “food stamp cash out.” The project was to last for five years. No fixed
21 beginning or ending date for the project is specified. However, the project can be extended
22 through June 30, 1997. A report on the project was to be submitted to the Legislature within nine
23 months after the conclusion of the project. The Department of Social Services confirmed that this
24 section is obsolete and should be repealed.

25 **Welf. & Inst. Code § 18920 (repealed). Food stamp reporting systems**

26 SEC. 51. Section 18920 of the Welfare and Institutions Code is repealed.

27 18920. (a) (1) The department may conduct three pilot projects, to be located in
28 the Counties of Los Angeles, Merced, and Santa Clara, upon approval of the
29 department and the participating counties. The pilot projects shall test the reporting
30 systems described in subparagraphs (A), (B), and (C) of paragraph (4).

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

35 (B) The pilot projects in the other counties shall test one of the reporting systems
36 described in subparagraphs (A) and (C) of paragraph (4) and shall be limited to
37 2,000 cases per project.

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

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

1 (C) The projects shall be designed to compare the monthly reporting system with
2 alternatives described in paragraph (4) as to the phenomena described in
3 subparagraph (C) of paragraph (3) of subdivision (a) of Section 11265.5.

4 (4) The pilot projects shall adopt reporting systems providing for one or more of
5 the following:

6 (A) A reporting system that requires households with no income, other than
7 grants issued by the county welfare department, or whose only income is
8 comprised of old age, survivors, and disability insurance benefits administered
9 pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42
10 of the United States Code, and with no recent work history, to report changes in
11 circumstances that affected eligibility and benefit amount as changes occur. These
12 changes shall be reported directly to the county welfare department in person, in
13 writing, or by telephone. In all cases in which monthly reporting is not required, a
14 form advising recipients of what changes must be reported, and how they may be
15 reported, shall be provided to recipients of aid along with benefit payments each
16 month.

17 (B) A reporting system that permits households with no income, other than
18 grants issued by the county welfare department, or whose only income is
19 comprised of old age, survivors, and disability insurance benefits administered
20 pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42
21 of the United States Code, and with no changes in eligibility criteria, to report
22 electronically monthly, using either an audio response system or the food stamp
23 on-line issuance and recording system, or a combination of both. Adequate
24 instruction and training shall be provided to county welfare department staff and to
25 recipients who choose to use this system prior to its implementation.

26 (C) A reporting system that requires all households to report changes in
27 circumstances that affect eligibility and benefit amount as changes occur. These
28 changes shall be reported directly to the county welfare department in person, in
29 writing, or by telephone. In all cases in which monthly reporting is not required, a
30 form advising recipients of what changes must be reported, and how they may be
31 reported, shall be provided to recipients of aid along with benefit payments each
32 month.

33 (b) (1) The participating counties shall be responsible for preparing federal
34 demonstration project proposals, to be submitted by the department. If federal
35 approvals or waivers are necessary to implement the proposals, the department
36 shall seek these approvals and waivers from the appropriate federal agency. The
37 development, operation, and evaluation of the pilot projects shall not result in an
38 increase in the state allocation of county administrative funds.

39 (1.5) The pilot counties shall prepare and submit quarterly reports, annual
40 reports, and a final report to the department.

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

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

3 (4) (A) Each pilot county shall submit a final report not later than 90 days
4 following completion of the pilot projects required by this section and Section
5 11265.5.

6 (B) (i) The final reports shall each include an evaluation of the pilot project
7 based on an analysis of the factors set forth in subparagraph (C) of paragraph (3)
8 of subdivision (a) compared to each other, to the current reporting systems in the
9 AFDC and Food Stamp programs and any additional factors as determined by the
10 department. The final evaluation shall be prepared by an independent consultant or
11 consultants contracted with for that purpose prior to the commencing of the
12 projects.

13 (ii) Each evaluation shall include, but not be limited to, an analysis of the factors
14 set forth in subparagraph (C) of paragraph (3) of subdivision (a) of Section
15 11265.5 compared to each other and the current reporting systems in both the
16 AFDC and food stamp programs.

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

20 (e) (1) The director may, by formal order, waive the enforcement of specific
21 statutory requirements, regulations, and standards in one or more counties, as
22 required for the implementation of the pilot projects.

23 (2) Any waiver under paragraph (1) shall meet all of the following requirements:

24 (A) It shall not conflict with the basic purposes, coverage, or benefits provided
25 by law.

26 (B) It shall not be general in scope, but shall apply only to this project.

27 (C) It shall apply only during the authorized period during which the pilot
28 projects are implemented under this section, not to exceed a period of three years.

29 (D) It shall provide alternative methods and procedures of administration.

30 (E) It shall not reduce the amount of benefits to which recipients would
31 otherwise be entitled under the Food Stamp Program.

32 (F) It shall not take effect unless and until the appropriate federal agency has
33 agreed to waive the federal requirements for the same project.

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

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

42 **Comment.** Section 18920 is repealed as obsolete. The pilot project established by this section
43 has expired.

