

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

Obsolete Reporting Requirements

November 2002

This tentative recommendation is being distributed so that interested persons will be advised of the Commission's tentative conclusions and can make their views known to the Commission. Any comments sent to the Commission will be a part of the public record and will be considered at a public meeting when the Commission determines the provisions it will include in legislation the Commission plans to recommend to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made in the tentative recommendation.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN February 21, 2003.

The Commission often substantially revises tentative recommendations as a result of the comments it receives. Hence, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

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SUMMARY OF TENTATIVE RECOMMENDATION

The Law Revision Commission recommends the amendment or repeal of over 270 sections, to eliminate obsolete reporting requirements and make related changes of a minor or technical nature.

This recommendation was prepared pursuant to Resolution Chapter 166 of the Statutes of 2002.

OBSOLETE REPORTING REQUIREMENTS

1 Statutes requiring a government agency to issue a report are common. While
2 many such statutes require ongoing reporting, a large number require a single
3 report, to be prepared by a specified date. Once the required report has been
4 prepared, the provision requiring that report is obsolete. Obsolete provisions of
5 this type clutter the codes without serving a useful purpose.¹ The Legislature
6 occasionally cleans out these type of obsolete provisions.²

7 The Law Revision Commission recommends the amendment or repeal of over
8 270 sections, to eliminate obsolete reporting requirements and make related
9 changes of a minor or technical nature.

10 The proposed legislation is followed by an agency index. That index lists
11 agencies responsible for the reporting requirements that would be deleted by the
12 proposed legislation. Agencies should review the relevant provisions and inform
13 the Commission if any of those provisions should be retained. Agencies should
14 also inform the Commission if there are any obsolete sections related to the
15 sections contained in the proposed legislation, which should also be repealed.

1. If an agency has not complied with a reporting requirement by the specified deadline, the reporting requirement is still enforceable and is therefore not obsolete. It is more likely that an agency will not have completed a required report if the deadline is a recent one. For that reason, the proposed legislation does not include reporting requirements with a deadline of 2000 or later.

Obsolete reporting requirements do provide some notice to the public that a report on a particular subject was prepared by an agency. However, there are better sources of information about government reports. Government publications are accessible to the public at depository libraries and at the State Archives. Lists of reports submitted to the Legislature are compiled by the Legislative Counsel (www.agencyreports.ca.gov) and in the *Assembly Final History* and *Senate Final History*. Government reports should also be available from the originating agency.

2. See, e.g., 2001 Cal. Stat. ch. 745.

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PROPOSED LEGISLATION

1 BUSINESS AND PROFESSIONS CODE

2 Bus. & Prof. Code § 29 (amended). Chemical dependency training

3 SEC. ___. Section 29 of the Business and Professions Code is amended to read:

4 29. (a) The Board of Psychology and the Board of Behavioral Sciences shall
5 consider adoption of continuing education requirements including training in the
6 area of recognizing chemical dependency and early intervention for all persons
7 applying for renewal of a license as a psychologist, clinical social worker, or
8 marriage and family therapist.

9 (b) Prior to the adoption of any regulations imposing continuing education
10 relating to alcohol and other chemical dependency, the board and committee are
11 urged to consider coursework to include, but not necessarily be limited to, the
12 following topics:

- 13 (1) Historical and contemporary perspectives on alcohol and other drug abuse.
- 14 (2) Extent of the alcohol and drug abuse epidemic and its effects on the
15 individual, family, and community.
- 16 (3) Recognizing the symptoms of alcoholism and drug addiction.
- 17 (4) Making appropriate interpretations, interventions, and referrals.
- 18 (5) Recognizing and intervening with affected family members.
- 19 (6) Learning about current programs of recovery, such as 12 step programs, and
20 how therapists can effectively utilize these programs.

21 The Board of Psychology and the Board of Behavioral Sciences shall submit a
22 report to the Legislature on or before June 30, 1991, indicating whether regulations
23 were adopted or are proposed imposing continuing education requirements on their
24 respective licensees.

25 If the board or committee has adopted or proposed regulations, the report shall
26 contain information as to the content of the requirement and how the requirement
27 was developed. The board and committee are urged to consider the elements of
28 training contained herein when adopting or proposing continuing education
29 requirements in the areas of alcohol and chemical dependency.

30 If the board or committee has not adopted proposed regulations, the report shall
31 indicate how concerns of consumer protection are to be met, for example, how the
32 public will be assured that licensed psychotherapists have minimal, up-to-date
33 competency in chemical dependency detection and early intervention.

34 **Comment.** Section 29 is amended to delete reference to an obsolete reporting requirement. The
35 required report was to be completed by June 30, 1991.

36 Bus. & Prof. Code § 2106 (repealed). Foreign medical graduates

37 SEC. ___. Section 2106 of the Business and Professions Code is repealed.

1 2106. On or before July 1, 1993, the board shall report to the appropriate policy
2 committees of the Senate and Assembly both of the following:

3 (a) The number of foreign-trained and domestic-trained medical school
4 graduates who have applied to the board for examination through the United States
5 Medical Licensing Examination.

6 (b) The passage and failure rates for foreign-trained and domestic-trained
7 medical school graduates who have taken the United States Medical Licensing
8 Examination administered by the board.

9 **Comment.** Section 2106 is repealed as obsolete. The required report was to be completed by
10 July 1, 1993.

11 **Bus. & Prof. Code § 2873.7 (repealed). Recruitment and retention of medical assistants**

12 SEC. _____. Section 2873.7 of the Business and Professions Code is repealed.

13 2873.7. The Department of Corrections and the Department of the Youth
14 Authority shall jointly study, in consultation with the Board of Registered Nurses,
15 the Board of Vocational Nursing and Psychiatric Technicians, the State
16 Department of Health Services, the Emergency Medical Services Authority, and
17 the professional associations representing registered nurses, medical technical
18 assistants, licensed vocational nurses, and emergency medical technicians, the
19 difficulties in recruitment and retention of medical technical assistants and
20 registered nurses.

21 The study shall be completed on or before January 1, 1989.

22 **Comment.** Section 2873.7 is repealed as obsolete. The required report was to be completed by
23 January 1, 1989.

24 **Bus. & Prof. Code § 4866 (amended). Diversion program**

25 SEC. _____. Section 4866 of the Business and Professions Code is amended to
26 read:

27 4866. (a) The board shall establish criteria for the acceptance, denial, or
28 termination of veterinarians and animal health technicians in a diversion program.
29 Only those veterinarians and animal health technicians who have voluntarily
30 requested diversion treatment and supervision by a diversion evaluation committee
31 shall participate in a program.

32 (b) The board shall establish criteria for the selection of administrative
33 physicians who shall examine veterinarians and animal health technicians
34 requesting diversion under a program. Any reports made under this article by the
35 administrative physician shall constitute an exception to Sections 994 and 995 of
36 the Evidence Code.

37 (c) The diversion program may accept no more than 100 participants who are
38 licensees of the board.

39 (d) The board shall evaluate the effectiveness and necessity of the diversion
40 program and report its findings to the Senate Committee on Business and

1 Professions and the Assembly Committee on Agriculture on or before March 1,
2 1989.

3 **Comment.** Section 4866 is amended to delete reference to an obsolete reporting requirement.
4 The required report was to be completed by March 1, 1989.

5 **Bus. & Prof. Code § 6086.12 (amended). Workload of State Bar Court**

6 SEC. _____. Section 6086.12 of the Business and Professions Code is amended to
7 read:

8 6086.12. ~~The Legislative Analyst shall evaluate the workload of the State Bar~~
9 ~~Court as established by the act which added this section at the 1987-88 Regular~~
10 ~~Session of the Legislature. A final written report of his or her findings and~~
11 ~~conclusions shall be submitted to the Assembly and Senate Judiciary Committees~~
12 ~~no later than December 31, 1991.~~

13 In order to conduct this evaluation, the ~~The~~ State Bar shall submit to the
14 Legislative Analyst quarterly, beginning October 1, 1989, information that
15 includes, but is not limited to, statistics on the productivity of judges and clerks of
16 the State Bar Court, including the number of rulings, orders, dispositions, and
17 advisory memos produced, the number and type of hearings and appeals, and the
18 complexity of cases. The State Bar shall also submit to the Legislative Analyst
19 quarterly data regarding the use of pro tempore judges and the productivity of the
20 State Bar Court Clerk's Office.

21 **Comment.** Section 6086.12 is amended to delete reference to an obsolete reporting
22 requirement. The required report was to be completed by December 31, 1991.

23  **Note.** The Commission would like to receive comments on whether Section 6086.12 is
24 entirely obsolete and can be repealed.

25 **Bus. & Prof. Code § 6095 (amended). Bar procedures**

26 SEC. _____. Section 6095 of the Business and Professions Code is amended to
27 read:

28 6095. (a) The disciplinary agency shall annually hold at least two public
29 hearings, one in southern California and one in northern California, to hear
30 proposals on bar disciplinary procedures, attorney competency, and admissions
31 procedures.

32 (b) To the extent the information is known to the disciplinary agency, it shall
33 report annually to the Assembly and Senate Judiciary Committees concerning the
34 judicial or disciplinary disposition of all criminal or disciplinary proceedings
35 involving the allegation of the commission of a felony by an attorney.

36 (c) Undertake a study of the coverage of the Client Security Fund with a goal of
37 expanding its coverage, and report to the Legislature, and the Chairpersons of the
38 Assembly and Senate Judiciary Committees by June 1, 1988.

39 **Comment.** Section 6095 is amended to delete reference to an obsolete reporting requirement.
40 The required report was to be completed by June 1, 1988.

1 **Bus. & Prof. Code § 6140.2 (amended). Attorney discipline**

2 SEC. _____. Section 6140.2 of the Business and Professions Code is amended to
3 read:

4 6140.2. (a) On or before April 1, 1986, and June 1, 1986, the State Bar shall
5 submit reports to the Judiciary Committees of the California State Senate and
6 Assembly on the procedural changes and improvements which have been made in
7 the State Bar disciplinary system and what effect these changes have had on the
8 number of complaints pending, the time required to process these complaints, and
9 the progress made in reducing the backlog of complaints.

10 (b) On or before December 31, 1987, the State Bar shall reduce by 80 percent
11 the complaints within its inventory as of March 31, 1985, which have been
12 received but have not resulted in dismissal, admonishment of the attorney
13 involved, or filing of formal charges by State Bar Office of Trial Counsel. This
14 reduction shall be accomplished by dismissal, admonishment of the attorney
15 involved, or recommendation by the State Bar for disposition by the Supreme
16 Court.

17 (c) The State Bar shall set as a goal by December 31, 1987, the improvement of
18 its disciplinary system so that no more than six months will elapse from the receipt
19 of complaints to the time of dismissal, admonishment of the attorney involved, or
20 the filing of formal charges by the State Bar Office of Trial Counsel.

21 **Comment.** Section 6140.2 is amended to delete obsolete provisions.

22 **Bus. & Prof. Code § 7340.5 (repealed). Barbering and cosmetology examination**

23 SEC. _____. Section 7340.5 of the Business and Professions Code is repealed.

24 7340.5. The department shall monitor the examination process and, in
25 association with the board, shall report to the Legislature by July 1, 1994, on the
26 efficiency of the examination process pursuant to Sections 7338 and 7340.

27 **Comment.** Section 7340.5 is repealed as obsolete. The required report was to be completed by
28 July 1, 1994.

29 **Bus. & Prof. Code § 9889.60 (repealed). Auto body repair committee**

30 SEC. _____. Section 9889.60 of the Business and Professions Code is repealed.

31 9889.60. The director shall direct the Bureau of Automotive Repair to create
32 with existing bureau resources a voluntary advisory committee on auto body
33 repair, comprised of consumer advocate representatives, experts within the auto
34 body repair and related industries, who shall not be eligible to claim travel
35 expenses, and the Bureau of Automotive Repair, to conduct a study for the
36 purpose of:

37 (a) Identifying existing or potential harm to consumers through unsafe, improper
38 or fraudulent auto body repairs.

39 (b) Identifying industry issues including, but not limited to, the need to increase
40 the competency of body shop owners, auto body technicians, adjusters and
41 appraisers, and the need to prescribe performance standards.

1 (c) Identifying why problems are not being resolved by existing laws and
2 regulations.

3 (d) Identifying need for minimum requirements for auto body repair shops,
4 including, but not limited to:

5 (1) Equipment necessary to repair vehicles.

6 (2) Manuals and other repair literature.

7 (3) Employee standards.

8 (4) Performance bonds and insurance.

9 (5) Records of repairs.

10 (6) Shop classification.

11 (7) Education and training.

12 (8) Continuing education requirements.

13 (e) Identifying the incidence and effect of auto body repair shops that do not
14 comply with federal, state, or local requirements to obtain necessary permits or
15 licenses.

16 (f) Identifying possible solutions to problems including self-regulation,
17 certification, licensing, pursuit of public awareness, consumer self-protection, and
18 consumer classes.

19 (g) Identifying costs associated with each of the solutions.

20 (h) Identifying funding sources to implement solutions.

21 **Comment.** Section 9889.60 is repealed as obsolete. The advisory committee's report was to be
22 completed by July 1, 1994. See former Section 9889.62.

23 **Bus. & Prof. Code § 9889.62 (repealed). Auto body repair report**

24 SEC. ___. Section 9889.62 of the Business and Professions Code is repealed.

25 9889.62. The director shall report findings and recommendations to the
26 Legislature by July 1, 1994, at which time the voluntary advisory committee shall
27 cease to exist.

28 **Comment.** Section 9889.62 is repealed as obsolete. The required report was to be completed by
29 July 1, 1994.

30 **Bus. & Prof. Code § 9889.64 (repealed). Auto body repair definitions**

31 SEC. ___. Section 9889.64 of the Business and Professions Code is repealed.

32 9889.64. For purposes of the study specified in Section 9889.60, the following
33 definitions shall apply:

34 (a) "Auto body repair shop" means a place of business wholly or partially
35 engaged in automotive collision repair or reconstruction of automobile or truck
36 bodies for compensation.

37 (b) "Auto body technician" means a person wholly or partially engaged in
38 making automotive collision repairs or reconstruction of automobile or truck
39 bodies for compensation in an auto body repair shop.

40 (c) "Automotive physical damage appraiser and adjuster" means a person other
41 than a person required to be licensed under the Insurance Code, who, for

1 compensation, estimates damage and needed repairs to a vehicle as a result of
2 collision or other causes of damage.

3 **Comment.** Section 9889.64 is repealed as obsolete. The advisory committee's report was to be
4 completed by July 1, 1994. See former Sections 9889.60 & 9889.62.

5 **CIVIL CODE**

6 **Civ. Code §§ 1812.40-1812.41 (repealed). Retail Credit Advisory Committee**

7 SEC. ___. Chapter 3 (commencing with Section 1812.40) of Title 2 of Part 4 of
8 the Civil Code is repealed.

9 **Comment.** Sections 1812.40-1812.41 are repealed as obsolete. The final report of the Retail
10 Credit Advisory Committee was to be completed by June 30, 1982.

11  **Note.** The text of the repealed chapter is set out below for reference:

12 **CHAPTER 3. RETAIL CREDIT ADVISORY COMMITTEE**

13 1812.40. The Governor shall appoint a nine member Retail Credit Advisory Committee
14 consisting of the following members:

- 15 (a) Three members representing the public.
16 (b) Three members representing consumer groups.
17 (c) Three members representing the retail credit industry.

18 1812.41. The committee shall have the following authority and duties:

- 19 (a) To investigate the costs of providing consumer credit to California customers.
20 (b) To obtain from the consumer credit industry for analysis records and information pertaining
21 to such costs.
22 (c) To determine the desirability of maintaining rate ceilings in consumer credit transactions.
23 (d) To report to the Assembly Committee on Finance, Insurance, and Commerce and to the
24 Senate Committee on Banking and Commerce its preliminary report on March 31, 1982, and a
25 final report on or before June 30, 1982, on the results of this study.

26 **CODE OF CIVIL PROCEDURE**

27 **Code Civ. Proc. § 529.1 (amended). Construction project enjoined**

28 SEC. ___. Section 529.1 of the Code of Civil Procedure is amended to read:

29 529.1. (a) In all actions in which the court has granted an injunction sought by
30 any plaintiff to enjoin a construction project which has received all legally
31 required licenses and permits, the defendant may apply to the court by noticed
32 motion for an order requiring the plaintiff to furnish an undertaking as security for
33 costs and any damages that may be incurred by the defendant by the conclusion of
34 the action or proceeding as the result of a delay in the construction of the project.

35 The motion shall be made on the grounds that there is no reasonable possibility
36 that the plaintiff will obtain a judgment against the moving defendant and that the
37 plaintiff will not suffer undue economic hardship by filing the undertaking.

(b) If the court, after hearing, determines that the grounds for the motion have been established, the court shall order that the plaintiff file the undertaking in an amount specified in the court's order as security for costs and damages of the defendant. The liability of the plaintiff pursuant to this section for the costs and damages of the defendant shall not exceed five hundred thousand dollars (\$500,000).

(c) As used in this section, a construction project includes, but is not restricted to, the construction, surveying, design, specifications, alteration, repair, improvement, maintenance, removal, or demolition of any building, highway, road, parking facility, bridge, railroad, airport, pier or dock, excavation or other structure, development or other improvement to real or personal property.

(d) The Office of Planning and Research shall review the operation of this section and report to the Governor and the Legislature by January 1, 1985.

Comment. Section 529.1 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1985.

EDUCATION CODE

Educ. Code § 8805 (amended). Evaluation of plan effectiveness

SEC. _____. Section 8805 of the Education Code is amended to read:

8805. The Legislature finds that an evaluation of plan effectiveness is both desirable and necessary, and accordingly requires the following:

(a) No later than January 1 of the year following a full year of operation, each local educational agency or consortium that receives an operational grant under this chapter shall submit a report to the superintendent that includes:

(1) An assessment of the effectiveness of that local educational agency or consortium in achieving stated goals in the planning and/or operational phase.

(2) Problems encountered in the design and operation of the Healthy Start Support Services for Children Grant Program plan, including identification of any federal, state, or local statute or regulation that will impede program implementation.

(3) Recommendations for ways to improve delivery of support services to pupils.

(4) The number of pupils who will receive support services who previously have not been served.

(5) The potential impact of the program on the local educational agency or the consortium, including any anticipated increase in school retention and achievement rates of pupils who receive support services.

(6) An accounting of anticipated local budget savings, if any, resulting from the implementation of the program.

(7) Client and practitioner satisfaction.

(8) The ability, or anticipated ability, to continue to provide services in the absence of future funding under this chapter, by allocating resources in ways that are different from existing methods.

1 (9) Increased access to services for pupils and their families.

2 (10) The degree of increased collaboration among participating agencies and
3 private partners.

4 (11) If the local educational agency or consortium received certification as a
5 Medi-Cal provider, the extent to which the certification improved access to needed
6 services.

7 (b) Additional annual evaluations may be required as designated by the
8 superintendent.

9 (c) The superintendent shall cause an evaluation to be conducted by an
10 independent organization of the effectiveness of grants awarded under this chapter
11 in assisting local educational agencies and consortia in planning and implementing
12 Healthy Start Support Services for Children programs. No later than June 1, 1994,
13 the superintendent shall submit to the Governor, the secretary, the agency
14 secretary, and the Legislature the results of that evaluation and a summary of the
15 reports submitted under subdivision (a).

16 (1) The evaluation shall focus on education, health, and social outcome measures
17 as appropriate. These shall include, but not be limited to, attendance, academic
18 performance, dropout rates, pupil grades, postsecondary education or training,
19 immunizations, birth weights, diagnostic screening, self esteem, out-of-home
20 placement rates, child protective services referrals, family functioning, and school
21 staff and administration participation.

22 (2) Additional independent evaluations may be conducted subject to additional
23 funding being made available for purposes of this chapter in subsequent fiscal
24 years.

25 **Comment.** Section 8805 is amended to delete reference to an obsolete reporting requirement.
26 The required report was to be completed by June 1, 1994.

27 ☞ **Note.** The Commission would like to receive comments on whether Section 8805 is entirely
28 obsolete and can be repealed.

29 **Educ. Code § 17912.1 (repealed). Schoolbus demonstration program**

30 SEC. _____. Section 17912.1 of the Education Code is repealed.

31 17912.1. The commission shall transmit a report to the Governor and to the
32 Legislature on the demonstration program required by this chapter on or before
33 June 30, 1989.

34 **Comment.** Section 17912.1 is repealed as obsolete. The required report was to be completed by
35 June 30, 1989.

36 **Educ. Code § 45357 (repealed). Associate of Arts, Teacher Assistant program**

37 SEC. _____. Section 45357 of the Education Code is repealed.

38 45357. No later than June 30, 1994, the California Postsecondary Education
39 Commission shall complete an evaluation of the Associate of Arts, Teacher
40 Assistant program, as operated in the two community college districts selected

1 pursuant to Section 45351, which shall include, but need not be limited to, the data
2 set forth in paragraph (3) of subdivision (c) of Section 45351, and shall report the
3 results of that evaluation, together with its recommendations for program
4 improvements, if any, to the Governor, the Legislature, the Board of Governors of
5 the California Community Colleges, the Trustees of the California State
6 University, and the Superintendent of Public Instruction.

7 **Comment.** Section 45357 is repealed as obsolete. The required report was to be completed by
8 June 30, 1994.

9 **Educ. Code § 45358 (repealed). Use of teacher assistants**

10 SEC. ___. Section 45358 of the Education Code is repealed.

11 45358. No later than June 30, 1994, the Superintendent of Public Instruction
12 shall complete an evaluation of the use of teacher assistants pursuant to this article
13 in elementary schools in this state, the scope of which evaluation shall include the
14 extent of improvement in the performance of pupils in classes using teacher
15 assistants, as measured by the results of academic performance testing. On or
16 before that date, the superintendent shall report the results of that evaluation,
17 together with recommendations for program improvements, if any, to the
18 Governor, the Legislature, the Board of Governors of the California Community
19 Colleges, the Trustees of the California State University, and the Commission on
20 Teacher Credentialing.

21 **Comment.** Section 45358 is repealed as obsolete. The required report was to be completed by
22 June 30, 1994.

23 **Educ. Code § 51882 (repealed). Health education**

24 SEC. ___. Section 51882 of the Education Code is repealed.

25 51882. The Legislative Analyst shall report to the Legislature, by April 1, 1979,
26 on the status of the programs provided for by this chapter in terms of the number
27 of participating school districts, materials distributed and developed, the extent of
28 in-service training and participants, trend of the programs, and similar factors.

29 **Comment.** Section 51882 is repealed as obsolete. The required report was to be completed by
30 April 1, 1979.

31 **Educ. Code § 62000 (amended). “Sunset” and “sunset date” defined**

32 SEC. ___. Section 62000 of the Education Code is amended to read:

33 62000. “Sunset” and “sunset date,” as used in this part, mean the date on which
34 specific categorical programs cease to be operative and Sections 62002, 62003,
35 62004, 62005, and 62005.5 govern program funding.

36 The educational programs referred to in this part shall cease to be operative on
37 the date specified, unless the Legislature enacts legislation to continue the program
38 after the review prescribed in Section 62006.

39 **Comment.** Section 62006 is amended to delete an obsolete reference to former Section 62006.
40 The review required under that section was to be completed by September 15, 1987.

1 **Educ. Code § 62006 (repealed). Special education**

2 SEC. _____. Section 62006 of the Education Code is repealed.

3 62006. (a) The Legislature shall begin immediately a detailed study which shall
4 ensure that each funding source and program is scrutinized regarding, but not
5 limited to, the following:

6 (1) Appropriateness of identification formulas in determining which children
7 have special needs.

8 (2) Appropriateness of allocation formulas and adequacy of funding.

9 (3) Effectiveness of programs.

10 (4) Appropriateness of local control.

11 (5) Appropriateness of state level involvement in monitor, review, and auditing
12 to assure that funds are being used efficiently, economically, and legally.

13 (6) Appropriateness of costs of administration at all levels of operating these
14 programs.

15 (7) Appropriateness of State Department of Education administration of
16 categorical programs.

17 (8) Interrelationships between and among state and federal categorical programs,
18 as appropriate.

19 (9) Characteristics of the target population being served.

20 (10) Need for the program.

21 (11) Purpose and intent of the program.

22 (b) In order to facilitate the legislative review, reports shall be developed and
23 submitted to the Legislature pursuant to subdivisions (c), (e), and (f). The reports
24 for programs scheduled to sunset in 1986 shall be submitted to the Legislature by
25 January 31, 1985; for programs scheduled to sunset in 1987, the reports shall be
26 submitted by September 15, 1985; for programs scheduled to sunset in 1988, the
27 reports shall be submitted by September 15, 1986; for programs scheduled to
28 sunset in 1989, the reports shall be submitted by September 15, 1987.

29 The report by any agency in any given year may comment, within a single
30 report, on all programs scheduled to sunset in the applicable year.

31 (c) The State Department of Education shall submit a report on the applicable
32 programs pursuant to the schedule provided in subdivision (b) and shall also
33 submit a copy of each report to the Legislative Analyst. The report shall contain,
34 but not be limited to, all of the following:

35 (1) A description of the programs, including narrative descriptions of how they
36 are typically operated at the local level and how they are administered at the state
37 level.

38 (2) The history of the program or programs and previous legislative action.

39 (3) Relevant statistical data, including enrollment and fiscal data.

40 (4) Related federal programs, and any provisions of federal law which may be
41 appropriate for the Legislature to consider in its review of the state programs.

42 (5) Whether there is an unmet need for the intended purposes of the program
43 and, if any, the estimated cost of serving that unmet need.

1 (6) Findings regarding the program, addressing as many of the issues identified
2 in subdivision (a) as is possible. To the extent appropriate, as determined by the
3 State Department of Education, the report shall include comments on whether any
4 identified problems are implementation issues, or issues that warrant revision of
5 law or regulations.

6 (7) Recommendations of ways to improve the program while maintaining its
7 basic purposes.

8 (d) The Legislative Analyst shall review the report submitted by the State
9 Department of Education and, no later than 90 days following the receipt of each
10 report, shall submit findings, comments, and recommendations, as the Legislative
11 Analyst determines appropriate, regarding the program, addressing as many of the
12 issues identified in subdivision (a) as the Legislative Analyst determines is
13 possible. To the extent determined appropriate by the Legislative Analyst, the
14 report shall include comments on whether any identified problems are
15 implementation issues or issues that warrant revision of the law or regulations and
16 shall include recommendations of ways to improve the programs while
17 maintaining its basic purposes.

18 (e) The Legislative Counsel shall submit a report on the applicable programs,
19 pursuant to the schedule provided in subdivision (b). The report shall include, but
20 not be limited to, the following:

21 (1) A summary of the law regarding the programs, including applicable
22 regulations.

23 (2) A summary of related federal law and regulations, if any.

24 (3) A summary of related court decisions, if any.

25 (4) A summary of any federal provisions or court decisions which place
26 constraints on the Legislature's alternatives.

27 (f) Each temporary advisory committee established pursuant to Section 62006.5
28 shall submit a report on the applicable programs, pursuant to the schedule
29 provided in subdivision (b). The report shall make findings and recommendations
30 on as many of the issues identified in subdivision (a), as is possible.

31 **Comment.** Section 62006 is repealed as obsolete. The required reports were to be completed
32 by September 15, 1987.

33 **Educ. Code § 62007 (repealed). Adult education programs**

34 SEC. _____. Section 62007 of the Education Code is repealed.

35 62007. The State Department of Education shall review and report upon the
36 adult education program authorized pursuant to Chapter 3 (commencing with
37 Section 8500) of Part 6 and Chapter 10 (commencing with Section 52500) of Part
38 28 of the Education Code. The State Department of Education shall submit its
39 report to the appropriate policy and fiscal committees of the Legislature on or
40 before June 30, 1994. The Legislative Analyst shall submit his or her review of the
41 report to the appropriate policy and fiscal committees of the Legislature within 90
42 days after receiving the State Department of Education report. In conducting the

1 review required by this section, the State Department of Education shall consider
2 the issues listed in subdivisions (a) and (c) of Section 62006 and shall make
3 recommendations on any appropriate revisions of the law or regulations governing
4 the program.

5 **Comment.** Section 62007 is repealed as obsolete. The required report was to be completed by
6 June 30, 1994.

7 **Educ. Code § 62008 (repealed). Structural Materials Program**

8 SEC. ___. Section 62008 of the Education Code is repealed.

9 62008. The State Department of Education shall review and report upon the
10 Instructional Materials Program authorized pursuant to Part 33 (commencing with
11 Section 60000). The State Department of Education shall submit its report to the
12 appropriate policy and fiscal committees of the Legislature on or before June 30,
13 1995. The Legislative Analyst shall submit his or her review of the report to the
14 appropriate policy and fiscal committees of the Legislature within 90 days after
15 receiving the State Department of Education report. In conducting the review
16 required by this section, the State Department of Education shall consider the
17 issues listed in subdivisions (a) and (c) of Section 62006 and shall make
18 recommendations on any appropriate revisions of the law or regulations governing
19 the program.

20 **Comment.** Section 62008 is repealed as obsolete. The required report was to be completed by
21 June 30, 1995.

22 **Educ. Code § 71027 (amended). Common course numbering system**

23 SEC. ___. Section 71027 of the Education Code is amended to read:

24 71027. (a) The Board of Governors of the California Community Colleges shall
25 develop, maintain, and disseminate a general common course numbering system
26 for use by the community college districts.

27 (b) The office of the Chancellor of the California Community Colleges shall
28 absorb the costs of developing, maintaining, and disseminating a general common
29 course numbering system pursuant to this section within the office's existing
30 resources.

31 (c) The board of governors shall report to the Legislature by January 1, 1998, on
32 its progress in implementing this common course numbering system.

33 **Comment.** Section 71027 is amended to delete reference to an obsolete reporting requirement.
34 The required report was to be completed by January 1, 1998.

35 **Educ. Code § 71051 (amended). Collaborative facilities projects**

36 SEC. ___. Section 71051 of the Education Code is amended to read:

37 71051. (a) The board of governors shall develop a process for the approval and
38 funding of new collaborative facilities projects that are proposed by community
39 college districts.

(b) Notwithstanding Section 7550.5 of the Government Code, the board of governors shall report on the development of its process for funding collaborative community college facilities projects to the Joint Legislative Budget Committee and the California Postsecondary Education Commission no later than September 15, 1998, and shall include in that report any proposed legislation necessary to implement subdivision (a). The board of governors shall not implement subdivision (a) without statutory authorization.

Comment. Section 71051 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by September 15, 1998.

Educ. Code § 89343 (amended). Foster youth

SEC. _____. Section 89343 of the Education Code is amended to read:

89343. The Trustees of the California State University and Board of Governors of the California Community Colleges shall evaluate the extent to which their current programs are meeting the needs of foster youth and how those outreach and retention services can be improved. The trustees and the board of governors shall make a progress report to the Legislature by January 1, 1998, on their current and expanded services and efforts to increase the number of emancipated foster youth who attend the university or a community college and remain in school to earn a degree or certificate.

Comment. Section 89343 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1998.

Educ. Code § 92640 (amended). Accommodation of religious creed

SEC. _____. Section 92640 of the Education Code is amended to read:

92640. (a) The Regents of the University of California shall develop policies and procedures to ensure that each campus of the university, in administering any test or examination, permits any student who is eligible to undergo the test or examination to do so, without penalty, at a time when that activity would not violate the student's religious creed. This requirement shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship that could not reasonably have been avoided. In any court proceeding in which the existence of an undue hardship that could not reasonably have been avoided is an issue, the burden of proof shall be upon the institution.

(b) The regents shall report to the Legislature, no later than July 1, 1993, regarding the actions taken to implement this section.

Comment. Section 92640 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1993.

FAMILY CODE

Fam. Code § 3200 (amended). Supervised visitation

SEC. . Section 3200 of the Family Code is amended to read:

1 3200. The Judicial Council shall develop standards for supervised visitation
2 providers in accordance with the guidelines set forth in this section. ~~On or before~~
3 ~~April 1, 1997, the Judicial Council shall report the standards developed and~~
4 ~~present an implementation plan to the Legislature.~~ For the purposes of the
5 development of these standards, the term "provider" shall include any individual
6 who functions as a visitation monitor, as well as supervised visitation centers.
7 Provisions shall be made within the standards to allow for the diversity of
8 supervised visitation providers.

9 (a) When developing standards, the Judicial Council shall consider all of the
10 following issues:

- 11 (1) The provider's qualifications, experience, and education.
- 12 (2) Safety and security procedures, including ratios of children per supervisor.
- 13 (3) Any conflict of interest.
- 14 (4) Maintenance and disclosure of records, including confidentiality policies.
- 15 (5) Procedures for screening, delineation of terms and conditions, and
- 16 termination of supervised visitation services.
- 17 (6) Procedures for emergency or extenuating situations.
- 18 (7) Orientation to and ~~guidelines~~ guidelines for cases in which there are
- 19 allegations of domestic violence, child abuse, substance abuse, or special
- 20 circumstances.
- 21 (8) The legal obligations and responsibilities of supervisors.

22 (b) The Judicial Council shall consult with visitation centers, mothers' groups,
23 fathers' groups, judges, the State Bar of California, children's advocacy groups,
24 domestic violence prevention groups, Family Court Services, and other groups it
25 regards as necessary in connection with these standards.

26 (c) It is the intent of the Legislature that the safety of children, adults, and
27 visitation supervisors be a precondition to providing visitation services. Once
28 safety is assured, the best interest of the child is the paramount consideration at all
29 stages and particularly in deciding the manner in which supervision is provided.

30 **Comment.** Section 3200 is amended to delete reference to an obsolete reporting requirement.
31 The required report was to be completed by April 1, 1997.

32 **Fam. Code § 20025 (repealed). San Mateo County pilot project**

33 SEC. ___. Section 20025 of the Family Code is repealed.

34 20025. (a) ~~The presiding judge of the San Mateo County Superior Court, in~~
35 ~~conjunction with judges of the family law court and with attorneys practicing~~
36 ~~therein selected by the presiding judge, shall conduct a study of the effectiveness~~
37 ~~of the San Mateo Pilot Project in making the California child support system more~~
38 ~~equitable, responsive, cost-effective, and accessible, particularly to those with~~
39 ~~middle and low incomes, and shall make a report of findings to the Legislature on~~
40 ~~or before July 1, 1994.~~

41 (b) ~~The satisfaction of participating parties shall be determined by requiring~~
42 ~~litigants entering the pilot project to fill out a simple exit poll. The response of at~~

1 least 70 percent of those questionnaires shall be analyzed by the Senate Office of
2 Research to decide whether the program has been deemed satisfactory by the
3 participants.

4 **Comment.** Section 20025 is repealed as obsolete. The required report was to be completed by
5 July 1, 1994.

6 **Fam. Code § 20042 (repealed). Santa Clara County pilot project**

7 SEC. ___. Section 20042 of the Family Code is repealed.

8 20042. (a) The presiding judge of the Santa Clara County Superior Court, in
9 conjunction with judges of the family law court and with attorneys practicing
10 therein selected by the presiding judge, shall conduct a study of the effectiveness
11 of the Santa Clara County Pilot Project in making the California child and spousal
12 support system more equitable, responsive, cost effective, and accessible,
13 particularly to those with middle and low incomes, and the effectiveness of the
14 pilot project in expediting resolution and reducing conflict in custody and
15 visitation disputes, and shall make a report of its findings to the Legislature on or
16 before July 1, 1994.

17 (b) The satisfaction of participating parties shall be determined by requiring
18 litigants entering the pilot project to fill out a simple exit poll. The response of at
19 least 70 percent of those questionnaires shall be analyzed by the Senate Office of
20 Research to determine whether the program has been deemed satisfactory by the
21 participants.

22 **Comment.** Section 20042 is repealed as obsolete. The required report was to be completed by
23 July 1, 1994.

24 **FISH AND GAME CODE**

25 **Fish & Game Code § 715 (repealed). National Wildlife Violator Compact**

26 SEC. ___. Section 715 of the Fish and Game Code is repealed.

27 715. The department shall report on or before January 30, 1996, to the Senate
28 Committee on Natural Resources and Wildlife and the Assembly Committee on
29 Water, Parks and Wildlife on the feasibility of the department entering into the
30 National Wildlife Violator Compact. The report shall include an analysis of the
31 steps needed for implementation and the fiscal impact of participation in the
32 National Wildlife Violator Compact. The department shall not enter into the
33 National Wildlife Violator Compact without further authorization by statute.

34 **Comment.** Section 715 is repealed as obsolete. The required report was to be completed by
35 January 30, 1996.

36 **Fish & Game Code § 853 (amended). Deputies**

37 SEC. ___. Section 853 of the Fish and Game Code is amended to read:

38 853. (a) The director may deputize any employee of the department to check
39 persons for licenses required under Section 7145 and to enforce violation of that

1 section. Before a person is deputized pursuant to this section for the first time, the
2 person shall have satisfactorily completed a training course meeting the minimum
3 standards of, and comparable to, the training for "level III reserve" as set forth in
4 the regulations of the Commission on Peace Officer Standards and Training. Any
5 person, who is deputized for this limited purpose pursuant to this section, may not
6 enforce any other provision of this code, and is not a peace officer subject to
7 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

8 (b) On or before March 31, 1993, the department shall prepare a report on the
9 effectiveness of the program authorized by this section and shall submit the report
10 to the Joint Committee on Fisheries and Aquaculture. Copies of the report shall be
11 made available to the commission, personnel of the department, and interested
12 members of the public.

13 **Comment.** Section 853 is amended to delete reference to an obsolete reporting requirement.
14 The required report was to be completed by March 31, 1993.

15 **Fish & Game Code § 7147 (amended). Unlicensed fishing**

16 SEC. _____. Section 7147 of the Fish and Game Code is amended to read:

17 7147. (a) The owner or operator of a boat or vessel licensed pursuant to Section
18 7920 shall not permit any person to fish from that boat or vessel unless that person
19 has, in his or her possession, a valid sportfishing license, sport ocean fishing
20 license, or sport ocean fin fishing license and any required license stamp.

21 (b) On or before March 1, 1995, the department shall submit to the Legislature a
22 report evaluating the effect of this section and its recommendations on whether the
23 operation of this section should be continued. The report shall include a summary
24 of comments compiled by organizations representing commercial passenger
25 fishing vessel owners if those comments are submitted to the department on or
26 before January 1, 1995.

27 **Comment.** Section 7147 is amended to delete reference to an obsolete reporting requirement.
28 The required report was to be completed by March 1, 1995.

29 **Fish & Game Code § 15602 (repealed). Spawning, incubation, or raising of anadromous fish
30 in Smith River watershed**

31 SEC. _____. Section 15602 of the Fish and Game Code is repealed.

32 15602. Except persons operating under permits or authorizations approved
33 before February 22, 1988, no person shall construct or expand existing or new
34 facilities for the spawning, incubation, or raising of anadromous fish listed in
35 Section 2118 in the Smith River watershed until the department has conducted the
36 study required by Section 15603. However, this section does apply to any
37 university, college, governmental research agency, or other bona fide scientific
38 institution, as determined by the department, engaging in scientific or public health
39 research on anadromous fish.

40 **Comment.** Section 15602 is repealed as obsolete. The study required under former Section
41 15603 was to be completed by January 1, 1994.

1 **Fish & Game Code § 15603 (repealed). Study of anadromous fish**

2 SEC. _____. Section 15603 of the Fish and Game Code is repealed.

3 15603. The department shall undertake a study and report to the Legislature on
4 or before January 1, 1994, on the importation, spawning, incubation, rearing, and
5 sale of anadromous fish listed in Section 2118. The study shall include all of the
6 following:

7 (1) Findings and recommendations on the impact on diseases carried by
8 anadromous fish.

9 (2) Findings and recommendations on the impact that the release of anadromous
10 fish listed in Section 2118, either through a deliberate act or by accident, into the
11 marine environment or into salmon, steelhead, and trout rivers would have on
12 native California anadromous fish and trout resources.

13 (3) Findings and recommendations on the impact that the diversion of water to
14 facilities engaged in the spawning, incubating, and reusing of anadromous fish
15 listed in Section 2118, and the discharge of waste waters from those facilities,
16 would have on anadromous fish and trout streams.

17 (4) Findings and recommendations on the impact that the importation, spawning,
18 incubating, raising, and sales of anadromous fish listed in Section 2118 would
19 have on California's anadromous salmon fisheries.

20 **Comment.** Section 15603 is repealed as obsolete. The required report was to be completed by
21 January 1, 1994.

22 **Fish & Game Code § 15702 (amended). Commercial aquaculture**

23 SEC. _____. Section 15702 of the Fish and Game Code is amended to read:

24 15702. (a) The committee shall be advisory to the director on all matters
25 pertaining to aquaculture and shall coordinate activities among public entities.

26 (b) The committee shall assist the director in developing and implementing a
27 state aquaculture plan, identify the opportunities for regulatory relief, assist in
28 development of research and development priorities, assist in the development of
29 criteria to assure that publicly financed pilot programs are compatible with
30 industry needs, and identify other opportunities for industrial development.

31 (c) On or before January 1, 1997, the committee shall prepare and provide to the
32 director a report with its recommendations to improve the effectiveness and
33 eliminate overlapping responsibilities in state and local regulatory requirements on
34 the commercial aquaculture industry in the state.

35 **Comment.** Section 15702 is amended to delete reference to an obsolete reporting requirement.
36 The required report was to be completed by January 1, 1997.

37 **FOOD AND AGRICULTURAL CODE**

38 **Food & Agric. Code § 5029 (amended). Pesticide information program**

39 SEC. _____. Section 5029 of the Food and Agricultural Code is amended to read:

1 5029. (a) The department, in consultation with the Office of Environmental
2 Health Hazard Assessment, shall design and implement a program to provide
3 information to persons who reside in areas scheduled to be treated with pesticides
4 on an emergency basis in order to eradicate plant pests.

5 (b) The purpose of this program is to provide information about the health
6 effects of the pesticides used in eradication projects. The program shall be
7 designed to provide the greatest amount of information practicable to affected
8 citizens. The department shall conduct outreach efforts to inform the public about
9 the existence of this program.

10 (c) ~~The department shall implement this section during 1985 and shall report on~~
11 ~~its implementation to the Legislature by December 31, 1985.~~

12 **Comment.** Section 5029 is amended to delete reference to an obsolete reporting requirement.
13 The required report was to be completed by December 31, 1985.

14 **Food & Agric. Code § 13124 (repealed). Pesticide reports**

15 SEC. ___. Section 13124 of the Food and Agricultural Code is repealed.

16 ~~13124. The department shall report all of the following to the Legislature:~~

17 (a) ~~By April 1, 1985, a list of pesticide active ingredients currently registered in~~
18 ~~California:~~

19 (b) ~~By April 1, 1985, a list of the department's mandatory health effects study~~
20 ~~requirements for full registration of pesticides in California as of July 1, 1983.~~

21 (c) ~~By July 1, 1985, a list of mandatory health effects studies on file at the~~
22 ~~department for each pesticide active ingredient.~~

23 **Comment.** Section 13124 is repealed as obsolete. The required reports were to be completed
24 by July 1, 1985.

25 **Food & Agric. Code § 13125 (repealed). Pesticide reports**

26 SEC. ___. Section 13125 of the Food and Agricultural Code is repealed.

27 ~~13125. Not later than December 31, 1985, the department shall report the~~
28 ~~following information for each active pesticide ingredient presently registered in~~
29 ~~California:~~

30 (a) ~~The department's determination of whether each of the studies specified in~~
31 ~~Section 13124 is valid, complete, and adequate. This determination shall be based~~
32 ~~on a thorough evaluation of the studies, but does not require an onsite audit of the~~
33 ~~laboratory that produced the study.~~

34 (b) ~~A list of data gaps for each active pesticide ingredient.~~

35 (c) ~~The department's determination of whether each study shows adverse~~
36 ~~reproductive effects, chronic toxicity, mutagenic effects, neurotoxic effects,~~
37 ~~oncogenic effects, or teratogenic effects.~~

38 (d) ~~For each active pesticide ingredient for which an effect described in~~
39 ~~subdivision (c) has been shown, or a data gap exists, a list of the amount sold in~~
40 ~~California during 1985, and whether this active ingredient is sold for home or~~
41 ~~agricultural use.~~

1 (e) If all of the data cannot be acquired by the department by the reporting
2 deadline established by this section, the department shall report the data available,
3 and provide a supplemental report with the remaining data by April 1, 1986.

4 **Comment.** Section 13125 is repealed as obsolete. The required report was to be completed by
5 April 1, 1986.

6 **Food & Agric. Code § 13127 (amended). Pesticide active ingredients**

7 SEC. _____. Section 13127 of the Food and Agricultural Code is amended to read:
8 13127. (a) Not later than December 31, 1985, the department shall identify 200
9 pesticide active ingredients which the department determines have the most
10 significant data gaps and widespread use and which are suspected to be hazardous
11 to people. Not later than 30 days after the report issued pursuant to former Section
12 13125, as added by Chapter 669 of the Statutes of 1984, the department shall
13 notify each registrant of a pesticide product containing any of the identified 200
14 pesticide active ingredients of the applicable data gap required to be filled pursuant
15 to this section.

16 (b) Not later than December 31, 1985, the department shall also adopt a
17 timetable for the filling of all data gaps on all pesticide active ingredients, other
18 than those identified by the department pursuant to subdivision (a), which are
19 currently registered or licensed in California. The department shall notify
20 registrants of the applicable data gaps and the scheduled time to initiate and
21 complete studies as provided in the timetable.

22 (c)(1) Not later than September 1, 1986, the department shall determine whether
23 a test has been initiated to fill each of the data gaps for each pesticide active
24 ingredient identified in subdivision (a). If no test has been initiated, the department
25 shall fill data gaps in accordance with procedures provided in subparagraph (B) of
26 paragraph (2) of subsection (c) of Section 136a of Title 7 of the United States
27 Code. In order to carry out this section, the director has the same authority to
28 require information from registrants of active pesticide ingredients and to suspend
29 registration that the Administrator of the Environmental Protection Agency has
30 pursuant to subparagraph (B) of paragraph (2) of subsection (c) of Section 136a of
31 Title 7 of the United States Code. If a hearing is requested regarding the proposed
32 suspension of registration, it shall be conducted pursuant to Chapter 5
33 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
34 Government Code. On or before July 1, 1986, the director shall, by regulation,
35 prescribe procedures for resolving disputes or funding the filling of data gaps. The
36 procedures may include mediation and arbitration. The arbitration procedures,
37 insofar as practical, shall be consistent with the federal act, or otherwise shall be in
38 accordance with the commercial arbitration rules established by the American
39 Arbitration Association. The procedures shall be established so as to resolve any
40 dispute within the timetable established in subdivision (a).

41 (2) The department shall also obtain the data which is identified in subdivision
42 (b), according to the timetable and procedures specified in this section.

1 (d) The director shall review the timetable established by the Environmental
2 Protection Agency for the accelerated registration program under amendments
3 effective in 1989 to the Federal Insecticide, Fungicide, and Rodenticide Act (7
4 U.S.C. Sec. 136 et seq.).

5 (e)(1) This section does not apply to any product which the director determines
6 has limited use or that substantial economic hardship would result to users due to
7 unavailability of the product and there is not significant exposure to the public or
8 workers and the product is otherwise in compliance with federal law.

9 (2) The director may not, pursuant to this subdivision, exempt all pesticide
10 products containing the same pesticide active ingredient unless it is determined
11 that the pesticide active ingredient has only limited use, there is insignificant
12 exposure to workers or the public, and the products are otherwise in compliance
13 with federal law. Any exemption issued pursuant to this paragraph shall expire at
14 the end of three years after it is issued.

15 (f)(1) Whenever the director exercises the authority provided in paragraph (1) of
16 subdivision (e), he or she shall give public notice of the action stating the reasons
17 for exempting the pesticide product from the data requirements of this article.
18 Copies of this notice shall be provided to the appropriate policy committees of the
19 Legislature.

20 (2) Whenever the director acts pursuant to paragraph (2) of subdivision (e), the
21 director shall furnish not less than 30 days' public notice of the proposed action,
22 stating the reasons for exempting the pesticide product from the data requirements
23 of this article and allowing public comment thereon. Copies of the notice and the
24 final decision shall be provided to the appropriate policy committees of the
25 Legislature.

26 **Comment.** Subdivision (a) of Section 13127 is amended to reflect the repeal of former Section
27 13125. The report required by that section was to be completed by April 1, 1986.

28 **Food & Agric. Code § 42814 (repealed). Standardization inspection and enforcement
29 programs**

30 SEC. ___. Section 42814 of the Food and Agricultural Code is repealed.

31 42814. The secretary, in coordination with the committee established pursuant to
32 Section 42809, shall engage a study and prepare a report including
33 recommendations for administering a mechanism to supplement funding of the
34 standardization inspection and enforcement programs engaged in by the counties
35 in carrying out this article, with funding from wholesalers and grocers.

36 The secretary shall submit the report to the Legislature and the committee, and
37 make the report available to the public by March 15, 1996.

38 **Comment.** Section 42814 is repealed as obsolete. The required report was to be completed by
39 March 15, 1996.

40 **Food & Agric. Code § 58509 (amended). Food bank programs**

41 SEC. ___. Section 58509 of the Food and Agricultural Code is amended to read:

1 58509. (a) The Secretary of the State and Consumer Services Agency shall
2 review the federal Temporary Emergency Food Assistance Program and submit a
3 report on or before March 1, 1985, to the Legislature regarding recommendations
4 for the operation and administration of this program in the state. In performing this
5 review, the secretary shall, at a minimum, consult with the departments of the
6 Health and Welfare Agency, such as the Department of Aging and the Department
7 of Social Services, and shall also consult with the Departments of Education,
8 General Services, and Food and Agriculture. In addition, the The secretary shall
9 consult with four food bank representatives, two from the northern portion of the
10 state, all of whom have been active members of a nationwide network of food
11 banks for a minimum of two years immediately prior to appointment, and two
12 from the southern portion of the state, all of whom have been active members of a
13 nationwide network of food banks for a minimum of two years immediately prior
14 to appointment, and two food industry representatives, one wholesaler and one
15 manufacturer, all of whom shall be selected by the Governor and referred to as the
16 Food Bank Advisory Committee.

17 (b) The committee shall begin deliberations as soon as practicable following the
18 effective date of this section.

19 (c) Members of the committee who are not state employees shall be paid per
20 diem for their actual expenses in attending committee meetings.

21 (d) For purposes of the report, the committee shall do all of the following:

22 (1) Provide information to the State and Consumer Services Agency regarding
23 food bank programs.

24 (2) Review procedures that will assure that storage, transportation, and
25 distribution activities conducted by the state are efficiently carried out and are
26 responsive to the needs of local food banks and community organizations involved
27 in food distribution.

28 (3) Review procedures that will assure maximum access for food banks and
29 community organizations involved in food distribution to all available federal
30 surplus commodities and to all potential private contributions of food commodities
31 available for distribution to the needy.

32 (4) Review procedures that will assure that necessary technical assistance is
33 available to facilitate the creation of food banks in areas of the state in which they
34 are needed and to facilitate food banks and community organizations to obtain and
35 effectively utilize surplus agricultural commodities.

36 (5) Review procedures that will minimize the requirements imposed on eligible
37 recipient agencies insofar as practicable while also complying with Public Law 98-
38 and Public Law 98-92.

39 (e) In addition to assisting in preparation of the report, the The committee shall
40 do all of the following:

41 (1) Advise the State and Consumer Services Agency in the establishment of new
42 food banks.

1 (2) Advise in the adequate and efficient distribution of surplus food commodities
2 to all areas of the state.

3 **Comment.** Section 58509 is amended to delete reference to an obsolete reporting requirement.
4 The required report was to be completed by March 1, 1985.

5 GOVERNMENT CODE

6 **Gov't Code § 6276.12 (amended). Exemption list**

7 SEC. _____. Section 6276.12 of the Government Code is amended to read:

8 6276.12. Conservatee, confidentiality of the conservatee's report, Section 1826,
9 Probate Code.

10 Conservatee, estate plan of, confidentiality of, Section 2586, Probate Code.

11 Conservatee with disability, confidentiality of report, Section 1827.5, Probate
12 Code.

13 Conservator, confidentiality of conservator's birthdate and driver's license
14 number, Section 1834, Probate Code.

15 Conservator, supplemental information, confidentiality of, Section 1821, Probate
16 Code.

17 Conservatorship, court review of, confidentiality of report, Section 1851,
18 Probate Code.

19 Consumer credit report information prohibited from being furnished for
20 employment purposes, Section 1785.18, Civil Code.

21 Consumer fraud investigations, access to complaints and investigations, Section
22 26509, Government Code.

23 Consumption or utilization of mineral materials, disclosure of, Section 2207.1,
24 Public Resources Code.

25 Contractor, evaluations and contractor responses, confidentiality of, Section
26 10370, Public Contract Code.

27 Contractor, license applicants, evidence of financial solvency, confidentiality of,
28 Section 7067.5, Business and Professions Code.

29 Controlled Substance Law violations, confidential information, Section 818.7,
30 Government Code.

31 Controlled substance offenders, confidentiality of registration information,
32 Section 11594, Health and Safety Code.

33 Cooperative Marketing Association, confidential information disclosed to
34 conciliator, Sections 54453 and 54457, Food and Agricultural Code.

35 Coroner, inquests, subpoena duces tecum, Sections 27491.8 and 27498,
36 Government Code.

37 Corporations, commissioner, publication of information filed with
38 commissioner, Section 25605, Corporations Code.

39 County alcohol programs, confidential information and records, Section 11812,
40 Health and Safety Code.

1 County Employees' Retirement, confidential statements and records, Section
2 31532, Government Code.

3 County mental health system, confidentiality of client information, Section 5610,
4 Welfare and Institutions Code.

5 County social services, investigation of applicant, confidentiality, Section 18491,
6 Welfare and Institutions Code.

7 County social services rendered by volunteers, confidentiality of records of
8 recipients, Section 10810, Welfare and Institutions Code.

9 Court files, access to, restricted for 60 days, Section 1161.2, Code of Civil
10 Procedure.

11 Court reporters, confidentiality of records and reporters, Section 68525,
12 Government Code.

13 Court-appointed special advocates, confidentiality of information acquired or
14 reviewed, Section 105, Welfare and Institutions Code.

15 Crane employers, previous business identities, confidentiality of, Section 7383,
16 Labor Code.

17 Credit unions, confidentiality of investigation and examination reports, Section
18 14257, Financial Code.

19 Credit unions, confidentiality of employee criminal history information, Section
20 14409.2, Financial Code.

21 Credit unions, confidentiality of financial reports, Section 16120, Financial
22 Code.

23 Criminal defendant, indigent, confidentiality of request for funds for
24 investigators and experts, Section 987.9, Penal Code.

25 Criminal felon placed in diagnostic facility, confidentiality of report of diagnosis
26 and recommendation, Sections 1203.3 and 1543, Penal Code.

27 Criminal offender record information, access to, Sections 11076, 11077, 11081,
28 13201, and 13202, Penal Code.

29 Criminal records information, disclosure by vendor, Section 11149.4, Penal
30 Code.

31 ~~Criminal statistics, confidentiality of information, Section 13013, Penal Code.~~

32 Crop reports, confidential, subdivision (e), Section 6254, Government Code.

33 Customer list of employment agency, trade secret, Section 16607, Business and
34 Professions Code.

35 Customer list of telephone answering service, trade secret, Section 16606,
36 Business and Professions Code.

37 **Comment.** Section 6276.12 is amended to delete an obsolete reference to former Penal Code
38 Section 13013.

39 **Gov't Code § 6276.30 (amended). Exemption list**

40 SEC. _____. Section 6276.30 of the Government Code is amended to read:

41 6276.30. Major Risk Medical Insurance Program, negotiations with health plans,
42 subdivisions (v) and (w) of Section 6254, Government Code.