1 ☞ **Note.** Welfare and Institutions Code Section 18920, enacted in 1991, established three pilot
2 projects relating to reporting systems for the administration of the food stamp program. The
3 projects were to last for no more than three years. No fixed beginning or ending date for the
4 projects are specified. Reports on the project were to be submitted to the Legislature
5 quarterly, and within 90 days after the conclusion of the projects. The Department of Social
6 Services confirmed that this section is obsolete and should be repealed.

7 **Welf. & Inst. Code §§ 18990-18991 (repealed). Grandparent phonefriend project**

8 SEC. 52. Chapter 13 (commencing with Section 18990) of Part 6 of Division 9
9 of the Welfare and Institutions Code is repealed.

10 **Comment.** Sections 18990-18991 are repealed as obsolete. The pilot project established by
11 these sections has expired.

12 ☞ **Note.** Welfare and Institutions Code Sections 18990-18991, enacted in 1988, established six
13 concurrent pilot projects relating to telephone support services for unsupervised school children.
14 The project was to commence by April 1, 1989, but no ending date for the project is specified. A
15 report on the project was to be submitted to the Legislature by January 1, 1992. The Department
16 of Aging confirmed that these sections are obsolete and should be repealed.

17 The full text of the chapter is set out below for reference:

18 **§ 18990. Legislative findings**

19 18990. The Legislature finds both of the following:

20 (a) Older citizens have a great deal to offer children who might not have a close-knit family
21 relationship. A program which utilizes the resources of older citizens as persons providing
22 support or information, or both, to unsupervised children after school hours, and known as
23 “phonefriends,” would enhance the self-esteem of the participating older citizens while filling a
24 great societal need.

25 (b) “Older citizens,” as used in this article, means individuals 60 years of age or older.

26 **§ 18991. Establishment, funding and requirements of pilot projects; report to legislature**

27 18991. (a) The Department of Aging shall establish six pilot projects to provide after school
28 telephone help lines for children in kindergarten through 6th grade. The department shall
29 establish two of these projects in Los Angeles County, and one each in Alameda, Butte, Marin,
30 and Riverside Counties. Each pilot project shall be conducted by a public or private entity,
31 selected by the department, which provides services to older citizens. The department shall
32 provide one-time only loans, of up to fifteen thousand dollars (\$15,000) to each entity so selected
33 for startup costs of the project, which shall be limited to the costs of telephone installation and
34 operation; the printing of informational material; a full-time, salaried coordinator; a 20-hour per
35 week secretary; liability insurance; and fingerprinting costs.

36 (b) The Department of Aging in its operation and administration of the program shall select a
37 coordinator. The coordinator shall work with phonefriend projects already in existence to assist
38 new programs through the developmental stages.

39 (c) Within one year from the date of obtaining private sector funding, each pilot project
40 coordinator shall submit a report to the Department of Aging citing the effectiveness of the
41 program, the number of children assisted, and the type of assistance provided.

42 (d) The Department of Aging shall report to the Legislature prior to January 1, 1992. This
43 report shall contain each individual report received pursuant to subdivision (b), along with an
44 overview of the programs and an assessment of the ability of the programs to meet the objectives
45 of this article.

46 (e) All loans made by the department pursuant to this section shall be repaid to the General
47 Fund with interest equal to that earned by funds of the Pooled Money Investment Board.

48 (f) The Department of Aging shall notify all eligible parties through the network of providers of
49 service to older citizens, of the availability of funds pursuant to this article.

1 (g) Prior to April 1, 1989, the Department of Aging shall select the six participants and shall,
2 within six weeks from the selection distribute startup funds, not to exceed fifteen thousand dollars
3 (\$15,000) to each of the participants.

4 (h) Each pilot project shall meet the following requirements, as verified by the department:

5 (1) Services shall be provided through telephone help lines created for the purpose of providing
6 information or support, or both, to children in kindergarten through 6th grade, when the children
7 are without adult supervision after school hours.

8 (2) The telephone help lines shall be staffed on a volunteer basis by older citizens, who shall be
9 known as “grandparent phonefriends” for purposes of publicizing the project.

10 (3) Volunteers answering the phone lines shall as a minimum be trained to: make appropriate
11 referrals in cases of emergency or in other cases necessitating the assistance of another agency;
12 listen to children who express feelings of loneliness or fear; provide practical information to
13 callers about common household, school, or other problems, as determined by the department and
14 the entity conducting the project; and inquire of children with problems.

15 (4) Each project shall include procedures for contacting parents in appropriate cases, and
16 procedures to ensure that confidentiality is respected. A caller’s phone number shall be requested
17 only if the volunteer believes it might be necessary to call back the child.

18 (5) The coordinator for the Department of Aging shall arrange with local entities for
19 fingerprinting volunteer older citizens before the volunteers can begin any training on the
20 phonefriend lines.

21 (6) Each pilot project shall work with the local school boards and any parent or teacher group in
22 determining training procedures described in paragraph (3).