- 1 Mandated blood testing and confidentiality to protect public health, prohibition
2 against compelling identification of test subjects, Section 120975, Health and
3 Safety Code.
- 4 Mandated blood testing and confidentiality to protect public health, unauthorized
5 disclosures of identification of test subjects, Section 120980, Health and Safety
6 Code.
- 7 Mandated blood testing and confidentiality to protect public health, disclosure to
8 patient's spouse, sexual partner, needle sharer, or county health officer, Section
9 121015, Health and Safety Code.
- 10 Manufactured home, mobilehome, floating home, confidentiality of home
11 address of registered owner, Section 18081, Health and Safety Code.
- 12 Marital confidential communications, Sections 980, 981, 982, 983, 984, 985,
13 986, and 987, Evidence Code.
- 14 Market reports, confidential, subdivision (e), Section 6254, Government Code.
- 15 Marketing of commodities, confidentiality of financial information, Section
16 58781, Food and Agricultural Code.
- 17 Marketing orders, confidentiality of processors or distributors' information,
18 Section 59202, Food and Agricultural Code.
- 19 Marriage, confidential, certificate, Section 511, Family Code.
- 20 Medi-Cal Benefits Program, confidentiality of information, Section 14100.2,
21 Welfare and Institutions Code.
- 22 Medi-Cal Benefits Program, Evaluation Committee, confidentiality of
23 information, Section 14132.6, Welfare and Institutions Code.
- 24 Medi-Cal Benefits Program, Request of Department for Records of Information,
25 Section 14124.89, Welfare and Institutions Code.
- 26 Medi-Cal Fraud Bureau, confidentiality of complaints, Section 12528,
27 Government Code.
- 28 Medical information, disclosure by provider unless prohibited by patient in
29 writing, Section 56.16, Civil Code.
- 30 Medical information, types of information not subject to patient prohibition of
31 disclosure, Section 56.30, Civil Code.
- 32 Medical and other hospital committees and peer review bodies, confidentiality of
33 records, Section 1157, Evidence Code.
- 34 Medical or dental licensee, action for revocation or suspension due to illness,
35 report, confidentiality of, Section 828, Business and Professions Code.
- 36 Medical or dental licensee, disciplinary action, denial or termination of staff
37 privileges, report, confidentiality of, Sections 805, 805.1, and 805.5, Business and
38 Professions Code.
- 39 Meetings of state agencies, disclosure of agenda, Section 11125.1, Government
40 Code.
- 41 Mental institution patient, notification to peace officers of escape, Section
42 7325.5, Welfare and Institutions Code.

1 Mentally abnormal sex offender committed to state hospital, confidentiality of
2 records, Section 4135, Welfare and Institutions Code.

3 Mentally disordered and developmentally disabled offenders, access to criminal
4 histories of, Section 1620, Penal Code.

5 Mentally disordered persons, court-ordered evaluation, confidentiality of reports,
6 Section 5202, Welfare and Institutions Code.

7 Mentally disordered or mentally ill person, confidentiality of written consent to
8 detainment, Section 5326.4, Welfare and Institutions Code.

9 Mentally disordered or mentally ill person, voluntarily or involuntarily detained
10 and receiving services, confidentiality of records and information, Sections 5328,
11 5328.01, 5328.02, 5328.05, 5328.1, 5328.15, 5328.2, 5328.3, 5328.4, 5328.5,
12 5328.7, 5328.8, 5328.9, and 5330, Welfare and Institutions Code.

13 Mentally disordered or mentally ill person, weapons restrictions, confidentiality
14 of information about, Section 8103, Welfare and Institutions Code.

15 Milk marketing, confidentiality of records, Section 61443, Food and Agricultural
16 Code.

17 Milk product certification, confidentiality of, Section 62121, Food and
18 Agricultural Code.

19 Milk, market milk, confidential records and reports, Section 62243, Food and
20 Agricultural Code.

21 Milk product registration, confidentiality of information, Section 38946, Food
22 and Agricultural Code.

23 Milk equalization pool plan, confidentiality of producers' voting, Section 62716,
24 Food and Agricultural Code.

25 Mining report, confidentiality of report containing information relating to
26 mineral production, reserves, or rate of depletion of mining operation, Section
27 2207, Public Resources Code.

28 Minor, criminal proceeding testimony closed to public, Section 859.1, Penal
29 Code.

30 ~~Minority and women's business data possessed by state agencies, confidentiality
31 of, Section 15339.30, Government Code.~~

32 Minors, material depicting sexual conduct, records of suppliers to be kept and
33 made available to law enforcement, Section 1309.5, Labor Code.

34 Misdemeanor and felony reports by police chiefs and sheriffs to Department of
35 Justice, confidentiality of, Sections 11107 and 11107.5, Penal Code.

36 Monetary instrument transaction records, confidentiality of, Section 14167,
37 Penal Code.

38 Missing persons' information, disclosure of, Sections 14201 and 14203, Penal
39 Code.

40 Morbidity and mortality studies, confidentiality of records, Section 100330,
41 Health and Safety Code.

42 Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014,
43 Vehicle Code.

1 Motor vehicles, department of, public records, exceptions, Sections 1808 to
2 1808.7, inclusive, Vehicle Code.

3 Motor vehicle insurance fraud reporting, confidentiality of information acquired,
4 Section 1874.3, Insurance Code.

5 Motor vehicle liability insurer, data reported to Department of Insurance,
6 confidentiality of, Section 11628, Insurance Code.

7 Multijurisdictional drug law enforcement agency, closed sessions to discuss
8 criminal investigation, Section 54957.8, Government Code.

9 **Comment.** Section 6276.30 is amended to delete an obsolete reference to former Section
10 15339.30.

11 **Gov't Code § 6276.46 (amended). Exemption list**

12 SEC. ___. Section 6276.46 of the Government Code is amended to read:

13 6276.46. Unclaimed property, Controller records of, disclosure, Section 1582,
14 Code of Civil Procedure.

15 Unemployment compensation, disclosure of confidential information, Section
16 2111, Unemployment Insurance Code.

17 Unemployment compensation, information obtained in administration of code,
18 Section 1094, Unemployment Insurance Code.

19 Unemployment compensation, purposes for which use of information may be
20 authorized, Section 1095, Unemployment Insurance Code.

21 Unemployment fund contributions, publication of annual tax rate, Section 989,
22 Unemployment Insurance Code.

23 Unsafe working condition, confidentiality of complainant, Section 6309, Labor
24 Code.

25 Use fuel tax information, disclosure prohibited, Section 9255, Revenue and
26 Taxation Code.

27 Utility systems development, confidential information, subdivision (e), Section
28 6254, Government Code.

29 Vehicle registration, ~~financial responsibility verification study~~, confidentiality of
30 information, ~~Sections 4750.2 and~~ Section 4750.4, Vehicle Code.

31 Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014,
32 Vehicle Code and Section 27177, Streets and Highways Code.

33 Vehicular offense, record of, confidentiality five years after conviction, Section
34 1807.5, Vehicle Code.

35 Veterans Affairs, Department of, confidentiality of records of contract
36 purchasers, Section 85, Military and Veterans Code.

37 Veterinarian or animal health technician, alcohol or dangerous drugs diversion
38 and rehabilitation records, confidentiality of, Section 4871, Business and
39 Professions Code.

40 Victim, statements at sentencing, Section 1191.15, Penal Code.

41 Victims' Legal Resource Center, confidentiality of information and records
42 retained, Section 13897.2, Penal Code.

1 Victims of crimes compensation program, confidentiality of records, subdivision
2 (d), Section 13968, Government Code.

3 Voter, registration by confidential affidavit, Section 2194, Elections Code.

4 Voter registration card, confidentiality of information contained in, Section
5 6254.4, Government Code.

6 Voting, secrecy, Section 1050, Evidence Code.

7 Wards and dependent children, inspection of juvenile court documents, Section
8 827, Welfare and Institutions Code.

9 **Comment.** Section 6276.46 is amended to delete an obsolete reference to former Vehicle Code
10 Section 4750.2.

11 **Gov't Code § 8293 (amended). California Law Revision Commission**

12 SEC. ___. Section 8293 of the Government Code is amended to read:

13 8293. The commission shall file a report at each regular session of the
14 Legislature which shall contain a calendar of topics selected by it for study,
15 including a list of the studies in progress and a list of topics intended for future
16 consideration. ~~After the filing of its first report the~~ The commission shall confine
17 its studies to those topics set forth in the calendar contained in its last preceding
18 report which have been or are thereafter approved for its study by concurrent
19 resolution of the Legislature. The commission shall also study any topic which the
20 Legislature, by concurrent resolution or statute, refers to it for the study.

21 **Comment.** Section 8293 is amended to delete as obsolete the reference to the filing of the Law
22 Revision Commission's first report. The section is also amended to eliminate the implication that
23 the Commission may not study a matter listed in its calendar of topics that has previously been
24 approved by the Legislature, or that has been assigned by statute rather than concurrent resolution
25 of the Legislature.

26 **Gov't Code § 8588.5 (amended). Disaster dog teams**

27 SEC. ___. Section 8588.5 of the Government Code is amended to read:

28 8588.5. To promote an increase in the number of trained disaster search dog
29 teams, the Office of Emergency Services shall do all of the following:

30 (a) ~~Conduct a study to determine the feasibility and effectiveness of cross-~~
31 ~~training existing law enforcement patrol dog teams or contraband detection dog~~
32 ~~teams, or both, to function also as disaster search dog teams. The office shall~~
33 ~~report its findings to the Legislature by January 31, 1991.~~

34 (b) Provide instruction to California disaster dog trainers in Swiss techniques.

35 (c) ~~(b)~~ Work to secure authorization to conduct training for disaster search dog
36 teams at existing facilities operated by the California National Guard and the
37 Department of Transportation on the grounds of Camp San Luis Obispo.

38 (d) ~~(c)~~ Engage in recruiting activities for the purpose of increasing the number of
39 disaster search dog teams in southern California.

40 (e) ~~(d)~~ Reimburse disaster search dog handlers and instructors for the costs of
41 their travel and that of their dogs to training facilities within California.

1 **Comment.** Section 8588.5 is amended to delete reference to an obsolete reporting requirement.
2 The required report was to be completed by January 31, 1991.

3 **Gov't Code § 8593.3 (repealed). Communication with deaf and hearing-impaired persons
4 during emergencies**

5 SEC. ___. Section 8593.3 of the Government Code is repealed.
6 8593.3. The Office of Emergency Services shall prepare and submit to the
7 Legislature, on or before December 31, 1991, a report which shall include the
8 following:

9 (a) A description of the office's activities undertaken pursuant to Section 8593,
10 including the results of these activities, and the preparedness of each California
11 television broadcaster to employ open captioning when transmitting emergency
12 information.

13 (b) The results of the investigations required by Sections 8593.1 and 8593.2.

14 **Comment.** Section 8593.3 is repealed as obsolete. The required report was to be completed by
15 December 31, 1991.

16 **Gov't Code § 8599.1 (repealed). Use of volunteers during emergency**

17 SEC. ___. Section 8599.1 of the Government Code is repealed.
18 8599.1. The Office of Emergency Services shall provide the Assembly
19 Committee on Earthquake Preparedness and Natural Disasters and the Senate
20 Committee on Toxics and Public Safety Management with a status report on the
21 development of the plan required by Section 8599 on or before July 15, 1991, and
22 a final report with recommendations on what is required to implement the plan on
23 or before October 31, 1991.

24 **Comment.** Section 8599.1 is repealed as obsolete. The required reports were to be completed
25 by October 31, 1991.

26 **Gov't Code § 8870.75 (repealed). Earthquake study**

27 SEC. ___. Section 8870.75 of the Government Code is repealed.
28 8870.75. In addition to the responsibilities listed in Section 8870.7, the Seismic
29 Safety Commission shall undertake a study to determine the feasibility of (i)
30 establishing a comprehensive program of earthquake hazard reduction having as
31 its purposes the saving of lives and mitigating damage to property and (ii)
32 developing and implementing a system for predicting damaging earthquakes in
33 California.

34 The study shall accomplish the following tasks:

35 (a) Earthquake hazard reduction.

36 The study shall develop a comprehensive program for the reduction of
37 earthquake hazards in California. It shall include, but not necessarily be limited to,
38 the following:

39 (1) A review of and recommendations for improving the development and
40 implementation of technically and economically feasible codes, standards, and
41 procedures for the design and construction of new structures and the strengthening

1 of existing structures so as to increase the earthquake resistance of structures
2 located in areas of significant seismic hazard.

3 (2) A review of current methods and recommendations for new methods to
4 improve the development, publication, and promotion, in conjunction with local
5 officials, research organizations, and professional organizations, of model codes
6 and other means to provide better information about seismic hazards to guide land
7 use policy decisions and building activity.

8 (3) A review of and recommendations for methods, practices, and procedures to
9 educate the public, including local officials, about the nature and consequences of
10 earthquakes, about procedures for identifying those locations and structures
11 especially susceptible to earthquake damage, and about ways to reduce and
12 mitigate the adverse effects of an earthquake.

13 (4) A review of and recommendations for programs and techniques to improve
14 preparedness for and response to damaging earthquakes with special attention
15 being given to hazard control measures, preearthquake emergency planning,
16 readiness of emergency services, and planning for postearthquake reconstruction
17 and redevelopment.

18 (b) Earthquake prediction.

19 The study shall analyze the current methodologies, systems, and processes for
20 predicting earthquakes and assess them for their effectiveness, reliability, and
21 accuracy as they relate to California.

22 The study also shall examine the feasibility of implementing earthquake
23 prediction systems in all areas of significantly high or moderate seismic risk and
24 for identifying, evaluating, and accurately characterizing the associated hazards.

25 In analyzing potential prediction systems, the study shall include requirements
26 for necessary technical, scientific, and volunteer personnel; and technology,
27 procedures, and other resources necessary to operate such a system. Special
28 attention should be given to a critical review of existing and possible future
29 technology, data collection and management systems, the availability of expert
30 trained personnel, the dissemination of warnings, the scope and methods for
31 organizing and maintaining a volunteer program for the purpose of making
32 prediction observations, and the social and economic consequences of earthquake
33 predictions. Wherever appropriate and reasonable, the study shall also recommend
34 how a state earthquake prediction system can be best integrated with those of
35 federal agencies and other institutions and organizations.

36 (c) Implementation processes.

37 With respect to implementation of earthquake hazard reduction and earthquake
38 prediction, the study shall include the following:

39 (1) Recommendations for new roles, responsibilities, and programs for state and
40 local agencies, universities, private organizations, and volunteer organizations,
41 including goals, priorities, and expenditures of future state funds specifically
42 identified for the recommended earthquake prediction and hazards reduction
43 program.

1 (2) Recommendations for methods and procedures to disseminate and implement
2 basic and applied earthquake research in order to achieve higher levels of seismic
3 safety.

4 (d) Coordination with other agencies.

5 To the extent it is practical to do so, the study required by this section shall be
6 coordinated with the relevant local, regional, and federal government agencies,
7 key elements of the private sector, and at least the following state agencies: Office
8 of Emergency Services, Division of Mines and Geology, Office of the State
9 Architect, Department of Housing and Community Development, Department of
10 Water Resources, State Energy Resources Conservation and Development
11 Commission, Department of Real Estate, Department of Industrial Relations,
12 Public Utilities Commission, State Department of Health Services, Office of the
13 State Fire Marshal, Department of Transportation, Department of Finance,
14 Military Department, Department of Insurance, Franchise Tax Board, Department
15 of Savings and Loan, Department of Education, Banking Department, and Office
16 of Planning and Research.

17 (e) The study shall include recommendations for statutory changes and specific
18 executive actions to be taken by state and local agencies necessary to establish and
19 implement an earthquake hazards reduction program and an earthquake prediction
20 system for the State of California.

21 The commission shall submit the study to the Legislature by June 30, 1980, or
22 earlier at its discretion.

23 **Comment.** Section 8870.75 is repealed as obsolete. The required report was to be completed by
24 June 30, 1980.

25 **Gov't Code § 8875.1 (amended). Potentially hazardous buildings**

26 SEC. _____. Section 8875.1 of the Government Code is amended to read:

27 8875.1. A program is hereby established within all cities, both general law and
28 chartered, and all counties and portions thereof located within seismic zone 4, as
29 defined and illustrated in Chapter 2-23 of Part 2 of Title 24 of the California
30 Administrative Code, to identify all potentially hazardous buildings and to
31 establish a program for mitigation of identified potentially hazardous buildings.

32 By September 1, 1987, the Seismic Safety Commission, in cooperation with the
33 League of California Cities, the County Supervisors Association of California, and
34 California building officials, shall prepare an advisory report for local jurisdictions
35 containing criteria and procedures for purposes of Section 8875.2.

36 **Comment.** Section 8875.1 is amended to delete reference to an obsolete reporting requirement.
37 The required report was to be completed by September 1, 1987.

38 **Gov't Code § 8877.7 (repealed). Findings and recommendations of Seismic Safety
39 Commission**

40 SEC. _____. Section 8877.7 of the Government Code is repealed.

1 8877.7. The Seismic Safety Commission shall prepare and submit to the Speaker
2 of the Assembly and the President pro Tempore of the Senate on or before January
3 1, 1990, a report on its findings and recommendations derived from the
4 implementation of this chapter.

5 **Comment.** Section 8877.7 is repealed as obsolete. The required report was to be completed by
6 January 1, 1990.

7 **Gov't Code § 9116 (repealed). Project feasibility study**

8 SEC. ___. Section 9116 of the Government Code is repealed.

9 9116. (a) The Legislature shall conduct a project feasibility study which includes
10 a thorough review of the current and long-term requirements of the Legislature for
11 office facilities and a determination of the most economical and cost-effective
12 method of funding the acquisition of those office facilities. The Legislature may
13 contract with the Department of General Services for the purpose of the feasibility
14 study.

15 (b) The project feasibility study required by subdivision (a) shall include an
16 analysis of alternative financing mechanisms, including, but not limited to, various
17 types of bond financing, lease purchase financing, pay-as-you-go financing using
18 various funds such as the General Fund or the Special Account for Capital Outlay,
19 and the involvement of private sector finance mechanisms. A recommendation
20 shall be made regarding the potential options and the respective costs. The project
21 feasibility study shall be completed no later than January 1, 1990.

22 **Comment.** Section 9116 is repealed as obsolete. The required report was to be completed by
23 January 1, 1990.

24 **Gov't Code § 9121 (amended). Construction of article**

25 SEC. ___. Section 9121 of the Government Code is amended to read:

26 9121. (a) This article shall be deemed and construed to be separate and complete
27 authority for all of the actions authorized by this article, including, but not limited
28 to, the development, design, construction, operation, maintenance, and financing
29 of the project, and all acts related thereto, and the transfer and relocation of the
30 present occupants of the buildings to new facilities. To the extent that this article is
31 inconsistent with any other general statute or special act or parts thereof, or any
32 local government laws, rules, and regulations, now or hereafter enacted, this article
33 is controlling.

34 (b) Notwithstanding any other provision of law, the project authorized by this
35 article shall be subject to Part 2 (commencing with Section 10100) of Division 2
36 of the Public Contract Code and Division 13 (commencing with Section 21000) of
37 the Public Resources Code.

38 (c) The project authorized by this article shall not be subject to any other state or
39 local government requirement, limitation, or control, including, but not limited to,
40 zoning and building permits.

1 (d) This article shall be liberally construed to effect its purpose and in a manner
2 that will promote the acquisition, construction, renovation, improvement, and
3 financing of the project.

4 (e) Notwithstanding any other provision of this article, no funds shall be
5 expended for the destruction, removal, remodeling, or rehabilitation of the existing
6 buildings on the project property prior to the completion of the feasibility study
7 required pursuant to former Section 9116, as added by Chapter 1366 of the
8 Statutes of 1989, and the approval of the funding source and the project scope and
9 cost by a subsequently enacted resolution of both houses of the Legislature.

10 **Comment.** Section 9121 is amended to reflect the repeal of former Section 9116.

11 **Gov't Code § 11011.15 (amended). Inventory of state real property holdings**

12 SEC. ___. Section 11011.15 of the Government Code is amended to read:

13 11011.15. (a) The Department of General Services shall maintain a complete and
14 accurate statewide inventory of all real property held by the state and categorize
15 that inventory by agency and geographical location. The inventory shall include all
16 information furnished by agencies pursuant to subdivision (b) and the University
17 of California pursuant to Section 11011.17. The initial inventory shall be
18 completed by January 1, 1989, and shall be updated annually.

19 (b) Each agency, by July 1, 1988, shall furnish the department, in the format
20 specified by the department, a record of each parcel of real property which it
21 possesses. Each agency shall update its real property holdings, reflecting any
22 changes, by July 1 of each year. This record shall include, but is not limited to, all
23 of the following information:

24 (1) The location of the property within the state and the county, the size of the
25 property, including its acreage, and any other relevant property data which the
26 department deems necessary. This latter requirement shall be uniformly applied to
27 all agencies.

28 (2) The date of the acquisition of the real property, if available.

29 (3) The manner in which the property was acquired and the purchase price, if
30 available.

31 (4) A description of the current uses of the property and any projected future
32 uses during the next three years. In the case of land held for state park use whose
33 projected use would exceed a three-year period, the projected use and estimated
34 date of construction or use shall be furnished.

35 (5) A concise description of each major structure located on the property.

36 (6) The estimated value of real property declared surplus by the agency and real
37 property where the agency has not identified a current or potential use.

38 (c) The department shall prepare a separate report by January 1, 1989, and shall
39 update the report annually of all properties declared surplus or properties with no
40 identified current or projected use. The report shall be made available upon
41 request.

1 **Comment.** Section 11011.15 is amended to delete reference to an obsolete reporting
2 requirement. The required report was to be completed by July 1, 1988.

3 **Gov't Code § 11011.19 (repealed). Report on inventory of state real property holdings**

4 SEC. ___. Section 11011.19 of the Government Code is repealed.

5 11011.19. (a) The Auditor General shall conduct a review of the department to
6 ensure full compliance with Section 11011.15. The Auditor General shall prepare
7 a report of the review by January 1, 1990.

8 (b) The report prepared by the Auditor General pursuant to subdivision (a) shall
9 be provided to each chairperson and committee member of the appropriate
10 committees of the Legislature, as determined by the Chief Clerk of the Assembly
11 and the Secretary of the Senate. The Auditor General shall provide the appropriate
12 number of copies as specified by the Chief Clerk of the Assembly and the
13 Secretary of the Senate for their distribution.

14 **Comment.** Section 11011.19 is repealed as obsolete. The required report was to be completed
15 by January 1, 1990.

16 **Gov't Code § 12092 (amended). California Low Income Home Energy Assistance Program**

17 SEC. ___. Section 12092 of the Government Code is amended to read:

18 12092 (a) This section shall be known, and may be cited, as the California Low
19 Income Home Energy Assistance Program. The California Low Income Home
20 Energy Assistance Program may be referred to as the California LIHEAP.

21 (b) The Department of Community Services and Development shall implement
22 the California LIHEAP.

23 (c) The California LIHEAP shall be separate from the federal Low-Income
24 Home Energy Assistance Program Block Grant provided for pursuant to the Low-
25 Income Home Energy Assistance Act of 1981, as amended (42 U.S.C. Sec. 8621,
26 et seq.), which is administered by the Department of Community Services and
27 Development pursuant to Sections 16367.5 to ~~16367.9~~ 16367.8, inclusive.

28 (d) The California LIHEAP established pursuant to this section is separate from
29 and independent of the California LIHEAP established in Chapter 7 of the Statutes
30 of 2001, First Extraordinary Session.

31 (e) Services provided by the California LIHEAP shall be designed to do both of
32 the following:

33 (1) Increase energy conservation and reduce demand for energy services in low-
34 income households.

35 (2) Ensure that the most vulnerable households cope with high energy costs.

36 (f) The California LIHEAP shall include weatherization and conservation
37 services, energy crisis intervention services, and cash assistance payments.

38 (g)(1) Persons eligible for the California LIHEAP shall be limited to households
39 with incomes that do not exceed the greater of either of the following:

40 (A) An amount equal to 60 percent of the state median income.

1 (B) An amount equal to 80 percent of the median income of the county in which
2 the household is located.

3 (2) In no area shall households whose income is greater than 250 percent of the
4 federal poverty level for the state be eligible.

5 (3) Notwithstanding paragraphs (1) and (2), licensed community care facilities
6 serving six or fewer adults or children shall be eligible for weatherization and
7 energy education under California LIHEAP.

8 (h) The department shall examine the penetration of other energy programs,
9 including, but not limited to, those provided by federal grant funds obtained
10 pursuant to the federal LIHEAP, utility companies, and other parties, to identify
11 the adequacy of services to all of the following:

12 (1) Elderly persons.

13 (2) Disabled persons.

14 (3) Limited-English-speaking persons.

15 (4) Migrant and seasonal farmworkers.

16 (5) Households with very young children.

17 (i) The California LIHEAP funds shall be distributed in grant form by the
18 department so as to ensure that vulnerable populations have comparable access to
19 energy programs.

20 (j) The department shall ensure that services under the California LIHEAP are
21 delivered subject to all of the following requirements:

22 (1) The department shall establish reasonable limits for expenditures, including
23 up to 15 percent for outreach and training for consumers.

24 (2) Grantee agencies shall do special outreach to vulnerable households,
25 including outreach to senior centers, independent living centers, welfare
26 departments, regional centers, and migrant and seasonal farmworkers.

27 (3) Grantee agencies shall be required to coordinate with other low-income
28 energy programs, and to demonstrate plans for using all energy resources
29 efficiently for maximum outreach to low-income households.

30 (4) Grantee agencies shall spend the maximum feasible amount of the California
31 LIHEAP funds for weatherization assistance, but in no event shall less than 50
32 percent of the funds available to the grantee be spent for weatherization purposes.
33 The balance shall be used for cash assistance and energy crisis intervention. The
34 department shall provide grantees with maximum flexibility to use energy crisis
35 and cash assistance funds to resolve energy crises for households and to serve the
36 maximum number of households. Cash assistance payments may be used as a
37 supplement to federal LIHEAP cash assistance payments.

38 (k) The department shall do all of the following in addition to administering the
39 program:

40 (1) Explore, with grantee agencies, standards for determining effective, efficient
41 intake procedures, and procedures to combine outreach for federal, state, and
42 utility low-income energy programs into a single intake process.

1 (2) Report to the policy and budget committees of the Legislature on the extent
2 to which increased flexibility in weatherization measures and flexibility in cash
3 assistance and crisis intervention payments have increased service and reduced
4 energy demand. If barriers to flexibility exist, the report shall identify those
5 barriers.

6 (3) Report to the policy and budget committees of the Legislature on the number
7 of recipients of service, the number of grantees providing service, categories of
8 expenditure, estimated impact of funds on energy demand, estimated unmet need,
9 and plans for automated and routine reporting of this information.

10 (l) The department shall distribute funds in the 2001-02 fiscal year as follows:

11 (1) Funds shall be distributed to have maximum possible impact on reducing
12 energy demand immediately.

13 (2) First priority shall be to distribute funds through community-based programs
14 with which the department has existing contracts.

15 (3) If additional capacity is needed beyond the existing network, or if vulnerable
16 populations cannot be served within the existing contracts, the department may
17 develop a request for proposal process to solicit additional grantees.

18 (m) The department shall limit administrative costs to not more than 2 1/2
19 percent of the funds expended. For the purposes of this subdivision,
20 “administrative costs” means personnel and overhead costs associated with the
21 implementation of each measure or program. However, “administrative costs”
22 does not include costs associated with the marketing or evaluation of a measure or
23 program.

24 (n) This section shall remain in effect only until January 1, 2005, and as of that
25 date is repealed, unless a later enacted statute, that is enacted before January 1,
26 2005, deletes or extends that date.

27 **Comment.** Section 12092 is amended to delete an obsolete reference to former Section
28 16367.9.

29 **Gov't Code § 12173 (amended). Electronic voter information**

30 SEC. ___. Section 12173 of the Government Code is amended to read:

31 12173. The Secretary of State's office shall develop a program to utilize modern
32 communications and information processing technology to enhance the availability
33 and accessibility of information on statewide candidates and ballot initiatives. This
34 includes making information available on line as well as through other information
35 processing technology.

36 The Secretary of State shall report to the Legislature on the scope and cost of the
37 program by June 30, 1995.

38 **Comment.** Section 12173 is amended to delete reference to an obsolete reporting requirement.
39 The required report was to be completed by June 30, 1995.

40 **Gov't Code § 14036.6 (amended). California rail pass**

41 SEC. ___. Section 14036.6 of the Government Code is amended to read:

1 14036.6. (a) The Legislature finds and declares all of the following:

2 (1) Rail passes offering unlimited travel on certain passenger rail and associated
3 transit services for a specified period of time and a fixed price have been a success
4 in Europe, Canada, and Alaska.

5 (2) A “California Pass,” valid on state-funded intercity and commuter rail lines,
6 state-funded feeder buses, and major local transit systems would be a major
7 benefit to tourism, while at the same time providing a package of transportation
8 options which do not worsen highway congestion.

9 (3) Use of a single payment mechanism makes existing mass transportation
10 services easier to use, by eliminating the need for familiarity with multiple
11 complex tariffs and the need for correct change.

12 (b) The department shall investigate, and if feasible implement, a “California
13 Pass” which would be valid, to the extent possible, for all of the following
14 transportation services:

15 (1) State-funded intercity rail services in the San Diego-Los Angeles, Los
16 Angeles-Santa Barbara, Los Angeles-Fresno-bay area/Sacramento, and
17 Sacramento-bay area rail corridors.

18 (2) State-funded feeder buses operated in conjunction with the intercity rail
19 services, including, but not limited to, the service operated between Merced and
20 Yosemite National Park for the San Joaquin trains.

21 (3) Commuter rail services.

22 (4) Public transit services.

23 (5) Other transportation services.

24 (c) The department shall consider offering passes valid for travel over a specified
25 consecutive number of days, as well as so-called “flexi-passes” valid for a
26 specified number of days within a longer period of time. In addition, the
27 department shall develop a procedure for distributing pass revenues to each
28 participating operating entity, and for marketing the pass to prospective users.

29 (d) Prior to implementing a “California Pass” program, the department shall
30 consult with each participating operating entity. The department shall not adopt
31 procedures for the distribution of pass revenues without first submitting the
32 proposed procedures to each affected operating entity.

33 (e) ~~The department shall submit a report to the Legislature by April 1, 1992, on
34 its activities pursuant to this section.~~

35 (f) Nothing in this section precludes the department from implementing, as an
36 interim measure, any marketing device to increase ridership on state-funded rail
37 and bus services.

38 **Comment.** Section 14036.6 is amended to delete reference to an obsolete reporting
39 requirement. The required report was to be completed by April 1, 1992.

40 **Gov’t Code § 14525.6 (repealed). Allocation and expenditure of transportation funds**

41 SEC. _____. Section 14525.6 of the Government Code is repealed.

1 14525.6. (a) Until January 1, 1999, or the date of the report specified in
2 subdivision (b), whichever is earlier, the State Auditor shall annually conduct a
3 review of allocations and expenditures at the state level of transportation funds
4 made available by Chapters 105, 106, and 108 of the Statutes of 1989, to
5 determine whether the purposes for which those funds are allocated and expended
6 conform to the requirements of Chapters 105, 106, and 108 of the Statutes of 1989.
7 Not later than March 1, 1992, and by March 1 of each year thereafter, until
8 January 1, 1999, or the date of the report specified in subdivision (b), whichever is
9 earlier, the State Auditor shall submit a report on the results of that review to the
10 Governor and to the Legislature.

11 (b) The Joint Legislative Audit Committee may review and report on the
12 requirements imposed on the State Auditor by subdivision (a) on or before January
13 1, 1999.

14 **Comment.** Section 14525.6 is repealed as obsolete. The required reports were to be completed
15 by January 1, 1999.

16 **Gov't Code §§ 15339.25-15339.30 (repealed). Study of minority and women-owned or
17 operated businesses**

18 SEC. ___. Article 3.3 (commencing with Section 15339.25) of Chapter 1 of Part
19 6.7 of Division 3 of Title 2 of the Government Code is repealed.

20 **Comment.** Sections 15339.25-15339.30 are repealed as obsolete. The study of minority and
21 women-owned or operated business was to be completed by March 30, 1993.

22 ☞ **Note.** The text of the repealed article is set out below for reference:

23 **ARTICLE 3.3. MINORITY AND WOMEN'S BUSINESS**

24 15339.25. (a) The Legislature finds and declares that the expansion and development of for-
25 profit and nonprofit businesses owned or operated by women, minorities, and disabled persons is
26 vital to the overall growth and health of the California economy and further that ethnic groups by
27 the year 2010 will become the majority of the state's population and will have a significant
28 impact on the state's economy.

29 (b) No state entity is charged with collecting and interpreting business-related data which helps
30 identify the reasons why minority, disabled person, and women-owned or operated businesses
31 have significantly lower business participation rates than their nonminority male or nondisabled
32 counterparts.

33 (c) The collection and dissemination of data and information pertaining to businesses owned by
34 minorities, women, and disabled persons will assist state government to take corrective action on,
35 and to enact, programs and policies designed to encourage the full incorporation of those
36 businesses into the California economy.

37 15339.26. The University of California is requested to conduct a study to review, analyze, and
38 document information regarding the status of the state's minority, disabled person, and women-
39 owned or operated businesses and their impact on the state's economy. The guidance of the
40 California Policy Seminar may be sought in designing and undertaking the study.

41 15339.27. The university is requested to solicit grants, contributions, and appropriations from
42 public agencies, private foundations, and individuals to support the study.

1 15339.28. The study shall collect data that shall include, but not be limited to, the following
2 areas:

3 (a) Business industry or industries in which minority, disabled person, and women-owned or
4 operated businesses are concentrated.

5 (b) Rates of ownership or operation of businesses by minorities, disabled persons, and women,
6 including the number of businesses owned per thousand.

7 (c) Number of employees, annual payroll, and overall record of sales and gross receipts.

8 (d) A description of state business development programs designed to support women, disabled
9 person, and minority-owned or operated businesses.

10 (e) A comparison of the above factors with nonminority male and nondisabled business owners.

11 15339.29. It is the intent of the Legislature that the University of California's California Policy
12 Seminar report the study's findings to the Governor, the Legislature, and the Small Business
13 Development Board under the agency on or before March 30, 1993.

14 15339.30. To accomplish the purposes of this article, the secretary shall cooperate with the
15 university in its conduct of the study and may assign employees from within the various
16 departments of the agency, or request the assistance of other civil service and exempt positions in
17 the various executive branch departments, to assist the university in conducting and completing
18 the study. State agencies which shall make data available for the project, include, but are not
19 limited to, the Franchise Tax Board, the State Board of Equalization, the Employment
20 Development Department, and the Office of Small and Minority Business within the Department
21 of General Services. Nothing in this section shall be construed to require an agency to disclose
22 any confidential information that would link the data to the individual or business to whom it
23 pertains.

24 **Gov't Code § 15345.1 (repealed). Manufacturing competitiveness network study**

25 SEC. ___. Section 15345.1 of the Government Code is repealed.

26 15345.1. The agency shall initiate a contract for a manufacturing
27 competitiveness network planning study, by January 1, 1993, contingent upon the
28 receipt of nonstate public and private funding specified under Section 15345.5.
29 The agency shall serve as contract manager, in consultation with the planning
30 project partners specified in Section 15345.2. The study model shall include all of
31 the following:

32 (a) An assessment of the costs and feasibility of establishing an effective
33 information network and data base for the following purposes:

34 (1) Identification of California manufacturing firms experiencing
35 competitiveness pressures leading to planned relocations outside of the state or
36 region.

37 (2) Responses to planned relocations of this state's manufacturing firms,
38 including small businesses and minority and women-owned manufacturing firms,
39 to other regions, states, or countries through full utilization of available economic
40 development resources within both the private and public sectors.

41 (3) Identification of industry trends, by industrial sector and geographic location,
42 in order to assess competitiveness in the state's business environment.

43 (4) Identification of industries migrating to California.

1 (5) Establishment of a mechanism for coordination and cooperation among
2 economic development resource providers in order to facilitate early warning on
3 company relocation plans.

4 (b) An evaluation of the need for data specific information regarding California
5 manufacturing relocations.

6 (c) An evaluation of the availability of, and access to, data from state, regional,
7 and local sources.

8 (d) An inventory of studies and other information currently available regarding
9 California's business climate.

10 (e) A feasible system and structure to allow access of shared data and other
11 information among users concerning California manufacturers, as specified in
12 Section 15345.4.

13 **Comment.** Section 15345.1 is repealed as obsolete. The required report was to be completed by
14 October 1, 1993. See former Section 15345.3.

15 **Gov't Code § 15345.2 (repealed). Project planning partners**

16 SEC. ___. Section 15345.2 of the Government Code is repealed.

17 15345.2. (a) In conducting the study specified in Section 15345.1, the secretary
18 shall identify appropriate planning project partners among entities that may
19 contribute to the acquisition of information relevant to the proposed data base and
20 network. Planning project partners may include, but shall not be limited to, the
21 following:

- 22 (1) California utilities.
23 (2) Chambers of commerce.
24 (3) Local economic development organizations.
25 (4) California manufacturing associations.
26 (5) Small business manufacturing enterprises.
27 (6) Large business manufacturing enterprises.
28 (7) Organized labor.
29 (8) California community colleges and universities.
30 (9) The Employment Development Department.
31 (10) The Franchise Tax Board.

32 (b) In gathering required information, the secretary may utilize plant closure
33 information provided through the federal Worker Adjustment and Retraining
34 Notification Act (29 U.S.C. Sec. 2101 and following) and employment data
35 provided through the Employment Development Department's Labor Market
36 Information Survey, as well as market research, site inventory analysis, survey
37 instruments, and other appropriate data gathering strategies.

38 **Comment.** Section 15345.2 is repealed as obsolete. The required report was to be completed by
39 October 1, 1993. See former Section 15345.3.

40 **Gov't Code § 15345.3 (repealed). Manufacturing competitiveness network study deadline**

41 SEC. ___. Section 15345.3 of the Government Code is repealed.

1 ~~15345.3. Not later than October 1, 1993, the secretary shall report study findings~~
2 ~~and recommendations to the Governor and the Legislature.~~

3 **Comment.** Section 15345.3 is repealed as obsolete. The required report was to be completed by
4 October 1, 1993.

5 **Gov't Code § 15345.4 (amended). Information network**

6 SEC. _____. Section 15345.4 of the Government Code is amended to read:

7 ~~15345.4. (a) Pursuant to recommendations contained in the study prepared~~
8 ~~pursuant to former Section 15345.1, and contingent upon an annual appropriation~~
9 by the Legislature, the secretary shall establish, not later than April 1, 1994, an
10 information network and data base that would utilize regional data collection
11 resources to provide nonconfidential information that may include, but shall not be
12 limited to, the following components:

13 (1) Type of business, industry sector, defense, or commercial production.

14 (2) Size of business, number of employees, and value of production.

15 (3) Corporate structure, parent company, division, and group.

16 (4) Business mix of domestic and international sales.

17 (5) Reasons for planned relocation or restrictions against instate expansion
18 including regulatory issues, tax issues, housing and facilities costs, employment
19 costs, labor pool, support from local and state agencies or officials, quality and
20 quantity of public services, infrastructure issues, and state and local business
21 incentives.

22 (6) Employment training needs of California's manufacturing industries.

23 (b) The network shall be designed to provide accessibility of information to
24 users for the purpose of increasing knowledge of, and access to, state and regional
25 business retention and economic development resources.

26 (c) The network shall also track corporate decisions to restrict instate expansions
27 of California manufacturing enterprises.

28 (d) The network shall provide an early warning system for effective business
29 retention, including a mechanism for facilitating rapid response to business
30 concerns that may be mitigated by the state through technical assistance,
31 incentives, job training resources, and loan packaging or other capital formation
32 tools.

33 (e) The network shall be designed to provide an information resource that may
34 be used to assist the state in developing new programs and incentives designed to
35 retain manufacturing industries and attract new business including, but not limited
36 to, the following:

37 (1) Specific programs that may be expanded or initiated to assist industry, in
38 both rural and urban locations, to maintain a competitive position within the
39 context of the existing regulatory climate.

40 (2) Technology development programs to effectively utilize the educational and
41 scientific infrastructure of the state.

1 (3) Policy recommendations regarding legislative and regulatory issues affecting
2 manufacturing.

3 **Comment.** Section 15345.4 is amended to reflect the repeal of former Section 15345.1.

4 **Gov't Code § 15345.5 (repealed). Study funding**

5 SEC. ___. Section 15345.5 of the Government Code is repealed.

6 15345.5. The manufacturing competitiveness network planning study may be
7 funded through available Employment Training Panel funds, subject to the
8 approval of the Employment Training Panel, and through funds received from
9 private sector or nonstate public sources.

10 **Comment.** Section 15345.5 is repealed as obsolete. The required report was to be completed by
11 October 1, 1993. See former Section 15345.3.

12 **Gov't Code § 15399.51 (amended). Development permits**

13 SEC. ___. Section 15399.51 of the Government Code is amended to read:

14 15399.51. (a)(1) Every city, county, or city and county shall provide for
15 coordination of review and decisionmaking and the provision of information
16 regarding the status of all applications and permits for residential, commercial, and
17 industrial developments, as required by the city, county, or city and county, by a
18 single administrative entity. The city, county, or city and county may charge fees
19 to defray costs which are directly attributable to the coordination of an application
20 of a developer by a single administrative entity.

21 (2) (b) For the purposes of this section, "administrative entity" means a person or
22 agency designated by the legislative body of the city, county, or city and county to
23 coordinate the review and decisionmaking and provide information regarding the
24 status of all permits or applications required by the local agency.

25 (3) (c) A city, county, or city and county may adopt, by resolution or ordinance,
26 procedures for the implementation of this section by the designated administrative
27 entity.

28 (b)(1) At the request of an applicant, the administrative entity may coordinate
29 the review and decisionmaking process with affected special districts and the
30 administrative entity designated by the legislative body of any other city, county,
31 or city and county within whose jurisdiction application for approval of the
32 development is also being made in order to provide concurrent processing within
33 those jurisdictions.

34 (2) The office shall evaluate the extent to which this subdivision has resulted in
35 an expedited development permit process and shall report its findings and
36 conclusions to the Legislature on or before January 1, 1996.

37 (3) This subdivision shall have no application or effect on or after January 1,
38 1997.

39 **Comment.** Section 15399.51 is amended to delete reference to an obsolete reporting
40 requirement. The required report was to be completed by January 1, 1996.

1 **Gov't Code § 15814.25 (amended). Energy conservation in elementary school**

2 SEC. ___. Section 15814.25 of the Government Code is amended to read:

3 15814.25. (a) Energy conservation measures eligible for financing by
4 kindergarten through grade 12 schools shall be limited to those measures
5 recommended pursuant to an energy audit provided by the State Energy Resources
6 Conservation and Development Commission under its existing authority.

7 (b) The State Energy Resources Conservation and Development Commission
8 shall, in consultation with the Department of General Services, publish and
9 transmit to the Legislature no later than December 31, 1994, a report describing
10 the activities related to financing energy conservation measures at kindergarten
11 through grade 12 schools.

12 **Comment.** Section 15814.25 is amended to delete reference to an obsolete reporting
13 requirement. The required report was to be completed by December 31, 1994.

14 **Gov't Code §§ 16000-16081 (repealed). Environmental Quality Study Council**

15 SEC. ___. Part 14 (commencing with Section 16000) of Division 3 of Title 2 of
16 the Government Code is repealed.

17 **Comment.** Sections 16000-16081 are repealed as obsolete. The Environmental Quality Study
18 Council ceased to exist in 1972, pursuant to former Section 16054.

19 ☞ **Note.** The text of the repealed part is set out below for reference:

20 **PART 14. ENVIRONMENTAL QUALITY STUDY COUNCIL**

21 **CHAPTER 1. STATE POLICY**

22 16000. The Legislature finds that:

23 (a) Rapid population growth, economic development and urbanization have affected the quality
24 of California's natural environment.

25 (b) The proliferation of noise from transportation sources have led to the exposure of large
26 sectors of the populace to an unacceptable degree of noise.

27 (c) The anticipated rates of construction of new airports and extension of existing airports,
28 construction of freeways and mass rapid transit lines, and the introduction into service of
29 intraurban short takeoff and land and vertical takeoff and land aircraft operating at low cruising
30 altitudes will rapidly escalate the urban noise problem unless systematic preventive measures are
31 taken.

32 (d) There is a large discrepancy between the technology available for control of urban noise and
33 the degree to which it is being utilized in practice, through such means as land use planning, noise
34 control provisions in building design and construction, and legal control over the movements of
35 noise-producing transportation vehicles.

36 (e) Improvement of the quality of California's physical environment consistent with the
37 maximum benefit to the people of the state is a matter of statewide, regional, and local concern
38 calling for coordinated public and private action in the interest of the health, safety, and welfare
39 of present and future generations.

40 16001. An in-depth study is needed:

41 (a) To define the interrelationship of resources management, land use and transportation
42 policies, and other matters, including noise emissions, that affect environmental quality.

- 1 (b) To determine whether existing approaches to the protection, management, and improvement
2 of environmental quality are adequate for effective, long-range solutions to the problems.
3 (c) To recommend appropriate action necessary to effectively protect, manage, and improve
4 environmental quality on a long-range basis.

5 CHAPTER 2. DEFINITIONS

6 16020. "Council" means the State Environmental Quality Study Council.

7 16021. "Environmental quality" means the characteristics or conditions and relative degree of
8 excellence of the physical and biological constituents of man's surroundings.

9 16022. "Waste management" means the organized and systematic actions by which waste
10 products are utilized, or collected, processed, and disposed without an unreasonable adverse
11 effect upon man's environment.

12 CHAPTER 3. ORGANIZATION AND MEMBERSHIP OF THE COUNCIL

13 16050. There is in the state government the State Environmental Quality Study Council.

14 16051. The council consists of the following membership:

15 Secretary of the Resources Agency.

16 Secretary of the Business and Transportation Agency.

17 Chairman of the State Water Resources Control Board.

18 Chairman of the State Air Resources Board.

19 Seven public members appointed by the Governor, who shall have demonstrated interest in, and
20 knowledge of, the protection, management, and improvement of the quality of California's
21 physical environment. One of the seven public members appointed by the Governor, in addition
22 to the qualifications specified in this section, shall represent the solid waste management industry
23 and one of the seven public members appointed by the Governor shall represent city and county
24 government, as selected from the city and county members on the Intergovernmental Council on
25 Urban Growth.

26 Four members, two of whom shall be appointed by the Speaker of the Assembly, and two by
27 the Senate Rules Committee.

28 16052. In addition to the members specified pursuant to Section 16051, the council consists of
29 the following nonvoting ex officio membership:

30 Director of Public Health

31 Director of Agriculture

32 Director of Parks and Recreation

33 Director of Fish and Game

34 Director of Conservation

35 Director of Public Works

36 Director of Water Resources

37 Director of Housing and Community Development

38 City and county members of the Intergovernmental Council on Urban Growth.

39 16052.1. In addition to the members specified pursuant to Sections 16051 and 16052, the
40 council consists of one Member of the Senate, appointed by the Senate Rules Committee, and one
41 Member of the Assembly, appointed by the Speaker of the Assembly, who shall meet with, and
42 participate in the activities of the council to the extent that such participation is not incompatible
43 with their respective positions as Members of the Legislature. For the purposes of this part, such
44 Members of the Legislature shall constitute a joint investigating committee on the subject of this

1 part, and as such shall have the powers and duties imposed upon such committees by the Joint
2 Rules of the Senate and Assembly.

3 16053. The Governor shall designate the chairman of the council.

4 16054. The council shall cease to exist upon the adjournment sine die of the 1972 Regular
5 Session of Legislature.

6 16055. The council shall make progress reports to the Governor and to the Legislature on
7 February 1, 1969, on February 1, 1970, and on February 1, 1971; and shall make a final report to
8 the Governor and to the Legislature on February 1, 1972, at which time the council shall make
9 recommendations as to how its powers and duties can best be carried out in the future.

10 There is hereby continuously appropriated from the California Environmental Protection
11 Program Fund as created by Senate Bill 262 of the 1970 Regular Session of the Legislature to the
12 council sufficient funds for the necessary expenses of the council in the performance of its duties.

13 CHAPTER 4. POWERS AND DUTIES OF THE COUNCIL

14 16080. The council shall:

15 (a) Make a thorough study of relevant policies, practices, and programs in the state that relate
16 significantly to environmental quality, including noise emission control.

17 (b) Identify major environmental quality problems, giving consideration to all of the possible
18 interrelationships between the degradation or improvement of air, land, and water resources.

19 (c) Develop long-range goals and make recommendations, after holding public hearings, as to
20 policies, criteria, and programs as guides in the protection, management, and improvement of
21 California's environmental quality.

22 (d) Identify problems in existing environmental quality control efforts in the state, including
23 unmet or inadequately met needs, undesirable overlaps or conflicts in jurisdiction, between or
24 among federal, state, regional, and local agencies, and any efforts that may be unnecessary or
25 undesirable.

26 (e) Recommend, after holding public hearings, such legislative and administrative actions as
27 may be necessary to establish goals, policies, and criteria and to implement programs that will
28 effectively protect, manage, and improve environmental quality on a long-range basis.

29 (f) Review and make recommendations, after holding public hearings, on proper state, regional,
30 or local governmental mechanisms, which would formulate broad policies, objectives and criteria
31 for the coordinated protection, management, and improvement of California's physical
32 environment.

33 (g) Make recommendations for immediate action by state agencies as defined in Section 11000
34 of the Government Code which would effectively preserve and enhance California's natural
35 environment.

36 (h) Appoint a scientific advisory group to consider and report to the council on the state of the
37 art of urban noise-control technology and to recommend appropriate actions necessary to
38 effectively protect, manage, and improve the noise environment on a long-range basis. This
39 advisory group shall be composed of not less than five nor more than 10 members. To provide the
40 necessary depth and breadth in modern acoustics, members of the scientific advisory group shall
41 be practicing acoustical engineers.

42 (i) Avail itself of technical information available from federal agencies involved in research and
43 administrative measures for the control of noise such as the Departments of Transportation,
44 Housing and Urban Development, and Health, Education and Welfare. Specifically, the council
45 shall apprise itself of technical advisement available from the Interagency Aircraft Noise
46 Abatement Program, including its Land Use and Airports Panel and its Legislative and Legal
47 Panel.

48 16081. The council may:

- 1 (a) Appoint an executive secretary and other staff.
2 (b) Receive and disburse federal, state, or local funds.
3 (c) Contract for services.
4 (d) Hold public hearings.
5 (e) Appoint such advisory groups as may be necessary to carry out its powers and duties.
6 (f) Call upon any state agency for assistance in carrying out its objectives.

7 **Gov't Code § 16272.3 (repealed). Report on ad valorem property taxes**

8 SEC. _____. Section 16272.3 of the Government Code is repealed.

9 16272.3. Each fiscal officer shall report to the State Controller, on or before July
10 15, 1978, the amount of the ad valorem property taxes levied by the special
11 districts for which he serves as fiscal officer, for fiscal year 1977-78 minus the
12 amount allocated to each special district for 1978-79 pursuant to Section 26912.1.

13 **Comment.** Section 16272.3 is repealed as obsolete. The required report was to be completed by
14 July 15, 1978.

15 **Gov't Code § 16272.5 (amended). Dollar share of surplus allocation**

16 SEC. _____. Section 16272.5 of the Government Code is amended to read:

17 16272.5. The State Controller, shall total the amounts determined pursuant to
18 former Section 16272.3, as amended by Chapter 332 of the Statutes of 1978, and
19 shall determine the proportion which the amounts submitted by each governing
20 body bears to the total amount of the property taxes reported by all such governing
21 bodies. The percentage determined for each governing body shall be applied to the
22 one hundred and twenty-five million dollars (\$125,000,000) to determine the
23 dollar share of the surplus allocation for each governing body. The Controller shall
24 then notify in writing each fiscal officer of the allocation which will be made for
25 the 1978-79 fiscal year, on or before July 20, 1978.

26 **Comment.** Section 16272.5 is amended to reflect the repeal of former Section 16272.3.

27 ☞ **Note.** The chapter that contains Sections 16272.3 and 16272.5 relates to transitional
28 adjustments to special district financing following enactment of Proposition 13. Those
29 adjustments were to be made during the 1978-1979 fiscal year. The Commission would like to
30 receive input on whether Chapter 3 (commencing with Section 16270) of Part 1.5 of Division 4 of
31 Title 2 of the Government Code is itself obsolete and should be repealed.

32 **Gov't Code § 16285 (repealed). Local agency financial data**

33 SEC. _____. Chapter 5 (commencing with Section 16285) of Part 1.5 of Division 4
34 of Title 2 of the Government Code is repealed.

35 **Comment.** Section 16285 is repealed as obsolete. The required report was to be completed by
36 November 1, 1978.

37 ☞ **Note.** The text of the repealed chapter is set out below for reference:

CHAPTER 5. REPORTS

16285. Each city, county, and city and county, and special district, shall report to the Department of Finance by November 1, 1978, the following:

- (a) Its 1977-78 expenditures by category of service and revenues by source;
- (b) Its 1978-79 projected expenditures by category of service and revenues by source.
- (c) Any adjustments in fees, charges, and any taxes levied after June 6, 1978, and an estimate of revenues generated from those adjustments in the 1978-79 fiscal year.

The counties, cities, and cities and counties, shall report this data to the Department of Finance in a form and manner determined by the Department of Finance.

The Department of Education shall transmit school district information to the Department of Finance for inclusion in the report submitted to the Governor and the Legislature.

The Department of Finance and the Legislative Analyst shall report to the Governor and the Legislature by February 1, 1979, on the following:

- (a) A summary of the expenditure and revenue data received from counties, cities, a city and county and school districts;
- (b) A determination of the extent to which reductions in expenditures have been made in each category of service;
- (c) An analysis of the impact of such reductions in expenditures on the maintenance and accessibility of each category of service.

Gov't Code § 16367.9 (repealed). Energy assistance programs

SEC. ___. Section 16367.9 of the Government Code is repealed.

16367.9. No later than January 1, 1985, the State Office of Economic Opportunity shall submit a report to the Legislature on the following issues:

(a) The need to modify the state distribution system for federal low-income energy assistance funds to change the percentage allocation for energy crisis intervention programs and to change the relative allocation for low-income home energy assistance programs.

(b) The need to modify the state distribution system to change the percentage allocation for weatherization programs to reach the maximum allowed by federal guidelines.

(c) The adequacy of current statutory criteria to determine eligibility for all federally funded energy assistance programs, including assessment of methods permissible under federal law to provide assistance to those individuals who require the assistance on a temporary basis as a result of current economic conditions.

Comment. Section 16367.9 is repealed as obsolete. The required report was to be completed by January 1, 1985.

Gov't Code § 19995.35 (repealed). Injured state worker assistance program

SEC. ___. Section 19995.35 of the Government Code is repealed.

19995.35. Each state department shall report to the Department of Personnel Administration by no later than July 1, 1986, on its level of compliance with the Injured State Worker Assistance Program guidelines issued by the Department of Personnel Administration. The reports shall detail how the program has been implemented, whether or not and in what fashion return-to-work coordinators have

1 fulfilled their responsibilities, whether or not Return to Work Councils have been
2 formed, how they are composed, how often they have met, and whether or not the
3 return-to-work coordinator has been informed on a timely basis of all vacant
4 positions in the department. Each department shall report: the number of
5 employees disabled in the reporting period; the kind of disablement (job or
6 nonjob); the number who were provided information and counseling in person by
7 a vocational rehabilitation counselor or other appropriate specialist; the number of
8 disabled employees provided with reasonable accommodations or special
9 equipment or both; the number retrained for a new position and the number
10 successfully returned to work at the same or some other position, either within the
11 department or in some other state agency; the number who were eligible for and
12 accepted disability retirement within the reporting period; the number eligible for
13 temporary disability benefits (job or nonjob) who left employment and engaged in
14 retraining and rehabilitation, if that information can be obtained.

15 Each department shall provide, if possible, and by mail if necessary, each
16 employee engaged in a rehabilitation program or a retraining program, within the
17 last 12 months with a copy of this section and the opportunity to comment on the
18 level of effective retraining and rehabilitation provided by the department.
19 Representative samples of disabled employee comment shall be included in the
20 report.

21 The Department of Personnel Administration shall coordinate departmental
22 responses to this section, to assess the relative success of the program on a
23 department-by-department basis, and make recommendations to the Legislature by
24 December 2, 1986, on how the state can more successfully return to productive
25 work in state service individual state workers who suffer job and nonjob-related
26 disabilities, avoiding the General Fund costs of disability retirement, and the
27 human costs of wasted lives. The Department of Personnel Administration shall
28 also recommend whether legislation giving a revised Injured State Worker
29 Assistance Program statutory status is advisable.

30 **Comment.** Section 19995.35 is repealed as obsolete. The required reports were to be
31 completed by December 2, 1986.

32 **Gov't Code § 19998.5 (repealed). State Employee Assistance Program**

33 SEC. _____. Section 19998.5 of the Government Code is repealed.

34 19998.5. The department shall provide a report to the Legislature and the
35 Governor, on or before March 1, 1988, on the utilization and operations of the
36 State Employee Assistance Program as administered by the department.

37 This report shall address the cost efficiency and effectiveness of the program,
38 and shall include, but not be limited to, all of the following:

39 (a) Statistics on sick leave, on-the-job accidents, health care claims, workers'
40 compensation claims, termination, grievances, and tardiness for the years of 1984,
41 1985, and 1986.

1 (b) Types of services provided by the program and utilization of these services,
2 such as alcohol, drugs, family, marital, medical, legal, financial, and other
3 services.

4 (c) Delineation of state agencies which contract out for these services and those
5 which have in-house programs, and a comparison of services provided and utilized
6 by these programs.

7 (d) The average cost to contract out services, per employee, on an annual basis,
8 and the same analysis for in-house programs.

9 (e) The amount of resources, both staff and fiscal, employed by the department
10 in the administration of the program.

11 (f) Comparison of supervisory performance related referrals to other types of
12 referrals, such as self or union referrals.

13 (g) The number of supervisory consultations.

14 (h) Employee satisfaction with the program.

15 (i) Recommendations for improving the program.

16 The department shall develop data gathering instruments in order to ensure the
17 collection of information for the cost effectiveness and efficiency studies required
18 under this section.

19 **Comment.** Section 19998.5 is repealed as obsolete. The required report was to be completed by
20 March 1, 1988.

21 **Gov't Code § 30605 (repealed). Los Angeles County Fiscal Audit**

22 SEC. _____. Section 30605 of the Government Code is repealed.

23 30605. (a) In order to provide independent verification and validation of the
24 county's financial position, the State Auditor shall perform an audit to assess the
25 county's fiscal condition as well as the conditions and actions contributing to the
26 budget shortfall. This review should include, but not be limited to, the following:

27 (1) A review and assessment of the county's projection of revenues and
28 expenditures.

29 (2) A comparison of the county's budgeted revenues and expenditures and actual
30 revenues and expenditures, including an analysis of any significant variances.

31 (3) A review of budget actions taken in recent years to meet short-term and long-
32 term funding needs that have had or will have an impact on future budgets.

33 (4) A review of potential barriers to the implementation of corrective measures,
34 including the county's charter, collective bargaining agreements, and maintenance
35 of effort requirements imposed by the state and federal governments.

36 (5) A review of the sources, uses, and terms of long-term debt financing entered
37 into by the county and the extent to which it was utilized to fund ongoing
38 operating expenses.

39 (6) Recommendations, as appropriate, for improving the efficiency and
40 effectiveness of the county's operations.

41 (b) The report of the audit shall be submitted to the Legislature and Governor on
42 or before March 31, 1996. The State Auditor shall not unnecessarily duplicate the

1 efforts of the Legislative Analyst's Office, and shall utilize, to the extent possible,
2 the data and analyses of the Legislative Analyst.

3 **Comment.** Section 30605 is repealed as obsolete. The required report was to be completed by
4 March 31, 1996.

5 **Gov't Code § 51015.05 (amended). Intrastate pipeline data**

6 SEC. _____. Section 51015.05 of the Government Code is amended to read:

7 51015.05. (a) The State Fire Marshal shall establish and maintain a centralized
8 data base containing information and data regarding the following intrastate
9 pipelines:

10 (1) Pipelines, as defined in paragraph (3) of subdivision (a) of Section 51010.5,
11 used for the transportation of crude oil that operate by gravity or at a stress level of
12 20 percent or less of the specified minimum yield strength of the pipe.

13 (2) Pipelines, as defined in paragraph (4) of subdivision (a) of Section 51010.5,
14 used for the transportation of petroleum in onshore gathering lines located in rural
15 areas.

16 (b) The data base shall include, but is not limited to, an inventory of the
17 pipelines described in subdivision (a), including pipeline locations, ownership,
18 ages, and inspection histories, that are in the possession of the owner or operator of
19 the oil field or other gas facility.

20 (c) The State Fire Marshal shall regularly update the data base and shall make
21 the information in the data base available to the public, and to all local, state, and
22 federal agencies.

23 (d) Any state or local governmental agency that regulates, supervises, or exerts
24 authority over any pipeline described in subdivision (a) shall report any
25 information or data specified in subdivision (b) in its possession to the State Fire
26 Marshal. That information shall be submitted to the State Fire Marshal in a
27 computer compatible format.

28 (e) The State Fire Marshal shall conduct a study of the fitness and safety of all
29 pipelines described in subdivision (a), and investigate incentive options that would
30 encourage pipeline replacement or improvements, including, but not limited to, a
31 review of existing regulatory, permit, and environmental impact report
32 requirements and other existing public policies, as may be identified by the
33 Pipeline Safety Advisory Committee and adopted by the State Fire Marshal, that
34 could act as barriers to the replacement or improvement of those pipelines. ~~On or~~
35 ~~before December 31, 1995, the State Fire Marshal shall report his or her findings~~
36 ~~and recommendations to the Legislature.~~

37 (f) The costs of this section shall be funded from federal block grant funds. This
38 section shall become operative only upon receipt of these federal block grant funds
39 as determined by the State Fire Marshal. Upon receipt of these funds the State Fire
40 Marshal shall provide written notice to both houses of the Legislature for
41 publication in their respective journals.

1 **Comment.** Section 51015.05 is amended to delete reference to an obsolete reporting
2 requirement. The required report was to be completed by December 31, 1995.

3 **Gov't Code § 51015.1 (repealed). Hazardous liquid pipelines**

4 SEC. ___. Section 51015.1 of the Government Code is repealed.

5 51015.1. (a) The State Fire Marshal shall conduct and prepare a risk assessment
6 study dealing with intrastate and interstate hazardous liquid pipelines which are
7 located not more than 500 feet from any rail line. The study shall include, but is
8 not limited to, the following:

9 (1) Identification of each of these pipelines, its operator, geographic location,
10 leak history, and the name of the railroad line or lines.

11 (2) Analysis of historic events involving reported damage to pipelines as a result
12 of railroad train derailments. This analysis shall differentiate between main higher
13 speed rail lines and other lines such as those within railroad yards and maintenance
14 facilities for railroad vehicles, and other "spur" lines used for the transfer of
15 railroad vehicles from one line or train to another.

16 (3) Analysis of the feasibility of requiring that railroad operators and pipeline
17 operators prepare, subject to approval of the State Fire Marshal, a coordinated
18 contingency plan for pipeline emergencies and derailments.

19 (4) Identification and analysis of any impacts which geological or seismic
20 activities may have on the safe operation of intrastate and interstate hazardous
21 liquid pipelines.

22 (5) Analysis of the feasibility of requiring the pipeline operator to test, repair,
23 replace, or relocate intrastate pipelines suspected of potential damage resulting
24 from a railroad car derailment. As a minimum, that analysis shall include the
25 examination of issues involved in obtaining necessary rights-of-way, and
26 requirements for gaining approval of concerned local, state, and federal
27 governmental agencies for pipeline relocation.

28 (6) Analysis of the feasibility of requiring pipeline operators to notify local
29 affected fire agencies of the contents of hazardous liquid pipelines. The
30 notification would be required anytime there is a change in material being
31 transported.

32 (7) Evaluation of the best available control technology to protect public safety in
33 the event of a pipeline emergency resulting from a railroad train derailment.

34 The technology may include, but is not limited to:

35 (A) Design and placement of check or safety valves.

36 (B) Barriers or shields to help protect pipelines in the event of a derailment.

37 (C) Special testing or inspection requirements.

38 (8) Recommendations for improving coordination and cooperation between local
39 agencies, the State Fire Marshal, pipeline operators, rail line operators, and the
40 United States Department of Transportation in the preparation and implementation
41 of contingency plans for pipeline and rail emergencies.

42 (b) A pipeline located in a rural area shall be excluded from this study.

1 (c) This risk assessment study shall be completed and submitted to the Governor
2 and the Legislature by January 1, 1991.

3 (d) It is the intent of the Legislature in enacting this section that the findings and
4 recommendations set forth in the risk assessment study will be used by the State
5 Fire Marshal in preparing and adopting regulations provided for in Section
6 51015.2.

7 **Comment.** Section 51015.1 is repealed as obsolete. The required report was to be completed by
8 January 1, 1991.

9 **Gov't Code § 53117 (repealed). Local emergency telephone systems**

10 SEC. ___. Section 53117 of the Government Code is repealed.

11 53117. (a) On or before February 16, 1975, the Communications Division shall
12 report to the Legislature the progress in the implementation of systems required by
13 this article. Such reports shall contain its recommendations for additional
14 legislation.

15 (b) In December of 1973 and in December of 1974 the Communications
16 Division, with the advice and assistance of the Attorney General, shall submit
17 recommendations to the Department of Finance and to the Governor specifying
18 amounts necessary to further implement the organization of telephone systems
19 specified in this article during the succeeding fiscal year. The report specified in
20 this subdivision shall contain, in addition, an estimate of the fiscal impact to local
21 public agencies which will be caused by implementation of the provisions of this
22 article.

23 **Comment.** Section 53117 is repealed as obsolete. The required reports were to be completed
24 by 1975.

25 **Gov't Code § 53125 (repealed). Local nonemergency telephone system**

26 SEC. ___. Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1
27 of Division 2 of Title 5 of the Government Code is repealed.

28 **Comment.** Section 53125 is repealed as obsolete. By its own terms the section remained in
29 effect only until January 1, 2000.

30 ☞ **Note.** The text of the repealed article is set out below for reference:

31 ARTICLE 6.5. LOCAL NONEMERGENCY TELEPHONE SYSTEM PILOT
32 PROGRAM

33 53125. (a) The Legislature finds and declares that the efficient and effective use of the "911"
34 emergency telephone system has recently been compromised by an increase in nonemergency
35 calls to that number. The Legislature further finds and declares that these nonemergency calls can
36 burden the "911" system, diverting "911" call-takers and radio dispatchers from true
37 emergencies. For these reasons, the Legislature finds and declares that a need exists to implement
38 procedures to limit the use of the "911" system to true emergencies, and to provide citizens with
39 an alternative phone system for nonemergencies. The purpose of the pilot program is to assess
40 whether the establishment of a "311" nonemergency telephone system will substantially decrease
41 the use of the "911" system for nonemergencies.

1 (b) The Division of Telecommunications of the Department of General Services shall conduct a
2 pilot program to evaluate alternative means to reduce the use of the "911" telephone number for
3 nonemergency assistance. The pilot program shall consist of the following two approaches:

4 (1) The use of a "311" telephone number as a means of reaching local public safety agencies
5 for nonemergency assistance.

6 (2) Improved marketing of the use of and access to existing nonemergency telephone numbers
7 for nonemergency assistance, which may include, but shall not be limited to, providing decals for
8 each individual telephone within the study area, which include the nonemergency telephone
9 numbers of public safety entities serving the area in which the telephone is located.

10 (c) The pilot program shall be implemented as soon as the Division of Telecommunications
11 determines that it is practicable to do so, but in no event later than July 1, 1998. The division may
12 select one or more locations to implement the pilot program, and shall, to the extent possible,
13 select areas with comparable characteristics to serve as a study area for one of the two approaches
14 specified in subdivision (b) to permit reasonable comparisons of the two alternative approaches,
15 and is encouraged to share the costs of the pilot program with the local agency or agencies.
16 Participation in the pilot program shall be on a voluntary basis on the part of the local agency or
17 agencies. The division shall assess the effectiveness of each of the two approaches specified in
18 subdivision (b) by evaluating the following factors:

19 (1) The overall impact of each of the two approaches specified in subdivision (b) on the "911"
20 system.

21 (2) The costs associated with the establishment, operation, and maintenance of either approach
22 specified in subdivision (b).

23 (3) The difficulties associated with appropriately routing emergency calls placed to the "311"
24 telephone number or the existing nonemergency telephone number.

25 (4) The staffing requirements for "311" operators as compared to "911" dispatchers.

26 (5) Whether the use of either the "311" number or the existing nonemergency telephone
27 number has caused confusion to the public, particularly with respect to the mistaken use of either
28 "311" or the existing nonemergency telephone number instead of "911" by children.

29 (d) The pilot program shall be deemed to have demonstrated the success of either approach
30 specified in subdivision (b) if the assessment required by subdivision (c) finds that the "311"
31 telephone number or the existing nonemergency telephone number does not create confusion with
32 the "911" program and finds that either approach specified in subdivision (b) has contributed to:

33 (1) Reducing "911" calls.

34 (2) Improving answer time for "911" calls.

35 (3) Reducing unanswered "911" calls.

36 (4) Reducing nonemergency "911" calls.

37 (e) The division shall submit a report to the Governor and the Legislature on the results of the
38 pilot program and its assessment and comparison of each approach specified in subdivision (b) by
39 July 1, 1999.

40 (f) This section shall remain in effect until January 1, 2000.

41 **Gov't Code § 68106 (repealed). Trial court budgeting**

42 SEC. _____. Section 68106 of the Government Code is repealed.

43 ~~68106. The Judicial Council shall, in consultation with the Department of Finance and the Legislative Analyst, study the methods available for the inclusion of trial courts in the Budget Act, and shall report its findings and recommendations to the Legislature on or before March 1, 1992, as to the most efficient and cost-effective process for including trial courts in the Budget Act. The report shall also include recommendations on an equitable formula for the allocation of state funds appropriated for the support of the trial courts.~~

1 **Comment.** Section 68106 is repealed as obsolete. The required report was to be completed by
2 March 1, 1992.

3 **Gov't Code § 68511.4 (repealed). Trial court recordkeeping practices**

4 SEC. ___. Section 68511.4 of the Government Code is repealed.

5 68511.4. The Judicial Council shall undertake to study and report on
6 recordkeeping practices in the trial courts. The study shall be conducted in
7 consultation with an advisory committee of representatives from interested and
8 affected groups including judges, court clerks, court administrators, court
9 reporters, attorneys, historical and research groups, and others as identified by the
10 Judicial Council. The study shall include, but not be limited to, the following
11 areas: (a) the volume of trial court records now in existence, together with the
12 methods of maintaining records, and the costs of record maintenance; (b) the rate
13 at which records are accumulating; and (c) the use of records by the courts and by
14 the public.

15 On or before July 1, 1992, the Judicial Council shall submit a report to the
16 Legislature on uniform statewide record management policies and practices
17 together with methods for application of new record reproduction, storage, and
18 transmission technology to meet the needs for efficient court administration, for
19 protection and preservation of records, for public access, and for historical and
20 other research.

21 **Comment.** Section 68511.4 is repealed as obsolete. The required report was to be completed by
22 July 1, 1992.

23 **Gov't Code § 68515 (repealed). Megatrial facilities**

24 SEC. ___. Section 68515 of the Government Code is repealed.

25 68515. (a) The Judicial Council, in consultation with the Department of General
26 Services and the State Architect, shall study the feasibility of the operation of one
27 to three megatrial facilities for cases which have extraordinary numbers of parties
28 and counsel. The study shall include, but shall not be limited to, all of the
29 following:

30 (1) Alternative uses for the proposed facilities when not in use for megatrials,
31 including suggestions regarding alternate construction styles which could
32 maximize alternate uses.

33 (2) The types of support facilities that would be needed for such a megatrial
34 facility, such as a library, child care facilities, or offices.

35 (3) A cost comparison of using existing facilities, renting facilities on a case-by-
36 basis, constructing temporary facilities and dismantling them after use, and
37 constructing permanent facilities and encouraging their maximum usage.

38 (4) The number of cases which would make such a facility feasible and the
39 frequency, jurisdiction, and location of these cases.

40 (5) Data on megatrials for the past 10 years, to include, but not be limited to,
41 associated costs, duration, number of litigants and witnesses, and location.

(6) The options for bringing judges and juries from the original jurisdiction for megatrial or using those located near the facility.

(7) If existing megatrial facilities are not recommended for continued use, then the reasons for using alternative sites shall be specified.

(b) The Judicial Council shall report its findings and recommendations to the Legislature on or before December 1, 1993.

(c) Any permanent facility that is existing or proposed and studied under this proposal shall be deemed economical and practical to the extent that:

(1) Construction and operational costs are less than those of temporary facilities by 15 percent or more.

(2) The facilities would be utilized no less than 70 percent of the year.

Comment. Section 68515 is repealed as obsolete. The required report was to be completed by December 1, 1993.

HEALTH AND SAFETY CODE

Health & Safety Code § 1179.2 (amended). Task Force on Rural Health

SEC. ___. Section 1179.2 of the Health and Safety Code is amended to read:

1179.2. (a) The Health and Welfare Agency shall establish an interdepartmental Task Force on Rural Health to coordinate rural health policy development and program operations and to develop a strategic plan for rural health.

(b) At a minimum, the following state departmental directors, or their representatives, shall participate on this task force:

(1) The Director of Health Services.

(2) The Director of Statewide Health Planning and Development.

(3) The Director of Alcohol and Drug Programs.

(4) The Director of the Emergency Medical Services Authority.

(5) The Director of Mental Health.

(6) The Executive Director of the Managed Risk Medical Insurance Board.

(c) The task force shall review and direct the activities of the Office of Rural Health or the alternative organizational structure, as determined by the Secretary of the Health and Welfare Agency.

(d) The task force shall establish appropriate mechanisms, such as ad hoc or standing advisory committees or the holding of public hearings in rural communities for the purpose of soliciting and receiving input from these communities, including input from rural hospitals, rural clinics, health care service plans, local governments, academia, and consumers.

(e) By May 1, 1996, the Secretary of the Health and Welfare Agency shall report to the Chair of the Joint Legislative Budget Committee and the Chairs of the Senate and Assembly Health Committees, and at that time submit the strategic plan developed by the task force. This strategic plan may include but shall not be limited to the following elements:

1 (1) The status of establishing an Office of Rural Health or alternative
2 organizational structure.

3 (2) The roles and responsibilities of that office or alternative organizational
4 structure.

5 (3) The mechanism for ongoing input to the office or alternative organizational
6 structure by members of the public, rural health care providers, rural hospitals,
7 health care service plans, and local governments.

8 (4) The identification of all departments and agencies with significant program
9 or funding responsibility for rural health care.

10 (5) A detailed plan to consolidate and coordinate the activities of the programs
11 identified pursuant to paragraph (4) to better meet the health care needs of rural
12 residents.

13 **Comment.** Section 1179.2 is amended to delete reference to an obsolete reporting requirement.
14 The required report was to be completed by May 1, 1996.

15 **Health & Safety Code § 1205.1 (repealed). Licensure of dialysis facilities**

16 SEC. _____. Section 1205.1 of the Health and Safety Code is repealed.

17 1205.1. The state department shall conduct a study regarding the need for
18 additional licensure requirements for dialysis facilities, and shall submit a report to
19 the Legislature on or before March 31, 1985, which shall include, but not be
20 limited to, all of the following:

21 (a) An analysis of the number and type of new dialysis facilities which have
22 opened in California since the repeal of the certificate-of-need requirement.

23 (b) An analysis of the impact, if any, of the elimination of the certificate-of-need
24 requirement upon the quality of patient care provided by dialysis facilities.

25 (c) An analysis of the costs and benefits of requiring a new dialysis facility to
26 submit a business plan for the proposed facility prior to receiving licensure from
27 the department.

28 (d) An analysis of the costs and benefits of requiring a proposed dialysis facility
29 to provide information demonstrating patient statistics which ensure a reasonable
30 probability that the facility will be financially capable of remaining in business and
31 providing high-quality medical care throughout the initial five-year period of its
32 existence.

33 **Comment.** Section 1205.1 is repealed as obsolete. The required report was to be completed by
34 March 31, 1985.

35 **Health & Safety Code § 1275.3 (amended). Intermediate care facilities and developmentally
36 disabled nursing**

37 SEC. _____. Section 1275.3 of the Health and Safety Code is amended to read:

38 1275.3. (a) The State Department of Health Services and the State Department of
39 Developmental Services shall jointly develop and implement licensing and Medi-
40 Cal regulations appropriate for intermediate care facilities/developmentally
41 disabled—nursing. The Director of Health Services shall adopt these regulations

1 as emergency regulations and, notwithstanding any provision of law, shall transmit
2 emergency regulations adopted pursuant to this subdivision directly to the
3 Secretary of State for filing, and regulations shall become effective immediately
4 upon filing.

5 The adoption of the regulations shall be deemed to be an emergency and
6 necessary for the immediate preservation of the public peace, health and safety, or
7 general welfare.

8 (b) The regulations adopted pursuant to subdivision (a) shall ensure that
9 residents of intermediate care facilities/developmentally disabled—nursing receive
10 appropriate medical and nursing services, and developmental program services in
11 a normalized, least restrictive physical and programmatic environment appropriate
12 to individual resident need.

13 In addition, the regulations shall do all of the following:

14 (1) Include provisions for the completion of a clinical and developmental
15 assessment of placement needs, including medical and other needs, and the degree
16 to which they are being met, of clients placed in an intermediate care
17 facility/developmentally disabled—nursing and for the monitoring of these needs
18 at regular intervals.

19 (2) Provide for maximum utilization of generic community resources by clients
20 residing in a facility.

21 (3) Require the State Department of Developmental Services to review and
22 approve an applicant's program plan as part of the licensing and certification
23 process.

24 (4) Require that the physician providing the certification that placement in the
25 intermediate care facility/developmentally disabled—nursing is needed, consult
26 with the physician who was the physician of record at the time the person's
27 proposed placement is being considered by the interdisciplinary team.

28 (c) Regulations developed pursuant to this section shall include licensing fee
29 schedules appropriate to facilities which will encourage their development.

30 (d) Nothing in this section supersedes the authority of the State Fire Marshal
31 pursuant to Sections 13113, 13113.5, 13143, and 13143.6 to the extent that these
32 sections are applicable to community care facilities.

33 (e) ~~The State Department of Developmental Services, in consultation with the~~
34 ~~State Department of Health Services, shall report to the Legislature no later than~~
35 ~~January 1, 1989, regarding the number and types of clients being served in~~
36 ~~intermediate care facilities/developmentally disabled—nursing and any problems~~
37 ~~encountered by facilities or the departments in implementing the new licensure~~
38 ~~category.~~

39 **Comment.** Section 1275.3 is amended to delete reference to an obsolete reporting requirement.
40 The required report was to be completed by January 1, 1989.

41 **Health & Safety Code § 1519 (repealed). Cost of operation of residential facilities**

42 SEC. _____. Section 1519 of the Health and Safety Code is repealed.

1 **1519.** The Auditor General shall report to the Legislature by no later than March
2 1, 1986, on the cost of operation for residential facilities for all client groups,
3 taking into account the difference in facility size. The Auditor General shall
4 recommend an appropriate rate structure for recipients of Supplemental Security
5 Income/State Supplementary Program in residential facilities for all client groups
6 based on the findings in the report.

7 **Comment.** Section 1519 is repealed as obsolete. The required report was to be completed by
8 March 1, 1986.

9 **Health & Safety Code § 1520.65 (repealed). Study of community care facility placements**

10 SEC. ___. Section 1520.65 of the Health and Safety Code is repealed.

11 **1520.65.** (a) The Legislature finds and declares that there exists a compelling
12 need to examine the circumstances and conditions that result in the placement of
13 children in community care facilities outside their county of residence in order to
14 determine the impact these placements have on the overconcentration of facilities
15 in certain communities, and the well-being of the children effected and the success
16 of family reunification.

17 (b) The State Department of Social Services shall provide a report to the
18 Legislature on or before January 1, 1994. In preparing the report, the department
19 shall consult with representatives of provider organizations, the County Welfare
20 Directors Association, the County Probation Officers Association, and others. The
21 report shall contain the following information:

22 (1) Identify the number of children, by county, who are being placed into
23 community care facilities outside their county of residence, as well as the location
24 of the placement facilities.

25 (2) Identify the characteristics of the children being placed out of county,
26 including their ethnic and socioeconomic background, as well as the particular
27 needs which resulted in their placement.

28 (3) Identify the number of children by county being placed out of state.

29 (4) Identify the characteristics of the children being placed out of state, including
30 their ethnic and socioeconomic background, as well as the particular needs which
31 resulted in their placement.

32 (5) Determine the effect of land use regulations in urban and suburban areas on
33 the siting of facilities.

34 (6) Determine the relationship between housing costs, prevailing labor costs, and
35 unemployment rates on siting of facilities.

36 **Comment.** Section 1520.65 is repealed as obsolete. The required report was to be completed by
37 January 1, 1994.

38 **Health & Safety Code § 1522.4 (amended). Community care facility standards**

39 SEC. ___. Section 1522.4 of the Health and Safety Code is amended to read:

40 **1522.4.** (a) In addition to any other requirements of this chapter and except for
41 foster family homes, small family homes, and certified family homes of foster

1 family agencies, all of the following apply to any community care facility
2 providing 24-hour care for children:

3 (1) The facility shall have one or more facility managers. "Facility manager," as
4 used in this section, means a person on the premises with the authority and
5 responsibility necessary to manage and control the day-to-day operation of a
6 community care facility and supervise the clients. The facility manager, licensee,
7 and administrator, or any combination thereof, may be the same person provided
8 he or she meets all applicable requirements. If the administrator is also the facility
9 manager for the same facility, this person shall be limited to the administration and
10 management of only one facility.

11 (2) The facility manager shall have at least one year of experience working with
12 the client group served, or equivalent education or experience, as determined by
13 the department.

14 (3) A facility manager shall be at the facility at all times when one or more
15 clients are present. To ensure adequate supervision of clients when clients are at
16 the facility outside of their normal schedule, a current telephone number where the
17 facility manager can be reached shall be provided to the clients, licensing agency,
18 school, and any other agency or person as the department determines is necessary.
19 The facility manager shall instruct these agencies and individuals to notify him or
20 her when clients will be returning to the facility outside of the normal hours.

21 (4) The Legislature intends to upgrade the quality of care in licensed facilities.

22 For the purposes of Sections 1533 and 1534, the licensed facility shall be
23 inspected and evaluated for quality of care at least once each year, without
24 advance notice and as often as necessary, without advance notice, to ensure the
25 quality of care being provided.

26 Paragraphs (1), (2), and (3) shall apply only to new facilities licensed for six or
27 fewer children which apply for a license after January 1, 1985, and all other new
28 facilities licensed for seven or more children which apply for a license after
29 January 1, 1988. Existing facilities licensed for seven or more children shall
30 comply by January 1, 1989.

31 (b) No employee of the state or county employed in the administration of this
32 chapter or employed in a position that is in any way concerned with facilities
33 licensed under this chapter shall hold a license or have a direct or indirect financial
34 interest in a facility described in subdivision (a).

35 The department, by regulation, shall make the determination pursuant to the
36 purposes of this section and chapter, as to what employment is in the
37 administration of this chapter or in any way concerned with facilities licensed
38 under this chapter and what financial interest is direct or indirect.

39 This subdivision does not prohibit the state or county from securing a license for,
40 or operating, a facility that is otherwise required to be licensed under this chapter.

41 (c)(1) No group home or foster family agency licensee, or employee, member of
42 the board of directors, or officer of a group home or foster family agency licensee,
43 shall offer gifts or other remuneration of any type to any employee of the State

1 Department of Social Services or placement agency that exceeds the monetary
2 limits for gifts to employees of the State of California pursuant to Title 9
3 (commencing with Section 81000) of the Government Code and regulations
4 adopted thereunder by the Fair Political Practices Commission.

5 (2) No employee of the department or a placement agency shall accept any gift
6 or other remuneration of any type from a group home or foster family agency
7 licensee or employee, member of the board of directors, or officer of a group home
8 or foster family agency licensee that exceeds the monetary limits for gifts to
9 employees of the State of California in Title 9 (commencing with Section 81000)
10 of the Government Code and regulations adopted thereunder by the Fair Political
11 Practices Commission.

12 (3) Violation of this subdivision is punishable as a misdemeanor.

13 (4) ~~The Legislature requests that the Judicial Council study whether the California Code of Judicial Ethics should be amended to further limit or bar gifts from group home facilities and foster family agencies to judicial officers and employees of the court and to report its findings to the Legislature by July 1, 1999.~~

17 **Comment.** Section 1522.4 is amended to delete reference to an obsolete reporting requirement.
18 The required report was to be completed by July 1, 1999.

19 **Health & Safety Code § 1522.6 (repealed). Fingerprint clearance advisory committee**

20 SEC. _____. Section 1522.6 of the Health and Safety Code is repealed.

21 ~~1522.6. The State Department of Social Services shall create, by February 1, 1989, an advisory committee, including, but not limited to, representatives of the Department of Justice, the County Welfare Directors Association, and the California Association of Services for Children, for the purpose of assisting the department to develop ways to expedite fingerprint clearances of potential licensed or certified foster parents. The department shall report to the Legislature, no later than July 1, 1989, concerning the length of time necessary to clear the fingerprints of the applicants and the measures taken to expedite the clearances. The advisory committee created pursuant to this section shall be terminated on January 1, 1991.~~

30 **Comment.** Section 1522.6 is repealed. The advisory committee created by Section 1522.6 was
31 terminated on January 1, 1991.

32 **Health & Safety Code § 1527.9 (repealed). Availability of commercial liability insurance**

33 SEC. _____. Section 1527.9 of the Health and Safety Code is repealed.

34 ~~1527.9. On or before January 1, 1988, the Department of Insurance, in consultation with the State Department of Social Services, shall submit a report to the Legislature assessing the availability of commercial liability insurance for foster family homes and small family homes and making recommendations for the continued necessity for, or modification of, the measures authorized by this article. The report shall also include, but not be limited to, the number of foster care homes and small family homes carrying homeowner's or tenant's liability insurance, provisions of the liability coverage, including any exclusions relevant to~~

1 foster-care status of the insured, the premium cost, the number of insurers offering
2 coverage to foster care families, and the number of claims made against each
3 insurer by insureds relevant to the foster-care relationship.

4 **Comment.** Section 1527.9 is repealed as obsolete. The required report was to be completed by
5 January 1, 1988.

6 **Health & Safety Code § 1529.3 (repealed). Foster parent training**

7 SEC. ___. Section 1529.3 of the Health and Safety Code is repealed.

8 1529.3. (a) By January 1, 1990, the Legislative Analyst shall report to the
9 Legislature on the status of foster parent training in California. The report shall
10 include, but not be limited to, the following: identification of a desirable basic
11 curriculum of training for foster parents, identification of specialized training
12 needs for foster parents in addition to the basic curriculum; recommendations for
13 whether training should be mandatory for all foster parents; and recommendations
14 on how the training should be funded.

15 (b) In preparing the report, the Legislative Analyst shall consult with the State
16 Department of Social Services, the Chancellor of the California Community
17 Colleges, the California State Foster Parents Association, the California
18 Association of Services for Children, the County Welfare Directors Association,
19 and other appropriate parties.

20 **Comment.** Section 1529.3 is repealed as obsolete. The required report was to be completed by
21 January 1, 1990.

22 **Health & Safety Code § 1557 (repealed). Suspension of license or special permit of
23 community care facility**

24 SEC. ___. Section 1557 of the Health and Safety Code is repealed.

25 1557. The Auditor General shall report to the Legislature by April 1, 1988, on
26 the implementation of the procedures established in Section 1556.

27 **Comment.** Section 1557 is repealed as obsolete. The required report was to be completed by
28 April 1, 1988.

29 **Health & Safety Code § 1569.545 (repealed). Reinstatement of suspended permit**

30 SEC. ___. Section 1569.545 of the Health and Safety Code is repealed.

31 1569.545. The Auditor General shall report to the Legislature by April 1, 1988,
32 on the implementation of the procedures established in Section 1569.54.

33 **Comment.** Section 1569.545 is repealed as obsolete. The required report was to be completed
34 by April 1, 1988.

35 **Health & Safety Code § 1596.955 (amended). Toddler program**

36 SEC. ___. Section 1596.955 of the Health and Safety Code is amended to read:

37 1596.955. (a) The department shall develop guidelines and procedures to permit
38 licensed child day care centers serving preschool age children to create a special
39 program component for children between the ages of 18 months and 30 months.
40 This optional toddler program shall be subject to the following basic conditions:

- 1 (1) An amended application is submitted to and approved by the department.
- 2 (2) No child shall be placed in the preschool program before the age of 30
- 3 months without parental permission. A child who is more than 30 months of age
- 4 may participate in the toddler program with parental permission.
- 5 (3) Parents give permission for the placement of their children in the toddler
- 6 program.
- 7 (4) A ratio of six children to each teacher is maintained for all children in
- 8 attendance at the toddler program. An aide who is participating in on-the-job-
- 9 training may be substituted for a teacher when directly supervised by a fully
- 10 qualified teacher.
- 11 (5) The maximum group size, with two teachers, or one fully qualified teacher
- 12 and one aide, does not exceed 12 toddlers.
- 13 (6) The toddler program is conducted in areas separate from those used by older
- 14 or younger children. Plans to alternate use of outdoor play space may be approved
- 15 to achieve separation.
- 16 (7) All other preschool regulations are complied with.
- 17 (b) The toddler program shall be considered an extension of the preschool
- 18 license, without the need for a separate license.
- 19 (c) The department shall immediately prepare proposed regulations for public
- 20 hearing which would consider the foregoing basic conditions as well as any
- 21 additional health and safety safeguards deemed necessary for this age group.
- 22 (d) The guidelines in subdivision (a) shall remain in force and effect only until
- 23 regulations implementing this section are adopted by the department. A status
- 24 report on development of the regulations shall be submitted by the department to
- 25 the Legislature no later than June 1, 1990.

26 **Comment.** Section 1596.955 is amended to delete reference to an obsolete reporting
27 requirement. The required report was to be completed by June 1, 1990.

28 **Health & Safety Code § 1597.01 (repealed). Outdoor activity space requirements**

29 SEC. ___. Section 1597.01 of the Health and Safety Code is repealed.

30 1597.01. (a) The State Department of Social Services shall conduct a
31 comprehensive evaluation of the square footage requirements for outdoor activity
32 space in child day care centers, as contained in regulations in Title 22 of the
33 California Code of Regulations, and shall report to the Legislature by June 1,
34 1989, on all of the following:

35 (1) The extent to which the current waiver process is used to permit exceptions
36 to the 75 square feet per child requirement. This shall include the number of
37 waivers that are requested, approved, and denied, by geographic area of the state,
38 and the reasons for approval or denial.

39 (2) The results of a survey of licensed child day care centers on whether or not
40 the current regulatory requirements for outdoor activity space should be retained
41 or changed.

1 (3) Recommendations for whether the 75 square feet per child regulatory
2 requirement should be retained or changed. This shall include a discussion of
3 whether the square footage requirement for outdoor activity space for infants
4 should be reduced and, if so, by how much and for what age group.

5 (b) In conducting the evaluation, the department shall consult actively with
6 licensed child care providers, resource and referral agencies, urban planners and
7 child care coordinators, and developers of new facilities, among others. The
8 department shall solicit public testimony on the issue of whether the square
9 footage for infants should be retained or changed and under what circumstances.

10 **Comment.** Section 1597.01 is repealed as obsolete. The required report was to be completed by
11 June 1, 1989.

12 **Health & Safety Code § 1598.3 (repealed). Recipients of funds**

13 SEC. ___. Section 1598.3 of the Health and Safety Code is repealed.

14 1598.3. The State Department of Social Services shall report to the Legislature,
15 on or before January 1, 1980, with respect to the names of the organizations
16 receiving funds pursuant to this chapter and the purposes for which the funds have
17 been utilized.

18 **Comment.** Section 1598.3 is repealed as obsolete. The required report was to be completed by
19 January 1, 1980.

20 **Health & Safety Code § 6982 (amended). Wastewater technologies**

21 SEC. ___. Section 6982 of the Health and Safety Code is amended to read:

22 6982. (a) Notwithstanding Section 6952, the West Bay Sanitary District may use
23 the procedures in this chapter to provide alternative or innovative waste water
24 technologies in the district's jurisdiction.

25 (b) The determination of a public health officer pursuant to Section 6955.1 shall
26 include written findings, adopted by the district board of directors, regarding the
27 existing or potential public health hazard.

28 (c) If the district uses the procedures in this chapter to provide alternative or
29 innovative waste water technologies pursuant to this section, the district shall
30 submit to the Legislature, by January 1, 1991, a report on the effectiveness of
31 alternative waste water technologies and the procedures in this chapter,
32 recommend changes, if any in the requirements, and make recommendations as to
33 the desirability of continuing the requirements after January 1, 1992.

34 (d) "Alternative or innovative waste water technologies" means either (1) an
35 onsite waste water disposal system, as defined in Section 6952, or (2) such a
36 system in conjunction with communitywide sewer or sewage systems, if one or
37 more of the components of the system is located on or in close proximity to the
38 real property and employs innovative or alternative waste water technologies,
39 including, but not limited to, grinder pump pressure sewer systems, septic tank
40 effluent pump pressure sewer systems, vacuum sewer systems, or small-diameter
41 gravity septic tank systems.

1 **Comment.** Section 6982 is amended to delete reference to an obsolete reporting requirement.
2 The required report was to be completed by January 1, 1991.

3 **Health & Safety Code § 11756.5 (repealed). Alcohol and drug abuse treatment programs**

4 SEC. _____. Section 11756.5 of the Health and Safety Code is repealed.

5 11756.5. (a) The director shall provide funding for the establishment of three
6 pilot projects aimed at the prevention and nonresidential treatment of alcohol and
7 drug abuse in Asian and Pacific Islander communities. Only one project shall be
8 funded in each county. The projects may serve either adults exclusively, or youth
9 exclusively, or both.

10 (b) The pilot projects shall operate for a period of three years, commencing on
11 April 1, 1991.

12 (c) Each of the pilot projects shall be located in counties that have an unmet need
13 for services to the Asian and Pacific Islander population. The pilot projects shall
14 be ethnic specific, employing bilingual, bicultural counselors, and involving
15 family members and traditional community resources and indigenous Asian and
16 Pacific Islander approaches.

17 (d) In determining unmet needs, the department shall consider the population
18 and diversity of Asians and Pacific Islanders in each county.

19 (1) Only those programs that demonstrate a potential client population of at least
20 3,000 shall be funded.

21 (2) Each program to be funded shall demonstrate the capacity to serve at least 5
22 percent of the potential client population.

23 (e) In selecting the projects to be funded, the director shall also consider
24 evidence of community support, including, but not limited to, business,
25 educational, charitable, and social service groups. Priority shall be given to
26 programs aimed at respecting the cultural diversity within the target population,
27 especially new and emerging immigrant groups, by offering a spectrum of
28 services.

29 (f) The department shall evaluate the success of the pilot projects and shall
30 submit an evaluation report to the Legislature no later than December 1, 1994. The
31 evaluation report shall contain, but shall not be limited to, all the following:

32 (1) The number of clients served by each pilot project.

33 (2) The number of clients who successfully completed the program offered by
34 each pilot project.

35 (3) The nature and extent of the alcohol and drug abuse of the clients during the
36 last 30 days of the program offered by each pilot project.

37 (4) The types of prevention and treatment services provided.

38 (5) The effectiveness of using bilingual and bicultural approaches to prevention
39 and treatment.

40 (g) A pilot project shall be deemed successful if both the following occur:

41 (1) The project served 20 percent more Asian and Pacific Islander clients than
42 were served by any previously existing programs.

1 (2) The number of referrals to the project from courts and social service and
2 mental health agencies increased 20 percent over prior referrals to any previously
3 existing programs.

4 (h) To the extent permitted by federal law, the department shall use three
5 hundred thousand dollars (\$300,000) of available federal Alcohol, Drug Abuse,
6 and Mental Health Services Block Grant funds to provide funding for the pilot
7 projects established pursuant to this section for the first year of implementation. It
8 is the intent of the Legislature that funding for the pilot projects in subsequent
9 years be appropriated in the annual Budget Act.

10 **Comment.** Section 11756.5 is repealed as obsolete. The required projects were to be completed
11 by April 1, 1994.

12 **Health & Safety Code § 11756.7 (amended). Comprehensive client-centered system of care**

13 SEC. ___. Section 11756.7 of the Health and Safety Code is amended to read:

14 11756.7. (a) The department shall, in partnership with the County Alcohol and
15 Drug Program Administrators' Association of California, collaborate with
16 providers, constituency groups, and other interested parties, to develop and test a
17 comprehensive, client-centered system of care that is outcome-based and addresses
18 the devastating costs of substance abuse to individuals, families, and communities.

19 (b) Key elements of the system of care may include:

20 (1) Definition of services.

21 (2) Automation of state, county, and provider data collection and capacity
22 management system.

23 (3) Quality assurance standards.

24 (4) Assessment and outcome measures.

25 (c) Involvement in the testing of the various system of care components shall be
26 voluntary for counties and their contract providers. Providers within the selected
27 counties that volunteer and are approved by the county alcohol and drug program
28 administrator shall meet the criteria for application and participation and
29 coordinate services through their county alcohol and drug program administrator.
30 The department shall establish criteria, in partnership with the County Alcohol and
31 Drug Program Administrators' Association of California, and in consultation with
32 providers, constituency groups, and other interested parties.

33 (d) The department, in consultation with the County Alcohol and Drug Program
34 Administrators' Association of California, may establish terms and conditions,
35 which may include, but need not be limited to, incentives for participation that
36 establish alternate means to satisfy accountability, reporting, or other requirements
37 otherwise required by this division.

38 (e) The department shall commence planning and implementing the tests on or
39 after January 1, 1999, with the counties that have volunteered to participate in the
40 system of care. The department, in partnership with the County Alcohol and Drug
41 Program Administrators' Association of California, shall report annually to the
42 Legislature during budget hearings as to the status of the tests.

1 (f) The outcome of the tests shall include automation linkages for the state,
2 counties, and providers, and recommendations for service system improvements.

3 (g) Findings and recommendations shall be prepared by the department, in
4 partnership with the County Alcohol and Drug Program Administrators'
5 Association of California, and reported to the Legislature by July 1, 2001.

6 (h) The department shall seek federal funding to support the testing and
7 evaluation of key system elements.

8 (i) (h) By January 1, 2003, the department shall provide the appropriate
9 committees of the Legislature with a written report on options on how to apply the
10 pilot program developed under this section on a statewide basis. The report shall
11 contain options for redesigning the operation of state and local alcohol and drug
12 programs that reflect the definition of services, quality assurance standards,
13 automation of data collection, capacity management and assessment, and outcome
14 measures developed pursuant to this section.

15 (j) (i) This section shall become inoperative on July 1, 2003, and shall be
16 repealed on January 1, 2004, unless a later enacted statute, that is enacted before
17 January 1, 2004, deletes or extends those dates.

18 **Comment.** Subdivision (g) of Section 11756.7 is amended to delete reference to an obsolete
19 reporting requirement. The required report was to be completed by July 1, 2001.

20 ☞ **Note.** The amendment of Section 11756.7 is proposed by the Department of Alcohol and
21 Drug Programs. Repeal of a reporting requirement with a deadline later than 1999 is contrary to
22 the general approach taken in this recommendation. However, that approach is taken to reduce the
23 risk of repeal of a requirement that has not yet been satisfied. In this case, the Commission has
24 reliable information that the requirement has been satisfied.

25 **Health & Safety Code § 11757.62 (repealed). Alcohol and Drug Affected Mothers and
26 Infants**

27 SEC. ___. Section 11757.62 of the Health and Safety Code is repealed.

28 11757.62. The office, in consultation with the interagency task force, shall
29 evaluate the effectiveness of the pilot project, Services to Alcohol and Drug
30 Abusing Pregnant and Parenting Women and Their Infants, and shall report its
31 findings to the Legislature no later than June 30, 1994.

32 **Comment.** Section 11757.62 is repealed as obsolete. The required report was to be completed
33 by June 30, 1994.

34 **Health & Safety Code § 11758.10-11758.13 (repealed). Negotiated net amount contracts
35 pilot project**

36 SEC. ___. Chapter 3 (commencing with Section 11758.10) of Part 1 of Division
37 10.5 of the Health and Safety Code is repealed.

38 **Comment.** Sections 11758.10-11758.13 are repealed as obsolete. The pilot project to which
39 they relate has been completed.

1  **Note.** The repealed chapter relates to a project that does not, on its face, appear to be obsolete.
2 However, the Department of Alcohol and Drug Programs has suggested that the chapter is
3 obsolete and should be repealed.

4 **Health & Safety Code § 11758.33 (repealed). Construction of chapter**

5 SEC. ___. Section 11758.33 of the Health and Safety Code is repealed.

6 ~~11758.33. Nothing in this chapter shall be construed to apply to negotiated net~~
7 ~~amount contracts under the pilot project established pursuant to Chapter 3~~
8 ~~(commencing with Section 11758.10) of Part 1 of Division 10.5 of the Health and~~
9 ~~Safety Code.~~

10 **Comment.** Sections 11758.33 is repealed as obsolete. The pilot project to which it relates has
11 been completed.

12 **Health & Safety Code § 11758.40 (amended). Contracts for drug treatment programs**

13 SEC. ___. Section 11758.40 of the Health and Safety Code is amended to read:

14 ~~11758.40. Notwithstanding subdivision (e) of Section 11758.12 and subdivision~~
15 ~~(c) of Section 11758.23, the department may enter into a Medi-Cal Drug~~
16 ~~Treatment Program contract with each county for the provision of services within~~
17 ~~the county service area.~~

18 **Comment.** Sections 11758.40 is amended to delete an obsolete reference to former Section
19 11758.12.

20 **Health & Safety Code §§ 11758.50-11758.54 (repealed). AIDS education pilot project**

21 SEC. ___. Chapter 3.5 (commencing with Section 11758.50) of Division 10.5 of
22 Part 1 of the Health and Safety Code is repealed.

23 **Comment.** Sections 11758.50-11758.54 are repealed as obsolete. The required pilot project and
24 report were to be completed by July 1, 1992.

25  **Note.** The text of the repealed chapter is set out below for reference:

26 **CHAPTER 3.5. ALCOHOL DETOXIFICATION AND IV DRUG USER AIDS
27 EDUCATION PILOT PROJECT**

28 11758.50. The Legislature finds and declares all of the following:

29 (a) Alcohol and other drug related problems are a health issue which dramatically impact
30 California's county programs and county budgets.

31 (b) Alcohol not only affects the individual involved but potentially extends to the many county
32 programs which involve these individuals and their families.

33 (c) Additionally, drug abuse and especially intravenous drug abuse relates directly to the
34 contracting and spreading of AIDS.

35 (d) Drug and alcohol, and their health and welfare related costs are already straining local
36 government budgets.

37 (e) There are approximately 225,000 habitual needle using drug addicts and an additional
38 200,000 recreational intravenous drug users in the state.

39 (f) The relationship of intravenous drug users and the transmission of AIDS is well-
40 documented. AIDS cases, currently estimated to cost almost one hundred thousand dollars
41 (\$100,000) from diagnosis-to-death, are catastrophic to those budgets.

1 11758.51. The department shall provide funding, for the 1990-91 fiscal year, for an in- home
2 alcohol detoxification, and intravenous drug user AIDS education pilot project to be established
3 in San Luis Obispo County. The pilot project shall be administered by the alcohol and drug
4 program department of the county. The pilot project shall be required to be implemented only to
5 the extent that state funds are provided. The pilot project shall terminate on July 1, 1991, except
6 as otherwise specified by the county.

7 11758.52. (a) The pilot project created pursuant to this chapter shall treat drug and alcohol
8 abusers through a county administered in-home detoxification and AIDS education program.

9 (b) The client contact shall be through a public health nurse who shall provide all of the
10 following:

- 11 (1) Information and monitoring of the detoxification period.
12 (2) Information and educational materials on drug and alcohol abuse.
13 (3) Information on the contracting and transmission of AIDS via intravenous drug use.
14 (4) Information and contacts with drug and alcohol, and AIDS support groups.

15 11758.53. The pilot project shall be administered in accordance with criteria agreed upon by
16 the department and San Luis Obispo County.

17 11758.54. (a) The department, in cooperation with San Luis Obispo County, shall evaluate the
18 pilot project created pursuant to this chapter. The evaluation shall include numbers of intravenous
19 (IV) drug users in target counties, status of HIV test results among alcoholics and IV drug users
20 not in recovery, drug and alcohol-related jail intakes, and repeat offenses. Changes in the above
21 data following completion of the in-home detoxification project shall be carefully scrutinized.
22 Particular attention shall be paid to changes in incidence of HIV test results among individuals
23 requesting testing from the San Luis Obispo County health department and repeat alcohol- and
24 drug-related offenses as tracked by the county jail, municipal court, and Department of Motor
25 Vehicles.

26 (b) Additional monitoring and outcome data shall be collected regarding clients of the in-home
27 detoxification pilot project, that shall include each of the following:

- 28 (1) Clients' health status at time of intake screening.
29 (2) Clients' health status during detoxification.
30 (3) Clients' health status after detoxification.
31 (4) Status and results of HIV testing for those choosing the test.
32 (5) Numbers of detoxification referrals completed.
33 (6) Numbers of successful referrals to followup.
34 (7) Rate of subsequent rearrest.

35 (c) The degree of successful completion of program objectives shall also be analyzed and
36 discussed. Analysis shall be based on results of monitoring instruments designed for the in-home
37 detoxification project that shall include all of the following:

38 (1) Numbers of referrals to the in-home detoxification project initiated.
39 (2) Numbers of clients (both detoxification clients and family members) who successfully meet
40 educational criteria related to AIDS education.

- 41 (3) Numbers of detoxification referrals completed.
42 (4) Numbers of successful referrals to followup treatment.
43 (5) Rate of subsequent rearrest.

44 (d) The department shall submit an evaluation of the pilot project to the Governor and the
45 Legislature not later than July 1, 1992.

46 (e) Blood testing and test result disclosure shall be in accordance with Chapter 7 (commencing
47 with Section 120975) and Chapter 10 (commencing with Section 121075) of Part 4 of Division
48 105.

1 **Health & Safety Code §§ 11759.10-11759.17 (repealed). Employee Assistance Consortium**
2 **Demonstration Program**

3 SEC. ___. Chapter 5 (commencing with Section 11759.10) of Part 1 of Division
4 10.5 of the Health and Safety Code is repealed.

5 **Comment.** Sections 11759.10-11759.17 are repealed as obsolete. The demonstration program
6 to which they relate has been completed.

7 ☞ **Note.** The repealed chapter relates to a demonstration project that does not, on its face, appear
8 to be obsolete. However, the Department of Alcohol and Drug Programs has suggested that the
9 chapter is obsolete and should be repealed.

10 The text of the repealed chapter is set out below for reference:

11 **CHAPTER 5. EMPLOYEE ASSISTANCE CONSORTIUM**
12 **DEMONSTRATION PROGRAM**

13 11759.10. The Legislature finds and declares all of the following:

14 (a) It is estimated that 20 percent of employed Californians are experiencing problems with
15 alcohol and drugs or other related family concerns. Most working people experiencing these
16 problems are still at some stage of performing daily responsibilities and attempt to function at
17 some level in their workplace.

18 (b) Work, itself and its possible loss, is a prime motivating force in helping a chemically
19 dependent person seek assistance while he or she still has the support of job and family.

20 (c) The constructive confrontation process which focuses on deteriorating job performance is a
21 valuable workplace strategy in motivating the chemically dependent person to pursue
22 rehabilitation.

23 (d) Employer statistics indicate that occupational programs have had considerable success in
24 both intervention and rehabilitation. Some industrial programs have reported statistics as high as
25 85 percent success in returning impaired employees to acceptable job performance. While cost-
26 effectiveness figures vary, employers generally find that for every dollar they invest in an
27 employee assistance program, they save from five dollars (\$5) to sixteen dollars (\$16).

28 (e) Although larger corporations and unions have established examples of successful employee
29 assistance program models, only 20 percent of the workforce has access to programs through their
30 employer or union. Smaller businesses have been unable to participate in employee assistance
31 program services due to the costs associated with program development and implementation. In
32 addition, most employee assistance program providers have not marketed their services to smaller
33 employers.

34 (f) Most of California's drug or alcohol impaired workers are in "hard-to- reach" work
35 environments. Smaller employers who have workers with substance abuse and other problems
36 typically do not have access to traditional management-personnel support to identify and refer
37 their employees to rehabilitation services. Additionally, these employers have little or no regular
38 health benefits and, as a result, many of the state's working poor are in this category.

39 11759.11. It is the intent of the Legislature that nothing in this chapter authorize employee
40 assistance programs or their personnel to provide diagnostic or treatment services beyond the
41 scope of the core activities described in Section 11759.12, unless the services are provided by
42 health care organizations or health care professionals duly licensed to do so, or entities
43 specifically exempted by state law or regulation from licensure.

44 11759.12. As used in this chapter:

45 (a) "Consortium" means a not-for-profit corporation as set forth in Section 501(c)(3) of the
46 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)), formed by two or more small businesses for
47 the purpose of receiving demonstration project grant funds pursuant to this chapter.

1 (b) "Small business" means an employer with less than 100 employees.
2 (c) "Council" means the Employee Assistance Advisory Council.
3 (d) "Department" means the State Department of Alcohol and Drug Programs.
4 (e) "Employee assistance program" for purposes of this demonstration project only, means a
5 worksites-focused program designed to assist in the identification and resolution of productivity
6 problems associated with employees impaired by personal concerns, including, but not limited to,
7 health, marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal
8 concerns which may adversely affect employee job performance.

9 The specific core activities of an employee assistance program includes at least both of the
10 following:

11 (1) Expert consultation and training to appropriate persons in the identification and resolution
12 of job-performance issues related to the listed employee personal concerns.

13 (2) Confidential, appropriate, and timely problem-assessment services; referrals for appropriate
14 diagnosis, treatment, and assistance; establishing linkages between workplace and community
15 resources that provide such services; and followup services for employees who use those services.

16 (f) "Program" means the Employee Assistance Consortium Demonstration Program.

17 11759.17. (a) There is hereby created in the department the Employee Assistance Consortium
18 Demonstration Program, to provide a public-private partnership where the state will provide
19 financial and technical assistance resources to consortiums to promote and facilitate the
20 establishment of employee assistance programs designed to serve the small business members of
21 the consortium.

22 The goal of the program is to achieve and maintain a drug-free workplace by pooling resources
23 of smaller employers to provide employee assistance program services, including, but not limited
24 to, problem assessment and referral, management consultation and training, case management
25 services, program promotion, and education.

26 (b) The program shall provide resources to a consortium for only two years. The first year
27 funding shall not exceed 70 percent of the total program cost or sixty thousand dollars (\$60,000),
28 whichever is less. The second year funding shall not exceed 30 percent of the total program cost
29 or twenty-six thousand dollars (\$26,000), whichever is less.

30 (c) No funds appropriated to the department for the purposes of this chapter shall be used by the
31 department to conduct employee assistance programs or to provide employee assistance program
32 services, capital construction, to replace existing public or private funding available for the
33 purposes of this chapter, or to continue already existing employee assistance program services.

34 (d) No individual or entity involved in the application for grant funds or that receives a
35 financial benefit from the grant funds made available pursuant to this chapter may be employed
36 by or contract with the consortium to select, provide, or evaluate employee assistance program
37 services. Further, individuals or entities involved in the application for grant funds or who receive
38 a financial benefit from the grant funds made available pursuant to this chapter may not have a
39 direct or indirect financial interest in an individual or entity who contracts with the consortium for
40 the selection, provision, or evaluation of the services.

41 (e) No more than 10 percent of any funds made available to the department for the purposes of
42 this chapter shall be expended for the administrative costs of the department under this chapter.

43 (f) On or before January 1, 1993, the department, with the assistance of the council, shall report
44 to the Legislature on the effectiveness of the Employee Assistance Consortium Demonstration
45 Program. The department and the council shall deem the demonstration program to be successful
46 if all of the following conditions are met:

47 (1) The demonstration program enabled at least 70 small businesses to initiate the provision of
48 employee assistance services for their previously unserved employees.

49 (2) The demonstration program enabled at least 3,500 small business employees to receive
50 employee assistance services.

51 (3) The demonstration program enabled the small businesses in the consortium to increase
52 worker productivity through the provision of employee assistance services.

1 **Health & Safety Code § 11772 (amended). Contracts with public or private agencies**

2 SEC. ___. Section 11772 of the Health and Safety Code is amended to read:

3 11772. (a) The department may enter into contracts with public or private
4 agencies or make grants necessary or incidental to the performance of its duties
5 and the execution of its powers, including contracts with public or private agencies
6 and individuals, to pay them in advance or reimburse them for services provided to
7 problem drinkers and their families and communities. The Legislature finds and
8 declares that many of the activities required of the department which are necessary
9 to carry out its duties under this part are unique to alcohol services and programs.
10 Therefore, the Legislature directs the department to contract with public or private
11 agencies or individuals to perform its duties whenever that expertise is available
12 and appropriate to utilize.

13 (b) Notwithstanding any other provision of this part, the department may not
14 contract directly for the provision of alcohol services except as follows:

15 (1) To provide referral and monitoring services for recipients of Supplemental
16 Security Income in those counties that choose not to provide these services.

17 (2) For demonstration programs of limited duration and scope which, wherever
18 possible, shall be administered through the counties and which are specifically
19 authorized and funded by the Budget Act or other statutes.

20 (3) ~~For pilot projects under Chapter 3 (commencing with Section 11758.10).~~

21 (4) To provide supportive services, such as technical assistance, on a statewide
22 basis, or management and evaluation studies to help assure more effective
23 implementation of this part.

24 (c) The Legislature strongly encourages all counties to apply for funds under this
25 part because of the seriousness of alcohol problems in California and the necessity
26 for affirmative governmental involvement to help alleviate alcohol problems.
27 However, the Legislature has chosen not to mandate that counties provide those
28 services and programs. In the absence of local community control of the services
29 and programs, the state shall not intervene to operate directly or through contract
30 services and programs which the elected county board of supervisors has chosen
31 not to provide to its constituents.

32 **Comment.** Sections 11772 is amended to reflect the repeal of former Chapter 3 (commencing
33 with Section 11758.10).

34 **Health & Safety Code § 11782 (repealed). Service delivery systems**

35 SEC. ___. Section 11782 of the Health and Safety Code is repealed.

36 ~~11782. The department shall contract for a statewide independent evaluation of
37 both the current alcohol and drug service delivery systems and methods to increase
38 access to alcohol and drug recovery programs for disenfranchised populations.~~

39 (a) ~~The target populations shall include, but not be limited to:~~

40 (1) ~~Women.~~

41 (2) ~~Ethnic minorities.~~

42 (3) ~~Adolescents.~~

- 1 (4) The elderly.
2 (5) The disabled.
3 (6) The homeless.
4 (7) Any other group determined by the department to be underserved.
- 5 (b) Prior to commencing the evaluation, the independent contractor shall consult
6 with representatives of affected state and local agencies and community groups,
7 including, but not limited to:
- 8 (1) State agencies responsible for providing services to the target populations.
9 (2) County alcohol and drug program administrators.
10 (3) Each of the designated target population constituency groups.
11 (4) Community-based organizations which provide alcohol abuse prevention and
12 recovery services, drug abuse prevention and treatment services, or both to one or
13 more of the target population groups.
- 14 (c) The independent evaluation shall include, but not be limited to, the
15 following:
- 16 (1) Review and evaluation of both the county alcohol plan and the county drug
17 plan.
18 (2) Review and evaluation of legislative mandates to ascertain accessibility to
19 alcohol and drug abuse prevention and recovery programs by the target
20 populations and to define the barriers to such access.
21 (3) Comparative analyses of county alcohol plans and county drug plans with the
22 actual services provided by each county studied.
23 (A) The analyses shall include specific descriptions of services provided to each
24 of the target populations, as well as a list of alternative services available to the
25 target populations in each county studied.
26 (B) In conducting the analyses, community-based organizations providing
27 services to the target populations most heavily underserved shall be interviewed in
28 general on the quality of county support and specifically on barriers to access of
29 services.
30 (C) At least four counties shall be evaluated, including Los Angeles County, a
31 primarily urban county other than Los Angeles County, a primarily suburban
32 county, and a primarily rural county.
33 (4) Recommendations to the department for any administrative policy, funding,
34 and regulatory changes necessary to enhance access to programs by the target
35 populations.
36 (5) Recommendations to the Legislature for funding and statutory changes
37 necessary to enhance access to programs by the target populations.
38 (d) On or before September 30, 1991, the department shall issue a final report to
39 the Legislature on the findings of the independent evaluation.
40 (e) Within six months after issuing the final report, the department shall hold a
41 series of public hearings on the findings and recommendations provided by the
42 independent evaluation and contained in the final report.

1 **Comment.** Section 11782 is repealed as obsolete. The required report was to be completed by
2 September 30, 1991.

3 **Health & Safety Code § 11798.1 (amended). Combined drug and alcohol programs**

4 SEC. ___. Section 11798.1 of the Health and Safety Code is amended to read:

5 11798.1. (a) Notwithstanding any other provision of this division, the director
6 shall establish a demonstration program with Fresno, San Francisco, and San
7 Mateo Counties, whereby Fresno, San Francisco, and San Mateo Counties shall
8 each develop and operate its alcohol and drug abuse programs that would
9 otherwise be required under this division, as one coordinated program in each
10 county. However, the demonstration program shall only operate in any of these
11 counties if the board of supervisors of the respective county adopts a resolution
12 consenting to the establishment of the demonstration program. Notwithstanding
13 any other provision of this division, the director shall permit Marin, Santa Clara,
14 San Diego, San Luis Obispo, Solano, and Ventura Counties to participate in the
15 demonstration program commencing on the effective date of amendments to this
16 section pursuant to Assembly Bill 2591, of the 1991-92 Regular Session.

17 (b) In establishing this demonstration program, it is the intent of the Legislature
18 that:

19 (1) In developing and operating this demonstration program, counties may
20 combine their alcohol and drug advisory boards, their alcohol and drug plan, their
21 alcohol and drug budget, and submission deadlines for alcohol and drug budgets
22 and cost reports and their administration at both the county and provider level.

23 (2) The demonstration program shall reflect current licensing and program
24 standards, except as defined in paragraph (3).

25 (3) In circumstances where any of the participating counties wish to combine
26 treatment programs for persons with both alcohol and drug problems, the county
27 shall first submit its plan and program standards for the treatment programs to the
28 department for approval.

29 (4) The demonstration programs shall assess or categorize a program participant
30 at the time of admission and discharge as having problems primarily with abuse of
31 either alcohol or of drugs for purposes of federal reimbursement as required by
32 federal law and report information to the department in a form consistent with
33 existing data collection systems.

34 (5) All participating counties shall report to the director no later than October 1
35 of each year, that information which the director determines is reasonably
36 necessary to determine the utility of these demonstration programs compared to
37 operations in those counties prior to implementation of this section. This
38 information shall include, but not be limited to, each of the following:

39 (A) The extent of savings in administrative costs as a result of consolidation.

40 (B) The extent of any shift of resources from administrative support to service
41 delivery.

1 (C) The impact of this demonstration program on service delivery and program
2 effectiveness, including social model programs, and the achievement of outcomes
3 identified in the county plans.

4 (D) The impact of this demonstration on the program availability of federal
5 funds.

6 (E) The extent to which individuals with primary alcohol problems decline
7 services because of this demonstration program.

8 (F) Ability of the demonstration program to incorporate effective prevention
9 efforts.

10 (G) Survey of participant attitudes regarding satisfaction with services to assure
11 that the unique problems of drug abusers and persons inappropriately using
12 alcohol are adequately addressed.

13 (H) Recovery rates compared with similar counties.

14 (I) The impact of this demonstration program on unit costs as compared to
15 previous service costs for alcohol and drug services.

16 (J) The extent of training provided for alcohol and drug recovery program staff.

17 No later than January 1, 1994, the director shall report to the Legislature
18 regarding the impact of consolidation. The report shall include a program
19 evaluation based on the above information.

20 (e) Notwithstanding any other requirement of this division, commencing July 1,
21 1993, the pilot program pursuant to subdivisions (a) and (b) of this section shall
22 terminate and thereafter any county may, by resolution of its board of supervisors,
23 develop and operate alcohol and drug abuse programs as one coordinated system.
24 In establishing coordinated systems with combined alcohol and drug services
25 counties shall do all of the following:

26 (1) (a) Submit a combined alcohol and drug plan, including, but not limited to, a
27 budget of all funds allocated to the county by the department.

28 (2) (b) Report all of the following to the department:

29 (A) (1) Utilization of all funds allocated by the department to the county in a
30 combined annual expenditure report pursuant to state and federal requirements.

31 (B) (2) All information necessary for the department to administer this section,
32 including, but not limited to, information needed to meet federal reporting
33 requirements. This information shall be reported on a form developed by the
34 department in consultation with the County Alcohol and Drug Administrators
35 Association.

36 (3) (c) Combine drug and alcohol administrations in performance of alcohol and
37 drug program administrative duties pursuant to Sections 11801 and 11963.

38 (4) (d) In circumstances where any of the participating counties wish to combine
39 treatment programs for persons with both alcohol and drug problems, the county
40 shall first submit its plan and program standards for the treatment programs to the
41 department for approval.

42 (5) (e) Require combined programs, for planning and reimbursement purposes,
43 to assess or categorize program participants at the time of admission and discharge

1 with regard to whether their primary treatment needs are related to abuse of
2 alcohol or of drugs.

3 (6) (f) Ensure that combined programs comply with statewide program standards
4 developed pursuant to regulations adopted by the department in consultation with
5 the alcohol and drug administrators.

6 **Comment.** Section 11798.1 is amended to delete reference to an obsolete program and report.
7 The program and report were to be completed by January 1, 1994.

8 **Health & Safety Code § 11831.5 (amended). Certification of recovery or treatment program**

9 **SEC. ____.** Section 11831.5 of the Health and Safety Code is amended to read:

10 11831.5. (a) Certification shall be granted by the department pursuant to this
11 section to any alcoholism or drug abuse recovery or treatment program wishing to
12 receive, and requesting, the certification regardless of the source of the program's
13 funding.

14 (b) The purposes of certification under this section shall be all of the following:

15 (1) To identify programs which exceed minimal levels of service quality, are in
16 substantial compliance with the department's standards, and merit the confidence
17 of the public, third party payers, and county alcohol and drug programs.

18 (2) To encourage programs to meet their stated goals and objectives.

19 (3) To encourage programs to strive for increased quality of service through
20 recognition by the state and by peer programs in the alcoholism and drug field.

21 (4) To assist programs to identify their needs for technical assistance, training,
22 and program improvements.

23 (c) Certification may be granted under this section on the basis of evidence
24 satisfactory to the department that the requesting alcoholism or drug abuse
25 recovery or treatment program has an accreditation by a statewide or national
26 alcohol or drug program accrediting body. The accrediting body shall be one
27 whose accreditation meets or exceeds the department's standards and which is
28 recognized by the department.

29 (d) No fee shall be levied by the department for certification of nonprofit
30 organizations or local governmental entities under this section.

31 (e) Certification, or the lack thereof, shall not convey any approval or
32 disapproval by the department, but shall be for information purposes only.

33 (f) The standards developed pursuant to Section 11830 and the certification
34 under this section shall satisfy the requirements of Section 1463.16 of the Penal
35 Code.

36 (g) The department and the State Department of Social Services shall enter into
37 an interagency agreement to establish a process by which the Department of
38 Alcohol and Drug Programs can certify residential facilities or programs serving
39 primarily adolescents as defined in paragraph (1) of subdivision (a) of Section
40 1502 of the Health and Safety Code, and providing alcoholism and drug recovery
41 or treatment services.

1 The departments shall report to the Legislature no later than January 1, 1991, on
2 the certification process they have identified to be used by the department in
3 certifying adolescent programs.

4 **Comment.** Section 11831.5 is amended to delete reference to an obsolete reporting
5 requirement. The required report was to be completed by January 1, 1991.

6 **Health & Safety Code § 11963.5 (repealed). Drug and alcohol program funding study**

7 SEC. ___. Section 11963.5 of the Health and Safety Code is repealed.

8 11963.5. (a) It is the intent of the Legislature that the policies and procedures
9 governing the state's allocation formulas for funding alcohol and drug abuse
10 prevention and treatment programs be reviewed and evaluated, including an
11 evaluation of the feasibility of the state allocating funds based on indicators of
12 high-incidence drug and alcohol use among counties.

13 (b) The department shall conduct a study to assess the extent to which both
14 alcohol and drug program funding allocation formulas to counties can be modified
15 to include statewide indicators of high-incidence drug and alcohol use.

16 The study shall include, but not be limited to, all of the following:

17 (1) A review and assessment of the existing allocation formulas to counties,
18 including a review of other allocation formulas used in selected states determined
19 by the department.

20 (2) An identification and assessment of potential statewide indicators of high-
21 incidence drug and alcohol use among counties.

22 (3) An examination of the feasibility of incorporating need indicators and other
23 relevant measures into the allocation formulas.

24 (4) An examination of the feasibility of incorporating need indicators into the
25 allocation of funds at the local level.

26 (5) Recommendations for modifying the existing allocation formulas to counties,
27 including cost estimates. The department shall assess, to the extent possible, the
28 impact of these recommendations on current allocations to counties.

29 (c) In conducting the study, the department shall acquire input from county
30 program administrators, private nonprofit providers, and other relevant groups and
31 citizens. Public input may be accomplished through public hearings, roundtable
32 discussions, or other formats as determined appropriate by the department. The
33 department shall ensure input from ethnic minorities that reflect the demographics
34 of the State of California.

35 (d) The department shall report its findings and recommendations to the
36 Legislature on or before January 24, 1992.

37 **Comment.** Section 11963.5 is repealed as obsolete. The required report was to be completed by
38 January 24, 1992.

39 **Health & Safety Code § 11998.2 (amended). County drug and alcohol abuse master plan**

40 SEC. ___. Section 11998.2 of the Health and Safety Code is amended to read:

1 11998.2. (a) "Department," as used in this division, means the State Department
2 of Alcohol and Drug Programs.

3 (b) The board of supervisors of each county is encouraged to prepare and adopt a
4 county drug and alcohol abuse master plan, pursuant to paragraph (1) of
5 subdivision (f) of Section 11998.1, that addresses as many of the long-range goals
6 set forth in Section 11998.1 as possible. It is the intent of the Legislature that every
7 county master plan include quantitative outcome objectives that, at a minimum,
8 measure progress in the areas of prevention, education, enforcement, and
9 treatment. It is the intent of the Legislature that these objectives include
10 measurements of:

11 (1) The reduction of arrests for driving under the influence of drugs or alcohol,
12 or both.

13 (2) The reduction of alcohol and drug-related arrests.

14 (3) Increased public education on the dangers of substance abuse and the
15 available prevention techniques including specific measurements of children,
16 parents, and teachers who have received this education.

17 (4) The reduction of alcohol-and drug-related deaths and injuries.

18 (5) The increased number of persons successfully completing drug and alcohol
19 abuse services.

20 If a county master plan is adopted, the board of supervisors or its designee shall,
21 in conjunction with the county advisory boards as established pursuant to
22 paragraph (2) of subdivision (f) of Section 11998.1, annually assess the progress
23 of the county in reaching its long-range goals.

24 (c) Every county or public or private agency within a county that applies for
25 state or local assistance funds for drug and alcohol abuse efforts in their program,
26 may address, to the extent possible, any long-range goals set forth in a county drug
27 and alcohol abuse master plan established pursuant to subdivision (b), and funding
28 priority may be given to those entities which address these goals within their
29 respective programs.

30 (d) The Governor shall designate one state agency to act as the lead agency on
31 all drug and alcohol abuse matters.

32 (e) Every state agency that contracts or grants money to local jurisdictions or
33 programs for drug and alcohol abuse services shall require the submission and
34 shall review the contents of an approved county drug and alcohol abuse master
35 plan, to the extent a plan has been adopted pursuant to subdivision (b).

36 (f) ~~On March 1, 1993, and annually thereafter, every~~ Every state agency that
37 offers drug and alcohol abuse services or financial assistance shall report annually
38 to the Legislature on its efforts to achieve the master plan goals provided in
39 Section 11998.1. Individual agencies may report separately or in combination with
40 other state agencies.

41 (g) The department shall send copies of this division to all state-funded social
42 service programs that provide drug and alcohol abuse services.

1 (h) The department shall maintain copies of every county drug and alcohol abuse
2 master plan for review by other state agencies and the Legislature.

3 (i) The Governor shall designate one statewide resource center to coordinate
4 efforts of other resource centers statewide and to coordinate with local government
5 and assist in their preparation of drug and alcohol abuse master plans.

6 (j) The Senate Office of Research shall prepare, on or before June 30, 1989, a
7 summary of drug and alcohol abuse laws for use by the Legislature, the
8 department, and all other related state agencies in oversight of drug and alcohol
9 abuse programs, and in evaluating the need for statutory changes. To the degree
10 possible this summary shall be available to the public.

11 (k) Commencing June 30, 1989, the The department shall maintain an annually
12 updated listing of all drug and alcohol abuse programs provided or funded by the
13 state. Every other state agency shall regularly provide the department with current
14 information on programs they fund or provide.

15 (l) (k) The Governor's Policy Council on Drug and Alcohol Abuse shall review
16 and consider all of the goals contained in Section 11998.1.

17 (m) After January 1, 1992, the Auditor General shall audit the department to
18 determine the state's progress and to the degree possible, the counties' progress
19 toward meeting the master plan objectives set forth by this division. On or before
20 January 1, 1993, the Auditor General shall report the findings resulting from these
21 audits to the Legislature.

22 **Comment.** Subdivision (f) of Section 11998.2 is amended to delete an obsolete reference to the
23 date on which an annual reporting requirement took effect.

24 Former subdivision (j) is deleted as obsolete. The required report was to be completed by June
25 30, 1989.

26 Former subdivision (k) is redesignated subdivision (j) and amended to delete an obsolete
27 reference to the date on which an annual listing requirement took effect.

28 Former subdivision (l) is redesignated subdivision (k).

29 Former subdivision (m) is deleted as obsolete. The required report was to be completed by
30 January 1, 1993.

31 **Health & Safety Code § 13143.7 (repealed). Automatic fire sprinklers**

32 SEC. _____. Section 13143.7 of the Health and Safety Code is repealed.

33 13143.7. (a) The Legislature hereby finds and declares that the installation of
34 automatic fire sprinkler systems or other fire suppression or intrusion detection
35 systems in schools might save lives and protect school property from losses due to
36 arson fires, and that it is in the public interest to study the costs of installing fire
37 sprinklers or other fire suppression or intrusion detection systems in schools, and
38 to compare the costs of the sprinklers or other fire suppression or intrusion
39 detection systems with benefits derived from their action in school fires.

40 (b) The State Fire Marshal shall, subject to funding of twenty-five thousand
41 dollars (\$25,000) from private sources, study all pertinent laws and local building
42 regulations regarding the installation and maintenance of systems including, but
43 not limited to, automatic sprinkler systems, or fire protection systems that the State

1 Fire Marshal determines are equivalent to automatic sprinkler systems, in school
2 buildings. The State Fire Marshal shall give consideration to the potential cost of
3 installing automatic sprinkler systems and any other system reviewed by the State
4 Fire Marshal, compared with the potential protection of life and cost savings due
5 to the protection of property, within school facilities.

6 (c) On or before January 1, 1990, subject to funding of twenty-five thousand
7 dollars (\$25,000) from private sources, the State Fire Marshal shall report findings
8 and recommendations made pursuant to this section to the appropriate policy and
9 fiscal committees of the Legislature.

10 (d) "School building," as used in this section, includes any building of a public
11 or private elementary or secondary school, college or university, community
12 college, or state university, or the University of California with a capacity of 50 or
13 more persons.

14 (e) Funding shall be sought from private sources, for the implementation of this
15 section.

16 **Comment.** Section 13143.7 is repealed as obsolete. The required report was to be completed by
17 January 1, 1990.

18 **Health & Safety Code § 16109 (amended). Earthquake mitigation technology**

19 SEC. ___. Section 16109 of the Health and Safety Code is amended to read:

20 16109. (a) In the event that a project involving buildings utilizing earthquake
21 mitigation technologies and other new seismic resistant design technologies
22 requires design review and plan approval by more than one public agency, the
23 Coordinating Council of the Building Standards Commission shall, to the
24 maximum extent feasible, consolidate the various hearings which may be required
25 in order to minimize the time required for the hearings. This consolidation shall be
26 for procedural purposes only and shall not be construed as consolidating the
27 statutory responsibilities of the public agencies conducting the consolidated
28 hearings.

29 (b) The Coordinating Council of the Building Standards Commission, in
30 consultation with the State Architect, shall report to the Legislature by January 1,
31 1991, on recommendations for expediting and facilitating design review and plan
32 approval of buildings utilizing earthquake mitigation technologies and other new
33 seismic resistant design technologies.

34 **Comment.** Section 16109 is amended to delete reference to an obsolete reporting requirement.
35 The required report was to be completed by January 1, 1991.

36 **Health & Safety Code § 25159.13 (repealed). Report on injection well use**

37 SEC. ___. Section 25159.13 of the Health and Safety Code is repealed.

38 25159.13. (a) Each person who is using, or has used, an injection well on or after
39 January 1, 1960, for the discharge of hazardous wastes shall file with the
40 department, on a form provided by the department, a hazardous waste injection
41 statement on or before January 1, 1987.

1 (b) Each hazardous waste injection statement shall include, but not be limited to,
2 all of the following information:

3 (1) The name and addresses of the persons responsible for the injection well and
4 the owner, if different.

5 (2) The address and location of the well, including the city and county in which
6 the well is located.

7 (3) The name and 24-hour telephone number of the contact person in the event
8 of an emergency involving the well, if the well is currently in operation.

9 (4) A description of the well, including the type of construction of the well, well
10 drilling and geologic logs, and age of the well.

11 (5) A list of the specific hazardous waste constituents discharged into each well,
12 the dates of these discharges, and approximate volumes of the discharges unless
13 the person demonstrates, for a well which has not been in operation since January
14 1, 1980, that the information cannot be ascertained.

15 (6) A description of any method used to monitor the well for leaks and migration
16 into surrounding soils or groundwater.

17 (c) Each statement shall be accompanied by a fee specified in the fee schedule
18 adopted by the department pursuant to Section 25159.19, set in an amount
19 sufficient to cover the reasonable costs of the department in administering this
20 section.

21 (d) Any person who fails to submit the statement and the fee for each injection
22 well to the department by January 1, 1987, is subject to a civil penalty in an
23 amount of not less than one thousand dollars (\$1,000) and not more than ten
24 thousand dollars (\$10,000) per day for each day the statement has not been
25 received. Any person who submits false information to the department is subject to
26 a civil penalty in an amount of not less than two thousand dollars (\$2,000) and not
27 more than twenty-five thousand dollars (\$25,000) per day for each day the false
28 information goes uncorrected.

29 (e) The department shall compile the hazardous waste injection statements by
30 each city and county within which the well is located. These compilations shall be
31 transmitted to the state board, the appropriate regional boards, cities, and counties
32 on or before July 1, 1987.

33 (f) The department shall submit to the Legislature, on or before January 1, 1988,
34 a report, based on the compilation of the hazardous waste injection statements
35 made pursuant to subdivision (e) and any other information available to the
36 department, which details the injection well sites which have resulted in
37 contamination of land, air, or water and describing any proposed enforcement and
38 remedial actions.

39 (g) This section applies only to injection wells into which hazardous waste is
40 discharged.

41 **Comment.** Section 25159.13 is repealed as obsolete. The required reports were to be
42 completed by January 1, 1988.

1 **Health & Safety Code § 25159.19 (amended). Fee schedule**

2 SEC. ___. Section 25159.19 of the Health and Safety Code is amended to read:

3 25159.19 (a) On or before July 1, 1986, the department shall, by emergency
4 regulation, adopt a fee schedule which assesses a fee upon any person discharging
5 any hazardous wastes into an injection well. The department shall include in this
6 fee schedule the fees charged for filing a hazardous waste injection statement
7 specified in former Section 25159.13, as added by Chapter 1591 of the Statutes of
8 1985, the report specified in Section 25159.18, and applications for, and renewals
9 of, the exemptions specified in Section 25159.15. The department shall also
10 include provisions in the fee schedule for assessing a penalty pursuant to
11 subdivision (c). These fees shall be based on the reasonable anticipated costs
12 which will be incurred by the department to implement and administer this article.
13 The department may also request an appropriation to be used in combination with
14 these fees to perform the monitoring, inspections, review of reports, or any other
15 implementation and administrative actions required by this article.

16 (b) The emergency regulations which set the fee schedule shall be adopted by
17 the department in accordance with Chapter 3.5 (commencing with Section 11340)
18 of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of
19 that chapter, including Section 11349.6 of the Government Code, the adoption of
20 these regulations is an emergency and shall be considered by the Office of
21 Administrative Law as necessary for the immediate preservation of the public
22 peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5
23 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
24 Government Code, any emergency regulations adopted by the department pursuant
25 to this section shall be filed with, but not be repealed by, the Office of
26 Administrative Law and shall remain in effect until revised by the department.

27 (c) The department shall send a notice to each person subject to the fee specified
28 in subdivision (a). If a person fails to pay the fee within 60 days after receipt of
29 this notice, the department shall require the person to pay an additional penalty
30 fee. The department shall set the penalty fee at not more than 100 percent of the
31 assessed fee, but in an amount sufficient to deter future noncompliance, as based
32 upon that person's past history of compliance and ability to pay, and upon
33 additional expenses incurred by this noncompliance.

34 (d) The department shall collect and deposit the fees and penalties collected
35 pursuant to this section in the Hazardous Waste Injection Well Account, which is
36 hereby created in the General Fund. The money within the Hazardous Waste
37 Injection Well Account is available, upon appropriation by the Legislature, to the
38 department for purposes of administering this article.

39 (e) This section applies only to injection wells into which hazardous waste is
40 discharged.

41 **Comment.** Section 25159.19 is amended to reflect the repeal of former Section 25159.13.

1 **Health & Safety Code § 25244.3 (repealed). Reductions in hazardous waste generation**

2 SEC. ___. Section 25244.3 of the Health and Safety Code is repealed.

3 25244.3. On or before June 1, 1986, the department shall conduct a study, and
4 make recommendations to the Legislature, on the establishment of a
5 comprehensive program for achieving reductions in hazardous waste generation.
6 The study shall address, but not be limited to, all of the following program
7 elements, as they relate to hazardous waste reduction:

- 8 (a) Funding assistance, such as grants, low-interest loans, and tax incentives.
- 9 (b) Disposal fee levels and types.
- 10 (c) Technical assistance.
- 11 (d) Regulatory incentives.
- 12 (e) Demonstration projects.
- 13 (f) Research activities.
- 14 (g) Funding and staffing necessary to fully implement this program.

15 **Comment.** Section 25244.3 is repealed as obsolete. The required report was to be completed by
16 June 1, 1986.

17 **Health & Safety Code § 25299.80 (repealed). Underground tank study**

18 SEC. ___. Section 25299.80 of the Health and Safety Code is repealed.

19 25299.80. On or before January 1, 1993, the board, in consultation with the
20 commissioner, shall prepare and submit to the Legislature a report containing, but
21 not limited to, all of the following information:

- 22 (a) A summary of corrective action taken pursuant to this chapter.
- 23 (b) Summary data on claims paid out of the fund.
- 24 (c) An assessment of the availability of private insurance for coverage of
25 unauthorized releases of petroleum from underground storage tanks.
- 26 (d) Data on the ability of owners or operators of underground storage tanks to
27 comply with alternative mechanisms for demonstrating financial responsibility,
28 such as financial guarantees.
- 29 (e) Summary data on the low-interest loan program established pursuant to
30 Chapter 8.5 (commencing with Section 15399.10) of Part 6.7 of Division 3 of Title
31 2 of the Government Code for the repair or replacement of leaking underground
32 storage tanks.
- 33 (f) Recommendations for a permanent program to further the intent of this
34 chapter, including recommendations as to the use of the insurance fund to provide
35 coverage for owners and operators of underground storage tanks for liability under
36 federal law arising out of unauthorized releases of petroleum into the environment
37 from these tanks.

38 **Comment.** Section 25299.80 is repealed as obsolete. The required report was to be completed
39 by January 1, 1993.

1 **Health & Safety Code § 25503.2 (amended). Hazardous materials compliance assistance**
2 **manual**

3 SEC. _____. Section 25503.2 of the Health and Safety Code is amended to read:
4 25503.2. (a) The California Environmental Protection Agency, with the guidance
5 of the Chemical Emergency Planning and Response Commission, as specified in
6 Section 25503.1, shall develop a hazardous materials compliance assistance
7 manual, which shall include all of the following:

8 (1) A copy of each form required by federal and state agencies for the reporting
9 of activities concerning hazardous materials and criteria as to who is required to
10 file the form.

11 (2) The due date for each form specified in paragraph (1).

12 (3) The address, telephone number, and contact person of each federal and state
13 agency which requires the reporting forms specified in paragraph (1).

14 (4) An insert which contains a copy of each form used for the reporting of
15 activities concerning hazardous materials required by each local agency under
16 whose jurisdiction the person requesting the manual conducts business, including
17 the due date for each form, and the address, telephone number, and contact person
18 of each local agency.

19 (5) Any other information which the California Environmental Protection
20 Agency determines to be necessary.

21 (b) On or before July 1, 1991, the California Environmental Protection Agency,
22 with the guidance of the Chemical Emergency Planning and Response
23 Commission, shall make known to businesses and other interested parties, and
24 distribute, upon request, the hazardous materials compliance assistance manual
25 developed pursuant to subdivision (a). The Secretary for Environmental Protection
26 may impose a fee for the manual to pay for all costs related to the development,
27 maintenance, reproduction, and distribution of the manual.

28 (c) ~~On or before July 1, 1991, the California Environmental Protection Agency,
29 with the guidance of the Chemical Emergency Planning and Response
30 Commission, shall submit a report to the Legislature on the status of the
31 development and distribution of the hazardous materials compliance assistance
32 manual program. The report shall also contain a discussion of the feasibility of the
33 adoption of a single filing date for state and local hazardous materials reporting
34 forms, including recommendations for implementation of a single filing date for
35 these forms, and the use of a single comprehensive hazardous materials reporting
36 form for businesses to submit to the appropriate state and local agencies.~~

37 **Comment.** Section 25503.2 is amended to delete reference to an obsolete reporting
38 requirement. The required report was to be completed by July 1, 1991.

39 **Health & Safety Code §§ 25547-25547.2 (repealed). Hazardous materials use reduction**
40 **institute**

41 SEC. _____. Article 5 (commencing with Section 25547) of Chapter 6.95 of
42 Division 20 of the Health and Safety Code is repealed.

1 **Comment.** Sections 25547-25547.2 are repealed as obsolete. The required study was to be
2 completed by March 1, 1991.

3 **Note.** The text of the repealed article is set out below for reference:

4 ARTICLE 5. HAZARDOUS MATERIALS USE REDUCTION INSTITUTE

5 25547. For the purposes of this article the following definitions apply:

6 (a) (1) "Hazardous materials use reduction" means implant changes in production processes or
7 raw materials that reduce, avoid, or eliminate the use of hazardous materials, or the generation of
8 hazardous by-products per unit of product, so as to reduce risks to the health of workers,
9 consumers, or the environment, without shifting risks between workers, consumers, or parts of the
10 environment. Hazardous materials use reduction shall be achieved through any of the following
11 techniques:

12 (A) Input substitution, which means replacing a hazardous material or raw material used in a
13 production process with a nonhazardous or less hazardous material.

14 (B) Product reformulation which means substituting for an existing end product an end product
15 which is nonhazardous or less hazardous upon use, release, or disposal.

16 (C) Production process redesign or modification, which means developing and using
17 production processes of a different design than those currently used.

18 (D) Production process modernization, which means upgrading or replacing existing production
19 process equipment and methods with other equipment and methods based on the same production
20 process.

21 (E) Improved operation and maintenance controls of production process equipment and
22 methods, which means modifying or adding to existing equipment or methods, including, but not
23 limited to, such techniques as improved housekeeping practices, system adjustments, product and
24 process inspections, and production process control equipment or methods.

25 (F) Recycling, reuse, or extended use of hazardous materials by using equipment or methods
26 which become an integral part of the production process of concern, including, but not limited to,
27 filtration and other closed-loop methods.

28 (2) "Hazardous materials use reduction" does not include promoting or requiring incineration,
29 the transfer from one medium of release or discharge to other media, offsite hazardous waste
30 recycling, or any method of treating hazardous waste at the end of the production process.

31 (b) "Institute" means the Hazardous Materials Use Reduction Institute specified in Section
32 25547.1.

33 25547.1. It is the intent of the Legislature that the University of California enhance its research
34 and teaching activities relating to hazardous materials use reduction, and to examine the
35 feasibility of establishing a hazardous materials use reduction institute within the University of
36 California. To accomplish this purpose, the university is requested to report to the Legislature by
37 March 1, 1991, on the following:

38 (a) Existing research and teaching programs within the university that promote an
39 understanding of hazardous materials use reduction and which develop new processes and
40 materials to promote hazardous materials use reduction techniques used by industry.

41 (b) The feasibility of establishing a Hazardous Materials Use Reduction Institute that
42 encourages and coordinates research, teaching, and training in hazardous materials use reduction,
43 which may include, but not be limited to, the fields of engineering, environmental health and
44 safety, and occupational health and safety.

45 (1) The report shall evaluate possible functions to be provided by such an institute, including
46 the following:

47 (A) Providing general information about, and actively publicize the advantages of and
48 developments in, hazardous materials use reduction, and the requirements of this chapter.

- 1 (B) Establishing courses, seminars, updates, guidelines, and other publications, and other
2 means of providing technical information for hazardous materials users, including small quantity
3 users, and, as appropriate, work in cooperation with the department.
- 4 (C) Developing and providing undergraduate curriculum and training for students and faculty
5 on hazardous material use reduction.
- 6 (D) Establishing and providing for a hazardous materials use reduction postgraduate education
7 and research program for both of the following purposes:
- 8 (i) To train students who seek graduate level educational training and advanced degrees in
9 hazardous materials use reduction.
- 10 (ii) To train professionals to be qualified to assist businesses or business groups to reduce the
11 use of hazardous materials.
- 12 (E) Providing onsite technical extension services to help identify opportunities for hazardous
13 materials use reduction among hazardous materials user groups and handlers, which include an
14 emphasis on providing information to the general public.
- 15 (F) Sponsoring pilot projects to develop and demonstrate innovative technologies for hazardous
16 materials use reduction and making available results of these projects for use by the public.
- 17 (G) Providing hazardous materials use reduction training and assistance to government
18 employees, citizens, community groups, workers, labor representatives, and local government
19 boards and officials.
- 20 (H) Establishing, to the extent possible with hazardous materials users or user groups, including
21 small quantity users, an intensive technology transfer, research, and technical assistance program
22 regarding the most hazardous materials.
- 23 (I) Studying the social, environmental, and economic costs and benefits of hazardous materials
24 technologies as compared to hazardous materials use reduction practices.
- 25 (J) Establishing a competitive grants program for research on hazardous materials use reduction
26 techniques and materials.
- 27 (K) Conducting research on alternative methods of reducing the use of hazardous materials,
28 including the reduction of hazardous materials in product formulation so as to reduce household,
29 as well as industrial, hazards.
- 30 (L) Providing information on hazardous materials use reduction for application to the
31 preparation of use and source reduction plans, pursuant to the Hazardous Waste Source Reduction
32 and Management Review Act of 1989 (Article 11.9 (commencing with Section 25244.12) of
33 Chapter 6.5 of Division 20 of the Health and Safety Code).
- 34 (2) The report shall address the issues of the governance of the institute and the appropriate role
35 and composition of a public advisory committee.
- 36 25547.2. The report specified in Section 25547.1 shall consider the availability of funding
37 sources not currently available from the state, nonstate funding sources, and the establishment of
38 fees, tuitions, or other financial charges as a means of funding the functions of the institute.

39 **Health & Safety Code § 25928 (repealed). Asbestos Assessment Task Force report**

40 SEC. ___. Section 25928 of the Health and Safety Code is repealed.

41 ~~25928. The State Department of Health Services shall report to the Legislature
42 by December 31, 1987, on the results of the Asbestos Assessment Task Force
43 recommendations and inspections pursuant to Section 25927.~~

44 **Comment.** Section 25928 is repealed as obsolete. The required report was to be completed by
45 December 31, 1987.

46  **Note.** The Commission would like to receive comments on whether the entire chapter that
47 contains Section 25928 is obsolete and can be repealed.

1 **Health & Safety Code § 38045 (repealed). Direct service contracts with nonprofit**
2 **organizations**

3 SEC. _____. Section 38045 of the Health and Safety Code is repealed.

4 38045. (a) It is the intent of the Legislature to ensure that nonprofit organizations
5 that enter into human services contracts with the state are provided with the
6 appropriate information to enable them to faithfully execute the contracts and meet
7 the audit standards that are established by the various departments of state
8 government which contract for services through local assistance funding.

9 (b) The Auditor General shall review the contract reform, appeals, and audit
10 processes set forth in this division and Division 25.1 (commencing with Section
11 38050), with respect to their application to direct service contracts with nonprofit
12 organizations, and shall report thereon to the Legislature on or before July 1, 1989.
13 The report shall contain recommendations to achieve a reduction in the number of
14 audit exceptions and appeals so as to improve the efficient administration of direct
15 service contracts with nonprofit organizations.

16 **Comment.** Section 38045 is repealed as obsolete. The required report was to be completed by
17 July 1, 1989.

18 **Health & Safety Code § 39663 (repealed). Control of landfill gas**

19 SEC. _____. Section 39663 of the Health and Safety Code is repealed.

20 39663. (a) For purposes of this section "landfill" means a solid waste landfill, as
21 defined in subdivision (a) of Section 40195.1 of the Public Resources Code.

22 (b) The Legislature hereby finds and declares all of the following:

23 (1) Despite the adoption of stringent emission reduction measures, especially as
24 applied to stationary sources, southern California and other regions of the state
25 exceed a number of federal and state ambient air quality standards, often by wide
26 margins.

27 (2) Noncombustion landfill gas control technologies that convert landfill gas to
28 alternative fuels may offer opportunities to achieve additional emission reductions
29 beyond those currently being achieved.

30 (3) Alternative fuels produced from landfill gas may generate a revenue stream
31 for landfill operators and may be sold as, among other things, a reformulated
32 gasoline additive and an alternative vehicle fuel. Both uses are key components of
33 local air quality management plans in nonattainment areas to achieve compliance
34 with state and federal ambient air quality standards.

35 (4) It is in the interests of the people of this state to identify and encourage the
36 use of technologies that can cost-effectively achieve additional pollutant emission
37 reductions for stationary sources while producing a marketable product from
38 renewable waste materials that can further reduce emissions from vehicles.

39 (c) On or before January 1, 1998, the state board, in consultation with the south
40 coast district and other districts, as feasible, shall conduct a study and prepare a
41 report thereon that does all of the following:

1 (1) Identifies commercially available technologies to control landfill gas that are
2 not based on combustion as the means of controlling or destroying emissions from
3 landfill gas.

4 (2) Analyzes the effects on air quality of the use of technologies identified
5 pursuant to paragraph (1) and compares the results of that analysis with emissions
6 from landfill gas control technologies for which best available control technology
7 has been established, emphasizing opportunities for further reductions in
8 emissions of criteria pollutants.

9 (3) Identifies opportunities for emission reduction credits resulting from the use
10 of technologies identified pursuant to paragraph (1) compared to the use of landfill
11 gas control technologies for which best available control technology has been
12 established, based on the state board's best assessment of current and projected
13 values of credits for specified pollutants.

14 (4) Identifies those landfill gas control technologies that have the ability to
15 generate revenue from the production of energy or alternative fuels, and analyzes
16 the potential economic impact of those revenues on the use of the technologies.

17 (d) In preparing the report required by subdivision (c), the state board shall make
18 all reasonable efforts to obtain financial and technical assistance from districts, and
19 districts that assist in preparing the report shall make all reasonable efforts to
20 provide that assistance to the state board.

21 **Comment.** Section 39663 is repealed as obsolete. The required report was to be completed by
22 January 1, 1998.

23 **Health & Safety Code § 40410.5 (amended). South coast district sensitive zone**

24 SEC. _____. Section 40410.5 of the Health and Safety Code is amended to read:

25 40410.5. (a) There is hereby established within the south coast district a sensitive
26 zone, which shall include the general forecast areas known as the San
27 Gabriel/Pomona Valleys and the Riverside/San Bernardino areas.

28 (b) In addition to every other requirement for the issuance of a permit, the
29 following requirements shall be applicable to the issuance of a permit by the south
30 coast district for the construction or operation of any stationary source within the
31 sensitive zone:

32 (1) When emission offsets are required to mitigate the air quality impacts of a
33 stationary source, the offsets shall be secured by the applicant so as to bring about
34 ambient air quality improvements within the sensitive zone. The applicant shall be
35 required to demonstrate, to the satisfaction of the south coast district, that any
36 emissions reductions acquired from stationary sources operating within the South
37 Coast Air Basin will result in a demonstrable net ambient air quality improvement
38 within the sensitive zone.

39 (2) In considering an application for a permit to construct or operate a stationary
40 source, the south coast district board shall, in addition to making a finding and
41 determination that the impacts of the stationary source will be mitigated so as to
42 result in a net improvement in ambient air quality within the South Coast Air

1 Basin, also make a finding and determination that the impacts of the stationary
2 source can be mitigated so as to result in a net improvement in ambient air quality
3 within the sensitive zone.

4 (c) The south coast district board shall adopt rules and regulations to implement
5 this section by January 1, 1991.

6 ~~(d) The south coast district shall report to the Legislature by January 1, 1992, on~~
7 ~~the implementation of subdivision (b). This report shall include a description of~~
8 ~~the impact of the requirements of subdivision (b) on the issuance of permits for the~~
9 ~~construction or operation of stationary sources within the sensitive zone, and upon~~
10 ~~air quality within the sensitive zone.~~

11 **Comment.** Section 40410.5 is amended to delete reference to an obsolete reporting
12 requirement. The required report was to be completed by January 1, 1992.

13 **Health & Safety Code § 40452 (amended). Report on regulatory activities**

14 SEC. _____. Section 40452 of the Health and Safety Code is amended to read:

15 40452. The south coast district shall submit an annual report to the state board
16 and the Legislature summarizing its regulatory activities for the preceding calendar
17 year. The report shall include all of the following:

18 (a) A summary of each major rule and rule amendment adopted by the south
19 coast district board. The summary shall include emission reductions to be
20 accomplished by each rule or regulation; the cost per ton of emission reduction to
21 be achieved from each rule or regulation; other alternatives that were considered
22 through the environmental assessment process; the cost per ton of comparable
23 emission reductions that could have been achieved from each alternative; a
24 statement of the reason why a given alternative was chosen; the conclusions and
25 recommendations of the district's socioeconomic analysis, including any
26 evaluations of employment impacts; and the source of funding for the rule or
27 regulation. For the purposes of this subdivision, a major rule or rule amendment is
28 one that is intended to significantly affect air quality or that imposes emission
29 limitations.

30 (b) The number of permits to operate or to construct, by type of industry, that are
31 issued and denied, and the number of permits to operate that are not renewed.

32 (c) Data on emission offset transactions and applications, by pollutant, during
33 the previous fiscal year, including an accounting of the number of applications for
34 permits for new or modified sources that were denied because of the unavailability
35 of emission offsets.

36 (d) The district's forecast of budget and staff increases proposed for the
37 following fiscal year, and projected for the next two fiscal years. Budget and staff
38 increases shall be related to existing programs and rules, and to new programs or
39 rules to be adopted during the following years. The budget forecast shall provide a
40 workload justification for proposed budget and staff changes and shall identify any
41 cost savings to be achieved by program or staff changes. The budget forecast shall

1 include increases in permit fees and other fees proposed for the following fiscal
2 year and projected for the next two fiscal years.

3 (e) An identification of the source of all revenues collected that are used, or
4 proposed to be used, to finance activities related to either stationary or
5 nonstationary sources.

6 (f) A response to audit recommendations pursuant to Section 40453. The
7 response shall include proposed statutory changes needed to implement the
8 recommendations.

9 (g) The results of the clean fuels program as specified in Section 40448.5. This
10 element of the report shall be submitted biennially.

11 **Comment.** Section 40452 is amended to delete an obsolete reference to former Section 40453.

12 **Note.** The amendment of Section 40452(f) was proposed by the South Coast Air Quality
13 Management District.

14 **Health & Safety Code § 43013.5 (amended). Unfinished fuels and fuel blending**

15 SEC. _____. Section 43013.5 of the Health and Safety Code is amended to read:
16 43013.5. (a) For purposes of implementing and enforcing Sections 43020 and
17 43021, the State Air Resources Board shall purchase and install a wavelength
18 dispersive XRF spectrometer with the capability to analyze gasoline and diesel
19 fuels and other petroleum products for sulfur content according to ASTM
20 procedures specified by regulation.

21 (b) On or before May 1, 1992, the State Air Resources Board shall report to the
22 Legislature on the nature, types, and extent of unfinished fuels and fuel blending
23 components sold or blended at locations other than refineries. The report shall
24 include recommendations concerning the need for appropriate legislation.

25 **Comment.** Section 43013.5 is amended to delete reference to an obsolete reporting
26 requirement. The required report was to be completed by May 1, 1992.

27 **Health & Safety Code § 44245 (repealed). Programs funded by vehicle registration fees**

28 SEC. _____. Section 44245 of the Health and Safety Code is repealed.

29 44245. The state board shall report to the Legislature on or before December 31,
30 1992, on the air pollution reduction programs funded pursuant to this chapter. The
31 report shall include, but not be limited to, an analysis of the use of vehicle
32 registration fees for air pollution programs, the efficacy and results of the
33 programs funded by the fees and any conclusions and recommendations by the
34 state board.

35 **Comment.** Section 44245 is repealed as obsolete. The required report was to be completed by
36 December 31, 1992.

37 **Health & Safety Code § 44247 (repealed). Report by local agencies on use of fees and results
38 of programs**

39 SEC. _____. Section 44247 of the Health and Safety Code is repealed.

1 44247. Local agencies imposing vehicle registration fees for air pollution
2 programs pursuant to this chapter shall report to the state board on their use of the
3 fees and the results of the programs funded by the fees and shall cooperate with
4 the state board in the preparation of its report. These reports shall be submitted
5 according to a schedule adopted by the state board to ensure compliance with the
6 reporting requirements of Section 44245.

7 **Comment.** Section 44247 is repealed as obsolete. The report required under Section 44245 was
8 to be completed by December 31, 1992.

9 **Health & Safety Code § 50519 (amended). Residential hotels**

10 SEC. _____. Section 50519 of the Health and Safety Code is amended to read:

11 50519. (a) The Legislature finds and declares that the need for decent housing
12 among individuals of very low and low income is great, and that residential hotels
13 are often the only form of housing affordable to these individuals. Many
14 residential hotels are in poor condition and in need of rehabilitation, and many are
15 being demolished or converted to other uses. The state can play an important role
16 in preserving the existence and improving the quality of this housing resource
17 through sponsoring demonstration projects which will enable local sponsors to
18 acquire, rehabilitate, maintain, or otherwise protect and improve residential hotels
19 as a housing resource for persons of very low and low income. The demonstration
20 projects should be undertaken and designed so as to demonstrate the feasibility of
21 innovative methods of protecting and improving residential hotels and of
22 improving their habitability while assuring their continued availability to persons
23 of very low and low income.

24 (b) The following definitions govern the construction of this section:

25 (1) "Residential hotel" means any building containing six or more guestrooms or
26 efficiency units, as defined by Section 17958.1, intended or designed to be used, or
27 which are used, rented, or hired out, to be occupied, or which are occupied, for
28 sleeping purposes by guests, which is also the primary residence of those guests,
29 but does not mean any building containing six or more guestrooms or efficiency
30 units, as defined by Section 17958.1, which is primarily used by transient guests
31 who do not occupy that building as their primary residence.

32 (2) "Sponsor" means a local government or nonprofit housing sponsor.

33 (3) "Persons of low income" shall have the same meaning as persons of low
34 income as defined in Section 50093 of the Health and Safety Code.

35 (c) The department, in conjunction with the State Fire Marshal, shall develop a
36 model code for the rehabilitation of residential hotels. The department shall adopt
37 the code on or before January 1, 1981. The code need not be adopted by any city,
38 county, or city and county. However, those entities may adopt all or part of the
39 code as an alternative to the requirements of the State Housing Law, Part 1.5
40 (commencing with Section 17910) of Division 13, as that law applies to residential
41 hotels.

1 The purpose of the standards shall be to protect the health, safety, and welfare of
2 the occupants of those residential hotels, to allow the economically feasible
3 rehabilitation of those residential hotels, and to assure to the extent possible the
4 preservation of those residential hotels as housing for very low and low-income
5 persons.

6 (d) The agency shall develop a program of financing and loan insurance for the
7 purpose of assisting the rehabilitation and acquisition of residential hotels serving
8 the housing needs of very low and low-income persons by appropriate sponsors,
9 and shall implement that program on or before January 1, 1981.

10 In the event that the agency is unable to implement that program, it shall report
11 to the Legislature on or before July 1, 1981, the reasons for its inability to
12 implement that program, and recommend methods by which the agency could
13 implement that program.

14 (e) The department shall contract, subject to the availability of federal funds,
15 with selected sponsors to acquire, rehabilitate, maintain, or otherwise protect and
16 improve residential hotels as housing for persons of low income. The contracts
17 may provide for grants or loans at an interest rate which the department determines
18 will facilitate the present and future use of residential hotels as housing for persons
19 of very low and low income. Subject to the availability of funds, the department
20 shall contract for the preservation and improvement of at least one residential hotel
21 in a rural area. Subject to restrictions on funds received, the department shall give
22 first priority to residential hotels financed or acquired with assistance from the
23 agency pursuant to subdivision (d).

24 (f) In connection with contracts let pursuant to subdivision (e), the department
25 shall fix, and may alter from time to time, a schedule of rents as may be necessary
26 to assure affordable rents for persons of low income in residential hotels assisted
27 by funds made available under subdivision (e), and to the extent consistent with
28 the maintenance of the financial integrity of the sponsor of the project and with the
29 requirements for repayment of any funds loaned as established by the department.
30 No local government or nonprofit housing sponsor receiving funds through the
31 provisions of subdivision (e) shall alter rents without the prior permission of the
32 department, which permission shall be given only if the sponsor demonstrates that
33 the alteration is necessary to defray necessary operating costs and to avoid
34 jeopardizing the fiscal integrity of the sponsor or to maintain affordable rents to
35 the residents in the project. If the department does not act upon a request for a rent
36 increase within 60 days, the increase shall be deemed approved. In connection
37 with contracts authorized by subdivision (e), the department may determine
38 standards for the selection by sponsors of the tenants for units in projects funded
39 by contracts pursuant to subdivision (e). The authority of the department to fix and
40 alter rents pursuant to this subdivision shall apply only to units within residential
41 hotels which receive assistance pursuant to subdivision (e).

42 (g) On or before January 1, 1983, the department shall conduct an evaluation of
43 the various projects funded pursuant to subdivision (e), and of the various methods

1 of preserving and improving residential hotels as a housing resource for persons of
2 low income, and will report on these projects and methods to the Legislature.

3 (h) On or before January 1, 1983, the department shall report to the Legislature
4 on the extent of the use of residential hotels as housing for persons of low income,
5 and on possible state actions to further the use of residential hotels and to improve
6 existing conditions in residential hotels in a manner designed to maintain their use
7 as housing for persons of low income.

8 **Comment.** Section 50519 is amended to delete reference to obsolete reporting requirements.
9 The required reports were to be completed by January 1, 1983.

10 **Health & Safety Code § 50524 (amended). Extent and causes of homelessness**

11 SEC. ___. Section 50524 of the Health and Safety Code is amended to read:

12 50524. The department shall, on or before March 1, 1985, prepare and provide a
13 report to the Legislature evaluating the extent and causes of homelessness in the
14 state, identifying who is homeless and what existing efforts are being made to
15 address the problem, and recommending appropriate state action which will help
16 resolve the problem. It is the intent of the Legislature, that the department utilize
17 and rely upon existing sources of information about the homeless, to the maximum
18 extent feasible, and devote a majority of the amount appropriated by subdivision
19 (c) of Section 7 of the act which enacted this section to develop recommendations
20 of appropriate solutions to resolve that problem. The department shall thereafter
21 include in its statewide housing plan a review of housing assistance policies, goals,
22 and objectives affecting the homeless.

23 **Comment.** Section 50524 is amended to delete reference to an obsolete reporting requirement.
24 The required report was to be completed by March 1, 1985.

25 **Health & Safety Code § 50837 (repealed). Advisory Task Force on Affordable Housing**

26 SEC. ___. Section 50837 of the Health and Safety Code is repealed.

27 50837. (a) The Advisory Task Force on Affordable Housing is hereby created in
28 the Department of Housing and Community Development to provide advisory
29 recommendations on methods by which state housing programs may be
30 restructured in order to benefit the greatest number of Californians by obtaining
31 maximum federal funding under the Cranston-Gonzalez National Affordable
32 Housing Act (Public Law 101-625), and, particularly, under Titles II and IV
33 thereof. As part of the report, the Treasurer shall study, and report to the task
34 force, about how the state bond programs can be counted as part of the nonfederal
35 match and how they might specifically fund the HOME and HOPE programs.

36 (b) The members of the task force shall include the Director of Housing and
37 Community Development, who shall serve as chairperson of the task force, the
38 Controller, the Treasurer, the Director of the Department of Veterans Affairs, and
39 the Executive Director of the California Housing Finance Agency, or their
40 respective designees. The task force shall meet as deemed necessary by the
41 chairperson.

(c) Each member of the task force shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties by his or her respective public agency.

(d) The task force shall be supported by a reasonable amount of staff time, which shall be provided by the agencies represented on the task force to the extent feasible within their existing resources.

(e) The task force may request data from, and shall utilize the technical expertise of, other state agencies.

(f) On or before April 15, 1992, the task force shall submit its written report to the Legislature.

Comment. Section 50837 is repealed as obsolete. The required report was to be completed by April 15, 1992.

Health & Safety Code § 100475 (repealed). Review of public health statutes

SEC. _____. Article 5 (commencing with Section 100475) of Chapter 3 of Part 1 of Division 101 of the Health and Safety Code is repealed.

Comment. Section 100475 is repealed as obsolete. The required report was to be completed by April 1, 1993.

☞ **Note.** The text of the repealed article is set out below for reference:

ARTICLE 5. REVIEW OF STATUTES

100475. (a) The director shall conduct a comprehensive review of the statutes governing the protection of the public health, as principally embodied in this code. The review shall be conducted by the director in cooperation with county and city representatives and the California Conference of Local Health Officers and shall produce the following:

(1) A list of those sections of law that should be deleted due to ambiguity, conflict with other statutes, inappropriateness, or obsolescence.

(2) A reorganization by chapter and section for all public health laws.

(3) Recommendations regarding new or expanded legislation that should be added to balance or provide equity, avoid conflict, or meet defined needs.

(4) A process to provide continuous review of public health statutes and regulations to avoid obsolescence and identify need for new legislation.

(b) A report shall be submitted to the Legislature at the conclusion of the review, but no later than April 1, 1993. The report shall address the objectives of the review, specified in subdivision (a) and shall be jointly submitted by the director, county and city representatives, and the California Conference of Local Health Officers, with addendums as appropriate to further explain the recommendations of any party.

Health & Safety Code § 101535 (repealed). Sonoma County Dental Health Authority

SEC. _____. Section 101535 of the Health and Safety Code is repealed.

101535. (a) The department, after consultation with the Sonoma County Dental Health Authority, shall report to the Legislature on or before December 31, 1989, on the effectiveness of the pilot project provided for under this chapter. The report shall contain recommendations as to whether the program should be continued or expanded.

1 (b) The report shall include, but not be limited to, all of the following
2 information, which the department shall take into consideration in its
3 recommendation:

- 4 (1) The number of indigent patients served.
5 (2) The number of dentists, dental auxiliaries, and other persons who volunteer
6 in the provision of dental care to the indigent patients.
7 (3) The dollar amount billed to the Denti-Cal program, which provides
8 reimbursement for dental care services under the Medi-Cal program.
9 (4) The dollar amount paid to the pilot project by Denti-Cal.
10 (5) The dollar amount of treatment denied by Denti-Cal.
11 (6) The dollar amount paid by patients.
12 (7) The dollar amount of supplies and equipment donated to the program.
13 (8) The dollar amount paid by the project for overhead.
14 (9) The number of hours of service by volunteers.

15 **Comment.** Section 101535 is repealed as obsolete. The required report was to be completed by
16 December 31, 1989.

17 **Health & Safety Code § 104595 (repealed). Nutrition monitoring**

18 SEC. ___. Section 104595 of the Health and Safety Code is repealed.
19 104595. The department shall analyze the results of the California Nutrition
20 Monitoring Development Act of 1986 in a report to the Governor and the
21 Legislature. Where feasible and appropriate, other reports on nutritional status
22 within the department shall be consolidated into one nutrition monitoring report.
23 This report shall include all of the following components:

24 (a) The types of data to be collected and reported on shall include, but are not
25 limited to, the data described in Section 104580 for purposes of carrying out this
26 article.

27 (b) Based upon the findings of subdivision (a), the department shall identify
28 those areas in which existing data is meeting user needs, areas in which users have
29 identified deficiencies or inefficiencies, and areas in which data collection efforts
30 are not occurring. The department shall recommend specifications for a suitable
31 data system using microcomputer technology where feasible. The system shall
32 involve state and local government agencies and the private sector.

33 (c) Using the data collected in subdivisions (a) and (b), the department shall
34 identify options for providing data of the type and timeliness needed by local
35 users.

36 (d) The department shall submit its report and recommendations to the Governor
37 and the Legislature no later than January 1, 1988.

38 **Comment.** Section 104595 is repealed as obsolete. The required report was to be completed by
39 January 1, 1988.

40 ☞ **Note.** The Commission would like to receive comments on whether the entire article that
41 contains Section 104595 is obsolete and should be repealed.

1 **Health & Safety Code § 105140 (amended). Geriatric medicine**

2 SEC. ___. Section 105140 of the Health and Safety Code is amended to read:

3 105140. (a) In addition to the other programs provided under this chapter, it is
4 the intent of the Legislature to encourage the Regents of the University of
5 California to monitor existing physician licensing requirements, and any additional
6 requirements developed in response to Section 105135. It is also the intent of the
7 Legislature that the regents review programs and offerings in the schools of
8 medicine to ensure that graduates of those schools are adequately prepared to meet
9 the licensing requirements in geriatric medicine and any other educational
10 requirements in geriatric medicine deemed appropriate by the regents.

11 (b) It is the intent of the Legislature that the regents request the medical and
12 other health science schools of the University of California to consider the need
13 for additional emphasis on geriatrics in their curricula. ~~The regents are hereby
14 requested to provide a status report on this need to the Governor and the
15 Legislature by January 1, 1987.~~

16 **Comment.** Section 105140 is amended to delete reference to an obsolete reporting
17 requirement. The required report was to be completed by January 1, 1987.

18 **Health & Safety Code § 105175 (amended). Occupational health**

19 SEC. ___. Section 105175 of the Health and Safety Code is amended to read:

20 105175. (a) The department shall, ~~by no later than January 1, 1987,~~ establish and
21 thereafter maintain a program on occupational health and occupational disease
22 prevention, including, but not limited to, the following:

23 (1) Investigations into the causes of morbidity and mortality from work-induced
24 diseases.

25 (2) Development of recommendations for improved control of work-induced
26 diseases.

27 (3) Maintenance of a thorough knowledge of the effects of industrial chemicals
28 and work practices on the health of California workers.

29 (4) Provision of technical assistance in matters of occupational disease
30 prevention and control to the Department of Industrial Relations and other
31 governmental and nongovernmental agencies, organizations, and private
32 individuals.

33 (5) Collection and summarization of statistics describing the causes and
34 prevalence of work-induced diseases in California.

35 (b) The functions provided for in subdivision (a) are intended to implement
36 within the department a continuing research and development capability and a
37 repository of hazardous substances capability which will reinforce and strengthen
38 the administration of the California Occupational Safety and Health Act of 1973,
39 Part 1 (commencing with Section 6300) of Division 5 of the Labor Code,
40 including the capability to recommend occupational health standards to the
41 California Occupational Safety and Health Standards Board. Whenever the
42 repository identifies data gaps for any chemical regulated by the California

1 Occupational Safety and Health Act of 1973, the department shall notify the
2 Division of Occupational Safety and Health of the Department of Industrial
3 Relations of its finding.

4 (c) ~~The department shall submit a report to the Legislature by January 1, 1988, reviewing the activities of the program described in each paragraph of subdivision~~
5 ~~(a).~~

6 (d) Upon the request of the department, and in furtherance of the goals of the
7 occupational disease prevention program, employers shall provide to the
8 department the results of monitoring data, both exposure and medical, which has
9 been collected pursuant to Cal-OSHA standards and regulations.

10 (e) ~~(d)~~ The state department shall have access without delay to any place of
11 employment during regular working hours and at other reasonable times to
12 conduct investigations necessary to carry out the purposes of this article and
13 Article 2 (commencing with Section 105185), including, but not limited to,
14 research, health hazard evaluation, and epidemiological surveillance. In
15 connection with the investigation, the department may question privately any
16 employer, owner, operator, agent, or employee and review and copy records
17 collected pursuant to Cal-OSHA standards and regulations, and other related
18 records.

19 (f) ~~(e)~~ The repository maintained pursuant to this section and Section 147.2 of
20 the Labor Code shall contain the report issued pursuant to Sections 13124 and
21 13125 of the Food and Agricultural Code. Whenever a request for toxicity
22 information is received concerning a chemical discussed in that report, the
23 department shall notify the requestor of the nature and extent of any data gaps
24 identified in the report with respect to that chemical. Whenever the repository
25 receives a request about toxicity information on any other chemical, in addition to
26 providing available information about the known toxic effects of exposure to the
27 chemical, the repository shall also notify the requester of a determination by any
28 state agency or federal agency that the chronic health effects testing data on the
29 chemical is inadequate or incomplete. State agencies that maintain information on
30 the toxic effects of chemicals shall provide the repository with access to that
31 information.

32 **Comment.** Subdivision (a) of Section 105175 is amended to delete an obsolete reference to the
33 date on which the program was to be established.

34 Former subdivision (c) is deleted as obsolete. The required report was to be completed by
35 January 1, 1988.

36 Former subdivision (d) is redesignated subdivision (c).

37 Former subdivision (e) is redesignated subdivision (d).

38 Former subdivision (f) is redesignated subdivision (e).

40 **Health & Safety Code § 105335 (repealed). Sharps injuries**

41 SEC. _____. Section 105335 of the Health and Safety Code is repealed.

42 ~~105335. The program on occupational health and occupational disease~~
43 ~~prevention of the department shall do all of the following:~~

1 (a) In coordination with the Division of Occupational Safety and Health of the
2 Department of Industrial Relations, and to the extent funding is available, conduct
3 a three-year pilot surveillance study on sharps injuries in hospitals, skilled nursing
4 facilities, and home health agencies.

5 (b) Hospitals, skilled nursing facilities, and home health agencies shall be
6 solicited to participate in the study on a voluntary basis and, to the extent feasible,
7 an incentive shall be provided to encourage voluntary participation.

8 (c) The pilot surveillance study shall be conducted over a three-year period, as
9 follows:

10 (1) By July 1, 1997, the program shall develop a surveillance mechanism and
11 enter into voluntary agreements with hospitals, skilled nursing facilities, and home
12 health agencies.

13 (2) On or before July 1, 1998, the program shall collect necessary and
14 appropriate data, work with volunteering hospitals, skilled nursing facilities, and
15 home health agencies to confirm and correct data, and commence an analysis of
16 the data.

17 (3) By December 31, 1999, the program shall issue its final report and determine
18 the feasibility of establishing an ongoing sharps injuries surveillance system. The
19 final report, or a summary thereof, shall be distributed to all licensed health
20 facilities, licensed home health agencies, and the Division of Occupational Safety
21 and Health of the Department of Industrial Relations, and shall be made available
22 to other persons or entities, upon request.

23 (d) The program shall consult with outside experts as appropriate to implement
24 this section.

25 (e) The program may solicit and accept grant funding from public and private
26 sources to supplement state funds.

27 **Comment.** Section 105335 is repealed as obsolete. The required report was to be completed by
28 December 31, 1999.

29 **Health & Safety Code § 108865 (repealed). Lead release from tableware**

30 SEC. ___. Section 108865 of the Health and Safety Code is repealed.

31 108865. On or before January 1, 1993, the department shall evaluate the
32 standards specified in Section 108860 to determine whether they are adequate to
33 protect the public health, including, but not limited to, the health of children and
34 other sensitive groups of the population, and shall report the results of this
35 evaluation to the Legislature. The evaluation and report shall specifically include
36 recommendations regarding standards governing the release of lead and cadmium
37 from tableware that would be necessary to adequately protect the public health and
38 shall include comparisons with other public health standards governing exposure
39 to lead and cadmium. The report shall also identify any additional studies
40 necessary to adequately evaluate the public health impacts of exposures to lead
41 and cadmium.

1 **Comment.** Section 108865 is repealed as obsolete. The required report was to be completed by
2 January 1, 1993.

3 **Health & Safety Code § 110540 (repealed). Food packaging and sale**

4 SEC. ___. Section 110540 of the Health and Safety Code is repealed.

5 110540. The department shall conduct a study of feasible methods for the
6 packaging and sale of food products that will afford the greatest protection to the
7 public from the adulteration of those products. The study shall be conducted in
8 conjunction with the Department of Food and Agriculture, as well as
9 representatives of consumer groups and food producers and retailers.

10 In carrying out this study, the department shall cooperate with the federal Food
11 and Drug Administration to avoid unnecessary duplication. The department shall
12 also evaluate the applicability of federal recommendations on food product safety
13 to the needs of California. The department shall complete the study and report its
14 findings to the Legislature on or before March 1, 1984.

15 **Comment.** Section 110540 is repealed as obsolete. The required report was to be completed by
16 March 1, 1984.

17 **Health & Safety Code § 110795 (amended). Characteristics of fish**

18 SEC. ___. Section 110795 of the Health and Safety Code is amended to read:

19 110795. (a) The department may adopt regulations that name and describe the
20 characteristics of salmon and any other fish or other seafood it considers
21 appropriate. The department shall consult with the Department of Fish and Game,
22 the Joint Committee on Fisheries and Aquaculture, consumers, commercial
23 fishermen, aquaculturists, and seafood processors, wholesalers, restaurateurs, and
24 other retailers before adopting these regulations. The department shall not adopt
25 any regulation that conflicts with the common name of any fish designated by the
26 Department of Fish and Game pursuant to Section 8023 of the Fish and Game
27 Code.

28 (b) In addition to the consultations required by subdivision (a), the department
29 shall consult and seek the recommendations of the groups named in that
30 subdivision concerning the possible need for, or desirability of, any further
31 legislation or regulations affecting seafood labeling. The department shall report to
32 the Legislature the results of the consultations required by this subdivision, and
33 make recommendations to the Legislature concerning any legislation it considers
34 appropriate, on or before January 1, 1986.

35 (c) No regulation adopted pursuant to this section shall deviate from a pertinent
36 United States standard where the fish or seafood product specified is packed or
37 processed as a standardized product under a United States standard.

38 (d) Nothing in this section or in regulations adopted pursuant to this section shall
39 be construed to require the use of more than the common family name of any fish
40 or seafood by any restaurant in menus or advertisements.

41 **Comment.** Section 110795 is amended to delete reference to an obsolete reporting
42 requirement. The required report was to be completed by January 1, 1986.

1 **Health & Safety Code § 114820 (amended). Fissile radioactive material**

2 SEC. _____. Section 114820 of the Health and Safety Code is amended to read:

3 114820. (a) The department, with the assistance of the Office of Emergency
4 Services, the State Energy Resources Conservation and Development
5 Commission, and the Department of the California Highway Patrol shall, with
6 respect to any fissile radioactive material coming within the definition of "fissile
7 class II," "fissile class III," "large quantity radioactive materials," or "low-level
8 radioactive waste" provided by the regulations of the United States Department of
9 Transportation (49 C.F.R. 173.389), do all of the following:

10 (1) Study the adequacy of current packaging requirements for radioactive
11 materials.

12 (2) Study the effectiveness of special routing and timing of radioactive materials
13 shipments for the protection of the public health.

14 (3) Study the advantages of establishing a tracking system for shipments of most
15 hazardous radioactive materials.

16 (b) ~~A report on these studies, together with recommendations for any necessary
17 changes in transportation regulations, shall be submitted by the department to the
18 Legislature on or before July 1, 1982.~~

19 (c) The department, with the assistance of the Office of Emergency Services, the
20 State Energy Resources Conservation and Development Commission, and the
21 Department of the California Highway Patrol, shall extend the nuclear threat
22 emergency response plan to include radioactive materials in transit and provide
23 training for law enforcement officers in dealing with those threats.

24 (d) ~~(c)~~ Subject to Section 114765, the department, in cooperation with the
25 Department of the California Highway Patrol, shall adopt, in accordance with
26 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of
27 the Government Code, reasonable regulations that, in the judgment of the
28 department, promote the safe transportation of radioactive materials. The
29 regulations shall (1) prescribe the use of signs designating radioactive material
30 cargo; shall designate, in accordance with the results of the studies done pursuant
31 to subdivision (a), the manner in which the shipper shall give notice of the
32 shipment to appropriate authorities; (2) prescribe the packing, marking, loading,
33 and handling of radioactive materials, and the precautions necessary to determine
34 whether the material when offered is in proper condition to transport, but shall not
35 include the equipment and operation of the carrier vehicle; and (3) be reviewed
36 and amended, as required, pursuant to Section 114765. The regulations shall be
37 compatible with those established by the federal agency or agencies required or
38 permitted by federal law to establish the regulations.

39 (e) ~~(d)~~ Subject to Section 114765, the Department of the California Highway
40 Patrol, after consulting with the department, shall adopt regulations specifying the
41 time at which shipments may occur and the routes that are to be used in the
42 transportation of cargoes of hazardous radioactive materials, as those materials are
43 defined in regulations of the department.

1 **Comment.** Section 114820 is amended to delete reference to an obsolete reporting
2 requirement. The required report was to be completed by July 1, 1982.

3 **Health & Safety Code § 116360 (amended). Cryptosporidium and giardia**

4 SEC. ___. Section 116360 of the Health and Safety Code is amended to read:

5 116360. (a) The department shall take all reasonable measures it determines
6 necessary to reduce the risk to public health from waterborne illnesses in drinking
7 water caused by cryptosporidium and giardia, to the extent those micro-organisms
8 are not yet able to be adequately controlled through existing drinking water
9 treatment and other management practices.

10 (b) The department shall directly conduct, or order the state's public water
11 systems to conduct, comprehensive sanitary surveys, as present resources permit,
12 to identify risks to public health from cryptosporidium and giardia.

13 (c) To thoroughly address the public health risks currently posed by
14 cryptosporidium, in particular, the department shall ensure that its initial
15 cryptosporidium action plan, that has been circulated to public water systems
16 serving more than 1,000 service connections, is comprehensively implemented and
17 shall devise and implement necessary strategies for protecting the health of
18 individuals served by smaller public water systems from cryptosporidium
19 exposure.

20 (d) ~~On or before January 1, 1998, the department shall submit a report to the
21 Chairperson of the Assembly Environmental Safety and Toxic Materials
22 Committee and of the Senate Toxics and Public Safety Management Committee.
23 The report shall do all of the following:~~

24 (1) ~~Describe the department's action to reduce human exposure to
25 cryptosporidium and giardia from California drinking water and the extent to
26 which implementation of the cryptosporidium action plan for larger water systems,
27 and alternative actions for smaller water systems, have reduced the threat to public
28 health from cryptosporidium contamination.~~

29 (2) ~~Recommend additional actions necessary to adequately protect public health
30 from waterborne diseases in California drinking water caused by micro-organisms,
31 including any legislative changes necessary to ensure adequate protection of the
32 public from exposure to cryptosporidium and other disease-causing micro-
33 organisms in drinking water.~~

34 (3) ~~Describe the progress of the California public water systems in the
35 implementation of the cryptosporidium-related requirements of the federal
36 Information Collection Rule, as set forth in the Federal Register on February 10,
37 1994, and the department's progress in implementing the cryptosporidium-related
38 requirements of the federal Safe Drinking Water Act Amendments of 1996 (P.L.
39 104-182).~~

40 **Comment.** Section 116360 is amended to delete reference to an obsolete reporting
41 requirement. The required report was to be completed by January 1, 1998.

1 **Health & Safety Code § 120865 (repealed). HIV programs**

2 SEC. ___. Section 120865 of the Health and Safety Code is repealed.

3 120865. (a) The department, in consultation with the State Department of
4 Alcohol and Drug Programs, shall review existing programs administered by the
5 department, the State Department of Alcohol and Drug Programs, or both that
6 provide services to persons with AIDS or ARC or persons at risk of becoming
7 infected with HIV to identify whether there are unmet needs in targeting these
8 programs to substance abusers, racial and ethnic minority populations, and
9 women. In reviewing the existing programs, the department shall consider the
10 provision of care by the existing programs outside of a general acute care hospital
11 setting to substance abusers, racial and ethnic minority populations, and women by
12 taking into account the current availability of beds outside of a hospital setting, the
13 availability of those beds to substance abusers, racial and ethnic minority
14 populations, and women, and the projected need for additional beds outside of a
15 hospital setting for substance abusers, racial and ethnic minority populations, and
16 women.

17 (b) The department shall take into account the unmet needs of substance abusers,
18 racial and ethnic minority populations, and women as identified pursuant to
19 subdivision (a) in its planning and development of programs that provide services
20 to persons with AIDS and ARC.

21 (c) The department shall report its findings pursuant to this section on or before
22 April 1, 1991. The report shall include, but not be limited to, recommendations
23 suggesting programmatic changes deemed appropriate by the department that
24 would better meet the needs of substance abusers, racial and ethnic minority
25 populations, and women with, or at risk of becoming infected with, HIV, and the
26 fiscal considerations for implementing the recommendations.

27 **Comment.** Section 120865 is repealed as obsolete. The required report was to be completed by
28 April 1, 1991.

29 **Health & Safety Code § 124135 (repealed). Childhood lead screening target areas**

30 SEC. ___. Section 124135 of the Health and Safety Code is repealed.

31 124135. (a) By July 1, 1987, the department shall identify target areas in which
32 to conduct a childhood lead screening program.

33 (b) The targeted areas shall include at least one area within the urban San
34 Francisco/Alameda County area, one area within, the urban Los Angeles/Orange
35 County/San Diego area, and one area within the Central Valley Sacramento/Fresno
36 area, and other areas if scientifically indicated as determined by the director.

37 (c) These target areas shall be described by census tract and shall be selected
38 based on the prevalence of the following factors:

- 39 (1) Older housing.
- 40 (2) Lead-emitting industry.
- 41 (3) History of heavy automobile traffic.
- 42 (4) Use or disposal of hazardous materials or waste.

1 (5) Populations where cultural or ethnic factors or both may result in a higher
2 risk of ingestion of lead.

3 (6) Population of children between the ages of 12 months and 6 years.

4 **Comment.** Section 124135 is repealed as obsolete. The required selection of target areas was to
5 be completed by July 1, 1987.

6 **Health & Safety Code § 124140 (repealed). Childhood lead screening program**

7 SEC. ___. Section 124140 of the Health and Safety Code is repealed.

8 124140. By October 1, 1988, the department shall complete a screening program
9 for childhood lead in the targeted areas identified pursuant to Section 124135, and
10 in other areas where scientifically indicated. Further, where environmental
11 abatement is found to be indicated, the department shall carry out field trials of
12 alternative abatement technologies.

13 **Comment.** Section 124140 is repealed as obsolete. The required screening was to be completed
14 by October 1, 1988.

15 **Health & Safety Code § 124145 (repealed). Report on childhood lead screening**

16 SEC. ___. Section 124145 of the Health and Safety Code is repealed.

17 124145. On January 1, 1989, the department shall submit a report to the relevant
18 legislative policy committees, and to the relevant legislative budget subcommittees
19 for their review, describing the results of the screening program, the significance
20 of the results, and the department's recommendations for further actions, where
21 indicated.

22 **Comment.** Section 124145 is repealed as obsolete. The required report was to be completed by
23 January 1, 1989.

24 **Health & Safety Code § 124150 (amended). Additional findings**

25 SEC. ___. Section 124150 of the Health and Safety Code is amended to read:

26 124150. The Legislature hereby finds and declares that the activities conducted
27 by the department pursuant to Sections Section 124130, 124135, and 124140 have
28 confirmed and supported the findings specified in Section 124125 and, in addition,
29 have resulted in the following findings:

30 (a) Very few children are currently tested for elevated blood lead levels in
31 California. The lead registry established pursuant to Section 124130 has been
32 effective at identifying incidents of occupational lead poisoning; however, because
33 childhood lead screening is not now required in California, the registry is unable to
34 serve as the exclusive mechanism to identify children with elevated blood lead
35 levels. Additional blood lead screening needs to be done to identify children at
36 high risk of lead poisoning.

37 (b) Based on emerging information about the severe deleterious affects effects of
38 low levels of lead on children's health, the lead danger level is expected to be
39 lowered from 25 to 15 micrograms of lead per deciliter of human blood.

1 (c) Lead poisoning poses a serious health threat for significant numbers of
2 California children. Based on lead registry reports and targeted screening results,
3 the department has estimated that tens of thousands of California children may be
4 suffering from blood lead levels greater than the danger level.

5 (d) The implications of lead exposure to children and pregnant women from lead
6 brought home on the clothing of workers is unknown, but may be significant.

7 (e) Levels of lead found in soil and paint around and on housing constitute a
8 health hazard to children living in the housing. No regulations currently exist to
9 limit allowable levels of lead in paint surfaces in California housing.

10 **Comment.** Section 124150 is amended to reflect the repeal of former sections 124135 and
11 124140.

12 **Health & Safety Code § 124160 (amended). Lead poisoning prevention**

13 SEC. _____. Section 124160 of the Health and Safety Code is amended to read:
14 124160. The department shall continue to direct the Childhood Lead Poisoning
15 Prevention Program to implement a program to identify and conduct medical
16 followup of high-risk children, and to establish procedures for environmental
17 abatement and followup designed to reduce the incidence of excessive childhood
18 lead exposures in California. In implementing this program, the department shall
19 utilize its own studies, as well as relevant information from the scientific literature
20 and childhood lead poisoning programs from outside California. The particular
21 activities specified in this section shall be initiated by January 1, 1990, and
22 completed on or before January 1, 1993. The program shall include at least all of
23 the following components:

24 (a) Lead screening. The department shall:

25 (1) Design and implement at least one pilot blood lead screening project
26 targeting children at high risk of elevated blood lead levels. In designing any pilot
27 projects, the department shall give special consideration to conducting screening
28 through the Child Health Disability and Prevention Program.

29 (2) Conduct a pilot screening project to evaluate blood lead levels among
30 children of workers exposed to lead in their occupations.

31 (3) Develop and issue health advisories urging health care providers to conduct
32 routine annual screening of high-risk children between the ages of one and five
33 years of age.

34 (4) ~~Study the options for, and feasibility of, implementing a mandatory~~
35 ~~childhood blood lead testing program in California. The study shall include an~~
36 ~~evaluation of the voluntary response and cooperation of health care providers to~~
37 ~~the health advisory program specified in paragraph (3). The results of this study~~
38 ~~shall be submitted to the Legislature by July 1, 1991.~~

39 (5) Develop a program to assist local health departments in identifying and
40 following up cases of elevated blood lead levels.

1 (6) (5) Develop and conduct programs to educate health care providers regarding
2 the magnitude and severity of, and the necessary responses to, the childhood lead
3 poisoning problem in California.

4 (b) The department, in consultation with the Department of Housing and
5 Community Development, shall adopt regulations governing the abatement of lead
6 paint in and on housing, including, but not limited to, standards for enforcement,
7 testing, abatement, and disposal.

8 (c) The department shall conduct a study to evaluate whether abatement of lead
9 in soil is effective at reducing blood lead levels in children.

10 **Comment.** Section 124160 is amended to delete reference to an obsolete reporting
11 requirement. The required report was to be completed by July 1, 1991.

12 **Health & Safety Code § 124195 (amended). Adolescent Family Life Programs**

13 SEC. ___. Section 124195 of the Health and Safety Code is amended to read:

14 124195. The department shall require reports to be prepared by all programs
15 funded pursuant to this article. A summary of the reports and recommendations
16 regarding the programs shall be submitted by the department to the Legislature on
17 or before December 31, 1996. The summary shall include all of the following:

18 (a) An accounting of the incidence of high-risk pregnant or parenting
19 adolescents who are abusing alcohol or drugs, or a combination of alcohol and
20 drugs.

21 (b) An accounting of the health outcomes of infants of high-risk pregnant and
22 parenting adolescents including: infant morbidity, mortality, rehospitalization, low
23 birth weight, premature birth, developmental delay, and other related areas.

24 (c) An accounting of school enrollment among high-risk pregnant and parenting
25 adolescents.

26 (d) An assessment of the effectiveness of the counseling services in reducing the
27 incidence of high-risk pregnant and parenting adolescents who are abusing alcohol
28 or drugs, or a combination of alcohol and drugs.

29 (e) The effectiveness of the component of other health programs aimed at
30 reducing substance use among pregnant and parenting adolescents.

31 (f) The need for an availability of substance abuse treatment programs in the
32 program areas that are appropriate, acceptable, and accessible to teenagers.

33 (g) This section shall become operative on July 1, 1994.

34 **Comment.** Section 124195 is amended to delete reference to an obsolete reporting
35 requirement. The required report was to be completed by December 31, 1996.

36 **Health & Safety Code § 124235 (repealed). Children and adolescents with mental and
37 emotional problems**

38 SEC. ___. Section 124235 of the Health and Safety Code is repealed.

39 124235. By February 1, 1987, the Regents of the University of California are
40 requested to submit to the Legislature a report on their assessment of the need for,
41 and relative priority of, increased university programs for training specialists in the

1 care and treatment of children and adolescents with mental and emotional
2 problems in this state. It is requested that the report include, but not be limited to,
3 all of the following:

4 (a) A description of the university's programs for the training of specialists in
5 the care and treatment of children and adolescents with mental and emotional
6 problems.

7 (b) A determination of the need for and relative priority of increased university
8 training and research in this field.

9 (c) The estimated costs of programs to train additional specialists.

10 **Comment.** Section 124235 is repealed as obsolete. The required report was to be completed by
11 February 1, 1987.

12 **Health & Safety Code § 127360 (amended). Construction of article**

13 SEC. ___. Section 127360 of the Health and Safety Code is amended to read:

14 127360. Nothing in this article shall be construed to authorize or require specific
15 formats for hospital needs assessments, community benefit plans, or reports until
16 recommendations pursuant to former Section 127365, as added by Chapter 1023
17 of the Statutes of 1996, are considered and enacted by the Legislature.

18 Nothing in this article shall be used to justify the tax-exempt status of a hospital
19 under state law. Nothing in this article shall preclude the office from requiring
20 hospitals to directly report their charity activities.

21 **Comment.** Section 127360 is amended to reflect the repeal of former Section 127365.

22 **Health & Safety Code § 127365 (repealed). Community benefit plans**

23 SEC. ___. Section 127365 of the Health and Safety Code is repealed.

24 127365. The Office of Statewide Health Planning and Development shall
25 prepare and submit a report to the Legislature by October 1, 1997, including all of
26 the following:

27 (a) The identification of all hospitals that did not file plans on a timely basis.

28 (b) A statement regarding the most prevalent characteristics of plans in terms of
29 identifying and emphasizing community needs.

30 (c) Recommendations for standardization of plan formats, and recommendations
31 regarding community benefits and community priorities that should be
32 emphasized. These recommendations shall be developed after consultation with
33 representatives of the hospitals, local governments, and communities.

34 **Comment.** Section 127365 is repealed as obsolete. The required report was to be completed by
35 October 1, 1997.

36 **Health & Safety Code § 128195 (amended). Report on pilot projects**

37 SEC. ___. Section 128195 of the Health and Safety Code is amended to read:

38 128195. (a) The office shall issue a report on the existing Health Manpower Pilot
39 Project No. 152 that evaluates Sonoma County's experience with the project, by
40 December 1, 1996. The report shall contain all of the following information:

1 (1) A description of the persons trained, including, but not limited to, the
2 following:

- 3 (A) The total number of persons who entered training.
4 (B) The total number of persons who completed training.
5 (C) The selection method, including descriptions of any nonquantitative criteria
6 used by employers to refer persons to training.

7 (D) The education and experience of the trainees prior to training.
8 (E) Demographic characteristics of the trainees, as available.
9 (2) An analysis of the training completed, including, but not limited to, the
10 following:

- 11 (A) Curriculum and core competencies.
12 (B) Qualifications of instructors.
13 (C) Changes in the curriculum during the pilot project or recommended for the
14 future.

15 (D) Nature of clinical and didactic training, including ratio of students to
16 instructors.

17 (3) A summary of the specific services and the standards of care for tasks
18 performed by geriatric technicians.

19 (4) The new health skills taught or the extent to which existing skills have been
20 reallocated.

21 (5) Implication of the project for existing licensure laws with suggestions for
22 changes in the law where appropriate.

23 (6) Implications of the project for health services curricula and for health care
24 delivery systems.

25 (7) Teaching methods used in the project.

26 (8) The quality of care, including pertinent medication errors, incident reports,
27 and patient acceptance in the project.

28 (9) The extent to which persons with new skills could find employment in the
29 health care system, assuming laws were changed to incorporate their skills.

30 (10) The cost of care provided in the project, the likely cost of this care if
31 performed by the trainees subsequent to the project, and the cost for provision of
32 this care by current providers.

33 (b) The office shall issue followup reports on additional geriatric technician pilot
34 projects approved by the office following 24 months of implementation of the
35 employment utilization phase of each project. The reports shall contain all of the
36 following information:

37 (1) A description of the persons trained, including, but not limited to, the
38 following:

- 39 (A) The total number of persons who entered training.
40 (B) The total number of persons who completed training.
41 (C) The selection method, including descriptions of any nonquantitative criteria
42 used by employers to refer persons to training.
43 (D) The education and experience of the trainees prior to training.

- 1 (E) Demographic characteristics of the trainees, as available.
- 2 (2) An analysis of the training completed, including, but not limited to, the
3 following:
- 4 (A) Curriculum and core competencies.
- 5 (B) Qualifications of the instructor.
- 6 (C) Changes in the curriculum during the pilot project or recommended for the
7 future.
- 8 (D) The nature of clinical and didactic training, including the ratio of students to
9 instructors.
- 10 (3) A summary of the specific services provided by geriatric technicians.
- 11 (4) The new health skills taught or the extent to which existing skills have been
12 reallocated.
- 13 (5) Implications of the project for existing licensure laws with suggestions for
14 changes in the law where appropriate.
- 15 (6) Implications of the project for health services curricula and for health care
16 delivery systems.
- 17 (7) Teaching methods used in the project.
- 18 (8) The quality of care, including pertinent medication errors, incident reports,
19 and patient acceptance in the project.
- 20 (9) The extent to which persons with new skills could find employment in the
21 health care system, assuming laws were changed to incorporate their skills.
- 22 (10) The cost of care provided in the project, the likely cost of this care if
23 performed by the trainees subsequent to the project, and the cost for provision of
24 this care by current providers thereof.
- 25 (e) (b) Notwithstanding any other provision of law, issuance of the reports
26 described in subdivisions (a) and (b) subdivision (a) shall not require that the
27 office terminate the Health Manpower Pilot Project No. 152 or subsequent
28 geriatric technician pilot projects authorized by the office.

29 **Comment.** Section 128195 is amended to delete reference to an obsolete reporting
30 requirement. The required report was to be completed by December 1, 1996.

31 **Health & Safety Code § 129295 (amended). Loan insurance program**

32 SEC. _____. Section 129295 of the Health and Safety Code is amended to read:
33 129295. The office shall establish a pilot program under this article of insuring
34 loans to nonprofit borrowers that are not licensed to operate the facilities for which
35 the loans are insured. The number of facilities for which loans are insured under
36 this section shall not exceed 30 and the aggregate amount of loans insured under
37 this section shall not exceed six million dollars (\$6,000,000), that may be in
38 addition to the maximum loan insurance amount otherwise authorized by
39 subdivision (b) of Section 129285. Construction of all projects assisted under this
40 section shall be commenced on or before January 1, 1990.

41 The office may delay processing or decline acceptance of loan guarantee
42 applications under this section if the volume of applications becomes too large for

1 existing staff to process in a timely manner or if risks associated with the pilot
2 program are determined by the office to be unreasonable.

3 The office shall submit a report to the Legislature, on or before January 1, 1991,
4 specifically identifying potential problems and financial risks associated with
5 insuring loans authorized by this section.

6 **Comment.** Section 129295 is amended to delete reference to an obsolete reporting
7 requirement. The required report was to be completed by January 1, 1991.

8 INSURANCE CODE

9 **Ins. Code § 11751.51 (repealed). Workers' compensation**

10 SEC. ___. Section 11751.51 of the Insurance Code is repealed.

11 11751.51. (a) The commissioner shall require the licensed rating organization
12 designated as his or her statistical agent to monitor and measure changes in the
13 cost of the various components of workers' compensation which may be affected
14 by the changes enacted in the 1989-90 Regular Session of the Legislature. This
15 shall include, but not be limited to, the change in costs of providing medical
16 treatment, temporary disability benefits, permanent disability benefits, vocational
17 rehabilitation services, resolving medical disputes, evaluating permanent partial
18 disability, and providing compensation for psychiatric injuries. The commissioner
19 shall submit to the Governor and to the Legislature by July 1, 1990, the
20 methodology proposed to be used for the purposes of this section, and the
21 collection of data shall commence not earlier than September 1, 1990, but not later
22 than January 1, 1991. No later than January 1, 1993, the rating organization shall
23 quantify any identified changes as a percentage of total incurred losses and shall
24 report this percentage to the Insurance Commissioner. The rating organization
25 shall continue to report annually through January 1, 1998.

26 (b) The commissioner shall have 60 days from the date the report is filed by the
27 rating organization with his or her office to verify the methodology utilized, the
28 accuracy and reliability of the results obtained, and the percentage calculated
29 pursuant to this section, by the rating organization. The commissioner thereupon
30 shall submit a report to the Governor and the Legislature by April 1, 1993, and
31 annually thereafter, which describes the methodology utilized, the accuracy and
32 reliability of the results obtained, and the percentage calculated pursuant to this
33 section.

34 (c) This section shall become inoperative on July 1, 1998.

35 **Comment.** Section 11751.51 is repealed as obsolete. By its own terms the section became
36 inoperative on July 1, 1998.

37 **Ins. Code § 12693.94 (repealed). Healthy Families Program**

38 SEC. ___. Section 12693.94 of the Insurance Code is repealed.

39 12693.94. On or before January 15, 1999, the board shall report to the
40 Legislature on the policies and procedures that would be necessary to ensure the

1 feasibility of allowing families with incomes above 200 percent of the federal
2 poverty level to buy coverage through the program, at their cost. The board shall
3 review the need for changes in both government and private health coverage
4 programs and make recommendations to the Legislature on specific statutory and
5 regulatory changes that would be required.

6 **Comment.** Section 12693.944 is repealed as obsolete. The required report was to be completed
7 by January 15, 1999.

8 **Ins. Code § 12696.25 (repealed). Performance evaluation**

9 SEC. _____. Section 12696.25 of the Insurance Code is repealed.
10 12696.25. (a) No later than January 1, 1994, the board shall submit to the
11 Governor and the Legislature a report that evaluates the performance of the
12 program.

13 (b) The report required by subdivision (a) shall cover the first two years of the
14 operation of the program and shall include all of the following:

15 (1) A description of the demographic characteristics of program subscribers.
16 (2) An analysis of the program's ability, as demonstrated in the first two years in
17 which coverage is offered, to achieve the following goals:

18 (A) A reduction in the percentage of uninsured births in the state.
19 (B) A reduction in the percentage of women who give birth in California without
20 receiving adequate prenatal care, with statistics on the trimester in which these
21 women began to receive their prenatal care.
22 (C) A reduction in the amount of bad debt and charity care related to maternity
23 services that is reported by hospitals and physicians.
24 (D) A reduction in the incidence in negative delivery and birth outcomes of
25 pregnant women covered under the program who give birth in California.

26 (3) Comparisons of the delivery and birth outcomes of program subscribers to
27 the delivery and birth outcomes of women who are uninsured for prenatal and
28 delivery services, and to women who receive services through the Medi-Cal
29 program.
30 (4) Comparisons between the different service delivery systems of the delivery
31 and birth outcomes of program subscribers.

32 (5) Evaluation and report annually, beginning January 1, 1993, to the extent
33 available, on the incidence of program subscribers whose employers eliminate or
34 alter maternity care coverage in the 12 months prior to when a subscriber enrolls.
35 (6) A comparison of costs per case, including administrative costs and eligibility
36 processing times, and birth outcomes between this program and the state-only
37 Medi-Cal program for pregnant women and infants where incomes are between
38 185 and 200 percent of the federal poverty line.

39 (7) A comparison of the access to services between the program implemented
40 pursuant to this part and the state-only Medi-Cal program for pregnant women and
41 infants whose incomes are between 185–200 percent of the official federal poverty
42 line.

(8) Supply data on the cases under the program, including the month in which continuous prenatal care starts. This data shall be compared, to the extent available, with the whole population, the Medi-Cal population, and other uninsured women.

Comment. Section 12696.25 is repealed as obsolete. The required report was to be completed by January 1, 1994.

LABOR CODE

Lab. Code § 139.4 (amended). Advertising by physicians

SEC. _____. Section 139.4 of the Labor Code is amended to read:

139.4. (a) The Industrial Medical Council may review advertising copy to ensure compliance with Section 651 of the Business and Professions Code and may require qualified medical evaluators to maintain a file of all advertising copy for a period of 90 days from the date of its use. Any file so required to be maintained shall be available to the council upon the council's request for review.

(b) No advertising copy shall be used after its use has been disapproved by the Industrial Medical Council and the qualified medical evaluator has been notified in writing of the disapproval.

(c) A qualified medical evaluator who is found by the Industrial Medical Council to have violated any provision of this section may be terminated, suspended, or placed on probation by the council.

(d) Proceedings to determine whether a violation of this section has occurred shall be conducted pursuant to Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) As soon as reasonably possible, but not later than January 1, 1993, the Industrial Medical Council shall adopt regulations governing advertising by physicians with respect to industrial injuries or illnesses. The council shall report to the Assembly Insurance Committee and the Senate Industrial Relations Committee on July 1, 1992, and on January 1, 1993, with respect to its progress in adopting these regulations. In promulgating regulations pursuant to this subdivision, the council shall review existing regulations, including regulations adopted by the State Bar, to identify those existing regulatory approaches that may serve as a model for regulations required by this subdivision.

(f) Subdivision (a) shall not be construed to alter the application of Section 651 of the Business and Professions Code.

Comment. Section 139.4 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1993.

Lab. Code § 139.43 (amended). Advertising services to injured worker

SEC. _____. Section 139.43 of the Labor Code is amended to read:

139.43. (a) No person or entity shall advertise, print, display, publish, distribute, or broadcast, or cause or permit to be advertised, printed, displayed, published,

1 distributed, or broadcast in any manner, any statement concerning services or
2 benefits to be provided to an injured worker, that is paid for directly or indirectly
3 by that person or entity and is false, misleading, or deceptive, or that omits
4 material information necessary to make the statement therein not false, misleading,
5 or deceptive.

6 (b) As soon as reasonably possible, but not later than January 1, 1994, the
7 administrative director shall adopt regulations governing advertising by persons or
8 entities other than physicians and attorneys with respect to services or benefits for
9 injured workers. The administrative director shall report to the Assembly
10 Insurance Committee and the Senate Industrial Relations Committee on July 1,
11 1993, and on January 1, 1994, with respect to his or her progress in adopting these
12 regulations. In promulgating regulations pursuant to this subdivision, the
13 administrative director shall review existing regulations, including those adopted
14 by the State Bar, to identify those regulatory approaches that may serve as a model
15 for regulations required by this subdivision.

16 (c) A violation of subdivision (a) is a misdemeanor, punishable by incarceration
17 in the county jail for not more than one year, or by a fine not exceeding ten
18 thousand dollars (\$10,000), or both.

19 (d) This section shall not apply to physicians or attorneys. It is the intent of the
20 Legislature to exempt physicians and attorneys from this section because the
21 conduct regulated by this section, with respect to physicians and attorneys, is
22 governed by other provisions of law.

23 **Comment.** Section 139.43 is amended to delete reference to an obsolete reporting requirement.
24 The required report was to be completed by January 1, 1994.

25 **Lab. Code § 6715 (repealed). Health effects of computer monitor radiation**

26 SEC. _____. Section 6715 of the Labor Code is repealed.

27 6715. (a) The division, on or before July 1, 1992, shall compile existing research
28 studies and other information current as of June 1, 1992, pertaining to the effects
29 of continuous exposure to low-frequency magnetic radiation emitted by video
30 display terminals, including personal computer screens and all other computer
31 display monitors and report its findings to the Assembly Committee on Rules and
32 the Senate Committee on Rules.

33 (b) On or before July 1, 1992, the State Department of Health Services shall
34 provide the Assembly Committee on Rules and the Senate Committee on Rules in
35 writing of any information, current as of June 1, 1992, it has concerning the
36 subject matter described in subdivision (a).

37 **Comment.** Section 6715 is repealed as obsolete. The required reports were to be completed by
38 July 1, 1992.

1

MILITARY AND VETERANS CODE

2 **Mil. & Vet. Code § 1012.5 (repealed). Health care needs of those suffering dementia diseases**
3 SEC. _____. Section 1012.5 of the Military and Veterans Code is repealed.

4 1012.5. (a) The Department of Veterans Affairs shall conduct a study to
5 determine the health care needs and the associated costs of providing appropriate
6 care to meet the identified health care needs of current and future members of the
7 Veterans' Home of California who are suffering from Alzheimer's disease and
8 other dementia diseases. This study shall address, but not be limited to, the
9 following:

10 (1) The determination of what constitutes "appropriate care" for members
11 suffering from Alzheimer's disease and other dementia diseases.

12 (2) The estimated cost of providing appropriate care, including staffing and other
13 support items.

14 (3) The estimated cost of making any necessary capital improvements at the
15 Veterans' Home of California sites to provide appropriate care.

16 (4) The proposed methods of treatment to be utilized by the department in
17 providing appropriate care.

18 (b) The study shall be submitted to the Legislature on or before July 1, 1998.
19 The cost associated with the preparation of this study shall be absorbed within the
20 department's current resources.

21 **Comment.** Section 1012.5 is repealed as obsolete. The required report was to be completed by
22 July 1, 1998.

23

PENAL CODE

24 **Penal Code § 653.1 (amended). Electrically conductive balloons**

25 SEC. _____. Section 653.1 of the Penal Code is amended to read:

26 653.1. (a) No person shall sell or distribute any balloon which is constructed of
27 electrically conductive material, and filled with a gas lighter than air without:

28 (1) Affixing an object of sufficient weight to the balloon or its appurtenance to
29 counter the lift capability of the balloon.

30 (2) Affixing a statement on the balloon, or ensuring that a statement is so
31 affixed, that warns the consumer about the risk if the balloon comes in contact
32 with electrical power lines.

33 (3) A printed identification of the manufacturer of the balloon.

34 (b) No person shall sell or distribute any balloon filled with a gas lighter than air,
35 which is attached to an electrically conductive string, tether, streamer, or other
36 electrically conductive appurtenance.

37 (c) No person shall sell or distribute any balloon which is constructed of
38 electrically conductive material and filled with a gas lighter than air, which, is
39 attached to another balloon constructed of electrically conductive material and
40 filled with a gas lighter than air.

1 (d) No person or group shall release, outdoors, balloons made of electrically
2 conductive material and filled with a gas lighter than air, as part of a public or
3 civic event, promotional activity, or product advertisement.

4 (e) Any person who violates subdivision (a), (b), (c), or (d) shall be guilty of an
5 infraction punishable by a fine not exceeding one hundred dollars (\$100). Any
6 person who violates subdivision (a), (b), (c), or (d) who has been previously
7 convicted twice of violating subdivision (a), (b), (c), or (d) shall be guilty of a
8 misdemeanor.

9 (f) This section shall not apply to manned hot air balloons, or to balloons used in
10 governmental or scientific research projects.

11 (g) Electrical corporations shall report to the Public Utilities Commission every
12 other month, from January 1, 1991, until June 30, 1993, on electrical service
13 disruptions caused by balloons constructed of electrically conductive material,
14 including, but not limited to, the location of the service disruption, the composition
15 of the balloon, and the extent of the disruption. The commission shall provide a
16 copy of each electrical corporation's bimonthly report to a representative
17 designated by the metallic balloon manufacturers and shall report the following by
18 December 31, 1993, to the Legislature:

19 (1) The number of outages reported by each electrical corporation on a monthly
20 basis.

21 (2) A comparison of the monthly outages reported pursuant to Chapter 1122 of
22 the Statutes of 1988, with the monthly outages reported by each electrical
23 corporation pursuant to this act, reflecting the numerical trend of the outages.

24 **Comment.** Section 653.1 is amended to delete reference to obsolete reporting requirements.
25 The required reports were to be completed by December 31, 1993.

26 **Penal Code § 1174.6 (repealed). Program facilities for pregnant and parenting women**

27 SEC. ___. Section 1174.6 of the Penal Code is repealed.

28 1174.6. On or before July 1, 1995, the department shall report to the Legislature
29 the status of siting for construction and renovation of the program facilities
30 authorized.

31 **Comment.** Section 1174.6 is repealed as obsolete. The required report was to be completed by
32 July 1, 1995.

33 **Penal Code § 1247k (amended). Rules for criminal appeals**

34 SEC. ___. Section 1247k of the Penal Code is amended to read:

35 1247k. The Judicial Council shall have the power to prescribe by rules for the
36 practice and procedure on appeal, and for the time and manner in which the
37 records on such appeals shall be made up and filed, in all criminal cases in all
38 courts of this State.

39 The Judicial Council shall report the rules prescribed by it to the Legislature on
40 or before March 31, 1943.

1 The rules reported as aforesaid shall take effect on July 1, 1943, and thereafter
2 all laws in conflict therewith shall be of no further force or effect.

3 **Comment.** Section 1247k is amended to delete reference to an obsolete reporting requirement.
4 The required report was to be completed by March 31, 1943.

5 **Penal Code § 2053 (amended). Prisoner literacy**

6 SEC. _____. Section 2053 of the Penal Code is amended to read:

7 2053. (a) The Legislature finds and declares that there is a correlation between
8 prisoners who are functionally literate and those who successfully reintegrate into
9 society upon release. It is therefore the intent of the Legislature, in enacting "The
10 Prisoner Literacy Act," to raise the percentage of prisoners who are functionally
11 literate, in order to provide for a corresponding reduction in the recidivism rate.

12 (b) The Department of Corrections shall determine the reading level of each
13 prisoner upon commitment. The department shall report to the Legislature on or
14 before July 1, 1988, regarding the reading levels of prisoners, the number of
15 prisoners who are enrolled in reading programs, the recidivism rates of prisoners
16 based upon their reading levels, the department's estimate of the amount of time it
17 would take an average inmate to achieve a 9th grade reading level, the costs
18 involved in implementing reading programs on a systemwide basis, the
19 department's estimate on the amount of time necessary to establish a systemwide
20 reading program, and any barriers which currently exist to the implementation of a
21 systemwide reading program.

22 **Comment.** Section 2053 is amended to delete reference to an obsolete reporting requirement.
23 The required report was to be completed by July 1, 1988.

24 **Penal Code § 3053.2 (amended). Parole condition**

25 SEC. _____. Section 3053.2 of the Penal Code is amended to read:

26 3053.2. (a) Upon the request of the victim, or the victim's parent or legal
27 guardian if the victim is a minor, the parole authority shall impose the following
28 condition on the parole of a person released from prison for an offense involving
29 threatening, stalking, sexually abusing, harassing, or violent acts in which the
30 victim is a person specified in Section 6211 of the Family Code:

31 Compliance with a protective order enjoining the parolee from threatening,
32 stalking, sexually abusing, harassing, or taking further violent acts against the
33 victim and, if appropriate, compliance with any or all of the following:

34 (1) An order prohibiting the parolee from having personal, telephonic,
35 electronic, media, or written contact with the victim.

36 (2) An order prohibiting the parolee from coming within at least 100 yards of the
37 victim or the victim's residence or workplace.

38 (3) An order excluding the parolee from the victim's residence.

39 (b) The parole authority may impose the following condition on the parole of a
40 person released from prison for an offense involving threatening, stalking, sexually

1 abusing, harassing, or violent acts in which the victim is a person specified in
2 Section 6211 of the Family Code:

3 For persons who committed the offense prior to January 1, 1997, participation in
4 a batterer's program, as specified in this section, for the entire period of parole.
5 For persons who committed the offense after January 1, 1997, successful
6 completion of a batterer's program, which shall be a condition of release from
7 parole. If no batterer's program is available, another appropriate counseling
8 program designated by the parole agent or officer, for a period of not less than one
9 year, with weekly sessions of a minimum of two hours of classroom time. The
10 program director shall give periodic progress reports to the parole agent or officer
11 at least every three months.

12 (c) The parole agent or officer shall refer the parolee only to a batterer's program
13 that follows the standards outlined in Section 1203.097 and immediately following
14 sections.

15 (d) The parolee shall file proof of enrollment in a batterer's program with the
16 parole agent or officer within 30 days after the first meeting with his or her parole
17 agent or officer, if he or she committed the offense after January 1, 1997, or within
18 30 days of receiving notice of this parole condition, if he or she committed the
19 offense prior to January 1, 1997.

20 (e) The parole agent or officer shall conduct an initial assessment of the parolee,
21 which information shall be provided to the batterer's program. The assessment
22 shall include, but not be limited to, all of the following:

- 23 (1) Social, economic, and family background.
- 24 (2) Education.
- 25 (3) Vocational achievements.
- 26 (4) Criminal history, prior incidents of violence, and arrest reports.
- 27 (5) Medical history.
- 28 (6) Substance abuse history.
- 29 (7) Consultation with the probation officer.
- 30 (8) Verbal consultation with the victim, only if the victim desires to participate.

31 (f) Upon request of the victim, the victim shall be notified of the release of the
32 parolee and the parolee's location and parole agent or officer. If the victim
33 requests notification, he or she shall also be informed that attendance in any
34 program does not guarantee that an abuser will not be violent.

35 (g) The parole agent or officer shall advise the parolee that the failure to enroll in
36 a specified program, as directed, may be considered a parole violation that would
37 result in possible further incarceration.

38 (h) The director of the batterer's program shall immediately report any violation
39 of the terms of the protective order issued pursuant to paragraph (3) of subdivision
40 (a), including any new acts of violence or failure to comply with the program
41 requirements, to the parolee's parole agent or officer.

42 (i) Upon recommendation of the director of the batterer's program, a parole
43 agent or officer may require a parolee to participate in additional sessions

1 throughout the parole period, unless he or she finds that it is not in the interests of
2 justice to do so. In deciding whether the parolee would benefit from more sessions,
3 the parole agent or officer shall consider whether any of the following conditions
4 exist:

- 5 (1) The parolee has been violence-free for a minimum of six months.
- 6 (2) The parolee has cooperated and participated in the batterer's program.
- 7 (3) The parolee demonstrates an understanding of, and practices, positive
8 conflict resolution skills.
- 9 (4) The parolee blames, degrades, or has committed acts that dehumanize the
10 victim or puts the victim's safety at risk, including, but not limited to, molesting,
11 stalking, striking, attacking, threatening, sexually assaulting, or battering the
12 victim.
- 13 (5) The parolee demonstrates an understanding that the use of coercion or violent
14 behavior to maintain dominance is unacceptable in an intimate relationship.
- 15 (6) The parolee has made threats to harm another person in any manner.
- 16 (7) The parolee demonstrates acceptance of responsibility for the abusive
17 behavior perpetrated against the victim.

18 (j) The Department of Corrections, with collaboration as appropriate from the
19 Board of Prison Terms, shall (1) submit a report to the Legislature on or before
20 February 1, 1998, on the implementation of this section which shall include, but
21 not be limited to, the crimes used to identify parolees subject to this section, the
22 method of notifying victims that compliance with a protective order may be made
23 a condition of parole, efforts made to ensure that victims inform the parole
24 authority of the request for, or issuance of, those orders and that a request for
25 conditioning parole may be submitted, problems encountered in implementing this
26 section, and progress made in that implementation, and (2) submit a report to the
27 Legislature on or before July 1, 1999, which shall include, but not be limited to,
28 the subjects discussed in the first report required by this section, the identification
29 of the number of parolees eligible for such programs and protective orders which
30 may be made a condition of parole; number of parolees required to participate in
31 batterers programs; space available by county and number of spaces filled in such
32 programs; the number of parolees who recidivate during the parole period or who
33 do not complete the programs; and the criteria used to determine which parolees
34 have been required to complete the programs or who have had parole conditioned
35 on compliance with a protective order.

36 **Comment.** Section 3053.2 is amended to delete reference to obsolete reporting requirements.
37 The required reports were to be completed by July 1, 1999.

38 **Penal Code § 3424 (repealed). Efficiency and effect of community treatment programs**

39 SEC. ___. Section 3424 of the Penal Code is repealed.

40 3424. On or before March 30, 1983, the Department of Corrections shall
41 evaluate the cost efficiency and effect of this chapter and shall report back to the
42 Legislature on efforts to procure outside funding sources together with the

1 department's recommendations as to whether or not this chapter should be altered
2 or repealed and if so, why.

3 **Comment.** Section 3424 is repealed as obsolete. The required report was to be completed by
4 March 30, 1983.

5 **Penal Code § 4497.40 (repealed). Report on allocation of funds**

6 SEC. _____. Section 4497.40 of the Penal Code is repealed.

7 4497.40. The Department of the Youth Authority shall report to the Legislature
8 by July 1, 1991, on the status of funds expended and provide a complete list of
9 funds allocated to each county.

10 **Comment.** Section 4497.40 is repealed as obsolete. The required report was to be completed by
11 July 1, 1991.

12 **Penal Code § 5010 (amended). Weight lifting**

13 SEC. _____. Section 5010 of the Penal Code is amended to read:

14 5010. (a) The Legislature hereby finds and declares that the predominant
15 purpose of exercise in correctional facilities should be for the maintenance of the
16 general health and welfare of inmates and that exercise equipment and programs in
17 correctional facilities should be consistent with this purpose.

18 The Legislature further finds and declares that in some cases it may be beneficial
19 to provide access to weights for therapeutic or rehabilitative reasons under a
20 doctor's order or for certain vocational activities such as firefighting.

21 (b) It is the intent of the Legislature that both the Department of Corrections and
22 the Department of the Youth Authority eliminate or restrict access to weights and
23 weight lifting equipment where it is determined that the particular type of
24 equipment involved or the particular prison population or inmate involved poses a
25 safety concern both in the correctional facility and to the public upon release. In
26 those instances where inmates are allowed access to weights and weight lifting
27 equipment, access shall be a privilege.

28 As a condition of inmate access to weights and weight lifting equipment, the
29 departments may require inmates to participate in training in the proper use of
30 weights and weight lifting equipment that emphasizes departmental rules and
31 safety practices that must be observed when using weights and weight lifting
32 equipment.

33 The directors of the departments, or their respective designees, may restrict
34 individual or group access to weights and weight lifting equipment as deemed
35 necessary for the orderly operation of the correctional facility.

36 (c) On or before July 1, 1995, both the Department of Corrections and the
37 Department of the Youth Authority shall adopt regulations governing inmate
38 access to weight lifting and weight training equipment in state prison and
39 California Youth Authority facilities, respectively. In developing these regulations,
40 the departments shall consider each of the following:

1 (1) Some prisoners may utilize weight equipment to develop strength and
2 increase body mass and size rather than for the maintenance of general health. This
3 use of weight equipment may create a risk of harm to other inmates, correctional
4 officers, and staff and, upon release, to law enforcement officers and the general
5 public.

6 (2) The improper use of weights and weight lifting equipment may result in
7 injuries that require costly medical attention.

8 (3) Access to weights and weight lifting equipment by inmates may result in the
9 use of the equipment by inmates to attack other inmates or correctional officers.

10 (d) Both the Department of Corrections and the Department of the Youth
11 Authority shall report to the Chair of the Assembly Committee on Public Safety
12 and the Chair of the Senate Judiciary Committee on or before July 1, 1995,
13 regarding the regulations adopted pursuant to this section.

14 **Comment.** Section 5010 is amended to delete reference to obsolete reporting requirements.
15 The required reports were to be completed by July 1, 1995.

16 **Penal Code § 5066 (amended). Prison ombudsman**

17 SEC. ___. Section 5066 of the Penal Code is amended to read:

18 5066. The Director of Corrections shall expand the existing prison ombudsman
19 program to ensure the comprehensive deployment of ombudsmen throughout the
20 state prison system with specific focus on the maximum security institutions.

21 The director shall submit a report to the chairs of the appropriate fiscal and
22 policy committees of the Legislature by February 1, 1999, outlining the plans for
23 implementation of this section.

24 **Comment.** Section 5066 is amended to delete reference to an obsolete reporting requirement.
25 The required report was to be completed by February 1, 1999.

26 **Penal Code § 7009 (repealed). Financing of prison facilities**

27 SEC. ___. Section 7009 of the Penal Code is repealed.

28 7009. (a) The Director of Corrections and the Legislative Analyst shall
29 investigate the advisability of using lease or lease-purchase arrangements to
30 finance the acquisition, construction, and the underwriting of prison facilities
31 authorized by the Legislature. For purposes of this section, the director may solicit
32 bids for any lease or lease-purchase in a newspaper of general circulation in the
33 county in which the authorized project is located.

34 (b) The director and the Legislative Analyst shall report their findings and
35 recommendations relative to lease or lease-purchase arrangements to the
36 Legislature no later than January 1, 1984.

37 **Comment.** Section 7009 is repealed as obsolete. The required report was to be completed by
38 January 1, 1984.

39 **Penal Code § 7514 (amended). HIV testing**

40 SEC. ___. Section 7514 of the Penal Code is amended to read:

1 7514. (a) It shall be the chief medical officer's responsibility to see that personal
2 counseling is provided to a law enforcement employee filing a report pursuant to
3 Section 7510, an inmate filing a request pursuant to Section 7512, and any
4 potential test subject, at the time the initial report or request for tests is made, at
5 the time when tests are ordered, and at the time when test results are provided to
6 the employee, inmate, or test subject.

7 The chief medical officer may provide additional counseling to any of these
8 individuals, upon his or her request, or whenever the chief medical officer deems
9 advisable, and may arrange for the counseling to be provided in other jurisdictions.
10 The chief medical officer shall encourage the subject of the report or request, the
11 law enforcement employee who filed the report, the person who filed the request
12 pursuant to Section 7512, or in the case of a minor, the minor on whose behalf the
13 request was filed, to undergo voluntary HIV testing if the chief medical officer
14 deems it medically advisable. All testing required by this title or any voluntary
15 testing resulting from the provisions of this title, shall be at the expense of the
16 appropriate correctional institution.

17 (b) On or before January 15, 1993, 1994, and 1995, the Department of
18 Corrections, the Department of the California Youth Authority, and each law
19 enforcement agency in which a request for a test has been filed during the previous
20 calendar year, shall report data to the Joint Committee on Prison Construction and
21 Operations on all requests made during that period, plus specifics of the
22 disposition of each request, the counseling provided, and its extent for each case.
23 This data shall be provided by the committee to the Legislative Analyst, who shall
24 compile a report to the Legislature on or before January 30, 1995, on whether the
25 program is meeting the objectives of this title. The report shall include a
26 recommendation on whether the program should be continued, terminated, or
27 changed.

28 The Legislative Analyst shall consult with the Office of AIDS, within the State
29 Department of Health Services, in preparing its evaluation.

30 Names of persons seeking tests or the subject of a request for a test shall not be
31 included in any document made public as a result of this section.

32 Notwithstanding the repeal of this section in accordance with Section 7555, the
33 duties imposed by this subdivision shall continue in effect until they have been
34 complied with.

35 **Comment.** Section 7514 is amended to delete reference to an obsolete reporting requirement.
36 The required report was to be completed by January 30, 1995.

37 **Penal Code § 11108.7 (repealed). Firearms report**

38 SEC. ___. Section 11108.7 of the Penal Code is repealed.

39 11108.7. On January 1, 2002, the Department of Justice shall submit to the
40 Legislature a report that shall include, but not be limited to:

1 (a) An assessment of the effectiveness of current arrangements for ensuring that
2 recovered firearms are traced by the National Tracing Center of the Bureau of
3 Alcohol, Tobacco, and Firearms.

4 (b) The number of firearms submitted by each local law enforcement agency.

5 (c) An evaluation of the effectiveness and the likelihood of success of each
6 Serial Number Restoration Plan described in Section 11108.9.

7 (d) Suggestions for further legislation or programmatic changes necessary to
8 further the purpose of Sections 11108.3 and 11108.9.

9 The Attorney General shall contract with an independent agency to conduct the
10 report.

11 **Comment.** Section 11108.7 is repealed as obsolete. The required proposal was to be completed
12 by January 1, 2002.

13 ☞ **Note.** The repeal of Section 11108.7 is proposed by the Office of the Attorney General.
14 Repeal of a reporting requirement with a deadline later than 1999 is contrary to the general
15 approach taken in this recommendation. However, that approach is taken to reduce the risk of
16 repeal of a requirement that has not yet been satisfied. In this case, the Commission has reliable
17 information that the requirement has been satisfied.

18 **Penal Code § 11110 (repealed). Automated storage and communication of photographs**

19 SEC. ___. Section 11110 of the Penal Code is repealed.

20 11110. The Attorney General shall perform a feasibility study of automated
21 systems for storing and communicating law enforcement related photographs on or
22 before January 1, 1995, and shall complete a study report to the Legislature on or
23 before January 1, 1996.

24 **Comment.** Section 11110 is repealed as obsolete. The required study and report were to be
25 completed by January 1, 1996.

26 **Penal Code § 13013 (repealed). Data collection system proposal**

27 SEC. ___. Section 13013 of the Penal Code is repealed.

28 13013. The department shall prepare a written proposal to be submitted to the
29 Legislature on or before July 1, 1985, which outlines a proposed system or
30 systems by which data could be collected which could determine subsequent
31 criminal activity of persons exposed to rehabilitation treatment programs after
32 having been found by the juvenile court to be within the provisions of Section 602
33 of the Welfare and Institutions Code. The proposal shall be prepared after
34 consultation with interested parties, including juvenile court judges, probation
35 officers, prosecutors, attorneys who represent minors in juvenile court
36 proceedings, organizations which provide services to minors, and law enforcement
37 officials who specialize in cases involving minors. The proposal shall preserve the
38 confidentiality of records concerning minors wherever possible and shall include
39 information concerning all of the following:

40 (a) An estimate of the cost of the proposed system or systems, including an
41 estimate of the cost to the state and to city and county government.

1 (b) A summary of current law governing obtaining, transmitting, storing,
2 accumulating, and utilizing fingerprints of minors, including a summary of current
3 law in this area governing the department, other state officials, and city and county
4 officials.

5 (c) A summary of the changes in current law which would be required in order
6 to implement the proposed system or systems.

7 (d) A summary of the impact which the proposed system or systems would have
8 on access to fingerprints of minors, including a summary of persons or agencies
9 who would obtain increased or decreased access to fingerprints of minors as a
10 result of the proposed system or systems.

11 **Comment.** Section 13013 is repealed as obsolete. The required proposal was to be completed
12 by July 1, 1985.

13 **Note.** The repeal of Section 13013 is proposed by the Office of the Attorney General.

14 **Penal Code § 13508 (amended). Commission on Peace Officer Standards and Training**

15 SEC. _____. Section 13508 of the Penal Code is amended to read:

16 13508. (a) The commission shall do each of the following:

17 (1) Establish a learning technology laboratory that would conduct pilot projects
18 with regard to needed facilities and otherwise implement modern instructional
19 technology to improve the effectiveness of law enforcement training.

20 (2) Develop an implementation plan for the acquisition of law enforcement
21 facilities and technology. In developing this plan, the commission shall consult
22 with appropriate law enforcement and training organizations. The implementation
23 plan shall include each of the following items:

24 (A) An evaluation of pilot and demonstration projects.

25 (B) Recommendations for the establishment of regional skills training centers,
26 training conference centers, and the use of modern instructional technology.

27 (C) A recommended financing structure.

28 (3) Report to the Legislature on or before January 1, 1995, as to the status and
29 effectiveness of the pilot projects implemented under this section.

30 (b) The commission may enter into joint powers agreements with other
31 governmental agencies for the purpose of developing and deploying needed
32 technology and facilities.

33 (c) Any pilot project conducted pursuant to this section shall terminate on or
34 before January 1, 1995 unless funding is provided for the project continuation.

35 **Comment.** Section 13508 is amended to delete reference to an obsolete reporting requirement.
36 The required report was to be completed by January 1, 1995.

37 **Penal Code § 13828.2 (repealed). Child sexual abuse cases**

38 SEC. _____. Section 13828.2 of the Penal Code is repealed.

39 13828.2. On or before January 1, 1988, the Secretary of the Judicial Council
40 shall submit a report to the Legislature regarding training programs on the

1 handling of child sexual abuse cases funded and provided in the 1986-87 fiscal
2 year in order to enable the Legislature to evaluate the costs and potential benefits
3 of these programs.

4 **Comment.** Section 13828.2 is repealed as obsolete. The required report was to be completed by
5 January 1, 1988.

6 **Penal Code § 13835.2 (amended). Victim-Witness Assistance Fund**

7 SEC. _____. Section 13835.2 of the Penal Code is amended to read:

8 13835.2. (a) Funds appropriated from the Victim-Witness Assistance Fund shall
9 be made available through the Office of Criminal Justice Planning to any public or
10 private nonprofit agency for the assistance of victims and witnesses which meets
11 all of the following requirements:

12 (1) It provides comprehensive services to victims and witnesses of all types of
13 crime. It is the intent of the Legislature to make funds available only to programs
14 which do not restrict services to victims and witnesses of a particular type of
15 crime, and which do not restrict services to victims of crime where there is a
16 suspect in the case.

17 (2) It is recognized by the board of supervisors as the major provider of
18 comprehensive services to victims and witnesses in the county.

19 (3) It is selected by the board of supervisors as the agency to receive funds
20 pursuant to this article.

21 (4) It assists victims of crime in the preparation, verification, and presentation of
22 their claims to the State Board of Control for indemnification pursuant to Article 1
23 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the
24 Government Code.

25 (5) It cooperates with the State Board of Control in verifying the data required
26 by Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of
27 the Government Code.

28 (b) The Office of Criminal Justice Planning shall consider the following factors,
29 together with any other circumstances it deems appropriate, in awarding funds to
30 public or private nonprofit agencies designated as victim and witness assistance
31 centers:

32 (1) The capability of the agency to provide comprehensive services as defined in
33 this article.

34 (2) The stated goals and objectives of the center.

35 (3) The number of people to be served and the needs of the community.

36 (4) Evidence of community support.

37 (5) The organizational structure of the agency which will operate the center.

38 (6) The capability of the agency to provide confidentiality of records.

39 (c) The Office of Criminal Justice Planning shall conduct an evaluation of the
40 activities and performance of the centers established pursuant to Chapter 1256 of
41 the Statutes of 1977 to determine their ability to comply with the intent of this
42 article, and shall report the findings thereon to the Legislature by January 1, 1985.

1 **Comment.** Section 13835.2 is amended to delete reference to an obsolete reporting
2 requirement. The required report was to be completed by January 1, 1985.

3 **Penal Code § 13835.6 (amended). Victim and witness assistance centers**

4 SEC. ___. Section 13835.6 of the Penal Code is amended to read:

5 13835.6. (a) The Office of Criminal Justice Planning, in cooperation with
6 representatives from local victim and witness assistance centers, shall develop
7 standards defining the activities and services enumerated in this article.

8 (b) The Office of Criminal Justice Planning in cooperation with representatives
9 from local victim and witness assistance centers, shall develop a method of
10 evaluating the activities and performance of centers established pursuant to this
11 article.

12 By January 1, 1985, the Office of Criminal Justice Planning shall prepare and
13 submit to the Legislature a report summarizing the effectiveness of victim and
14 witness assistance centers established pursuant to this article. That report shall
15 include, but not be limited to, the effectiveness in achieving the functions and the
16 services enumerated in the article.

17 **Comment.** Section 13835.6 is amended to delete reference to an obsolete reporting
18 requirement. The required report was to be completed by January 1, 1985.

19 **Penal Code § 13871 (repealed). Hate crime study**

20 SEC. ___. Section 13871 of the Penal Code is repealed.

21 13871. The Attorney General shall, on January 1, 1985, commence a one-year
22 project to develop a program model to collect, compile, and analyze information
23 about racial, ethnic, and religious crimes. The project shall include, but not be
24 limited to, all of the following duties:

25 (a) Develop uniform guidelines for consistent identification of racial, ethnic, and
26 religious crimes.

27 (b) Recommend an appropriate means for statewide collection of data on racial,
28 ethnic, and religious crimes.

29 (c) Recommend an appropriate state agency to implement collection of this
30 information.

31 (d) Submit to the Legislature a final report describing the findings of the study
32 by January 1, 1986.

33 **Comment.** Section 13871 is repealed as obsolete. The required report was to be completed by
34 January 1, 1986.

35 **Penal Code § 14210 (amended). Missing persons**

36 SEC. ___. Section 14210 of the Penal Code is amended to read:

37 14210. (a) The Legislature finds and declares that it is the duty of all law
38 enforcement agencies to immediately assist any person who is attempting to make
39 a report of a missing person or runaway.

40 (b) The Department of the California Highway Patrol shall continue to
41 implement the written policy, required to be developed and adopted pursuant to

1 former Section 11114.3, for the coordination of each of its divisions with the
2 police and sheriffs' departments located within each division in taking,
3 transmitting, and investigating reports of missing persons, including runaways.

4 (c) ~~The Department of the California Highway Patrol shall report to the~~
5 ~~Legislature on or before June 30, 1989, regarding the experience under, and the~~
6 ~~effects of, subdivision (b).~~

7 **Comment.** Section 14210 is amended to delete reference to an obsolete reporting requirement.
8 The required report was to be completed by June 30, 1989.

9 **PUBLIC RESOURCES CODE**

10 **Pub. Res. Code § 612.5 (amended). Soil survey**

11 SEC. _____. Section 612.5 of the Public Resources Code is amended to read:

12 612.5. (a) The Legislature hereby finds and declares all of the following:

13 (1) It is in the state's public interest to have an accurate inventory of the state's
14 soil resources.

15 (2) In California, the United States Soil Conservation Service has been
16 responsible for undertaking soil surveys and soils information for many of
17 California's agricultural counties is outdated or unavailable.

18 (3) Information on soils is needed for agricultural management, water and soil
19 conservation activities, engineering and land use planning, and state and local
20 policy decisions. Completion of the California Farmland Mapping and Monitoring
21 Program is contingent upon availability of accurate, modern soil surveys.

22 (4) State funding of soil surveys has been limited to soil vegetation surveys on
23 wildlands and no state contributions have been made toward the completion of
24 modern soil surveys in California on cropland. In recent years, every state with
25 incomplete soil surveys on farmland, except California, has cost-shared with the
26 United States Soil Conservation Service to complete those surveys.

27 (5) Federal funding for the soil survey program of the United States Soil
28 Conservation Service has been declining in real dollars in the past several years
29 and is projected to be further reduced under the requirements of the Gramm-
30 Rudman-Hollings Deficit Reduction Act.

31 (6) Therefore, it is in California's interest to authorize the department to assist
32 the United States Soil Conservation Service with the completion of soil surveys.

33 (b) The department shall provide financial assistance to the United States Soil
34 Conservation Service to undertake or complete soil surveys in areas of this state
35 where the surveys have not been completed, including, but not limited to, portions
36 of the Counties of San Joaquin, Yuba, Colusa, Butte, Fresno, Kern, Tulare,
37 Stanislaus, and Lassen. Financial assistance shall be applied to field work which
38 includes on-site soils mapping, report writing, manuscript preparation, and final
39 correlation of soils data.

1 (c) In allocating funds for completion of soil surveys in the United States Soil
2 Conservation Service soil survey areas in California, the department shall consider
3 criteria which includes, but are not limited to, all of the following:

- 4 (1) Voids in important farmland maps.
5 (2) Rate and type of land use changes.
6 (3) Extent of erosion, alkalinity, and other soil resource problems.
7 (4) Farm-gate value of agricultural production.
8 (5) Specific soil-related problems.
9 (6) Status of ongoing soil surveys.
10 (7) Extent of cropland in each county.
11 (8) Availability of local funding or other support.

12 (d) The department shall make a report on the status of the soil survey program
13 to the Legislature no later than February 1, 1989.

14 **Comment.** Section 612.5 is amended to delete reference to an obsolete reporting requirement.
15 The required report was to be completed by February 1, 1989.

16 **Pub. Res. Code § 2802 (repealed). Earthquake prediction system**

17 SEC. _____. Section 2802 of the Public Resources Code is repealed.

18 2802. (a) The department shall develop jointly with the United States Geological
19 Survey a prototype earthquake prediction system along the central San Andreas
20 fault near the City of Parkfield.

21 (b) The system shall include a dense cluster of seismic and crustal deformation
22 instrumentation capable of monitoring geophysical and geochemical phenomena
23 associated with earthquakes in the region. These data shall be analyzed
24 continuously to determine if precursory anomalies can be identified with sufficient
25 certainty to make a short-term prediction. The department shall not duplicate any
26 of the ongoing efforts of the United States Geological Survey or any public or
27 private college or university in the development of this system.

28 (c) In meeting its obligations under this chapter, the department shall develop, in
29 cooperation with the United States Geological Survey, a plan for completion of the
30 Parkfield instrumentation network. The plan shall provide for all of the following:

31 (1) Augmentation of monitoring instruments with the goal of detecting
32 precursors of the Parkfield characteristic earthquake.

33 (2) Operation by the department of a remote data review station in Sacramento
34 which will provide state scientists with data from the Parkfield prototype
35 earthquake prediction system and other data, as required, to advise the Office of
36 Emergency Services of the occurrence of precursors and verification of the
37 predicted event.

38 (3) Advising the United States Geological Survey, the Office of Emergency
39 Services, the Seismic Safety Commission, and the California Earthquake
40 Prediction Evaluation Council, regarding the department's review of Parkfield
41 data.

1 (d) On January 1, 1987, the department shall issue a progress report to the
2 Governor, the Legislature, and the Seismic Safety Commission. An annual
3 progress report shall be made each year thereafter. The project shall terminate on
4 January 1, 1992, unless extended by statute.

5 **Comment.** Section 2802 is repealed as obsolete. The project established by the section was
6 terminated on January 1, 1992.

7 **Pub. Res. Code § 2804.6 (repealed). Earthquake early warning system**

8 SEC. ___. Section 2804.6 of the Public Resources Code is repealed.

9 2804.6. (a) The department, in consultation with the Seismic Safety
10 Commission, shall prepare a feasibility study evaluating the effectiveness of an
11 early warning system to detect seismic activity along the San Andreas Fault north
12 of the Los Angeles metropolitan area. The feasibility study shall include, but is not
13 limited to, a study of all of the following:

14 (1) Possible scenarios for the probability, strength, direction, and location of
15 seismic activity occurring along the San Andreas Fault north of the Los Angeles
16 metropolitan area.

17 (2) Development, use, and transmission of a warning signal to announce
18 significant seismic activity detected by the early warning system, including an
19 analysis of the estimated lead time provided by the system.

20 (3) Technical and economic feasibility of implementing the early warning
21 system. Possible applications include automated shutdown of pipelines,
22 transportation systems, computer systems, and other vital lifelines which would be
23 damaged in an earthquake.

24 (4) Assessment of the value of warnings to various elements of society,
25 including public officials, schools, hospitals, police, fire stations, private industry,
26 critical defense contractors, and gas, oil, and electrical industries. The assessment
27 should include an estimate of the value of a warning as a function of the warning
28 time and its reliability.

29 (5) Description of the funding, management, reliability, and liability aspects of
30 the system.

31 (b) The department shall submit the feasibility study to the Governor's Office
32 and to the Legislature by July 1, 1988.

33 **Comment.** Section 2804.6 is repealed as obsolete. The required report was to be completed by
34 July 1, 1988.

35 **Pub. Res. Code § 3488 (repealed). Illegal disposal of used oil**

36 SEC. ___. Section 3488 of the Public Resources Code is repealed.

37 3488. (a) On or before January 1, 1993, the grant recipient shall submit to the
38 board a report describing the implementation of the project and the extent to which
39 the program was successful in addressing the problem of illegal disposal of used
40 oil. The report shall include all of the following information:

41 (1) A description of the used oil curbside collection project.

1 (2) An account of the number of households participating in the project.
2 (3) The amount of used oil collected as a result of the curbside collection project.
3 (4) A determination of whether this demonstration program can be made
4 applicable to other local agencies throughout the state.
5 (5) A description of measures taken by the local agency to continue the program.
6 (b) On or before March 1, 1993, the board shall submit to the Legislature the
7 report received pursuant to subdivision (a), together with recommendations for the
8 use of the program for applicability to local agencies throughout the state.

9 **Comment.** Section 3488 is repealed as obsolete. The required reports were to be completed by
10 March 1, 1993.

11 ☞ **Note.** The Commission would like to receive comments on whether the chapter that contains
12 Section 3488 is obsolete and should be repealed.

13 **Pub. Res. Code § 4473 (repealed). Experimental prescribed burn program**

14 SEC. ___. Section 4473 of the Public Resources Code is repealed.
15 4473. On or before January 1, 1982, the department shall submit to the board a
16 report consisting of an analysis of the results obtained in the experimental program
17 and recommendations for the further implementation and improvement of the
18 program.

19 **Comment.** Section 4473 is repealed as obsolete. The required report was to be completed by
20 January 1, 1982.

21 **Pub. Res. Code § 4562.5 (amended). Soil erosion study**

22 SEC. ___. Section 4562.5 of the Public Resources Code is amended to read:
23 4562.5. It is the purpose of this section to insure that soil erosion associated with
24 timber operations is adequately controlled to protect soil resources, forest
25 productivity, and water quality. The prevention, retardation, and control of
26 accelerated erosion are the principal goals of this section. The board shall conduct
27 such investigations of soil characteristics and erosion rates and of the instruments,
28 techniques, and procedures available for use in monitoring soil loss as will
29 facilitate the development and application of soil resource conservation standards,
30 and shall, by January 1, 1976, publish reports or otherwise disseminate the
31 information thus obtained, including a determination, if possible, of permissible
32 levels of soil loss. The board shall promulgate regulations for each district to
33 govern timber operations that may cause significant soil disturbance.

34 **Comment.** Section 4562.5 is amended to delete reference to an obsolete reporting requirement.
35 The required report was to be completed by January 1, 1976.

36 **Pub. Res. Code § 4563.5 (repealed). Resource conservation standards**

37 SEC. ___. Section 4563.5 of the Public Resources Code is repealed.
38 4563.5. The department shall, on or before July 1, 1989, report to the Governor
39 and the Legislature on the adequacy of existing resource conservation standards in
40 meeting the objectives of this chapter and achieving the goal of maximum

1 sustained production of high-quality timber products, as specified in Section 4513.
2 The report shall include all of the following:

3 (a) A description of the status of regeneration at a representative number of
4 timber harvesting sites, within each forest practice district, that were previously
5 determined by the department to be adequately stocked.

6 (b) Information on the type of silvicultural method originally described in the
7 timber harvesting plan for each site examined.

8 (c) Any recommendations for regulations or legislation changing the
9 requirements of this chapter, as they pertain to existing resource conservation
10 standards, and limitations, if any, on allowable harvest levels for forest land where
11 regeneration is not occurring consistent with the goals specified in Section 4513.

12 **Comment.** Section 4563.5 is repealed as obsolete. The required report was to be completed by
13 July 1, 1989.

14 **Pub. Res. Code § 5097.96 (repealed). Native American sacred places**

15 SEC. ___. Section 5097.96 of the Public Resources Code is repealed.

16 5097.96. The commission may prepare an inventory of Native American sacred
17 places that are located on public lands and shall review the current administrative
18 and statutory protections accorded to such places. The commission shall submit a
19 report to the Legislature no later than January 1, 1979, in which the commission
20 shall report its findings as a result of these efforts and shall recommend such
21 actions as the commission deems necessary to preserve these sacred places and to
22 protect the free exercise of the Native American religions.

23 **Comment.** Section 5097.96 is repealed as obsolete. The required report was to be completed by
24 January 1, 1979.

25 **Pub. Res. Code § 6226 (repealed). Offshore seeps**

26 SEC. ___. Section 6226 of the Public Resources Code is repealed.

27 6226. (a) The commission shall, in cooperation with other appropriate state
28 agencies, conduct research and investigations into natural and manmade seeps of
29 oil, dry gas, and other hydrocarbon products occurring offshore and which
30 contribute or could contribute to the pollution of beaches, tidelands, and
31 submerged lands of the state. Such research shall include, but not be limited to, all
32 of the following:

33 (1) Determination of the magnitude and extent of contamination.
34 (2) Identification of the sources of the pollution.
35 (3) Documentation of the geophysical aspects of active seepage zones.
36 (4) Examination of the cause and effect relationship between offshore oil sources
37 and marine pollution.

38 (5) Methods of reducing, mitigating, or eliminating pollution from such leaks.

39 (b) For the purpose of this section, the commission may contract, upon such
40 terms and conditions as will be in the best interests of the people of the state, with
41 one or more private persons, firms, associations, organizations, partnerships,

1 corporations, companies, or public agencies to conduct such research and
2 investigation.

3 (c) The commission may apply to any agency of the federal or state government
4 or private foundation which may now or in the future provide financial assistance
5 for the programs as contemplated by this section.

6 (d) The commission shall report to the Legislature by January 1, 1978, the
7 results of the research and investigations of seeps of oil, gas, and other
8 hydrocarbons conducted pursuant to the provisions of this section.

9 **Comment.** Section 6226 is repealed as obsolete. The required report was to be completed by
10 January 1, 1978.

11 **Pub. Res. Code § 18017 (repealed). Plastic waste labeling**

12 SEC. ___. Section 18017 of the Public Resources Code is repealed.

13 18017. The department shall review compliance with this chapter and shall
14 submit a report of its evaluation to the Legislature on or before January 1, 1994.

15 **Comment.** Section 18017 is repealed as obsolete. The required report was to be completed by
16 January 1, 1994.

17 **Pub. Res. Code § 25689 (repealed). Energy technology research**

18 SEC. ___. Section 25689 of the Public Resources Code is repealed.

19 25689. The commission shall prepare an extensive report examining the benefits
20 to the people of this state from the research, development, and demonstration
21 projects for which financing was provided under this chapter, and submit it to the
22 Legislature on or before January 1, 1990.

23 **Comment.** Section 25689 is repealed as obsolete. The required report was to be completed by
24 January 1, 1990.

25 **Pub. Res. Code § 29777 (repealed). Delta Protection Commission funding**

26 SEC. ___. Section 29777 of the Public Resources Code is repealed.

27 29777. (a) The commission shall submit to the Governor and the Legislature, on
28 or before December 31, 1993, a report setting forth its recommendation for
29 legislation that would provide funding sources to replace the penalty assessment
30 prescribed by Section 29775 that would provide sufficient funds, in an amount not
31 to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year, for its
32 activities and operations pursuant to this division.

33 (b) In preparing the report, the commission shall meet and consult with
34 individuals and groups whose activities the commission is considering as potential
35 funding sources.

36 (c) The commission shall not incur costs in excess of the amount of funds
37 available for expenditure by the commission in any fiscal year.

38 **Comment.** Section 29777 is repealed as obsolete. The required report was to be completed by
39 December 31, 1993.

1 **Pub. Res. Code § 42552 (repealed). Recycling telephone directories**

2 SEC. ___. Section 42552 of the Public Resources Code is repealed.

3 42552. The board shall report the results of the study to the Legislature on or
4 before July 1, 1994. The report shall include a finding as to whether recyclable
5 materials are currently available which could be utilized in the manufacture of
6 telephone directories which can and will be recycled without significantly
7 reducing the durability of the directories nor significantly increasing production
8 costs. If the board determines that recyclable telephone directories cannot be cost-
9 effectively produced, the board shall include in its report recommendations on
10 alternative methods of removing telephone directories from the waste stream, such
11 as the development of new recycling techniques.

12 **Comment.** Section 42552 is repealed as obsolete. The required report was to be completed by
13 July 1, 1994.

14 **Pub. Res. Code § 42553 (amended). Operation of Article 2**

15 SEC. ___. Section 42553 of the Public Resources Code is amended to read:

16 42553. Article 2 (commencing with Section 42557) shall become operative only
17 if the report required in former Section 42552, as added by Chapter 1066 of the
18 Statutes of 1991, contains an affirmative finding regarding the feasibility of
19 producing recyclable telephone directories without significantly reducing the
20 durability of the directories nor significantly increasing production costs.

21 **Comment.** Section 42553 is amended to reflect the repeal of former Section 42552.

22 ☞ **Note.** The Commission would like to receive input on whether Article 2 ever became
23 operative. If not, should it be repealed as obsolete?

24 **Pub. Res. Code § 42776 (repealed). Recycled paper survey**

25 SEC. ___. Section 42776 of the Public Resources Code is repealed.

26 42776. After January 1, 1994, the board shall conduct a survey of the paper
27 industry to assess the availability of, quality of, and market for all recycled-content
28 papers, including coated groundwood papers and other papers which are not
29 newsprint. The board shall report the findings of its survey to the Legislature on or
30 before July 1, 1994.

31 **Comment.** Section 42776 is repealed as obsolete. The required report was to be completed by
32 July 1, 1994.

33 **Pub. Res. Code § 71064 (amended). Environmental Data Management Advisory Committee**

34 SEC. ___. Section 71064 of the Public Resources Code is amended to read:

35 71064. (a) There is in the agency the Environmental Data Management Advisory
36 Committee. The advisory committee shall consist of not more than seven members
37 appointed by the secretary. The secretary shall select members who represent
38 business, government, and environmental groups, and who have proven expertise
39 and current knowledge in the field of electronic data exchange.

(b) The advisory committee shall commence to function by March 1, 1995. The advisory committee shall advise the secretary on the quickest, most effective, and least expensive alternative systems of electronic standards for formatting data.

(c) On or before July 1, 1996, the advisory committee shall submit a report to the secretary which describes the pilot program conducted pursuant to Section 71063. This report shall include, but is not limited to, an analysis of the costs and benefits of the format, protocol, and signature techniques used in the pilot program, a discussion of the results obtained by using the evaluation criteria developed pursuant to Section 71062, and a discussion of the implications for statewide implementation of the program.

(d) The meetings of the advisory committee shall be open to the public and shall provide an opportunity for the public to be heard on matters considered by the advisory committee.

Comment. Subdivision (b) of Section 71064 is amended to delete an obsolete reference to the date on which the advisory committee commenced its functions.

Former subdivision (c) is deleted as obsolete. The required report was to be completed by July 1, 1996.

Former subdivision (d) is redesignated subdivision (c).

PUBLIC UTILITIES CODE

Pub. Util. Code § 322 (amended). Compilation of rules and decisions

SEC. _____. Section 322 of the Public Utilities Code is amended to read:

322. (a) The commission shall periodically, at least once each year, compile its rules of procedure together with every order and decision of the commission relating to the conduct of the commission's hearings and proceedings.

(b) The compilation shall include, but not be limited to, matters relating to, all of the following:

- (1) Pleadings.
 - (2) Public notice.
 - (3) Public attendance.
 - (4) Specification of issues.
 - (5) Prehearing procedures.
 - (6) Discovery.
 - (7) Evidence.
 - (8) Supporting documentation.
 - (9) Submission of briefs and arguments.
 - (10) Meetings of the commission.
 - (11) All other rules of procedure governing proceedings of the commission by public persons.

(c) The commission shall prepare and before January 1, 1986, consisting of its first

Comment. Section 322 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1986.

Pub. Util. Code § 442 (repealed). Evaluation of reimbursement fee funding mechanism

SEC. ___. Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of the Public Utilities Code is repealed.

Comment. Section 442 is repealed as obsolete. The required report was to be completed by January 1, 1988.

☞ **Note.** The text of the repealed article is set out below for reference:

ARTICLE 4. TEMPORARY PROVISIONS

442. The Legislative Analyst shall prepare and submit a report to the Legislature on or before January 1, 1988, including, but not limited to, an evaluation of the effectiveness of funding the commission pursuant to this chapter and a recommendation as to whether this chapter shall be continued in effect, amended, or repealed.

Pub. Util. Code § 701.6 (amended). Energy efficient manufactured homes

SEC. _____. Section 701.6 of the Public Utilities Code is amended to read:

701.6. (a) The commission may authorize gas and electrical corporations to include in ratepayer-supported research and development programs, activities that relate to improving the energy efficiency of manufactured housing and mobilehomes if those programs are evaluated in accordance with the guidelines established by Section 740.1. The commission may develop a program involving utilities, representatives of the manufactured housing and mobilehome industries, and organizations representing senior citizens and consumers to increase the construction and marketing of energy efficiency measures for mobilehomes and manufactured housing.

(b) The commission may authorize gas and electrical corporations to provide incentives to seniors, low-income households, and others who buy new manufactured homes, or mobilehomes, which incorporate energy efficient measures.

(c) The commission may authorize gas and electrical corporations to recover through rates the reasonable costs associated with the programs specified in subdivisions (a) and (b).

(d) The commission shall report to the Legislature on the status of utility programs to support the construction and purchase of energy efficient manufactured homes and mobilehomes, and on energy savings achieved or expected to be achieved as a result of these utility programs. The first report shall be submitted to the Legislature on January 1, 1994, additional reports shall subsequently be submitted on a biennial basis, and a final report shall be submitted to the Legislature on January 1, 1998.

Comment. Section 701.6 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by January 1, 1998.

1 **Pub. Util. Code § 5371.4 (amended). Limousine operators**

2 SEC. _____. Section 5371.4 of the Public Utilities Code is amended to read:

3 5371.4. (a) The governing body of any city, county, or city and county may not
4 impose a fee on charter-party carriers operating limousines. However, the
5 governing body of any city, county, or city and county may impose a business
6 license fee on, and may adopt and enforce any reasonable rules and regulations
7 pertaining to operations within its boundaries for, any charter-party carrier
8 domiciled or maintaining a business office within that city, county, or city and
9 county.

10 (b) The governing body of any airport may not impose vehicle safety, vehicle
11 licensing, or insurance requirements on charter-party carriers operating limousines
12 that are more burdensome than those imposed by the commission. However, the
13 governing board of any airport may require a charter-party carrier operating
14 limousines to obtain an airport permit for operating authority at the airport.

15 (c) Notwithstanding subdivisions (a) and (b), the governing body of any airport
16 may adopt and enforce reasonable and nondiscriminatory local airport rules,
17 regulations, and ordinances pertaining to access, use of streets and roads, parking,
18 traffic control, passenger transfers, trip fees, and occupancy, and the use of
19 buildings and facilities, that are applicable to charter-party carriers operating
20 limousines on airport property.

21 (d) This section does not apply to any agreement entered into pursuant to
22 Sections 21690.5 to 21690.9, inclusive, between the governing body of an airport
23 and charter-party carriers operating limousines.

24 (e) ~~The commission shall conduct an audit and review of the annual gross
25 revenues earned by charter-party carriers operating limousines for the purpose of
26 ascertaining whether the imposition of additional fees based on a charter-party
27 carrier's gross annual revenues would place an undue administrative or financial
28 burden on the charter-party carrier industry. The commission shall report its
29 findings to the Legislature on or before June 30, 1992.~~

30 (f) The governing body of any airport shall not impose a fee based on gross
31 receipts of charter-party carriers operating limousines.

32 (g) ~~(f)~~ Notwithstanding subdivisions (a) to (f) ~~(e)~~, inclusive, nothing in this
33 section prohibits a city, county, city and county, or the governing body of any
34 airport, from adopting and enforcing reasonable permit requirements, fees, rules,
35 and regulations applicable to charter-party carriers of passengers other than those
36 operating limousines.

37 (h) ~~(g)~~ For the purposes of this section, "limousine" includes any luxury sedan,
38 of either standard or extended length, with a seating capacity of not more than nine
39 passengers including the driver, used in the transportation of passengers for hire on
40 a prearranged basis within this state.

41 **Comment.** Section 5371.4 is amended to delete reference to an obsolete reporting requirement.
42 The required report was to be completed by June 30, 1992.

1 **Pub. Util. Code § 5385.6 (amended). Limousines**

2 SEC. ___. Section 5385.6 of the Public Utilities Code is amended to read:

3 5385.6. (a) No charter-party carrier shall operate a limousine as defined by
4 subdivision (h) of Section 5371.4 unless the limousine is equipped with the special
5 license plates issued and distributed by the Department of Motor Vehicles
6 pursuant to Section 5011.5 of the Vehicle Code.

7 (b) The commission shall issue to each charter-party carrier operating limousines
8 a permit or certificate for the number of vehicles verified by the carrier as
9 employed in providing limousine service. The permit or certificate shall be
10 submitted to the Department of Motor Vehicles, which will issue to each verified
11 vehicle a set of unique, identifying license plates. The department shall maintain a
12 record of each set of plates it issues and provide a copy of each record to the
13 commission.

14 (c) The commission shall recover from any carrier whose permit or certificate is
15 cancelled, suspended, or revoked any and all plates issued pursuant to this section.

16 (d) The special license plate shall be in lieu of the decal required to be issued and
17 displayed pursuant to Section 5385.5.

18 (e) This section shall become operative on July 1, 1995.

19 **Comment.** Section 5385.6 is amended to reflect that former subdivision (h) of Section 5371.4
20 was redesignated as subdivision (g).

21 **Pub. Util. Code § 5388 (repealed). Report on issuance of three-year permit**

22 SEC. ___. Section 5388 of the Public Utilities Code is repealed.

23 5388. The commission shall, on or before January 1, 1992, prepare and submit to
24 the Legislature a report of its experiences with respect to issuing certificates and
25 permits to charter-party carriers of passengers valid for three years, including its
26 recommendations as to returning to the former requirement for annual certificates
27 and permits and as to issuing certificates and permits which are valid until
28 revoked.

29 **Comment.** Section 5388 is repealed as obsolete. The required report was to be completed by
30 January 1, 1992.

31 **Pub. Util. Code § 8303 (repealed). Notice of shipment of radioactive fuel**

32 SEC. ___. Section 8303 of the Public Utilities Code is repealed.

33 8303. The Department of the California Highway Patrol shall, on or before July
34 1, 1986, report to the Legislature regarding the establishment of procedures for
35 notifying local officials of the shipment of hazardous radioactive materials
36 containing commercially produced, spent radioactive fuel.

37 **Comment.** Section 8303 is repealed as obsolete. The required report was to be completed by
38 July 1, 1986.

39 **Pub. Util. Code § 99620 (amended). Purpose and amount of allocations**

40 SEC. ___. Section 99620 of the Public Utilities Code is repealed.

99620. This chapter sets forth the purposes and the amounts for which allocations shall be made from the fund. Money from the fund shall be awarded as grants by the commission pursuant to Sections 99621 ~~99622~~ to 99651, inclusive, for the purposes specified in those sections. The amount of a grant awarded pursuant to any of those sections shall not exceed the amount specified therein. The department and local agencies may implement service funded pursuant to this chapter on an incremental basis. Partial grants may be made for preliminary engineering and design purposes.

Comment. Section 99620 is amended to reflect the repeal of former Section 99621.

Pub. Util. Code § 99621 (repealed). Rail corridor status report

11 SEC. _____. Section 99621 of the Public Utilities Code is repealed.

99621. One million dollars (\$1,000,000) shall be allocated to the department to complete a survey of all rail rights-of-way in the state. The study shall be completed by December 31, 1991, and shall identify the status of all the rail corridors in the state and evaluate their relative importance and potential for future rail passenger service.

Comment. Section 99621 is repealed as obsolete. The required report was to be completed by December 31, 1991.

REVENUE AND TAXATION CODE

Rev. & Tax. Code § 2237.3 (repealed). Ad valorem property tax reports

21 SEC. _____. Section 2237.3 of the Revenue and Taxation Code is repealed.

2237.3. (a) No later than April 1, 1983, each local agency (as defined in Section 95) shall report to the Controller any ad valorem property tax levied in fiscal year 1978-79, 1979-80, 1980-81, 1981-82, or 1982-83 by, or on behalf of, the local agency at a rate which is in excess of the limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the Constitution. For purposes of this section, ad valorem property taxes levied by the county or by a special district governed by the board of supervisors at a rate in excess of the limitation prescribed in subdivision (a) of Section 1 of Article XIII A of the Constitution shall be reported by the county auditor.

(b) The information to be reported pursuant to this section shall be provided on a form to be specified by the Controller and shall include all of the following information:

(1) A description of the local obligation or indebtedness for which the tax was levied

(2) The reason for the exemption from the limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the Constitution.

(3) The date of the election authorizing each tax levy, the results of the election, and a copy of the ballot measure, if the levy was authorized by election.

(4) The tax rate and the total revenues generated in each of the fiscal years.

1 (5) Actual revenues, if any, generated from the levy in the prior fiscal year and
2 actual expenditures, if any, made in the prior year for the local obligation or
3 indebtedness for which the tax was levied.

4 (6) Any other information relating to the levy of property tax at a rate in excess
5 of the limitation prescribed by subdivision (a) of Section 1 of Article XIII A which
6 the Controller deems relevant.

7 (c) With respect to ad valorem property tax levies in excess of the rate limitation
8 prescribed in subdivision (a) of Section 1 of Article XIII A of the Constitution
9 which have been authorized by the voters but not collected in fiscal years 1978-79,
10 1979-80, 1980-81, 1981-82, or 1982-83, each local agency shall report the
11 information specified in paragraphs (1), (2), and (3) of subdivision (b).

12 (d) The official of each local agency responsible for submitting the report
13 required by this section shall certify that the information submitted is, to the best
14 of his or her knowledge, true and accurate.

15 (e) The Controller shall require that any property tax levied in fiscal years 1978-
16 79, 1979-80, 1980-81, 1981-82, or 1982-83 at a rate which is in excess of the
17 limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the
18 Constitution be reported in the manner specified in this section.

19 (f) For purposes of this section, an "ad valorem property tax" means any tax or
20 assessment imposed on the basis of the value of the real property, including any
21 special ad valorem assessment.

22 (g) If a local agency fails to file a report required by this section by April 1,
23 1983, the Controller and the county auditor in the succeeding fiscal year shall
24 reduce the payment they are required to make to such jurisdiction based on claims
25 filed pursuant to Section 16113 of the Government Code. The reduction shall be
26 10 percent of the prior year's payment or five thousand dollars (\$5,000),
27 whichever is less.

28 **Comment.** Section 2237.3 is repealed as obsolete. The required reports were to be completed
29 by April 1, 1983.

30 **Rev. & Tax. Code § 2327 (repealed). Exception to reporting deadline**

31 SEC. ___. Section 2327 of the Revenue and Taxation Code is repealed.

32 2327. For the 1973-74 fiscal year, the report required by Section 2325 shall be
33 due by May 15, 1974. In succeeding fiscal years, the provisions of Section 2326
34 shall be effective.

35 **Comment.** Section 2327 is repealed as obsolete. The reporting deadline provided in the section
36 expired on May 15, 1974.

37 **Rev. & Tax. Code § 18405 (amended). Substantial unintentional noncompliance**

38 SEC. ___. Section 18405 of the Revenue and Taxation Code is amended to read:

39 18405. (a) In the case of a new statutory provision in Part 7.5 (commencing with
40 Section 13201), Part 10 (commencing with Section 17001), Part 10.2
41 (commencing with Section 18401), or Part 11 (commencing with Section 23001),

1 or the addition of a new part, the Franchise Tax Board itself is authorized to grant
2 relief as set forth in subdivision (b) from the requirements of the new statutory
3 provision in a manner as provided in subdivision (c).

4 (b) The relief provided in subdivision (a) may be granted only for the first
5 taxable year for which the new statutory provision is operative and only when
6 substantial unintentional noncompliance with the new provision has occurred by a
7 class of affected taxpayers. The relief is limited to waiving penalties or perfecting
8 elections and may be granted only to taxpayers who timely paid taxes and other
9 required amounts shown on the return consistent with the election and who timely
10 filed their return (with regard to extension).

11 (c) The relief granted in this section shall, upon the recommendation of the
12 executive officer of the Franchise Tax Board, be made by resolution of the
13 Franchise Tax Board which sets forth the conditions, time, and manner as the
14 Franchise Tax Board determines are necessary. The resolution shall be adopted
15 only by an affirmative vote of each of the three members of the Franchise Tax
16 Board.

17 (d) For purposes of this section:

18 (1) "New statutory provision" means a complete, newly established tax program,
19 tax credit, exemption, deduction, exclusion, penalty, or reporting or payment
20 requirement and does not mean amendments made to existing tax provisions that
21 make minor modifications or technical changes.

22 (2) "Perfecting elections" includes correcting omissions or errors only when
23 substantial evidence is present with the filed return that the taxpayer intended to
24 make the election and does not include making an election where one was not
25 previously attempted to be made.

26 (3) "Substantial unintentional noncompliance," for purposes of Part 11
27 (commencing with Section 23001), includes any case in which the taxpayer filed a
28 water's-edge contract with a timely filed original return and timely paid all taxes
29 and other required amounts shown on the return consistent with the water's-edge
30 election, but where the taxpayer's election is or might be invalidated by reason of
31 the act or omission of an affiliated corporation that is not the parent or a subsidiary
32 of the taxpayer. In that case, notwithstanding anything to the contrary in this
33 section, relief shall be deemed granted to validate the taxpayer's water's-edge
34 election, conditioned only upon an agreement by the affiliated corporation to either
35 (A) file a water's-edge contract and pay all taxes and other required amounts
36 consistent with that election, or (B) waive any right, with respect to any taxable
37 year for which the corporation did not make a water's-edge election on its own
38 timely filed return, to determine its income derived from or attributable to sources
39 within this state pursuant to that election, whichever measure produces the greater
40 amount of tax.

41 (e) This section shall apply to any Franchise Tax Board resolution adopted after
42 the effective date of this section with respect to any taxable year which is subject
43 to an open statute of limitations on the date of the resolution.

1 (f) On or before March 1, 1995, the Franchise Tax Board shall report to the
2 Legislature on the utilization of this section. The report shall describe the class or
3 classes of taxpayers provided relief, the issue involved and the number of
4 taxpayers affected, and, where applicable, the aggregate amount of penalty
5 relieved for each class of taxpayers.

6 **Comment.** Section 18405 is amended to delete reference to an obsolete reporting requirement.
7 The required report was to be completed by March 1, 1995.

8 **Rev. & Tax. Code § 19264 (amended). Electronic transmission of earnings withholding
9 orders**

10 SEC. _____. Section 19264 of the Revenue and Taxation Code is amended to read:
11 19264. (a) Notwithstanding Sections 706.071 and 706.080 of the Code of Civil
12 Procedure, the Franchise Tax Board shall establish a pilot program to issue
13 earnings withholding orders for taxes and any other notice or document required to
14 be served or provided in connection with an earnings withholding order, pursuant
15 to Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of
16 Title 9 of Part 2 of the Code of Civil Procedure, to government and private
17 employers by magnetic media, electronic transmission, or other electronic
18 technology. The purpose of the pilot program is to study the feasibility and cost
19 effectiveness of the Franchise Tax Board issuing earnings withholding orders to
20 employers using magnetic media, electronic transmission, or other electronic
21 technology.

22 (b) The pilot program shall apply to any earnings withholding order for taxes
23 and any other notice or document required to be served or provided in accordance
24 with subdivision (a) on or after January 1, 1997, and before January 1, 1999, to an
25 employer who agrees to participate in the pilot program.

26 (c) For purposes of the pilot program, the Franchise Tax Board shall identify and
27 work with employers who agree to be served as authorized by subdivision (a).

28 (d) The pilot program shall be successful if the Franchise Tax Board can
29 demonstrate all of the following:

30 (1) The Franchise Tax Board's time to prepare and serve earnings withholding
31 orders by magnetic media, electronic transmission, or other electronic technology,
32 as authorized by subdivision (a), will be reduced by at least two days when
33 compared to orders that would otherwise be prepared and served under Article 4
34 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2
35 of the Code of Civil Procedure.

36 (2) The Franchise Tax Board's administrative cost to prepare and serve earnings
37 withholding orders by magnetic media, electronic transmission, or other electronic
38 technology, as authorized by subdivision (a), will be less than the cost to prepare
39 and serve orders as specified under Article 4 (commencing with Section 706.070)
40 of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

41 (3) The employer's time and administrative costs to receive and comply with
42 orders served in accordance with subdivision (a) do not exceed the time and

1 administrative costs when compared to receiving and complying with orders
2 served in accordance with Article 4 (commencing with Section 706.070) of
3 Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

4 (e) ~~The Franchise Tax Board shall report to the Legislature on or before January~~
5 ~~1, 1999, as to the results of the pilot program. The report shall include a cost~~
6 ~~comparison and the administrative advantages and disadvantages of preparing and~~
7 ~~serving earnings withholding orders by traditional methods and by magnetic~~
8 ~~media, electronic transmission, or other electronic technology.~~

9 (f) If the Franchise Tax Board determines that the pilot program is successful
10 based on the criteria stated in subdivision (d), the Franchise Tax Board may
11 continue to issue earnings withholding orders for taxes and any other notice or
12 document required to be served or provided in connection with an earnings
13 withholding order, pursuant to Article 4 (commencing with Section 706.070) of
14 Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure, to
15 government and private employers who agree to accept service by magnetic
16 media, electronic transmission, or other electronic technology.

17 (g) ~~(f)~~ This section shall apply in the same manner and with the same force and
18 effect and to the full extent as if this section had been incorporated in full into
19 Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9
20 of Part 2 of the Code of Civil Procedure.

21 **Comment.** Section 19264 is amended to delete reference to an obsolete reporting requirement.
22 The required report was to be completed by January 1, 1999.

23 **Rev. & Tax. Code § 23331 (amended). Taxpayer information program**

24 SEC. _____. Section 23331 of the Revenue and Taxation Code is amended to read:

25 23331. (a) For the purposes of this article, the effective date of dissolution of a
26 corporation is the date on which the certified copy of the court decree, judgment,
27 or order declaring the corporation duly wound up and dissolved is filed in the
28 office of the Secretary of State or the date on which the certificate of winding up,
29 if necessary, and the certificate of dissolution are filed in the office of the
30 Secretary of State. For the purposes of this article, the effective date of withdrawal
31 of a foreign corporation is the date on which the certificate of withdrawal is filed
32 in the office of the Secretary of State.

33 (b) The Secretary of State shall, through an information program and by forms
34 and instructions provided to taxpayers, recommend that all documents required by
35 this article to be filed with the Secretary of State be sent, if mailed, by certified
36 mail with return receipt requested. The Secretary of State shall also notify
37 taxpayers that receipt of documents by the Secretary of State pursuant to this
38 article will be acknowledged within 21 days of receipt.

39 (c) On or before 21 days after their receipt, the Secretary of State shall provide a
40 taxpayer with acknowledgment of the receipt of documents submitted by a
41 taxpayer pursuant to this article.

(d) The office of the Secretary of State shall, no later than July 1, 1991, submit to the Legislature a report of the development of a taxpayer information program, the revision of forms and instructions, and the implementation of procedures for acknowledging receipt from taxpayers of documents required by this article.

Comment. Section 23331 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1991.

STREETS AND HIGHWAYS CODE

Sts. & Hy. Code § 155.8 (repealed). Study of truck traffic during commute hours

SEC. ___. Section 155.8 of the Streets and Highways Code is repealed.

155.8. (a) The department shall develop contract specifications to conduct a statewide study of technically feasible and available cost-effective means to reduce four- and five-axle truck traffic from congested urban freeways during commute hours. The department shall contract with a qualified consultant for performance of the study and the preparation of the final report and recommendations which shall be transmitted to the Legislature on or before January 1, 1989. The study shall focus on and include the following elements:

(1) The effect of changing traffic management techniques on commuters, employees, employers, producers and receivers of shipments by truck, and trucking companies. The study shall include an economic evaluation of the impact on each group.

(2) What changes are required, if any, in the shipping and receiving practices of businesses to implement a truck-oriented traffic reduction program. An economic impact analysis of each recommended change shall be provided.

(3) Identification of grid lock routes and feasible alternative routes which could be utilized for demonstration projects. The alternative routes shall identify the impact, if any, of rerouting truck traffic through surrounding areas which are outside the specific congested demonstration project area.

(4) Analysis of the potential for reducing truck-related accidents during peak hour traffic by controlling or rerouting truck traffic.

(b) It is the purpose of this study to address the problem of urban grid-lock in California and to evaluate the economic impact of traffic improvement techniques.

(e) It is not the intent of the Legislature to prohibit or otherwise restrict the department or local governments from proceeding with truck restrictions, prohibitions, or reroutings if those are feasible pending the outcome of the study.

Comment. Section 155.8 is repealed as obsolete. The required report was to be completed by January 1, 1989.

Sts. & Hy. Code § 30919 (amended). San Francisco-Oakland Bay Bridge traffic

SEC. _____. Section 30919 of the Streets and Highways Code is amended to read:

30919. (a) Consistent with its adopted regional transportation plan, after the requirements for debt service on the outstanding revenue bonds have been met, the

Metropolitan Transportation Commission shall allocate the revenues identified in subdivision (b) of Sections 30913 and 30914 to eligible public entities and to the department.

(b) The revenues expended pursuant to paragraph (4) of subdivision (a) of Section 30914 shall be expended on rail extension and improvement projects designed to reduce vehicular traffic congestion on the San Francisco-Oakland Bay Bridge. Seventy percent of the revenues shall be expended on rail extensions and improvement projects in the Counties of Alameda and Contra Costa, including, but not limited to, extending the regional rail system in the Concord-Antioch, Fremont-San Jose, and the Bayfair-Livermore rail transit corridors. The remaining 30 percent shall be expended on rail extensions and improvement projects in the City and County of San Francisco and the Counties of San Mateo and Santa Clara.

(c) The department shall update the "point of origin" study related to the Eastbay/Westbay origin of commute trips on the San Francisco-Oakland Bay Bridge and report its findings to the Legislature by January 1, 1990.

Comment. Section 30919 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1990.

Sts. & Hy. Code § 30921 (repealed). Traffic engineering study

SEC. _____. Section 30921 of the Streets and Highways Code is repealed.

30921. (a) The department shall prepare, or cause to be prepared, a detailed traffic engineering study which evaluates the existing bridge and approach limits of the seven bridges specified in Section 30910. The study shall include an evaluation of the ability of these approaches to accommodate the carrying capacity of these bridges, including any planned lane additions identified by the department pursuant to Senate Resolution 46 of the 1985-86 Regular Session.

(b) As part of its plans for constructing a new bridge or bridge widening in the San Francisco Bay area, the department shall include an evaluation of whether there will be a balanced design between the bridge and its approaches as a result of the construction.

(c) The department shall transmit the results of its study to the Legislature by January 1, 1990, and, as part of that transmittal, shall include its recommendations for mitigating any problems identified as part of the study.

Comment. Section 30921 is repealed as obsolete. The required report was to be completed by January 1, 1990.

UNEMPLOYMENT INSURANCE CODE

Unemp. Ins. Code § 1598 (repealed). Evaluation of Benefit Audit Fund and collection of overpaid unemployment compensation benefits

SEC. _____. Section 1598 of the Unemployment Insurance Code is repealed.

1598. The Director of the Employment Development Department shall submit a report by July 1, 1986, evaluating the Benefit Audit Fund and the department's

1 collection of overpaid unemployment compensation benefits. The report shall be
2 transmitted to the Senate Committee on Industrial Relations and the Assembly
3 Committee on Finance and Insurance.

4 **Comment.** Section 1598 is repealed as obsolete. The required report was to be completed by
5 July 1, 1986.

6 **Unemp. Ins. Code § 11005 (repealed). Provision of employment services to the deaf and
7 hearing impaired**

8 SEC. _____. Section 11005 of the Unemployment Insurance Code is repealed.
9 11005. The State Job Training Coordinating Council shall do all of the
10 following:

11 (a) Evaluate the contractors' provision of employment services to the deaf and
12 hearing impaired persons, including the impact of employment services on a
13 representative sample of recipients of services. The evaluation shall include an
14 analysis of the effectiveness of the services listed in Section 11002 and the cost of
15 the services.

16 (b) Review the department's supervision of the contractors.

17 (c) Recommend legislative and administrative changes, if any.

18 The council shall submit the report to the Legislature by February 1, 1986.

19 **Comment.** Section 11005 is repealed as obsolete. The required report was to be completed by
20 February 1, 1986.

21 **Unemp. Ins. Code § 11011 (amended). State work force development plan**

22 SEC. _____. Section 11011 of the Unemployment Insurance Code is amended to
23 read:

24 11011. (a) On or before April 1, 1998, the Secretary of the Health and Welfare
25 Agency, the Secretary of the Trade and Commerce Agency, the Chancellor of the
26 California Community Colleges with the consent of the Board of Governors, and
27 the Superintendent of Public Instruction, with the consent of the State Board of
28 Education, shall enter into a memorandum of understanding to develop and
29 maintain a plan including a schedule to do the following:

30 (1)(A) Develop a state work force development plan to create an integrated,
31 high-quality work force development system out of the current array of job
32 training and vocational education programs in order to prepare emerging,
33 transitional, and current workers to be employed in the state's global economy.

34 The plan shall serve as a framework for the development of public policy, fiscal
35 investment, and operation of all state work force education and training programs.

36 (B) The plan, which shall be updated every five years, shall, at a minimum,
37 include all of the following:

38 (i) Long term goals for the state's work force development system.

39 (ii) Short term objectives and benchmarks that the state will use to measure its
40 progress towards meeting the state's goals for the state work force development
41 system and its programs.

1 (iii) Identification of the role each institution and program plays in the statewide
2 system and mechanism of articulation among programs.

3 (iv) A strategy for assessing unmet work force preparation needs and areas of
4 duplicative services and a description of measures to assure coordination,
5 eliminate duplication, and maximize or redirect funding to more effectively deliver
6 services to meet the state's work force development needs.

7 (v) A strategy for consolidating multiple planning processes.

8 (vi) A strategy with benchmarks for implementing a system of universal access
9 to work force development services ensuring access to comprehensive services in
10 all rural and urban areas of the state.

11 (C) The plan shall be developed through a collaborative process that shall
12 include review and input by state, regional, and local work force education and
13 training providers, private industry councils, and representatives of business and
14 labor.

15 (D) ~~A report with final recommendations on how state, local, and regional
16 agencies and programs can deliver seamless, high-quality services to clients shall
17 be transmitted to the Governor and the Legislature by October 1, 1999.~~

18 (2) Initiate a competitive process to select a minimum of five regional education,
19 work force preparation, and economic development collaboratives, known as
20 regional collaboratives, that will receive financial and program incentives to
21 develop local partnerships to maximize the delivery of employment, training, and
22 education services. These partnerships shall collaborate in the development of
23 shared systems to improve their efficiency and effectiveness in delivering work
24 force development services.

25 (3) Identify new and redirected resources, federal and state waivers, and
26 legislative changes necessary to enhance the effectiveness of regional
27 collaboratives.

28 (b) Regional collaboratives shall have representation from the following public
29 and private entities:

30 (1) The Employment Development Department.

31 (2) The local Job Training Partnership Act administrative entity.

32 (3) Community college districts.

33 (4) Local school districts, including those that provide adult education and
34 regional occupational centers or programs.

35 (5) Regional occupational centers serving adults.

36 (6) Entities administering local public assistance welfare-to-work programs.

37 (7) Local economic development organizations.

38 (8) The private sector, including both business and labor.

39 In addition, the competitive selection process shall emphasize the expectation
40 that these regional collaboratives will have broad representation of all public,
41 private, and nonprofit agencies that have an interest in education, economic
42 development, welfare-to-work, and work force development.

(c) Regional collaboratives shall be selected and shall receive financial and program incentives effective July 1, 1998.

(d) From existing state and federal funds available for expenditure for the purposes of this section, the state partners shall identify five million dollars (\$5,000,000) per year for each of three years for distribution to a minimum of five regional collaboratives, in order to create systemic change that results in increased collaboration and service delivery within each region.

Comment. Section 11011 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by October 1, 1999.

VEHICLE CODE

Veh. Code § 2575 (repealed). Report on licensing and inspection program

SEC. _____. Section 2575 of the Vehicle Code is repealed.

2575. The Department of the California Highway Patrol shall submit a report to the Legislature on or before January 1, 1993, concerning the implementation of the licensing and inspection program under this chapter, including, but not limited to, the amount collected for license fees and the nature of the violations charged.

Comment. Section 2575 is repealed as obsolete. The required report was to be completed by January 1, 1993.

Veh. Code § 4750.2 (repealed). Verifying financial responsibility on registration of vehicle

SEC. _____. Section 4750.2 of the Vehicle Code is repealed.

4750.2. (a) The department shall conduct a study of methods for verifying financial responsibility with respect to vehicles being registered or reregistered. The insurance industry, the insurance trade industry, and consumer groups shall be invited to participate in the study and to cooperate with the department in providing information necessary to the conduct of the study. Any information provided by an insurer for purposes of the study shall, except as provided in Section 4750.4, be kept confidential by the department.

(b) The department shall prepare and transmit to the Legislature, on or before April 1, 1992, an interim report which shall include, but not be limited to, all of the following:

(1) Alternatives for verifying financial responsibility, together with the cost of each alternative.

(2) Methods used by other states for similar verification, and the results of those methods.

(3) The recommended method of verification.

(4) An implementation plan to permit evaluation of the recommended method.

(c) The department shall prepare and transmit to the Legislature, on or before December 1, 1992, a final report containing the results of the evaluation and recommendations for implementation of a verification program.

1 **Comment.** Section 4750.2 is repealed as obsolete. The required report was to be completed by
2 December 1, 1992.

3 ☞ **Note.** The Commission would like to receive comment on whether this section should be
4 retained in order to preserve the protection of confidential information provided in subdivision
5 (a).

6 **Veh. Code § 4750.4 (amended). Information provided by insurers**

7 SEC. ___. Section 4750.4 of the Vehicle Code is amended to read:
8 4750.4. Information provided by an insurer to the department pursuant to
9 Section 11580.10 of the Insurance Code and former Section 4750.2 of this code, as
10 added by Chapter 946 of the Statutes of 1991, shall be made available only to law
11 enforcement agencies for law enforcement purposes.

12 **Comment.** Section 4750.4 is amended to reflect the repeal of former Section 4750.2.

13 **Veh. Code § 5011.5 (amended). Limousines operated by charter-party carrier**

14 SEC. ___. Section 5011.5 of the Vehicle Code is amended to read:
15 5011.5. Every limousine operated by a charter-party carrier, as defined by
16 subdivision (h) of Section 5371.4 of the Public Utilities Code, shall display a
17 special identification license plate issued pursuant to Section 5385.6 of that code.

18 This section shall become operative on July 1, 1995.

19 **Comment.** Section 5011.5 is amended to reflect that subdivision (h) of Public Utilities Code
20 Section 5371.4 was redesignated as subdivision (g).

21 **Veh. Code § 14112 (amended). Driver's license proceeding**

22 SEC. ___. Section 14112 of the Vehicle Code is amended to read:
23 14112. (a) All matters in a hearing not covered by this chapter shall be governed,
24 as far as applicable, by Chapter 5 (commencing with Section 11500) of Part 1 of
25 Division 3 of Title 2 of the Government Code.

26 (b) Subdivision (a) of Section 11425.30 of the Government Code does not apply
27 to a proceeding for issuance, denial, revocation, or suspension of a driver's license
28 pursuant to this division. The Department of Motor Vehicles shall study the effect
29 of that subdivision on proceedings involving special certificates issued pursuant to
30 Sections 12517 to 12527, inclusive, and shall report to the Legislature by
31 December 31, 1999, with recommendations concerning experience with its
32 application in those proceedings.

33 **Comment.** Section 14112 is amended to delete reference to an obsolete reporting requirement.
34 The required report was to be completed by December 31, 1999.

35 **Veh. Code § 21370.1 (repealed). Nonemergency highway maintenance work**

36 SEC. ___. Section 21370.1 of the Vehicle Code is repealed.
37 21370.1. The Department of Transportation, in cooperation with the Department
38 of California Highway Patrol, shall study the feasibility of performing

1 nonemergency maintenance work activities upon state highways during low-
2 volume traffic hours. The study shall at a minimum consider the following criteria:

- 3 (a) Motorist safety.
- 4 (b) Worker safety.
- 5 (c) Working conditions.
- 6 (d) Cost of performing the work.
- 7 (e) Cost of delays to the motorists.

8 Upon completion of the study, the department shall develop a highway lane
9 closure policy and procedure and report its findings and recommendations to the
10 Legislature on or before March 31, 1988.

11 **Comment.** Section 21370.1 is repealed as obsolete. The required report was to be completed by
12 March 31, 1988.

13 **Veh. Code § 32005 (repealed). Licensing and inspection program**

14 SEC. _____. Section 32005 of the Vehicle Code is repealed.

15 32005. The Department of the California Highway Patrol shall submit a report to
16 the Legislature on or before January 1, 1983, concerning the implementation of the
17 licensing and inspection program under this division, including, but not limited to,
18 the amount collected for license fees, the number of companies and terminals
19 inspected, and the nature of the violations charged.

20 **Comment.** Section 32005 is repealed as obsolete. The required report was to be completed by
21 January 1, 1983.

22 **Veh. Code § 34508.5 (repealed). Schoolbus accidents**

23 SEC. _____. Section 34508.5 of the Vehicle Code is repealed.

24 34508.5. (a) The department shall, pursuant to its investigation of schoolbus
25 accidents in accordance with Section 12517.1, investigate accidents involving
26 schoolbuses, school pupil activity buses, and youth buses for evidence of
27 over crowding aboard the bus or obstructed aisles, or both, contributing to
28 increased pupil injury or risk of injury. The department shall also inquire of other
29 states containing large urban areas as to whether increased pupil injuries in
30 schoolbus, school pupil activity bus, and youth bus accidents resulted from
31 over crowding or obstructed aisles existing at the time of the accident.

32 (b) The department shall prepare and submit to the Legislature, on or before July
33 1, 1993, a report on its findings and recommendations from its investigation
34 pursuant to subdivision (a), including recommendations for improving the safe
35 transportation of pupils together with any needed revisions to existing laws or
36 regulations relating to seating aboard schoolbuses, school pupil activity buses, and
37 youth buses and requiring aisles to be unobstructed while those buses are in
38 motion.

39 **Comment.** Section 34508.5 is repealed as obsolete. The required report was to be completed by
40 July 1, 1993.

1 **Veh. Code § 40001 (amended). Owner or employer liability**

2 SEC. _____. Section 40001 of the Vehicle Code is amended to read:

3 40001. (a) It is unlawful for the owner, or any other person, employing or
4 otherwise directing the driver of any vehicle to cause the operation of the vehicle
5 upon a highway in any manner contrary to law.

6 (b) It is unlawful for an owner to request, cause, or permit the operation of any
7 vehicle that is any of the following:

8 (1) Not registered or for which any fee has not been paid under this code.

9 (2) Not equipped as required in this code.

10 (3) Not in compliance with the size, weight, or load provisions of this code.

11 (4) Not in compliance with the regulations promulgated pursuant to this code, or
12 with applicable city or county ordinances adopted pursuant to this code.

13 (5) Not in compliance with the provisions of Part 5 (commencing with Section
14 43000) of Division 26 of the Health and Safety Code and the rules and regulations
15 of the State Air Resources Board.

16 (c) Any employer who violates an out-of-service order, that complies with
17 Section 396.9 of Title 49 of the Code of Federal Regulations, or who knowingly
18 requires or permits a driver to violate or fail to comply with that out-of-service
19 order, is guilty of a misdemeanor.

20 (d) An employer who is convicted of allowing, permitting, requiring, or
21 authorizing a driver to operate a commercial motor vehicle in violation of any
22 statute or regulation pertaining to a railroad-highway grade crossing is subject to a
23 fine of not more than ten thousand dollars (\$10,000).

24 (e) Whenever a violation is chargeable to the owner or lessee of a vehicle
25 pursuant to subdivision (a) or (b), the driver shall not be arrested or cited for the
26 violation unless the vehicle is registered in a state or country other than California,
27 or unless the violation is for an offense that is clearly within the responsibility of
28 the driver. ~~The Department of the California Highway Patrol shall report to the
29 Legislature on or before January 1, 1988, concerning the effects of this
30 subdivision.~~

31 (f) Whenever the owner, or lessee, or any other person is prosecuted for a
32 violation pursuant to this section, the court may, on the request of the defendant,
33 take appropriate steps to make the driver of the vehicle, or any other person who
34 directs the loading, maintenance, or operation of the vehicle, a codefendant.
35 However, the court may make the driver a codefendant only if the driver is the
36 owner or lessee of the vehicle, or the driver is an employee or a contractor of the
37 defendant who requested the court to make the driver a codefendant. If the
38 codefendant is held solely responsible and found guilty, the court may dismiss the
39 charge against the defendant.

40 (g) In any prosecution under this section, it is a rebuttable presumption that any
41 person who gives false or erroneous information in a written certification of actual
42 gross cargo weight has directed, requested, caused, or permitted the operation of a
43 vehicle in a manner contrary to law in violation of subdivision (a) or (b), or both.

1 **Comment.** Section 40001 is amended to delete reference to an obsolete reporting requirement.
2 The required report was to be completed by January 1, 1988.

3 **Veh. Code § 42007 (amended). Traffic violator school**

4 SEC. ___. Section 42007 of the Vehicle Code is amended to read:

5 42007. (a) The clerk of the court shall collect a fee from every person who is
6 ordered or permitted to attend a traffic violator school pursuant to Section 42005
7 or who attends any other court-supervised program of traffic safety instruction.
8 The fee shall be in an amount equal to the total bail set forth for the eligible
9 offense on the uniform countywide bail schedule. As used in this subdivision,
10 “total bail” means the amount established pursuant to Section 1269b of the Penal
11 Code in accordance with the Uniform Statewide Bail Schedule adopted by the
12 Judicial Council, including all assessments, surcharges, and penalty amounts.
13 Where multiple offenses are charged in a single notice to appear, the “total bail” is
14 the amount applicable for the greater of the qualifying offenses. However, the
15 court may determine a lesser fee under this subdivision upon a showing that the
16 defendant is unable to pay the full amount.

17 The fee shall not include the cost, or any part thereof, of traffic safety instruction
18 offered by the school or other program.

19 (b) Revenues derived from the fee collected under this section shall be deposited
20 in accordance with Section 68084 of the Government Code in the general fund of
21 the county and, as may be applicable, distributed as follows:

22 (1) In any county in which a fund is established pursuant to Section 76100 or
23 76101 of the Government Code, the sum of one dollar (\$1) for each fund so
24 established shall be deposited with the county treasurer and placed in that fund.

25 (2) In any county that has established a Maddy Emergency Medical Services
26 Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount
27 equal to the sum of each two dollars (\$2) for every seven dollars (\$7) that would
28 have been collected pursuant to Section 76000 of the Government Code shall be
29 deposited in that fund. Nothing in the act that added this paragraph shall be
30 interpreted in a manner that would result in either of the following:

31 (A) The utilization of penalty assessment funds that had been set aside, on or
32 before January 1, 2000, to finance debt service on a capital facility that existed
33 before January 1, 2000.

34 (B) The reduction of the availability of penalty assessment revenues that had
35 been pledged, on or before January 1, 2000, as a means of financing a facility
36 which was approved by a county board of supervisors, but on January 1, 2000, is
37 not under construction.

38 (c) For fees resulting from city arrests, an amount equal to the amount of base
39 fines that would have been deposited in the treasury of the appropriate city
40 pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code
41 shall be deposited in the treasury of the appropriate city.

(d) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(e) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(f) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

Comment. Section 42007 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1993.

WATER CODE

Water Code § 1061 (repealed). Evaluation of enforcement ability

SEC. _____. Section 1061 of the Water Code is repealed.

1061. The board shall prepare and submit to the Governor and the Legislature by July 1, 1988, a report evaluating the board's ability to monitor and enforce compliance with bypass flow and other requirements included as conditions in permits and licenses. The report will include a discussion of all of the following:

(a) The number of permits and licenses with bypass flow conditions.

(b) The current enforcement effort and strategy, and its deficiencies.

(c) Recommendations for establishment of an efficient and reliable program to systematically enforce compliance with minimum flow and other requirements and act as a greater deterrent to violation.

(d) The cost of, and potential funding sources for, implementing the recommendations.

Comment. Section 1061 is repealed as obsolete. The required report was to be completed by July 1, 1988.

Water Code § 12226.1 (repealed). Improvement of levees

SEC. _____. Section 12226.1 of the Water Code is repealed.

12226.1. The department shall report on its recommendations to the Legislature concerning the improvement of the levees specified in Section 12225, including, but not limited to, recommendations concerning construction, cost sharing, land use, zoning, flood control, recreation, fish and wildlife habitat, and aesthetic values. The department shall submit interim reports to the Legislature concerning the status of the delta levees program on or before January 15 of each year beginning in 1978, with the final report on its recommendations to be made on or before January 15, 1980.

Comment. Section 12226.1 is repealed as obsolete. The required reports were to be completed by January 15, 1980.

Water Code § 12228 (repealed). Sacramento-San Joaquin Delta land use patterns

SEC. _____. Section 12228 of the Water Code is repealed.

12228. (a) The department shall submit to the Legislature, on or before January 1, 1994, a report on land use patterns within the boundaries of the Sacramento-San Joaquin Delta and the lands immediately adjacent to that delta.

(b) Subdivision (a) shall be implemented only to the extent money is appropriated in the annual Budget Act to carry out this section.

Comment. Section 12228 is repealed as obsolete. The required report was to be completed by January 1, 1994.

WELFARE AND INSTITUTIONS CODE

Welf. & Inst. Code § 225.05 (repealed). Youthful offender programs

SEC. ___. Section 225.05 of the Welfare and Institutions Code is repealed.

225.05. (a) The Department of the Youth Authority shall convene a task force to identify and recommend methods of achieving better coordination of, and savings, in the continuum of correctional, rehabilitative, and preventive services for youthful offenders, including status offenders adjudicated pursuant to Section 601 and delinquents adjudicated pursuant to Sections 602 and 707. The department shall report on the findings and recommendations of the task force to the Legislature no later than January 15, 1992.

(b) The task force shall develop recommendations for achieving the following:

(1) The use of local community corrections options, including innovative methods of providing delinquency prevention and treatment programs.

(2) Innovative, intensive programs for wards committed to the Department of the Youth Authority facilities.

(3) Coordination with state and local programs which provide treatment and services to youthful offenders.

(4) Restructuring current state and local juvenile justice funding mechanisms in order to provide fiscal and program incentives for the utilization of local juvenile justice treatment and services, including, but not limited to, the utilization of a negotiated net amount or rate model pursuant to Section Article 3 (commencing with Section 5700) of Chapter 2 of Part 1, for payment of costs associated with commitment of wards to the Department of the Youth Authority facilities.

(5) (A) Appropriate funding of juvenile justice programs contained in county realignment under Section 17602, including all of the following provisions:

(i) Article 25.4 (commencing with Section 894) of Chapter 2 of Division 2.

(ii) Article 5.5 (commencing with Section 1790) of Chapter 1 of Division 2.5.

(iii) Article 7 (commencing with Section 1805) of Chapter 1 of Division 2.5.

(iv) Article 10 (commencing with Section 1900) of Chapter 1 of Division 2.5.

1 (B) The task force shall recommend both short term and long term funding
2 solutions for the programs specified in subparagraph (A), including
3 recommendations for appropriate state and local agency responsibility for
4 determining funding levels, program administration, oversight, and evaluation.

5 (c) The task force shall be composed of persons knowledgeable in delinquency
6 prevention programs, juvenile justice issues, and alternative juvenile justice
7 models, including representatives of the Department of the Youth Authority, the
8 State Department of Social Services, the Chief Probation Officers Association, the
9 County Supervisors Association of California, the County Welfare Directors
10 Association, the Juvenile Court Judges of California, and county and private
11 nonprofit agencies involved with juvenile justice services. In developing its
12 recommendations, the task force shall consult with representatives of providers of
13 group home care for delinquent minors.

14 **Comment.** Section 225.05 is repealed as obsolete. The required report was to be completed by
15 January 15, 1992.

16 **Welf. & Inst. Code § 398 (repealed). Status of children in foster care**

17 SEC. _____. Section 398 of the Welfare and Institutions Code is repealed.

18 398. The department shall report to the Speaker of the Assembly and the Senate
19 Rules Committee on the current status of children placed in foster care. The report
20 shall be submitted on October 1, 1981, and shall include, in addition to the current
21 status of children in foster care, an analysis of foster care service plans in relation
22 to the policy set forth in Section 396.

23 **Comment.** Section 398 is repealed as obsolete. The required report was to be completed by
24 October 1, 1981.

25 **Welf. & Inst. Code § 503 (amended). Serious habitual offender data**

26 SEC. _____. Section 503 of the Welfare and Institutions Code is amended to read:

27 503. Programs funded under this article shall adopt and pursue the following
28 policies:

29 (a) Each participating law enforcement agency shall do all of the following:
30 (1) Gather data on identified serious habitual offenders.
31 (2) Compile data into usable format for law enforcement, prosecutors, probation
32 officer, schools, and courts pursuant to interagency agreement.
33 (3) Regularly update data and disseminate data to juvenile justice system
34 agencies, as needed.

35 (4) Establish local policies in cooperation with the prosecutor, the probation
36 officer, schools, and the juvenile court regarding data collection, arrest, and
37 detention of serious habitual offenders.

38 (5) Provide support and assistance to other agencies engaged in the program.
39 (b) Each participating district attorney's office shall do all of the following:
40 (1) File petitions based on the most serious provable offenses of each arrest of a
41 serious habitual offender.

1 (2) Use all reasonable prosecutorial efforts to resist the release, where
2 appropriate, of the serious habitual offender at all stages of the prosecution.

3 (3) Seek an admission of guilt on all offenses charged in the petition against the
4 offender. The only cases in which the prosecutor may request the court to reduce
5 or dismiss the charges shall be cases in which the prosecutor decides there is
6 insufficient evidence to prove the people's case, the testimony of a material
7 witness cannot be obtained or a reduction or dismissal will not result in a
8 substantial change in sentence. In those cases, the prosecutor shall file a written
9 declaration with the court stating the specific factual and legal basis for such a
10 reduction or dismissal and the court shall make specific findings on the record of
11 its ruling and the reasons therefor.

12 (4) Vertically prosecute all cases involving serious habitual offenders, whereby
13 the prosecutor who makes the initial filing decision or appearance on such a case
14 shall perform all subsequent court appearances on that case through its conclusion,
15 including the disposition phase.

16 (5) Make all reasonable prosecutorial efforts to persuade the court to impose the
17 most appropriate sentence upon such an offender at the time of disposition. As
18 used in this paragraph, "most appropriate sentence" means any disposition
19 available to the juvenile court.

20 (6) Make all reasonable prosecutorial efforts to reduce the time between arrest
21 and disposition of the charge.

22 (7) Act as liaison with the court and other criminal justice agencies to establish
23 local policies regarding the program and to ensure interagency cooperation in the
24 planning and implementation of the program.

25 (8) Provide support and assistance to other agencies engaged in the program.

26 (c) Each participating probation department shall do all of the following:

27 (1) Cooperate in gathering data for use by all participating agencies pursuant to
28 interagency agreement.

29 (2) Detain minors in custody who meet the detention criteria set forth in Section
30 628.

31 (3) Consider the data relating to serious habitual offenders when making all
32 decisions regarding the identified individual and include relevant data in written
33 reports to the court.

34 (4) Use all reasonable efforts to file violations of probation pursuant to Section
35 777 in a timely manner.

36 (5) Establish local policies in cooperation with law enforcement, the district
37 attorney, schools, and the juvenile court regarding the program and provide
38 support and assistance to other agencies engaged in the program.

39 (d) Each participating school district shall do all of the following:

40 (1) Cooperate in gathering data for use by all participating agencies pursuant to
41 interagency agreement. School district access to records and data shall be limited
42 to that information that is otherwise authorized by law.

1 (2) Report all crimes that are committed on campus by serious habitual offenders
2 to law enforcement.

3 (3) Report all violations of probation committed on campus by serious habitual
4 offenders to the probation officer or his or her designee.

5 (4) Provide educational supervision and services appropriate to serious habitual
6 offenders attending schools.

7 (5) Establish local policies in cooperation with law enforcement, the district
8 attorney, probation and the juvenile court regarding the program and provide
9 support and assistance to other agencies engaged in the program.

10 (e) On or before March 1, 1988, the Office of Criminal Justice Planning shall
11 submit a written report to the Legislature regarding achievement of program goals.
12 Specifically, the report shall do all of the following:

13 (1) Document the amount of serious crime committed by a relatively small
14 number of serious habitual offenders.

15 (2) Provide statistical documentation regarding the total number of juveniles in
16 the program, the types of offenses committed, the manner in which cases are
17 disposed, and a statistical profile of the average juvenile who qualifies for the
18 program.

19 (3) Evaluate program costs.

20 (4) Review new operational and organizational techniques used in gathering and
21 disseminating information, in prosecution and in monitoring and supervising
22 serious habitual offenders.

23 (5) Compare this program and its effectiveness with the techniques and methods
24 used prior to the implementation of the program.

25 **Comment.** Section 503 is amended to delete reference to an obsolete reporting requirement.
26 The required report was to be completed by March 1, 1988.

27 **Welf. & Inst. Code § 898.5 (repealed). Recidivism reduction study**

28 SEC. _____. Section 898.5 of the Welfare and Institutions Code is repealed.

29 898.5. The Youth Authority shall conduct a study of the effectiveness of the
30 pilot program authorized by this article in reducing recidivism, and shall report
31 thereon to the Legislature no later than January 1, 1989.

32 **Comment.** Section 898.5 is repealed as obsolete. The required report was to be completed by
33 January 1, 1989.

34 **Welf. & Inst. Code § 1120 (amended). Education of wards**

35 SEC. _____. Section 1120 of the Welfare and Institutions Code is amended to read:

36 1120. (a) It is the intent of the Legislature to insure an appropriate educational
37 program for wards committed to the Department of the Youth Authority. The
38 objective of such program shall be to improve the academic, vocational, and life
39 survival skills of each ward so as to enable such wards to return to the community
40 as productive citizens.

1 (b) The department shall assess the educational needs of each ward upon
2 commitment and at least annually thereafter until released on parole. The initial
3 assessment shall include a projection of the academic, vocational, and
4 psychological needs of the ward and shall be used both in making a determination
5 as to the appropriate educational program for the ward and as a measure of
6 progress in subsequent assessments of the educational development of the ward.

7 The educational program of the department shall be responsive to the needs of
8 all wards, including those who are educationally handicapped or limited-English
9 speaking wards.

10 (c) The state-wide educational program of the department shall include, but shall
11 not be limited to, all of the following courses of instruction:

12 (1) Academic preparation in the areas of verbal communication skills, reading,
13 writing, and arithmetic.

14 (2) Vocational preparation including vocational counseling, training in
15 marketable skills, and job placement assistance.

16 (3) Life survival skills, including preparation in the areas of consumer
17 economics, family life, and personal and social adjustment.

18 All of the aforementioned courses of instruction shall be offered at each
19 institution within the jurisdiction of the department except camps and those
20 institutions whose primary function is the initial reception and classification of
21 wards. At such camps and institutions the educational program shall take into
22 consideration the purpose and function of the camp and institutional program.

23 (d) The department shall report to the Legislature and the Superintendent of
24 Public Instruction by February 1, 1980, on the department's assessment of and
25 plan to improve its educational program, including, but not limited to, the training
26 needs of its educational staff, a statement of departmental priorities with regard to
27 its educational program, compliance with state and federal laws with regard to
28 teaching credentials and staffing patterns within its educational program, and plans
29 to implement the provisions of this section.

30 **Comment.** Section 1120 is amended to delete reference to an obsolete reporting requirement.
31 The required report was to be completed by February 1, 1980.

32 **Welf. & Inst. Code § 1756.1 (repealed). Mental health treatment facilities**

33 SEC. ___. Section 1756.1 of the Welfare and Institutions Code is repealed.
34 1756.1. The Director of the Youth Authority shall conduct a study on the
35 feasibility of establishing on a regional basis mental health treatment facilities for
36 mentally disordered persons confined in state correctional schools and on parole
37 therefrom and shall report his findings to the Legislature by March 1, 1976.

38 **Comment.** Section 1756.1 is repealed as obsolete. The required report was to be completed by
39 March 1, 1976.

40 **Welf. & Inst. Code § 1906 (repealed). Youth service bureaus**

41 SEC. ___. Section 1906 of the Welfare and Institutions Code is repealed.

1 1906. The Department of the Youth Authority shall submit a report to the
2 Legislature by January 1, 1984, describing the youth service bureaus funded by
3 this article.

4 Such report shall include, but not be limited to, the types of services and
5 programs offered by each bureau, the number and characteristics of the clients
6 served, the source of referrals, the services provided to clients and the dispositions
7 of cases.

8 **Comment.** Section 1906 is repealed as obsolete. The required report was to be completed by
9 January 1, 1984.

10 **Welf. & Inst. Code § 1914 (repealed). Statewide juvenile information system**

11 SEC. ___. Section 1914 of the Welfare and Institutions Code is repealed.

12 1914. The Department of the Youth Authority shall submit a report to the
13 Legislature on or before January 1, 1996, on the status of the development of the
14 classification system and on the feasibility and costs of a statewide juvenile
15 information system.

16 **Comment.** Section 1914 is repealed as obsolete. The required report was to be completed by
17 January 1, 1996.

18 **Welf. & Inst. Code § 4026 (repealed). Mentally disordered patients in long-term healthcare
19 facilities**

20 SEC. ___. Section 4026 of the Welfare and Institutions Code is repealed.

21 4026. (a) The Legislature finds and declares all of the following:

22 (1) That there is a severe shortage of adequate facilities for mentally disordered
23 patients of all ages since the closing of the 48 out of 94 facilities in the mental
24 illness program in 1968.

25 (2) That most of these mentally disordered people, who do not have families and
26 money, are turned away from any treatment or therapy from the state and are
27 forced to be sent out on the street.

28 (3) That these mentally disordered patients are not receiving the care that they
29 are entitled to.

30 (4) That this shortage is demonstrated by the current practice of placing mentally
31 disordered patients in jails and in transferring them from county to county.

32 (5) That mentally disordered patients are currently displacing potential residents
33 over the age of 55 at our existing long-term health care facilities.

34 (6) That since the closing of these mental health facilities, the counties have been
35 instructed by the State Department of Mental Health to commit the mentally
36 disordered to skilled and long term care nursing facilities.

37 (7) That when long term care facilities house both mentally disordered patients
38 and seniors, severe disruption and stress results, particularly in the nonmentally
39 disordered senior population.

40 (8) That in order to meet the needs of seniors residing in long-term health care
41 facilities, as well as mentally disordered patients, it would be of immense value to

1 preclude mentally disordered persons from residing in long term health care
2 facilities, while, at the same time, ensuring that adequate facilities exist for the
3 housing of mentally disordered patients.

4 (b) The State Department of Mental Health shall determine the extent of the
5 problem, and identify the number of mentally disordered patients who are in need
6 of long term health care.

7 The department also shall determine how many people, whose primary illness is
8 a mental disorder, are residing in long term health care facilities, as defined in
9 Section 1418 of the Health and Safety Code. If deemed appropriate, the
10 department shall ask that any person whose primary illness is a mental disorder be
11 precluded from residing in long term health care facilities, if the residence is not in
12 accordance with the then current licensing requirements.

13 The department also shall identify the extent of the shortage of long term health
14 care services and programs and make a preliminary estimate of costs of providing
15 long term health care services and programs for those patients. Those services and
16 programs shall be ready to serve mentally disordered persons prior to any mentally
17 disordered patient being denied admission to, or discharged from, the health care
18 facility, when the denial or discharge has been made to comply with the then
19 current licensing requirements.

20 The department shall report the results of its investigation to the Governor and
21 the Legislature by January 1, 1990, with recommendations on the desired course of
22 action to alleviate any problems identified resulting from inappropriate placement
23 of mentally disordered persons in these facilities.

24 **Comment.** Section 4026 is repealed as obsolete. The required report was to be completed by
25 January 1, 1990.

26 **Welf. & Inst. Code § 4390 (amended). School-based early mental health intervention**

27 SEC. _____. Section 4390 of the Welfare and Institutions Code is amended to read:
28 4390. The Legislature finds that an evaluation of program effectiveness is both
29 desirable and necessary and accordingly requires the following:

30 (a) No later than June 30, 1993, and each year thereafter through the term of the
31 grant award, each local education agency that receives a matching grant under this
32 part shall submit a report to the director that shall include the following:

33 (1) An evaluation of the effectiveness of the local educational agency in
34 achieving stated goals.

35 (2) A description of the problems encountered in the design and operation of the
36 school-based early mental health intervention and prevention services program,
37 including, but not limited to, identification of any federal, state, or local
38 regulations that impeded program implementation.

39 (3) The number of eligible pupils served by the program.

40 (4) The number of additional eligible pupils who have not been served.

41 (5) An evaluation of the impact of the school-based early mental health
42 intervention and prevention services program on the local educational agency and

1 the children completing the program. The program shall be deemed successful if at
2 least 75 percent of the children who complete the program show an improvement
3 in at least one of the four following areas:

- 4 (A) Learning behaviors.
5 (B) Attendance.
6 (C) School adjustment.
7 (D) School-related competencies. Improvement shall be compared with
8 comparable children in that school district that do not complete or participate in
9 the program.

10 (6) An accounting of local budget savings, if any, resulting from the
11 implementation of the school-based early mental health intervention and
12 prevention services program.

13 (7) A revised plan of how the proposed school-based early mental health
14 intervention and prevention services program will be continued after the state
15 matching grant has expired, including a list of cooperative entities that will assist
16 in providing the necessary funds and services. Beginning in 1993, this shall, to the
17 extent information is provided by the local mental health department, include a
18 description of the availability of federal financial participation under Title XIX of
19 the federal Social Security Act (42 U.S.C. 1396 and following) through a
20 cooperative agreement or contract with the local mental health department. The
21 county office of education may submit the report on the availability of federal
22 financial participation on behalf of the participating local education agencies with
23 the county. In any county in which there is an interagency children's services
24 coordination council established pursuant to Section 18986.10, a report submitted
25 pursuant to this paragraph shall be submitted to the council for its review and
26 approval.

27 (b) No later than April 30, 1994, the director shall, through grants, contracts, or
28 cooperative agreements with independent organizations, provide for an evaluation
29 of the effectiveness of matching grants awarded under Chapter 2 (commencing
30 with Section 4380). This evaluation shall allow for the comparison of the impact
31 of different models of school-based mental health early intervention and
32 prevention services programs on the local educational agency and on the children
33 participating in the program. That comparison shall be done with comparable
34 schools or school districts that operate without the school-based mental health
35 early intervention and prevention services program.

36 (c) No later than June 30, 1994, the director shall submit a report to the
37 Governor, the Legislature, and the Secretary of Child Development and Education
38 summarizing the reports submitted under subdivision (a) and reporting the results
39 of the evaluation described in subdivision (b).

40 **Comment.** Section 4390 is amended to delete an obsolete evaluation requirement and an
41 obsolete reporting requirement. The required evaluation was to be completed by April 30, 1994.
42 The required report was to be completed by June 30, 1994.

1 ~~☞ Note.~~ The Commission would like to receive comments on (1) whether this section is entirely
2 obsolete and should be repealed, and (2) whether the entire Part that contains this section is
3 obsolete and should be repealed.

4 **Welf. & Inst. Code § 4506 (repealed). Staffing standards**

5 SEC. ___. Section 4506 of the Welfare and Institutions Code is repealed.
6 4506. It is the intent of the Legislature that the State Department of
7 Developmental Services adopt staffing standards in state hospitals serving persons
8 with developmental disabilities which will assure the maximum personal growth
9 and development of those served. By March 1, 1977, the department shall submit a
10 report to the Legislature on the results of a pilot study of the staffing standards
11 known as Program Review Unit Number 72, and shall include recommendations
12 regarding modifications to such standards or similar standards developed by the
13 department.

14 The Legislature shall review and approve or disapprove staffing standards by
15 May 1, 1977.

16 The department shall adopt, and to the extent funds are available, begin
17 implementation of the approved standards in the 1977-78 fiscal year.

18 It is further the intent of the Legislature that the adopted standards be fully
19 implemented by June 30, 1980.

20 **Comment.** Section 4506 is repealed as obsolete. Its requirements were to be completed by June
21 30, 1980.

22 **Welf. & Inst. Code § 4519.5 (repealed). Evaluation of services to developmentally disabled**

23 SEC. ___. Section 4519.5 of the Welfare and Institutions Code is repealed.
24 4519.5. (a) The Health and Welfare Agency shall contract with an independent
25 consultant to conduct an evaluation of the policies and procedures used by the
26 Department of Developmental Services and regional centers in providing services
27 and supports to persons with developmental disabilities and for determining and
28 monitoring the transfer of persons with developmental disabilities living in
29 developmental centers to a community placement. The agency shall report to the
30 appropriate policy committees and the fiscal committees of the Legislature by
31 March 15, 1998, on the results of the evaluation and shall convene at least two
32 public hearings to disseminate and discuss the evaluation results. The evaluation
33 shall include the identification of any barriers to the provision of safe, secure, and
34 stable community living arrangements for individuals with developmental
35 disabilities.

36 (b) The sum of five hundred thousand dollars (\$500,000) is hereby appropriated
37 from the General Fund to the Health and Welfare Agency to implement this
38 section.

39 **Comment.** Section 4519.5 is repealed as obsolete. The required report was to be completed by
40 March 15, 1998.

1 **Welf. & Inst. Code § 4637 (repealed). Computerized records system**

2 SEC. ___. Section 4637 of the Welfare and Institutions Code is repealed.

3 4637. The State Department of Developmental Services shall do all of the
4 following:

5 (a) Obtain estimates of the cost of installing and maintaining a computerized
6 system with input stations in each regional center which is capable of storing all
7 necessary fiscal and caseload data for timely printouts and updates of the
8 operational and fiscal status of each center, and shall report estimates and
9 capabilities of such a system to the Legislature on or before June 15, 1980.

10 (b) Obtain estimates of the cost of contracting with the Department of Finance or
11 the office of the State Controller for the performance of an annual audit of the
12 fiscal operations and contractual compliance of the regional centers holding
13 contracts with the department, and shall report to the Legislature on or before June
14 15, 1980, with respect to such estimates.

15 **Comment.** Section 4637 is repealed as obsolete. The required reports were to be completed by
16 June 15, 1980.

17 **Welf. & Inst. Code § 4681.2 (repealed). Community care facility rate commission**

18 SEC. ___. Section 4681.2 of the Welfare and Institutions Code is repealed.

19 4681.2. The Legislative Analyst shall conduct a study of the feasibility of
20 establishing an independent rate-setting commission responsible for the
21 establishment of rates and fees for community care facilities as defined in Section
22 1502 of the Health and Safety Code, and health facilities, as defined in Section
23 1250 of the Health and Safety Code, for developmentally disabled persons and
24 report thereon to the Legislature no later than March 1, 1978. The study shall
25 evaluate the feasibility of adopting a system similar to the rate-setting system for
26 public utilities in California.

27 **Comment.** Section 4681.2 is repealed as obsolete. The required report was to be completed by
28 March 1, 1978.

29 **Welf. & Inst. Code § 4689.1 (amended). Family home agencies**

30 SEC. ___. Section 4689.1 of the Welfare and Institutions Code is amended to
31 read:

32 4689.1. (a) The Legislature declares that it places a high priority on providing
33 opportunities for adults with developmental disabilities to live with families
34 approved by family home agencies and to receive services and supports in those
35 settings as determined by the individual program plan.

36 (b) For purposes of this section, "family home" means a home that is owned,
37 leased, or rented by, and is the family residence of, the family home provider or
38 providers, and in which services and supports are provided to a maximum of two
39 adults with developmental disabilities regardless of their degree of disability, and
40 who do not require continuous skilled nursing care.

1 (c) For purposes of this section, “family home agency” means a private not-for-
2 profit agency that is vendedored to do all of the following:

- 3 (1) Recruit, approve, train, and monitor family home providers.
4 (2) Provide social services and in-home support to family home providers.
5 (3) Assist adults with developmental disabilities in moving into approved family
6 homes.

7 (d) For purposes of ensuring that regional centers may secure high quality
8 services that provide supports in natural settings and promote inclusion and
9 meaningful participation in community life for adults with developmental
10 disabilities, the department shall promulgate regulations for family home agencies
11 and family homes that shall include, but not be limited to, standards and
12 requirements related to all of the following:

13 (1) Selection criteria for regional centers to apply in vending family home
14 agencies, including, but not limited to, all of the following:

- 15 (A) The need for service.
16 (B) The experience of the agency or key personnel in providing the same or
17 comparable services.
18 (C) The reasonableness of the agency’s overhead.
19 (D) The capability of the regional center to monitor and evaluate the vendor.

20 (2) Vendorization.
21 (3) Operation of family home agencies, including, but not limited to, all of the
22 following:

- 23 (A) Recruitment.
24 (B) Approval of family homes.
25 (C) Qualifications, training, and monitoring of family home providers.
26 (D) Assistance to consumers in moving into approved family homes.
27 (E) The range of services and supports to be provided.
28 (F) Family home agency staffing levels, qualifications, and training.
29 (4) Program design.
30 (5) Program and consumer records.
31 (6) Family homes.

32 (7)(A) Rates of payment for family home agencies and approved family home
33 providers. In developing the rates pursuant to regulation, the department may
34 require family home agencies and family homes to submit program cost or other
35 information, as determined by the department.

36 (B) Regional center reimbursement to family home agencies shall not exceed
37 rates for similar individuals when residing in other types of out-of-home care
38 established pursuant to Section 4681.1.

39 (C) ~~The department shall review the appropriateness of the rates paid to family~~
40 ~~home agencies and report its findings to the Legislature no later than December~~
41 ~~31, 1996.~~

1 (8) The department and regional center's monitoring and evaluation of the
2 family home agency and approved homes, which shall be designed to ensure that
3 services do all of the following:

4 (A) Conform to applicable laws and regulations and provide for the consumer's
5 health and well-being.

6 (B) Assist the consumer in understanding and exercising his or her individual
7 rights.

8 (C) Are consistent with the family home agency's program design and the
9 consumer's individual program plan.

10 (D) Maximize the consumer's opportunities to have choices in where he or she
11 lives, works, and socializes.

12 (E) Provide a supportive family home environment, available to the consumer 24
13 hours a day, that is clean, comfortable, and accommodating to the consumer's
14 cultural preferences, values, and lifestyle.

15 (F) Are satisfactory to the consumer, as indicated by the consumer's quality of
16 life as assessed by the consumer, his or her family, and if appointed, conservator,
17 or significant others, or all of these, as well as by evaluation of outcomes relative
18 to individual program plan objectives.

19 (9) Monthly monitoring visits by family home agency social service staff to
20 approved family homes.

21 (10) Procedures whereby the regional center and the department may enforce
22 applicable provisions of law and regulation, investigate allegations of abuse or
23 neglect, and impose sanctions on family home agencies and approved family
24 homes, including, but not limited to, all of the following:

25 (A) Requiring movement of a consumer from a family home under specified
26 circumstances.

27 (B) Termination of approval of a family home.

28 (C) Termination of the family home agency's vendorization.

29 (11) Appeal procedures.

30 (f) Each adult with developmental disabilities placed in a family home shall have
31 the rights specified in this division, including, but not limited to, the rights
32 specified in Section 4503.

33 (g) Prior to placement in a family home of an adult with developmental
34 disabilities who has a conservator, consent of the conservator shall be obtained.

35 (h) The adoption of any emergency regulations to implement this section that are
36 filed with the Office of Administrative Law within one year of the date on which
37 the act that added this section took effect shall be deemed to be an emergency and
38 necessary for the immediate preservation of the public peace, health and safety, or
39 general welfare.

40 **Comment.** Section 4689.1 is amended to delete reference to an obsolete reporting requirement.
41 The required report was to be completed by December 31, 1996.

1 **Welf. & Inst. Code § 4692 (repealed). Reimbursement for day programs**

2 SEC. ___. Section 4692 of the Welfare and Institutions Code is repealed.

3 4692. (a) The State Department of Developmental Services shall provide, within
4 six weeks after the effective date of this section, a written report to the Legislature
5 showing its current procedure for establishing reimbursement for day programs.
6 This report shall include, but not be limited to, information on the following:
7 development of rates for new and established programs; description of allowable
8 and nonallowable expenses, including service activity and administration costs;
9 reimbursement for client absences; replacement for lost subsidy; and the process
10 and procedure for appeal of rates established under this criteria.

11 (b) The State Council on Developmental Disabilities, in consultation with the
12 Health and Welfare Agency, shall conduct a study on alternative reimbursement
13 mechanisms and present their recommendations to the Legislature by January 1,
14 1983. Participants in this study shall include, but not be limited to, the State
15 Department of Developmental Services, California Association of Rehabilitation
16 Facilities, Association for Retarded Citizens—California, Association of Regional
17 Center Agencies, and other interested community and provider groups. The study
18 shall include the examination of standards and recommendations of the utilization
19 of standards, including national accreditation standards, as a prerequisite for
20 reimbursement, and what the fiscal and policy implications will be for each of
21 these alternatives, including reimbursement of actual and allowable costs, costs of
22 supporting national accreditation standards, and methods of implementing these
23 mechanisms should there be no additional funding.

24 (c) The State Department of Developmental Services shall not adopt a new
25 policy or promulgate regulations for reimbursing day programs until such a time
26 that the Legislature can review the study directed in subdivision (b).

27 **Comment.** Section 4692 is repealed as obsolete. The required reports were to be completed by
28 January 1, 1983.

29 **Welf. & Inst. Code § 4751 (repealed). Method for evaluating independence**

30 SEC. ___. Section 4751 of the Welfare and Institutions Code is repealed.

31 4751. The department shall perform all of the following tasks to provide the
32 Legislature with information to determine the extent to which programs under its
33 jurisdiction are obtaining desirable results:

34 (a) The department shall propose to the Legislature by July 1, 1977, a method for
35 determining that developmentally disabled persons throughout the state are, as a
36 result of services provided pursuant to this division, leading more independent,
37 productive, and normal lives. The proposed method shall measure changes,
38 including, but not limited, to changes in:

39 (1) The amount of supervision required and the restrictiveness of living
40 situations.

41 (2) The productivity of adults involved in vocational, prevocational, or work
42 training programs.

1 (3) The relative normality of training or education experiences, including hours
2 of attendance and participation in activities with nondisabled persons.

3 (b) The proposed method shall apply to developmentally disabled persons living
4 in state hospitals and in the community.

5 (c) The proposed method shall have the capability of measuring progress or lack
6 of progress for adults and for children, regardless of the degree of their handicaps.

7 (d) The proposed method shall be approved by the state council prior to its
8 submission to the Legislature.

9 (e) The proposed method shall include scales for measuring changes in
10 individual clients as defined in subdivision (a), and examples of the format to be
11 used in reporting evaluation results to the Legislature. The proposed method shall
12 be reviewed and commented upon by the appropriate committees of the
13 Legislature within 30 days. After such 30 days the department shall field test the
14 proposed method and report its findings to the Legislature by February 1, 1978.

15 **Comment.** Section 4751 is repealed as obsolete. The required reports were to be completed by
16 February 1, 1978.

17 **Welf. & Inst. Code § 4838 (repealed). Integration of state and local services**

18 SEC. ___. Section 4838 of the Welfare and Institutions Code is repealed.

19 4838. The Department of Developmental Services shall study and report to the
20 Legislature, no later than January 1, 1980, on the feasibility for integration of state
21 services, staff, and programs into the continuum of local services. The report
22 should include, but not be limited to, the issues of:

23 (a) Continuity of state services, staff relocations, and retraining.

24 (b) The transfer of program and administration funds to the designated agency
25 without service loss.

26 (c) Employment rights of staff in programs within the continuum.

27 (d) Analysis of problems which may be encountered with the transfer of state
28 employees to the designated agency and recommendations for solutions to such
29 problems.

30 (e) The establishment of information and data exchange on a regular basis, not
31 less than quarterly, between the designated agency and the most proximate state
32 hospital in association with the appropriate regional center or centers to assure
33 integration of effort, program continuity, nonduplication of effort, high-quality
34 services, and interagency confidence.

35 (f) Provisions for the establishment of internal and external monitoring criteria
36 based on agreements with local developmental disability consumer organizations,
37 the local area board, the State Council on Developmental Disabilities.

38 **Comment.** Section 4838 is repealed as obsolete. The required report was to be completed by
39 January 1, 1980.

40 **Welf. & Inst. Code § 4840 (repealed). Study of funding options**

41 SEC. ___. Section 4840 of the Welfare and Institutions Code is repealed.

1 4840. The Director of Developmental Services shall study and report to the
2 Legislature, no later than June 15, 1979, on the:

3 (a) Development of methods for the continuation of funding to complement
4 client purchase of service funds and other resources for better utilization.

5 (b) Feasibility of integration and use of Title XIX funds for individualized
6 developmental programs for in-home and community care facilities and staff.

7 **Comment.** Section 4840 is repealed as obsolete. The required report was to be completed by
8 June 15, 1979.

9 **Welf. & Inst. Code § 4842 (repealed). Interagency coordination**

10 SEC. ___. Section 4842 of the Welfare and Institutions Code is repealed.

11 4842. The Director of Developmental Services shall report to the Legislature, no
12 later than June 1, 1979, on the status of coordination activities with Department of
13 Social Services licensing and Department of Health Services licensing for all
14 ongoing and new community living arrangement activities for individuals who
15 need developmental services with the following goals:

16 (a) To implement a statewide network of community living arrangements and
17 support services, based on the least restrictive alternative with priority placed upon
18 supporting the individual in the family home wherever possible.

19 (b) To implement the principles of normalization in community living
20 arrangements in the state.

21 (c) To be responsible for coordinating and reviewing all state activities related to
22 community living arrangements and support services for people who need
23 developmental services.

24 **Comment.** Section 4842 is repealed as obsolete. The required report was to be completed by
25 June 1, 1979.

26 **Welf. & Inst. Code § 5719.5 (amended). Mental health managed care**

27 SEC. ___. Section 5719.5 of the Welfare and Institutions Code is amended to
28 read:

29 5719.5. (a) Notwithstanding any other provision of state law, and to the extent
30 permitted by federal law, the State Department of Mental Health may, in
31 consultation with the State Department of Health Services, field test major
32 components of a capitated, integrated service system of Medi-Cal mental health
33 managed care in not less than two, and not more than five participating counties.

34 (b) County participation in the field test shall be at the counties' option.

35 (c) Counties eligible to participate in the field test described in subdivision (a)
36 shall include either of the following:

37 (1) Any county with an existing county organized health system.

38 (2) Any county that has been designated for the development of a new county
39 organized health system.

40 (d) The State Department of Mental Health, in consultation with the State
41 Department of Health Services, the counties selected for field testing, and groups

1 representing mental health clients, their families and advocates, county mental
2 health directors, and public and private mental health professionals and providers,
3 shall develop, for the purpose of the field test, major components for an integrated,
4 capitated service system of Medi-Cal mental health managed care, including, but
5 not limited to, all of the following:

6 (1)(A) A definition of medical necessity.
7 (B) The preliminary definition developed pursuant to this paragraph shall be
8 submitted to the Legislature no later than February 1, 1994.

9 (2) Protocols for facilitating access and coordination of mental health, physical
10 health, educational, vocational, and other supportive services for persons receiving
11 services through the field test.

12 (3) Procedures for promoting quality assurance, performance monitoring
13 measures and outcome evaluation, including measures of client satisfaction, and
14 procedures for addressing beneficiary grievances concerning service denials,
15 changes, or terminations.

16 (e) Counties participating in the field test shall report to the State Department of
17 Mental Health as the department deems necessary.

18 (f) Counties participating in the field test shall do both of the following:

19 (1)(A) Explore, in consultation with the State Department of Mental Health, the
20 State Department of Health Services, and the California Mental Health Directors
21 Association, rates for capitated, integrated Medi-Cal mental health managed care
22 systems, using an actuarially sound ratesetting methodology.

23 (B) These rates shall be evaluated by the State Department of Mental Health and
24 the State Department of Health Services to determine their fiscal impact, and shall
25 result in no increase in cost to the General Fund, compared with the cost that
26 would occur under the existing organization of Medi-Cal funded mental health
27 services, except for caseload growth and price increases as included in the Medi-
28 Cal estimates prepared by the State Department of Health Services and approved
29 by the Department of Finance. In evaluating the fiscal impact of these rates, the
30 departments shall take into account any shift in clients between Medi-Cal
31 programs in which the nonfederal match is funded by state funds and those in
32 which the match is funded by local funds.

33 (2) Demonstrate the appropriate fiscal relationship between county organized
34 health systems for the federal medicaid program and integrated, capitated Medi-
35 Cal mental health managed care programs.

36 (g) The State Department of Mental Health, in consultation with the State
37 Department of Health Services, the counties participating in the field test, and
38 groups representing mental health clients, their families and advocates, county
39 mental health directors, and public and private mental health professionals and
40 providers, shall prepare and submit a progress report to the Legislature on the
41 results of the field test. The report shall be submitted no later than July 1, 1995,
42 and shall include the following elements:

1 (1) Evaluation of client satisfaction with capitated, integrated Medi-Cal mental
2 health managed care.

3 (2) Evaluation of performance outcome measures and, to the extent data is
4 available, information concerning outcomes in the areas of personal and
5 community functioning for persons served in the field test.

6 (3) Evaluation of the validity of the definition of medical necessity in
7 distinguishing levels of need for mental health services.

8 (4) Information necessary to determine whether the capitation methodology
9 developed, and as utilized, protects the service needs and rights of beneficiaries of
10 capitated, integrated Medi-Cal mental health managed care and minimizes the
11 financial risks to systems providing that care.

12 **Comment.** Section 5719.5 is amended to delete reference to an obsolete reporting requirement.
13 The required report was to be completed by July 1, 1995.

14 ☞ **Note.** The Commission would like to receive comments on whether Section 5719.5 is entirely
15 obsolete and should be repealed. If Section 5719.5 were repealed, a conforming revision would
16 need to be made to Section 5778, which includes references to Section 5719.5.

17 **Welf. & Inst. Code § 5734 (repealed). Mental health master plan recommendation**

18 SEC. ___. Section 5734 of the Welfare and Institutions Code is repealed.

19 5734. (a) The State Department of Mental Health shall, to the extent resources
20 are available, review the recommendations contained in the Mental Health Master
21 Plan, as submitted by the California Mental Health Planning Council on October
22 1, 1991.

23 (b) By March 1, 1993, the State Department of Mental Health shall submit, to
24 the appropriate committees of the Legislature, its findings as to which
25 recommendations are programmatically and fiscally desirable and feasible, with
26 suggested timelines for adoption.

27 **Comment.** Section 5734 is repealed as obsolete. The required report was to be completed by
28 March 1, 1993.

29 **Welf. & Inst. Code § 5914 (repealed). Funding of mental disease contract services**

30 SEC. ___. Section 5914 of the Welfare and Institutions Code is repealed.

31 5914. By April 1, 1992, the California Conference of Local Mental Health
32 Directors shall submit to the Joint Legislative Budget Committee a status report on
33 the use of institutions for mental disease funds not directly tied to institution for
34 mental disease contract services.

35 **Comment.** Section 5914 is repealed as obsolete. The required report was to be completed by
36 April 1, 1992.

37 **Welf. & Inst. Code § 10627 (repealed). Provision of public social services**

38 SEC. ___. Section 10627 of the Welfare and Institutions Code is repealed.

1 10627. The department shall evaluate the provision of public social services and
2 report to the Legislature on their effectiveness by January 1, 1982. The report shall
3 include, at least, the following:

- 4 (1) The number of services provided.
- 5 (2) The number of persons receiving services.
- 6 (3) A description of the services provided.
- 7 (4) The cost of the services provided.
- 8 (5) The number of persons placed in jobs.
- 9 (6) The number of persons receiving independent living skills training.
- 10 (7) The number of persons receiving other services due to referral and advocacy.
- 11 (8) The number and qualifications of staff providing the above services.
- 12 (9) The impact of public social services on a representative sample of recipients
13 of services.
- 14 (10) Recommendations for legislative and administrative changes.

15 **Comment.** Section 10627 is repealed as obsolete. The required report was to be completed by
16 January 1, 1982.

17 **Welf. & Inst. Code § 11004.5 (repealed). Overpayments**

18 SEC. ___. Section 11004.5 of the Welfare and Institutions Code is repealed.
19 11004.5. The State Department of Social Services shall submit a report by
20 January 1, 1983, to the chairpersons of the fiscal committees of the Legislature and
21 the Joint Legislative Budget Committee, which analyzes overpayment information
22 collected as a part of the error rate sampling process, including the amount of
23 overpayment by type of error, source or cause of error, and recommendations
24 regarding corrective action.

25 **Comment.** Section 11004.5 is repealed as obsolete. The required report was to be completed by
26 January 1, 1983.

27 **Welf. & Inst. Code § 11008 (amended). Disregard of earned income**

28 SEC. ___. Section 11008 of the Welfare and Institutions Code is amended to
29 read:

30 11008. (a) In order that recipients of public assistance may become self-
31 supporting and productive members of their communities, it is essential that they
32 be permitted to earn money without a proportionate deduction in their aid grants. It
33 is the intention of the Legislature to promote this objective and the department, in
34 implementing public assistance laws, is directed to do so in the light of this
35 objective.

36 (b) To the extent required by federal law, earned income of a recipient of aid
37 under any public assistance program for which federal funds are available shall not
38 be considered income or resources of the recipient, and shall not be deducted from
39 the amount of aid to which the recipient would otherwise be entitled. In computing
40 the amount of income determined to be available to support a recipient, the value
41 of currently used resources shall be included, except as provided in Section 11018.

1 The State Department of Social Services shall submit a report by January 1,
2 1983, to the chairpersons of the fiscal committees of the Legislature and the Joint
3 Legislative Budget Committee which evaluates the impact of the income disregard
4 provisions of the federal Omnibus Budget Reconciliation Act of 1981 on the
5 caseload of the Aid to Families With Dependent Children program, including the
6 impact on the length of time recipients are on aid.

7 (c) This section does not apply to recipients under Chapter 3 (commencing with
8 Section 12000) of this part.

9 **Comment.** Section 11008 is amended to delete reference to an obsolete reporting requirement.
10 The required report was to be completed by January 1, 1983.

11 Section 11008 is also amended to insert subdivision, in conformity with preferred drafting
12 style.

13 **Welf. & Inst. Code § 11008.19 (amended). Child care and development services**

14 SEC. _____. Section 11008.19 of the Welfare and Institutions Code is amended to
15 read:

16 11008.19. (a)(1) To the degree child care and development services administered
17 by the State Department of Education pursuant to Chapter 2 (commencing with
18 Section 8200) of Part 6 of the Education Code are used to serve families receiving
19 aid to families with dependent children that are eligible for child care under the
20 AFDC program, the department and the State Department of Education, in
21 consultation with the county welfare departments, shall establish a system for
22 documenting child care usage by this population so the state can claim the
23 maximum amount to which it is entitled under Title IV-A of the Social Security
24 Act, contained in Part A (commencing with Section 601) of Subchapter 4 of
25 Chapter 7 of Title 42 of the United States Code.

26 (2) To the extent permitted by federal law, on July 1, 1992, and each year
27 thereafter, the department and the State Department of Education shall coordinate
28 their efforts and claim federal financial participation pursuant to Title IV-A of the
29 Social Security Act.

30 (3) Upon the approval of the Superintendent of Public Instruction, the
31 department, and the State Department of Education shall enter into an interagency
32 agreement to transfer Title IV-A funds from the department to the State
33 Department of Education and to ensure that all federal requirements are met in
34 carrying out the program made possible by the receipt of Title IV-A funds.

35 (4) The system established pursuant to paragraph (1) shall be implemented only
36 to the extent that its implementation does not result in an overall increase in
37 expenditures from the General Fund.

38 (b)(1) Title IV-A funds received pursuant to paragraph (1) of subdivision (a)
39 shall be used to expand child care and development services in accordance with
40 the interagency agreement required by paragraph (3) of subdivision (a).

41 (2) In no case shall Title IV-A funds received pursuant to this section be used to
42 supplant existing state funds and cause the state to violate the maintenance of

1 effort requirements for the federal Child Care and Development Block Grant and
2 the Title IV-A “at-risk” programs. Funds made available pursuant to subdivision
3 (a) shall be expended by the departments to support the following:

4 (A) Any additional administrative costs associated with documenting and
5 claiming federal reimbursement incurred by the department, the State Department
6 of Education, county welfare offices, and child care and development services
7 contractors.

8 (B) Expanded child care and development services to families receiving AFDC
9 benefits, in the following order of priority:

10 (i) AFDC families in approved education and training programs, except those
11 receiving services under Article 3.2 (commencing with Section 11320) of Chapter
12 2.

13 (ii) AFDC applicants or recipients who choose the Alternative Assistance
14 Program pursuant to Section 11280.

15 (iii) All other AFDC recipients who meet the eligibility criteria for federally
16 funded Title IV-A child care pursuant to this section.

17 (c)(1) ~~The Superintendent of Public Instruction, the Secretary of Health and
18 Welfare, and the Secretary for Child Development and Education, in consultation
19 with representatives from child care and development programs, county welfare
20 departments, legislative staff, and representatives from the Department of Finance
21 and the office of the Legislative Analyst, shall investigate, and develop a report
22 concerning, the feasibility of consolidating all child care and development services
23 to provide equal access to services established by federal regulations, including
24 issues associated with the AFDC child care disregard.~~

25 (2) ~~The purpose of the report required by paragraph (1) shall be to develop a
26 comprehensive, seamless program that maximizes parental choice.~~

27 (3) ~~The Superintendent of Public Instruction, the Secretary of Health and
28 Welfare, and the Secretary for Child Development and Education shall submit
29 their report, including their findings and recommendations, to the appropriate
30 policy and fiscal committees of the Legislature by January 30, 1993.~~

31 (d)(1) Notwithstanding Section 8278 of the Education Code and Item 6110-196-
32 001 of the Budget Act of 1991 (Chapter 118 of the Statutes of 1991), the
33 Superintendent of Public Instruction may authorize the expenditure of not more
34 than one million dollars (\$1,000,000) in child care carryover funds by the State
35 Department of Education and the State Department of Social Services, through an
36 interagency agreement, for the purposes of implementing the program specified in
37 this section in the 1991-92 and 1992-93 fiscal years.

38 (2) Prior to making the authorization under paragraph (1), the Superintendent of
39 Public Instruction shall notify the appropriate policy and fiscal committees of the
40 Legislature of the amounts to be expended pursuant to this subdivision.

41 (3) Funds that may be expended pursuant to this subdivision shall be expended
42 for the purpose of supporting administrative costs associated with claiming federal
43 reimbursement for families with dependent children receiving services pursuant to

1 Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code. In the
2 1993-94 fiscal year and subsequent fiscal years, state administrative funds for both
3 departments shall be appropriated in the annual Budget Act pursuant to
4 subdivision (b).

5 (e) (d) For purposes of this section “Title IV-A funds” means federal money
6 received pursuant to Part A (commencing with Section 601) of Subchapter 4 of
7 Chapter 7 of Title 42 of the United States Code.

8 **Comment.** Subdivision (a)(2) of Section 11008.19 is amended to delete an obsolete reference
9 to the date on which the annual duty to seek funding commenced.

10 Former subdivision (c) is deleted as obsolete. The required report was to be completed by
11 January 30, 1993.

12 Former subdivision (d) is redesignated subdivision (c).

13 **Welf. & Inst. Code § 11213 (amended). AFDC foster care improvement**

14 SEC. _____. Section 11213 of the Welfare and Institutions Code is amended to
15 read:

16 11213. For the purpose of developing a more efficient, effective, and equitable
17 Aid to Families With Dependent Children—Foster Care program, the department
18 shall develop:

19 (a) A management information data base providing expenditure and caseload
20 characteristics information, such as method of entry into AFDC—FC, average cost
21 of placement, type of facility used for placement, and average length of stay in
22 placement.

23 (b) A quality control system for AFDC—FC, and recommendations to the
24 Legislature regarding resources required for implementation of such system by
25 October 1, 1980.

26 (c) Recommendations to the Legislature regarding the following:

27 (1) A system or systems for establishing payment levels for children eligible to
28 the AFDC—FC program.

29 (2) Plans and resources required for implementation of the selected system or
30 systems by July 1, 1981.

31 (d) Recommendations to the Legislature regarding defining that segment of the
32 population to be served by the AFDC—FC program, and impact of such definition
33 on the current AFDC—FC population.

34 The department shall submit by April 1, 1980, to the appropriate policy and
35 fiscal committees of the Legislature a report regarding results of the
36 developmental activities specified in this section.

37 **Comment.** Section 11213 is amended to delete reference to an obsolete reporting requirement.
38 The required report was to be completed by April 1, 1980.

39  **Note.** The Commission would like to receive comments on whether Section 11213 is entirely
40 obsolete and should be repealed.

1 **Welf. & Inst. Code § 11215 (amended). AFDC foster care reports**

2 SEC. _____. Section 11215 of the Welfare and Institutions Code is amended to
3 read:

4 11215. (a) The department, with the advice and assistance of the County Welfare
5 Directors' Association, the Chief Probation Officers' Association, the California
6 Conference of Local Mental Health Directors, and foster care providers, shall
7 develop performance standards and outcome measures for determining the
8 appropriateness of out-of-home care placements made under the AFDC-Foster
9 Care program and for the effective and efficient administration of the AFDC-
10 Foster Care program. These performance standards shall link county
11 administration of the AFDC-Foster Care program to the state funding of the
12 AFDC-Foster Care program as specified in subdivision (c) of Section 15200.

13 (b)(1) The performance standards required by this section shall be developed by
14 July 1, 1993, and shall use the Child Welfare Services Case Management System
15 as the data base by which to collect county specific information. The performance
16 standards shall be designed to measure each county's performance in all of the
17 areas over which the county has some degree of influence and other areas of
18 measurable program performance which the department can demonstrate as areas
19 over which county welfare and probation departments have adequate resources and
20 can demonstrate meaningful managerial or administrative influence. These areas
21 may include accuracy of eligibility determination, stability of foster care
22 placement, appropriateness of level of care provided, compliance with statutory
23 timeliness, and compliance with data reporting requirements. The performance
24 standards system shall include, but not be limited to, outcome measures reflective
25 of county placing agencies' use of the Level of Care Assessment Instrument
26 specified in Section 11467.

27 (2) ~~The department shall complete a report by January 1, 1994, on the~~ performance standards system, the standards/outcome measures developed, and the method by which the system shall be implemented. The report shall also identify the appropriate circumstances when placement decisions should not be in keeping with the level of care indicated with the Level of Care Assessment Instrument.

28 (A) ~~This report shall be submitted to the Chairs of the Senate Appropriations Committee, the Senate Health and Human Services Committee, the Assembly Human Services Committee, and the Assembly Ways and Means Committee.~~

29 (B) ~~Between January 1, 1994, and January 1, 1995, the department shall conduct at least two hearings on the proposed performance standards. One hearing shall be held in the northern part of the state, and one hearing shall be held in the southern part of the state.~~

30 (3) The performance standards system shall be implemented in conjunction with the implementation of the Child Welfare Services Case Management System. If the Child Welfare Services Case Management System is not implemented by July 1, 1993, as specified in Section 16501.5, the implementation of the performance

1 standards system, as specified in paragraphs (4) and (5), shall be moved to a date
2 two years after the date of implementation of the Child Welfare Services Case
3 Management System.

4 (4) (3) Regulations regarding the implementation of the performance standards
5 system shall be adopted no later than July 1, 1994. These regulations shall specify
6 both the performance standards system and the manner by which the percentage of
7 state reimbursement to each county for the AFDC-Foster Care program shall be
8 determined.

9 (5) (4) Effective July 1, 1995, any county which does not meet the performance
10 standards shall be liable for a decrease in the percentage of state reimbursement
11 for the AFDC-Foster Care program to the amounts specified in paragraph (2) of
12 subdivision (c) of Section 15200. This amount will be determined by the
13 department at the start of each fiscal year, beginning with fiscal year 1995-96,
14 pursuant to regulations developed as specified in paragraph (4).

15 (e) ~~No later than January 1, 1995, the department shall report to the Legislature~~
16 ~~regarding the AFDC-Foster Care ratesetting system as specified in Section 11462.~~
17 ~~The report shall contain a review of the ratesetting system, and recommendations~~
18 ~~as to whether the system should be continued or an alternative system should be~~
19 ~~considered. The department shall use, but not be limited to use of, the information~~
20 ~~available from the Child Welfare Services Case Management System and the~~
21 ~~Level of Care Assessment Instrument as data sources for this report. The report~~
22 ~~shall also include the results of a cost study, conducted by the department, which~~
23 ~~specifies costs of group home providers for the 1993-94 fiscal year, and an~~
24 ~~analysis of the extent to which the schedule of rates reflects the costs of providing~~
25 ~~care and supervision for foster children.~~

26 **Comment.** Section 11215 is amended to delete reference to obsolete reporting requirements.
27 The required reports were to be completed by January 1, 1995.

28 **Welf. & Inst. Code § 11406 (repealed). Reports on foster care placement**

29 SEC. _____. Section 11406 of the Welfare and Institutions Code is repealed.

30 11406. (a) ~~No later than January 1, 1982, the department, with the advice and~~
31 ~~assistance of the counties, shall submit a report to the Legislature with regard to~~
32 ~~arrangements for the care of children by a nonrelated legal guardian, and include~~
33 ~~in such report recommendations as to:~~

- 34 (1) ~~The type of aid payment system or systems which should be adopted.~~
- 35 (2) ~~Whether the homes of nonrelated legal guardians meet the health and safety~~
36 ~~needs of children.~~
- 37 (3) ~~The types and objectives of social services which should be provided to~~
38 ~~children living with nonrelated legal guardians.~~
- 39 (4) ~~The role and appropriateness of guardianship as a component of permanency~~
40 ~~planning for children.~~

1 The purpose of the report shall be to ensure that AFDC-FC funded children
2 living in the homes of nonrelated legal guardians are receiving appropriate aid and
3 services.

4 (b) No later than January 1, 1982, the department, with the advice and assistance
5 of the counties, shall report to the Legislature with regard to the characteristics of
6 placements made in accordance with the provisions of paragraph (5) of
7 subdivision (a) of Section 11402, and shall make recommendations regarding
8 whether such unlicensed placements can and should be redefined, minimized, or
9 eliminated. The purpose of the report shall be to ensure that children are receiving
10 the best possible care.

11 (c) No later than January 1, 1982, the department, with the advice and assistance
12 of the counties, shall report to the Legislature with regard to entities licensed to
13 operate more than one group home. The purpose of the report shall be to assess the
14 appropriateness of:

- 15 (1) Licensing standards for such facilities.
- 16 (2) Whether or not present funding arrangements ensure fiscal accountability for
17 AFDC-FC payments.
- 18 (3) The delivery of social services to children in such placements.

19 **Comment.** Section 11406 is repealed as obsolete. The required reports were to be completed
20 by January 1, 1982.

21 **Welf. & Inst. Code § 11469 (amended). Group home performance**

22 SEC. _____. Section 11469 of the Welfare and Institutions Code is amended to
23 read:

24 11469. (a) By July 1, 1993, the department, in consultation with group home
25 providers, the County Welfare Directors' Association, the Chief Probation
26 Officers' Association, the California Conference of Local Mental Health Director
27 and the State Department of Mental Health, shall develop performance standards
28 and outcome measures for determining the effectiveness of the care and
29 supervision, as defined in subdivision (b) of Section 11460, provided by group
30 homes under the AFDC-FC program pursuant to Sections 11460 and 11462. These
31 standards shall be designed to measure group home program performance for the
32 client group that the group home program is designed to serve.

33 (1) The performance standards and outcome measures shall be designed to
34 measure the performance of group home programs in areas over which the
35 programs have some degree of influence, and in other areas of measurable
36 program performance which the department can demonstrate are areas over which
37 group home programs have meaningful managerial or administrative influence.

38 (2) These standards and outcome measures shall include, but are not limited to,
39 the effectiveness of services provided by each group home program, and the extent
40 to which the services provided by the group home assist in obtaining the child
41 welfare case plan objectives for the child.

1 (3) In addition, when the group home provider has identified as part of its
2 program for licensing, ratesetting, or county placement purposes, or has included
3 as a part of a child's case plan by mutual agreement between the group home and
4 the placing agency, specific mental health, education, medical, and other child-
5 related services, the performance standards and outcome measures may also
6 measure the effectiveness of those services.

7 (b) By January 1, 1994, the department shall submit a report to the appropriate
8 policy and fiscal committees of the Legislature on the group home performance
9 standards system, the standards and outcome measures developed, and the method
10 by which the system shall be implemented.

11 (c) Regulations regarding the implementation of the group home performance
12 standards system required by this section shall be adopted no later than one year
13 prior to implementation. The regulations shall specify both the performance
14 standards system and the manner by which the AFDC-FC rate of a group home
15 program shall be adjusted if performance standards are not met.

16 (d) (c) Except as provided in subdivision (e) (d), effective July 1, 1995, group
17 home performance standards shall be implemented. Any group home program not
18 meeting the performance standards shall have its AFDC-FC rate, set pursuant to
19 Section 11462, adjusted according to the regulations required by this section.

20 (e) (d) Effective July 1, 1995, group home programs shall be classified at rate
21 classification level 13 or 14 only if all of the following are met:

22 (1) The program generates the requisite number of points for rate classification
23 level 13 or 14.

24 (2) The program only accepts children with special treatment needs as
25 determined through the assessment process pursuant to subdivision (b) of Section
26 11467.

27 (3) The program meets the performance standards designed pursuant to this
28 section.

29 (f) (e) Notwithstanding subdivision (d) (c), the group home program
30 performance standards system shall not be implemented prior to the
31 implementation of the AFDC-FC performance standards system specified in
32 Section 11215.

33 **Comment.** Section 11469 is amended to delete reference to an obsolete reporting requirement.
34 The required report was to be completed by January 1, 1994.

35 **Welf. & Inst. Code § 11476.6 (amended). Notification of receipt of child support payments**

36 SEC. _____. Section 11476.6 of the Welfare and Institutions Code is amended to
37 read:

38 11476.6. Each local child support agency shall submit to the department data
39 revealing the range and median time periods by which notification of the receipt of
40 child support payments collected on behalf of a family receiving aid under this
41 chapter is made to the local welfare department. The data shall contain the number
42 and percentage of cases in which the payments described herein are conveyed

1 within the time period prescribed by federal law. By April 1, 1987, the department
2 shall submit to the appropriate policy and fiscal committees of each house of the
3 Legislature a report detailing and analyzing the data received from the local child
4 support agencies and explaining whatever failure to satisfy the time limits imposed
5 by the federal law is revealed by the data. The report shall also include an estimate
6 of the time by which an accounting of the amounts of child support received and
7 paid to families pursuant to this section can be provided on a monthly basis to
8 those families.

9 **Comment.** Section 11476.6 is amended to delete reference to an obsolete reporting
10 requirement. The required report was to be completed by April 1, 1987.

11 ☞ **Note.** The Commission would like to receive comments on whether Section 11476.6 is
12 entirely obsolete and should be repealed.

13 **Welf. & Inst. Code § 12312 (repealed). Report on pilot study findings**

14 SEC. _____. Section 12312 of the Welfare and Institutions Code is repealed.

15 12312. The department shall report to the Joint Budget Committee of the
16 Legislature an interim report describing the status of the pilot projects no later than
17 December 1, 1981. A final report describing the results achieved by the pilot
18 projects with recommendations for future legislation regarding statewide
19 implementation of successful pilot study findings shall be submitted by the
20 department to the Joint Legislative Budget Committee no later than May 1, 1982.

21 **Comment.** Section 12312 is repealed as obsolete. The required report was to be completed by
22 May 1, 1982.

23 ☞ **Note.** The Commission would like to receive comments on whether Sections 12310, 12311,
24 and 12314 are also obsolete and should be repealed.

25 **Welf. & Inst. Code § 14005.6 (amended). Eligibility for social security and Medicaid**

26 SEC. _____. Section 14005.6 of the Welfare and Institutions Code is amended to
27 read:

28 14005.6. (a) The Legislature finds and declares as follows:

29 (1) Under federal law, minors living at home with their families may not be
30 eligible for the SSI and Medicaid programs.

31 (2) Under the Federal Budget Reconciliation Act of 1981, however, states may
32 apply for a Section 1915(c) waiver to allow a person to be eligible for SSI and
33 Medicaid when medical and social services provided in the home can be shown to
34 be less costly than services provided in an institution.

35 (3) Whenever possible, medical and social services should be provided in the
36 least restrictive setting and at the lowest cost to the programs involved.

37 (4) The State Department of Health Services has already successfully applied for
38 the Section 1915(c) waiver as applied to certain defined populations of
39 developmentally disabled, elderly, and medically acute clients.

1 (b) The State Director of Health Services shall apply for additional waivers when
2 appropriate to expand the number and types of persons who will be eligible for in-
3 home services.

4 (c) ~~The State Director of Health Services shall report to the Legislature the department's findings as to the appropriateness of, and the possibility for, additional applications for the Section 1915(e) waivers no later than July 30, 1985.~~

7 **Comment.** Section 14005.6 is amended to delete reference to an obsolete reporting
8 requirement. The required report was to be completed by July 30, 1985.

9 **Welf. & Inst. Code § 14026.5 (amended). Medi-Cal fraud investigation**

10 SEC. _____. Section 14026.5 of the Welfare and Institutions Code is amended to
11 read:

12 14026.5. (a) The State Director of Health Services may issue Medi-Cal cards to
13 Medi-Cal fraud investigators for the purpose of conducting investigations of Medi-
14 Cal fraud, or a violation of the Medical Practice Act as set forth at Chapter 5
15 (commencing with Section 2000) of Division 2 of the Business and Professions
16 Code upon written request to the State Director of Health Services, or his or her
17 designee, from the head of the requesting agency stating the purpose of the
18 investigation. The request shall be based upon a specific complaint or information
19 alleging Medi-Cal fraud. The request shall be based upon a specific complaint or
20 information from an outside agency pursuant to its standard procedure for
21 referring cases to another agency where there is suspicion of Medi-Cal fraud.

22 (b) (1) Upon a complaint by any individual alleging information creating a
23 reasonable suspicion that any person is engaging in Medi-Cal fraud, the State
24 Director of Health Services shall issue Medi-Cal cards for the purpose of
25 conducting investigations of Medi-Cal fraud, or a violation of the Medical Practice
26 Act as set forth in Chapter 5 (commencing with Section 2000) of Division 2 of the
27 Business and Professions Code, upon an order of a magistrate issued upon a
28 showing of reasonable suspicion that the person being investigated has committed
29 or is committing Medi-Cal fraud or a violation of the Medical Practice Act as set
30 forth in Chapter 5 (commencing with Section 2000) of Division 2 of the Business
31 and Professions Code.

32 (2) For purposes of this section, "reasonable suspicion" means that a peace
33 officer subjectively entertains such a suspicion and that it is objectively reasonable
34 for him or her to do so. The facts shall be those which would cause any reasonable
35 peace officer in a like position drawing when appropriate on his or her training and
36 experience, to suspect the same criminal activity and the same involvement by the
37 person in question. A showing of reasonable suspicion may be made either by
38 written statement under penalty of perjury or by oral statement taken under oath,
39 recorded and transcribed.

40 (c) Nothing in this section shall be construed to mean that it is the exclusive
41 method for conducting investigations for Medi-Cal fraud or for violations of the

1 Medical Practice Act as set forth at Chapter 5 (commencing with Section 2000) of
2 Division 2 of the Business and Professions Code.

3 (d) The State Department of Health Services shall report to the Legislature every
4 six months commencing June 1, 1981, on the utilization of Medi-Cal cards issued
5 pursuant to this section. The report shall include, among other matters, a
6 description of the types of criminal investigations conducted pursuant thereto.

7 ~~(e) The Legislative Analyst shall report to the Legislature by January 1, 1991, on~~
8 ~~the utilization of Medi-Cal cards issued pursuant to this section.~~

9 **Comment.** Section 14026.5 is amended to delete reference to an obsolete reporting
10 requirement. The required report was to be completed by January 1, 1991.

11 **Welf. & Inst. Code § 14041.5 (amended). Claim preparation and processing software**

12 SEC. _____. Section 14041.5 of the Welfare and Institutions Code is amended to
13 read:

14 14041.5. (a) The department shall develop, disseminate, and update, on a periodic basis, claims preparation and processing software programs that may be used on computers at individual provider or billing service sites. The software shall be made available, to the extent feasible, for the most common computers used in the provider community for use, on an optional basis, by clerical or billing personnel to facilitate the preparation and submission of Medi-Cal claims for services rendered.

21 (b) The software programs specified in subdivision (a) shall, to the extent possible:

- 23 (1) Contain all necessary validity edits utilized by the fiscal intermediary.
- 24 (2) Be designed to reasonably reduce common submission and billing errors.
- 25 (3) Contain features which provide options for the provider to use provider-developed files to reduce data entry requirements and improve reporting accuracy.
- 27 (4) Provide, at the provider's discretion, for the electronic or paper transmission of claims to the Medi-Cal fiscal intermediary.

29 (c) The department shall consult with affected provider groups prior to developing, disseminating, and updating claims preparation and processing software pursuant to this section.

32 (d) The department shall report to the Chairpersons of the Senate Health and Human Services Committee and Assembly Health Committee by April 1, 1990, on a plan and timetable for implementing this section. The plan and timetable shall identify provider groups for which the department plans to develop, disseminate, and update claims preparation and processing software.

37 (e) Notwithstanding the plan and timetable required by subdivision (d), the department shall develop and begin disseminating claims processing software programs to physician providers no later than January 1, 1991.

40 (f) The department shall, as part of implementing this section, provide technical assistance to providers, including, but not limited to, a user hotline and appropriate

1 training materials. These materials shall cover the installation of the programs, use
2 of the software to enter Medi-Cal claims data, and submission procedures.

3 (g) The software programs for the submission of Medi-Cal claims shall be made
4 available to all interested parties for a reasonable initial fee, plus an annual
5 subscription fee for updates, maintenance, and support provided to users. Fees
6 shall be set so as to recover, as nearly as possible, the development, distribution,
7 and ongoing support costs of software programs, instructional materials, or
8 subsequent updates.

9 (h) Third-party vendors may obtain and enhance these programs for resale and
10 provisions of value-added services to Medi-Cal providers. However, the state or
11 any of its officials, employees, or agents shall bear no liability for software
12 provided through any third party that has been altered or misused by any third
13 party.

14 (i) Neither the state nor any of its officials, employees, or agents shall be
15 responsible for any of the following:

16 (1) A provider's failure to meet Medi-Cal documentation and billing
17 requirements, including timely billing pursuant to Section 14115.

18 (2) Alteration or misuse of the software in the submission of claims to the Medi-
19 Cal program.

20 (3) Use of the software for any purpose other than the submission of claims to
21 the Medi-Cal program.

22 (4) This subdivision shall not apply to any failure to meet Medi-Cal
23 documentation and billing requirements which is substantiated as resulting from
24 the use of software which is directly provided by the department and which
25 contains proven flaws or defects which significantly contribute to the failure to
26 meet those requirements.

27 (j) A provider or third party's eligibility to bill claims electronically by using
28 software programs made available pursuant to this section shall be governed by
29 Section 14040 and Section 14040.5, and any rules and regulations adopted by the
30 director pursuant to these sections.

31 (k) The department shall report to the Legislature, on January 1, 1992, and
32 January 1, 1993, on the response of the provider community, the participation of
33 providers in this process, the volume of claims for participating providers, and
34 error rates for participating and nonparticipating providers.

35 **Comment.** Section 14041.5 is amended to delete reference to obsolete reporting requirements.
36 The required reports were to be completed by January 1, 1993.

37 **Welf. & Inst. Code § 14087.2 (amended). Children's hospitals**

38 SEC. _____. Section 14087.2 of the Welfare and Institutions Code is amended to
39 read:

40 14087.2. It is the intent of the Legislature that children's hospitals need not
41 contract under the provisions of this article until October 31, 1984. Services
42 provided by these hospitals prior to November 1, 1984, shall be reimbursed

1 according to the state plan in effect on January 1, 1984. Children's hospitals are
2 defined as those hospitals where 30 percent of the infants and children served by
3 the single institution qualify for Medi-Cal payment systems and the institution
4 serves primarily children.

5 If such a hospital elects to contract pursuant to this article in the 1982-83 or
6 1983-84 fiscal year, the negotiator shall give consideration to the special services
7 provided in such hospitals, such as those services provided to children. The
8 California Medical Assistance Commission shall continue to extend such
9 consideration to such hospitals following the 1983-84 fiscal year. ~~By February 1,~~
10 ~~1984, the commission shall report to the Legislature on the feasibility of~~
11 ~~concluding hospital negotiations with these hospitals.~~

12 **Comment.** Section 14087.2 is amended to delete reference to an obsolete reporting
13 requirement. The required report was to be completed by February 1, 1984.

14 **Welf. & Inst. Code § 14090 (repealed). Health benefits study**

15 SEC. _____. Section 14090 of the Welfare and Institutions Code is repealed.

16 ~~14090. (a) The commission shall conduct a study to determine the feasibility,~~
17 ~~costs, and benefits of offering persons eligible for benefits under Title XVIII of the~~
18 ~~federal Social Security Act and the state's Medi-Cal program multiple options for~~
19 ~~health benefit coverage negotiated and purchased by the state in lieu of fee-for-~~
20 ~~service Medi-Cal coverage.~~

21 ~~(b) The study shall include, but not be limited to, all of the following elements:~~

22 ~~(1) Review of other efforts that have been or are being made to provide~~
23 ~~supplemental health benefit coverage to the Medicare population.~~

24 ~~(2) Determination of costs and services used by the Medicare population.~~

25 ~~(3) Analysis of the utilization patterns of the crossover population, including the~~
26 ~~use of hospitals by governance and peer group categories. For purposes of this~~
27 ~~paragraph "crossover population" means those persons eligible for federal and~~
28 ~~state benefits as described in subdivision (a).~~

29 ~~(4) Analysis of whether or not the need for various types of health benefit~~
30 ~~coverage varies if the dually eligible individual has enrolled in a Medicare health~~
31 ~~maintenance organization or competitive medical plan or has a Medi-Cal share of~~
32 ~~cost.~~

33 ~~(5) Consideration of health benefit coverage options that maximize the choice~~
34 ~~available to the eligible individuals. These may include, but are not limited to, any~~
35 ~~of the following, individually or collectively:~~

36 ~~(A) Supplemental indemnity health insurance.~~

37 ~~(B) Health insurance with a preferred provider benefit.~~

38 ~~(C) Health insurance through a health maintenance organization or other~~
39 ~~organized system of care.~~

40 ~~(6) Completion of a marketing analysis to identify organizations offering health~~
41 ~~benefit coverage and to measure their interest in providing coverage to the dually~~

1 eligible population, including an evaluation of the most appropriate scope of
2 benefits to cover.

3 (7) Assessment of whether this method of coverage should be optional or
4 mandatory.

5 (8) Analysis of the utilization control measures any insurers should include in
6 the management of their insurance plan as assurances to the state as to the fiscal
7 integrity of their potential contractual arrangement with the state.

8 (9) Determination of the need for reinsurance or stop-loss limits.

9 (10) Description of the organizational structure which would provide those
10 persons eligible for such coverage with the appropriate state services to assist them
11 in the purchase of and participation in the health coverage programs.

12 (11) Identification of short and long-range net savings or costs associated with
13 the coverage arrangements being considered.

14 (12) Assessment of the service and financial impact any proposed activities
15 would have on disproportionate providers of health care in any area affected by
16 new financing or organizational arrangements.

17 (13) Analysis of the feasibility of the state providing an arrangement whereby
18 Medicare eligible members of the general public could participate in any program
19 established pursuant to this article.

20 (c) The commission shall report to the Governor and the Legislature on the
21 results of the study and its determination whether the study is feasible and
22 beneficial to the persons eligible for Medicare and the state Medi-Cal program, no
23 later than October 1, 1987.

24 **Comment.** Section 14090 is repealed as obsolete. The required report was to be completed by
25 October 1, 1987.

26  **Notes.** (1) Sections 14090.1-14090.3 all relate to the study required under Section 14090 and
27 appear to be obsolete. The Commission would like to receive input on whether all of these
28 sections should be repealed.

29 (2) If Sections 14090-14090.3 are repealed, only the unrelated Section 14090.21 would remain.
30 Would it then be appropriate to rename the article "Article 2.92. Nursing Facility Services"?

31 (3) Section 14082 includes references to "Article 2.92 (commencing with Section 14090)." This reference will need to be corrected once it is determined which sections should be repealed.

33 **Welf. & Inst. Code § 14090.1 (repealed). Pilot project**

34 SEC. _____. Section 14090.1 of the Welfare and Institutions Code is repealed.

35 14090.1. (a) Upon a determination by the commission that the arrangements
36 studied under Section 14090 are feasible and beneficial to those persons eligible
37 for Medicare and the state Medi-Cal program, the commission shall design a
38 project in not more than three areas of the state to test the findings of the study.

39 (b) The department shall not formally submit any federal waivers which might
40 be necessary for these projects until the appropriate committees in the Legislature
41 have had at least 60 days to review the findings of the study conducted under

1 Section 14090 and the decision by the commission under subdivision (a) of this
2 section.

3 (e) The commission shall not proceed to negotiate in any project area until
4 startup funds are appropriated in the Budget Act.

5 **Comment.** Section 14090.1 is repealed as obsolete. The required report was to be completed by
6 October 1, 1987. See former Section 14090.

7 **Welf. & Inst. Code § 14090.2 (repealed). Assistance of department**

8 SEC. ___. Section 14090.2 of the Welfare and Institutions Code is repealed.

9 14090.2. The department shall provide such information and technical assistance
10 as requested by the commission to conduct the study required by this article.

11 **Comment.** Section 14090.2 is repealed as obsolete. The required report was to be completed by
12 October 1, 1987. See former Section 14090.

13 **Welf. & Inst. Code § 14090.3 (repealed). Necessary waivers**

14 SEC. ___. Section 14090.3 of the Welfare and Institutions Code is repealed.

15 14090.3. The department shall seek whatever waivers are necessary from the
16 federal government in order to fulfill the purposes of this article. These waivers
17 shall include, but not be limited to, the following areas:

18 (a) The provision of health benefit coverage by the state under private health
19 insurance or under health care plans to cover all copayments and deductibles
20 required by the Medicare program as well as those health care services not covered
21 by Medicare but offered as benefits under the Medi-Cal program.

22 (b) The provision of health benefit coverage by the state under private health
23 insurance or health care plans for all Medicare services.

24 **Comment.** Section 14090.3 is repealed as obsolete. The required report was to be completed by
25 October 1, 1987. See former Section 14090.

26 **Welf. & Inst. Code § 14104.6 (amended). Fiscal intermediary service contracts**

27 SEC. ___. Section 14104.6 of the Welfare and Institutions Code is amended to
28 read:

29 14104.6. (a) The procedures for system and acceptance testing specified in the
30 contract awarded by the State Department of Health Services to Computer
31 Sciences Corporation for fiscal intermediary services shall be followed. By
32 November 12, 1980, the Director of the State Department of Health Services shall
33 report to the Legislature on procedures, findings, remedies instituted to correct
34 deficiencies, and on the results of such remedies.

35 (b) The Joint Legislative Audit Committee shall continue to investigate contracts
36 in force for fiscal intermediary services awarded by the State Department of
37 Health Services, to ascertain and identify problems concerning the claims
38 processing procedures developed pursuant thereto. A report summarizing the
39 findings of the committee shall be submitted to the Legislature by January 1, 1981.

1 (c) The Joint Legislative Audit Committee and the Joint Legislative Budget
2 Committee shall have access to records of the disbursement of funds or payments,
3 including documents identifying names of applicants and recipients of benefits
4 under Title XIX of the Social Security Act, and such records shall be released
5 when requested by the committees. The committees shall use information from
6 such records only for the purpose of investigating the procedures developed by the
7 department for claims processing under the fiscal intermediary contracts. In any
8 case, where disclosure is authorized pursuant to this section, the committees shall
9 not disclose the identity of any applicant or recipient.

10 Except for the aforementioned release of information to the committees, this
11 section shall not otherwise be construed to supersede any other provision of state
12 law, including Section 10850.

13 (d) No Medi-Cal fiscal intermediary contract shall be approved, renewed or
14 continued if a state employee is employed in a management, consultant or
15 technical position by the contractor or a subcontractor to the contractor within one
16 year after the state employee terminated state employment.

17 For purposes of this section, "state employee" means any appointive or civil
18 service employee of the Governor's office, the Health and Welfare Agency, the
19 State Department of Health Services, the Controller's office, the Attorney General,
20 or the Legislature who, within two years prior to leaving state employment, had
21 responsibilities related to development, negotiation, contract management,
22 supervision, technical assistance or audit of a Medi-Cal fiscal intermediary.

23 The requirements of this section shall not apply to any state employee who
24 terminated state employment prior to the operative date of this section.

25 **Comment.** Section 14104.6 is amended to delete reference to an obsolete reporting
26 requirement. The required report was to be completed by January 1, 1981.

27 **Welf. & Inst. Code § 14105.15 (amended). Payment systems**

28 SEC. _____. Section 14105.15 of the Welfare and Institutions Code is amended to
29 read:

30 14105.15. (a) (1) In determining rates of reimbursement for inpatient hospital
31 services the department shall use the reimbursement policy existing on June 29,
32 1982. The director shall have authority to modify this reimbursement policy. The
33 director shall implement a new reimbursement policy of peer grouping of hospitals
34 through the promulgation of emergency regulations after required federal
35 approvals are obtained. The department may adjust interim payment percentages
36 to hospitals in order to approximate final settlement and may control or freeze
37 charges in order to carry out this section.

38 (2) This section shall cease to apply to a hospital when the department enters
39 into a contract, pursuant to Article 2.6 (commencing with Section 14081), either
40 with that hospital or with other hospitals to the exclusion of that hospital for
41 services covered under the contracts.

1 (b) Notwithstanding any other provision of law, the department may make
2 interim rate adjustments and also implement collection procedures to recover
3 overpayments to hospitals, at tentative and final settlement. These recoveries shall
4 be based on audits or examinations made by or on behalf of the department
5 pursuant to Sections 10722 and 14170, including the application of Sections
6 51536, 51537, and 51539 of Title 22 of the California Administrative Code at
7 tentative and final settlement. Recovery may be made whether or not appeals by
8 the hospitals are pending. Collection of overpayments shall be made in accordance
9 with Section 14172.5.

10 (c) The amendment of this section made at the 1985 portion of the 1985-86
11 Regular Session of the Legislature does not constitute a change in, but is
12 declaratory of, the existing law. This declaration shall not apply to any lawsuits
13 filed on or before July 9, 1985.

14 (d) It is the intent of the Legislature to evaluate alternative payment systems for
15 hospitals in health facility planning areas which are not closed for contracting
16 purposes and noncontracting hospitals in closed areas. The alternatives shall
17 include, but are not limited to, selective contracting, prospective payment systems,
18 or other feasible options. Any alternative payment system presented to the
19 Legislature shall include at least all of the following:

20 (1) Payment adjustments which recognize the situation of hospitals serving a
21 disproportionate share of low-income patients with special needs.

22 (2) The potential need for payment differentials between urban and rural
23 hospitals.

24 (3) Alternative data bases, base years, and payment code weighting
25 considerations.

26 (4) Potential outliers or exemptions, or both, from prospective payment
27 regarding patient cost, length of stay, or type of service.

28 (5) Facility-specific considerations.

29 (6) Appeals processes and updating mechanisms.

30 (e) In order to evaluate the alternatives, the department may select a contractor to
31 conduct a study and prepare a report which shall include preparation of a general
32 systems design of the alternatives and estimate costs of developing a detailed
33 system design of the recommended alternative. The alternatives shall include, but
34 not be limited to, the reduction of administrative costs to the department and
35 hospitals, incentives for hospitals to contain their costs, and the provision of
36 appropriate and timely payments to hospitals.

37 (f) The contractor and department shall solicit the cooperation and assistance of
38 the hospital industry and shall consider its recommendations throughout the course
39 of the study.

40 (g) The department may submit a report to the Legislature by January 31, 1989.

41 The report shall include the contractor's report prepared pursuant to subdivision

42 (e). The department's report shall contain, but shall not be limited to, information
43 on hospital structures and costs on file with the State Department of Health

1 Services, and financial and patient discharge data on file with the Office of
2 Statewide Health Planning and Development. The report shall include the
3 comments and recommendations of the hospital industry.

4 (h) No new payment system may be implemented without specific authorization
5 from the Legislature.

6 (i) ~~(e)~~ Notwithstanding any other provision of law, reimbursement for out-of-
7 state acute inpatient hospital services provided to Medi-Cal beneficiaries shall not
8 exceed the current statewide average of contract rates for acute inpatient hospital
9 services negotiated by the California Medical Assistance Commission or the actual
10 billed charges, whichever is less.

11 **Comment.** Section 14105.15 is amended to delete reference to an obsolete reporting
12 requirement. The required study and report were to be completed by January 31, 1989.

13 **Welf. & Inst. Code § 14195.8 (repealed). Therapeutic Drug Utilization Review System**

14 SEC. _____. Section 14195.8 of the Welfare and Institutions Code is repealed.

15 ~~14195.8. The Auditor General shall provide or select an appropriate contractor to~~
16 ~~provide an evaluation of the Therapeutic Drug Utilization Review System~~
17 ~~established by this article with respect to all of the following issues:~~

18 (a) ~~The impact on institutionalization of Medi-Cal eligibles by operation of the~~
19 ~~Medi-Cal therapeutic drug utilization review process.~~

20 (b) ~~The cost impact of the Medi-Cal therapeutic drug utilization review process.~~

21 (c) ~~The evaluation report shall be submitted to the department and the~~
22 ~~Legislature no later than May 1, 1991, with recommendations whether the~~
23 ~~Therapeutic Drug Utilization Review System established by this article is cost-~~
24 ~~effective and should be continued.~~

25 **Comment.** Section 14195.8 is repealed as obsolete. The required report was to be completed by
26 May 1, 1991.

27 **Welf. & Inst. Code § 14492 (repealed). Publicly operated health service delivery systems**

28 SEC. _____. Section 14492 of the Welfare and Institutions Code is repealed.

29 ~~14492. In addition to other pilot programs established pursuant to this article, the~~
30 ~~department also shall establish publicly operated health service delivery systems as~~
31 ~~pilot programs, to determine whether high quality, comprehensive Medi-Cal~~
32 ~~benefits can be provided at a reasonable cost on a prepayment basis in a public~~
33 ~~service system. The department shall provide technical assistance to any county or~~
34 ~~other public entity that desires to establish such a program. To the extent possible,~~
35 ~~the department shall establish programs in both rural and urban areas.~~

36 Each publicly operated pilot program shall comply with the following:

37 (a) ~~The program shall be publicly operated either by the department directly or~~
38 ~~through contract with other public entities.~~

39 (b) ~~The program may be regional in nature, extending beyond the boundaries of~~
40 ~~any one county.~~

1 (c) The program shall enroll Medi-Cal recipients and be funded by the
2 department on a prepayment capitation basis determined in accordance with the
3 method for establishing capitation rates paid by the department to prepaid health
4 plans under this chapter for the same or similar care.

5 (d) The program shall provide the full range of Medi-Cal services required of
6 prepaid health plans and shall meet all statutory requirements and all regulatory
7 and contractual requirements established by the department for the program.

8 (e) The program shall emphasize the innovative use of health personnel
9 including midlevel medical, nursing and dental professionals in ambulatory
10 settings.

11 (f) Medi-Cal recipients enrolling in a pilot program pursuant to this section shall
12 be offered a choice of qualified primary care physicians employed by the program
13 to be the recipients' designated primary care physicians.

14 (g) One program shall include provision for the enrollment of low-income
15 persons who are not eligible for Medi-Cal as cash grant recipients. Such persons
16 shall be potentially eligible for medically needy or medically indigent status. The
17 expenditures by the Medi-Cal program for such enrollees, when taken together
18 with expenditures for medically needy and medically indigent persons in that
19 county who are not enrolled in the prepayment program, shall not exceed the
20 expenditures made by Medi-Cal for all medically needy and medically indigent
21 persons in that county during the 1977-78 fiscal year, as adjusted for cost of living
22 by the department.

23 The department shall establish standards of eligibility for low-income persons
24 who are potentially eligible for the medically needy or medically indigent status
25 and who wish to enroll in this pilot program. Such standards shall include a share
26 of the cost to be paid by such enrollees. The department shall also establish the
27 county's financial obligation for a portion of the cost of care of such enrollees.

28 The provision of Medi-Cal payment for persons potentially eligible for the
29 medically needy or medically indigent status who are enrolled in this pilot
30 program shall cease on December 31, 1982, unless the operation of this pilot
31 program is extended by the Legislature.

32 The department shall, by February 1, 1982, report to the Legislature and the
33 Governor concerning the effect of enrolling low-income persons who are
34 potentially eligible for the medically needy or medically indigent status. The report
35 shall determine any changes in the amount of state and county funds expended for
36 health care because low-income persons who are not required to become eligible
37 for the medically needy or medically indigent status are enrolled in a pilot project
38 and any changes in the categories of health services provided in the county
39 because low-income persons who are not required to become eligible for the
40 medically needy or medically indigent status are enrolled in a pilot program.

41 **Comment.** Section 14492 is repealed as obsolete. The required project and report were to be
42 completed by December 31, 1982.

1 **Welf. & Inst. Code § 14499.5 (amended). Medi-Cal pilot project**

2 SEC. _____. Section 14499.5 of the Welfare and Institutions Code is amended to
3 read:

4 14499.5. (a)(1) In carrying out the intent of this article, the director shall contract
5 for the operation of one local pilot program. Special consideration shall be given to
6 approving a program contracted through county government in Santa Barbara
7 County.

8 (2) Notwithstanding the limitations contained in Section 14490, the director may
9 enter into, or extend, contracts with the local pilot program in Santa Barbara
10 County pursuant to paragraph (1) for periods that do not exceed three years.

11 (b) The establishment of a pilot program pursuant to this section shall be
12 contingent upon the availability of state and federal funding. The program shall
13 include the following components:

14 (1) Local authority for administration, fiscal management, and delivery of
15 services, but not including eligibility determination.

16 (2) Physician case management.

17 (3) Cost containment through provider incentives and other means.

18 (c) The program for the pilot project shall include a plan and budget for delivery
19 of services, administration, and evaluation. During the first year of the pilot
20 program, the amount of the state contract shall equal 95 percent of total projected
21 Medi-Cal expenditures for delivery of services and for administration based on
22 fee-for-service conditions in the program county. During the remaining years of
23 the pilot project Medi-Cal expenditures in the program county shall be no more
24 than 100 percent of total projected expenditures for delivery of services and for
25 administration based on any combination of the following paragraphs:

26 (1) Relevant prior fee-for-service Medi-Cal experience in the program county.

27 (2) The fee-for-service Medi-Cal experience in comparable counties or groups of
28 counties.

29 (3) Medi-Cal experience of the pilot project in the program county if, as
30 determined by the department, the scope, level, and duration of, and expenditures
31 for, any services used in setting the rates under this paragraph would be
32 comparable to fee-for-service conditions were they to exist in the program county
33 and would be more actuarially reliable for use in ratesetting than data available for
34 use in applying paragraph (1) or (2).

35 The projected total expenditure shall be determined annually according to an
36 acceptable actuarial process. The data elements used by the department shall be
37 shared with the proposed contractor.

38 (d) The director shall accept or reject the proposal within 30 days after the date
39 of receipt. If a decision is made to reject the proposal, the director shall set forth
40 the reasons for this decision in writing. Upon approval of the proposal, a contract
41 shall be written within 60 days. After signature by the local contractor, the State
42 Department of Health Services and the Department of General Services shall
43 execute the contract within 60 days.

1 (e) The director shall seek the necessary state and federal waivers to enable
2 operation of the program. If the federal waivers for delivery of services under this
3 plan are not granted, the department is under no obligation to contract for
4 implementation of the program.

5 (f) For purposes of Section 1343 of the Health and Safety Code, the Santa
6 Barbara Regional Health Authority shall be considered to be a county-operated
7 pilot program contracting with the State Department of Health Services pursuant
8 to this article, and notwithstanding any other provision of law, during the period
9 that this contract is in effect, the contractor shall be exempt from the provisions of
10 the Knox-Keene Health Care Service Plan Act of 1975, Chapter 2.2 (commencing
11 with Section 1340) of Division 2 of the Health and Safety Code, relative to the
12 services provided to Medi-Cal beneficiaries under the terms and provisions of the
13 pilot program.

14 (g) Dental services may be included within the services provided in this pilot
15 program.

16 (h) Any federal demonstration funding for this pilot program shall be made
17 available to the county within 60 days upon notification of the award without the
18 state retaining any portion not previously specified in the grant application as
19 submitted.

20 (i)(1)(A) Commencing January 1, 1996, the The California Medical Assistance
21 Commission may negotiate exclusive contracts and rates on behalf of the
22 department with the Santa Barbara Regional Health Authority in the
23 implementation of this section.

24 (B) Contracts entered into under this article may be on a noncompetitive bid
25 basis and shall be exempt from Chapter 2 (commencing with Section 10290) of
26 Part 2 of Division 2 of the Public Contract Code. These contracts shall have no
27 force or effect unless approved by the Department of Finance.

28 (C) The department shall enter into contracts pursuant to this article, and shall be
29 bound by the terms and conditions related to the rates negotiated by the negotiator.

30 (2) The department shall implement this subdivision to the extent that the
31 following apply:

32 (A) Its implementation does not revise the status of the pilot program as a federal
33 demonstration project.

34 (B) Existing federal waivers apply to the pilot program as revised by this
35 subdivision, or the federal government extends the applicability of the existing
36 federal waivers or authorizes additional federal waivers for the implementation of
37 the program.

38 (3) The implementation of this subdivision shall not affect the pilot program's
39 having met any of the requirements of Part 3.5 (commencing with Section 1175)
40 of Division 1 of the Health and Safety Code and this division applicable to the
41 pilot program with respect to the negotiations of contracts and rates by the
42 department.

1 (j) An independent evaluation of the program shall be conducted and a report
2 submitted to the Legislature and the director by January 1, 1988. The independent
3 evaluation of the program commissioned by the federal Health Care Financing
4 Administration may fulfill the purposes of this part. This evaluation and report
5 shall include, but is not limited to, the following:

- 6 (1) An assessment of the cost of medical services as compared to the cost of the
7 existing Medi-Cal fee-for-service delivery mode.
8 (2) An assessment of utilization levels of specialist and emergency services.
9 (3) An assessment of the quality of care.
10 (4) Recommendations for future policy on delivery of services.

11 **Comment.** Subdivision (i) of Section 14499.5 is amended to delete an obsolete reference to the
12 date on which the California Medical Assistance Commission's authority to negotiate contracts
13 and rates commenced.

14 Subdivision (j) is deleted as obsolete. The required report was to be completed by January 1,
15 1988.

16 **Welf. & Inst. Code § 16501.6 (repealed). Information regarding children placed in foster
17 care**

18 SEC. _____. Section 16501.6 of the Welfare and Institutions Code is repealed.

19 16501.6. (a) It is the intent of the Legislature for the State Department of Social
20 Services to enhance the Child Welfare Services Case Management System to
21 include information concerning the level of care required, educational
22 accomplishments, and health history of children placed in foster care. If
23 appropriate, this enhancement could be made after the system is operational
24 statewide as required in Section 16501.5.

25 (b) The department shall conduct a study to examine the most efficient methods
26 of collecting and maintaining all of the following data for each child in foster care:

- 27 (1) The names and addresses of the child's health and educational providers.
28 (2) The child's grade level performance.
29 (3) The child's school record.
30 (4) Assurances that the child's placement in foster care takes into account
31 proximity to the school in which the child is enrolled at the time of placement.
32 (5) A record of the child's immunizations.
33 (6) The child's known medical problems.
34 (7) The child's medications.

35 (8) Any other relevant level of care, health and education information
36 concerning the child as determined appropriate by the department.

37 (b) In conducting its study, the department shall, as required, examine county
38 health passport systems for possible replication on a statewide basis and consult
39 with other state departments, county associations, and provider groups.

40 (d) By February 15, 1992, the department shall submit a report to the appropriate
41 policy and fiscal committees of the Legislature on the results of its study. The
42 department shall include the following in its report:

1 (1) Recommendations for coordinating data collection among local child health
2 and disability prevention programs, other health care providers, county welfare
3 departments, schools, and other agencies providing services for foster children.

4 (2) Recommendations for the interfacing with any alternative system
5 recommended pursuant to paragraph (1) with the mental health assessment
6 required by Section 5407, and with other requirements of law.

7 (e) The report required by subdivision (d) shall address the feasibility,
8 timeframe, and estimated costs of doing either of the following:

9 (1) Incorporating the data specified in subdivision (b) in the Child Welfare
10 Services Case Management System.

11 (2) Implementing an alternative system which is more appropriate for the
12 collection and maintenance of the data specified in subdivision (b).

13 **Comment.** Section 16501.6 is repealed as obsolete. The required report was to be completed by
14 February 15, 1992.

15 **Welf. & Inst. Code § 16576 (amended). Statewide Child Support Registry**

16 SEC. _____. Section 16576 of the Welfare and Institutions Code is amended to
17 read:

18 16576. (a) The department shall develop an implementation plan for the
19 Statewide Child Support Registry. The Statewide Child Support Registry shall be
20 operated by the agency responsible for operation of the Statewide Automated
21 Child Support System (SACSS) or its replacement. The Statewide Child Support
22 Registry shall include storage and data retrieval of the data elements specified in
23 Section 16577 for all California child support orders. The plan shall be developed
24 in consultation with clerks of the court, district attorneys, and child support
25 advocates. The plan shall be submitted to the Legislature by January 31, 1998. The
26 implementation plan shall explain in general terms, among other things, how the
27 Statewide Child Support Registry will operate to ensure that all data in the
28 Statewide Child Support Registry can be accessed and how data shall be integrated
29 for statistical analysis and reporting purposes with all child support order data
30 contained in the Statewide Automated Child Support System or its replacement
31 and the Los Angeles Automated Child Support Enforcement System (ACSES)
32 Replacement System.

33 (b) Commencing no later than October 1, 1998, each Each clerk of the court
34 shall provide the information specified in Section 16577 within 20 days to the
35 department or the Statewide Child Support Registry from each new or modified
36 child support order, including child support arrearage orders.

37 (c) Commencing no later than October 1, 1998, the The department shall
38 maintain a system for compiling the child support data received from the clerks of
39 the court, ensure that all child support data received from the clerks of the court
40 are entered into the Statewide Child Support Registry within 10 days of receipt in
41 the Statewide Child Support Registry, and ensure that the Statewide Child Support
42 Registry is fully implemented statewide.

1 (d) Commencing no later than October 1, 1998, the The department shall provide
2 aggregate data on a periodic basis on the data maintained by the Statewide Child
3 Support Registry to the Judicial Council, the appropriate agencies of the executive
4 branch, and the Legislature for statistical analysis and review. The data shall not
5 include individual identifying information for specific cases.

6 (e) Commencing no later than October 1, 1998, any Any information maintained
7 by the Statewide Child Support Registry received from clerks of the courts shall be
8 provided to county district attorneys, the Franchise Tax Board, the courts, and
9 others as provided by law.

10 (f) On or before October 1, 1998, the department shall submit a report to the
11 appropriate policy and fiscal committees of the Legislature on the requirements of
12 this chapter.

13 **Comment.** Subdivisions (b)-(e) of Section 16576 are amended to delete obsolete references to
14 the dates on which the specified duties commenced.

15 Subdivision (f) is deleted as obsolete. The required report was to be completed by October 1,
16 1998.

17 **Welf. & Inst. Code § 18379 (repealed). Report on programs relating to health of the elderly**
18 SEC. ___. Section 18379 of the Welfare and Institutions Code is repealed.

19 18379. The State Department of Health Services, in consultation with the
20 Department of Aging, shall submit a single report to the Legislature by June 30,
21 1987, describing and evaluating the effectiveness of these projects in promoting
22 the health of the elderly, in reducing their risks of chronic diseases, and the
23 resulting debilitating conditions through early detection, public health nursing
24 services, and other prevention activities.

25 **Comment.** Section 18379 is repealed as obsolete. The required report was to be completed by
26 June 30, 1987.

27 **Welf. & Inst. Code § 18989.3 (repealed). San Mateo County Consolidated Human Services**
28 **Agency**

29 SEC. ___. Section 18989.3 of the Welfare and Institutions Code is repealed.
30 18989.3. By January 1, 1995, San Mateo County shall report to the appropriate
31 policy and fiscal committees of the Legislature on the implementation of this
32 chapter. The report shall include a description of waivers requested and obtained,
33 as well as an evaluation of the cost-effectiveness of any waivers obtained.

34 **Comment.** Section 18989.3 is repealed as obsolete. The required report was to be completed by
35 January 1, 1995.

36 **Welf. & Inst. Code § 19856 (repealed). Utilization of supported employment and adaptive**
37 **technology account**

38 SEC. ___. Section 19856 of the Welfare and Institutions Code is repealed.
39 19856. The department shall report on the utilization of the account to the
40 Legislature by July 1, 1987. The report shall include, but not be limited to, (a)
41 information on the types and costs of equipment, aids, and devices purchased with

1 money from the account; (b) difficulties encountered in administering the account;
2 (c) recommendations for changes in the provisions of this chapter; and (d) data on
3 the fiscal impact and any savings to the state's General Fund as a result of
4 assisting persons with disabilities in becoming engaged in employment through
5 the provisions of this chapter.

6 **Comment.** Section 19856 is repealed as obsolete. The required report was to be completed by
7 July 1, 1987.

8 _____

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