

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Obsolete Reporting Requirements

March 2003

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739

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This publication (#216) will appear in Volume 33 of the Commission's *Reports, Recommendations, and Studies*.

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NOTE

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent *Annual Report*.

Cite this report as *Obsolete Reporting Requirements*, 33 Cal. L. Revision Comm'n Reports 267 (2003). This is publication #216.

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CALIFORNIA LAW REVISION COMMISSION

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March 7, 2003

To: The Honorable Gray Davis
Governor of California, and
The Legislature of California

The Law Revision Commission recommends the amendment or repeal of numerous 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.

Respectfully submitted,

David Huebner
Chairperson

OBSOLETE REPORTING REQUIREMENTS

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 Once the required report has been prepared, the provision requiring that report is obsolete.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

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.

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 generally 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

BUSINESS AND PROFESSIONS CODE

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

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

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

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

(1) Historical and contemporary perspectives on alcohol and other drug abuse.

(2) Extent of the alcohol and drug abuse epidemic and its effects on the individual, family, and community.

(3) Recognizing the symptoms of alcoholism and drug addiction.

(4) Making appropriate interpretations, interventions, and referrals.

(5) Recognizing and intervening with affected family members.

(6) Learning about current programs of recovery, such as 12 step programs, and how therapists can effectively utilize these programs.

~~The Board of Psychology and the Board of Behavioral Sciences shall submit a report to the Legislature on or before~~

June 30, 1991, indicating whether regulations were adopted or are proposed imposing continuing education requirements on their respective licensees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. ____ . Section 4866 of the Business and Professions Code is amended to read:

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

(b) The board shall establish criteria for the selection of administrative physicians who shall examine veterinarians and animal health technicians requesting diversion under a program. Any reports made under this article by the

administrative physician shall constitute an exception to Sections 994 and 995 of the Evidence Code.

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

~~(d) The board shall evaluate the effectiveness and necessity of the diversion program and report its findings to the Senate Committee on Business and Professions and the Assembly Committee on Agriculture on or before March 1, 1989.~~

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

Bus. & Prof. Code § 6086.12 (repealed). Workload of State Bar Court

SEC. ____ . Section 6086.12 of the Business and Professions Code is repealed.

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

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

Comment. Section 6086.12 is repealed as obsolete. The required reports were to be completed by December 31, 1991.

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

SEC. ____ . Section 6095 of the Business and Professions Code is amended to read:

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

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

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

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

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

SEC. ____ . Section 6140.2 of the Business and Professions Code is amended to read:

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

~~(b) On or before December 31, 1987, the State Bar shall reduce by 80 percent the complaints within its inventory as of March 31, 1985, which have been received but have not~~

~~resulted in dismissal, admonishment of the attorney involved, or filing of formal charges by State Bar Office of Trial Counsel. This reduction shall be accomplished by dismissal, admonishment of the attorney involved, or recommendation by the State Bar for disposition by the Supreme Court.~~

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

Comment. Section 6140.2 is amended to delete obsolete provisions.

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

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

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

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

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

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

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

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

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

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

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

~~(1) Equipment necessary to repair vehicles.~~

~~(2) Manuals and other repair literature.~~

~~(3) Employee standards.~~

~~(4) Performance bonds and insurance.~~

~~(5) Records of repairs.~~

~~(6) Shop classification.~~

~~(7) Education and training.~~

~~(8) Continuing education requirements.~~

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

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

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

~~(h) Identifying funding sources to implement solutions.~~

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

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

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

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

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

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

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

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

~~(a) “Auto body repair shop” means a place of business wholly or partially engaged in automotive collision repair or reconstruction of automobile or truck bodies for compensation.~~

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

~~(c) “Automotive physical damage appraiser and adjuster” means a person other than a person required to be licensed under the Insurance Code, who, for compensation, estimates damage and needed repairs to a vehicle as a result of collision or other causes of damage.~~

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

CIVIL CODE

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

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

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

CODE OF CIVIL PROCEDURE

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

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

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

The motion shall be made on the grounds that there is no reasonable possibility that the plaintiff will obtain a judgment against the moving defendant and that the 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. _____. Section 45357 of the Education Code is repealed.
~~45357. No later than June 30, 1994, the California Postsecondary Education Commission shall complete an evaluation of the Associate of Arts, Teacher Assistant program, as operated in the two community college districts selected pursuant to Section 45351, which shall include, but need not be limited to, the data set forth in paragraph (3) of subdivision (c) of Section 45351, and shall report the results of that evaluation, together with its recommendations for program improvements, if any, to the Governor, the Legislature, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction.~~

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

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

SEC. _____. Section 45358 of the Education Code is repealed.

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

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

Educ. Code § 51882 (repealed). Health education

SEC. ____ . Section 51882 of the Education Code is repealed.

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

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

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

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

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

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

Comment. Section 62000 is amended to delete an obsolete reference to former Section 62006. The review required under that section was to be completed by September 15, 1987.

Educ. Code § 62006 (repealed). Special education

SEC. ____ . Section 62006 of the Education Code is repealed. 62006. (a) The Legislature shall begin immediately a detailed study which shall ensure that each funding source and program is scrutinized regarding, but not limited to, the following:

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

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

(3) Effectiveness of programs.

(4) Appropriateness of local control.

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

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

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

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

(9) Characteristics of the target population being served.

(10) Need for the program.

(11) Purpose and intent of the program.

(b) In order to facilitate the legislative review, reports shall be developed and submitted to the Legislature pursuant to subdivisions (c), (e), and (f). The reports for programs

~~scheduled to sunset in 1986 shall be submitted to the Legislature by January 31, 1985; for programs scheduled to sunset in 1987, the reports shall be submitted by September 15, 1985; for programs scheduled to sunset in 1988, the reports shall be submitted by September 15, 1986; for programs scheduled to sunset in 1989, the reports shall be submitted by September 15, 1987.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. ____ . Section 62007 of the Education Code is repealed.

~~62007. The State Department of Education shall review and report upon the adult education program authorized pursuant to Chapter 3 (commencing with Section 8500) of Part 6 and Chapter 10 (commencing with Section 52500) of Part 28 of the Education Code. The State Department of Education shall submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1994. The Legislative Analyst shall submit his or her review of the report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report. In conducting the review required by this section, the State Department of Education shall consider the issues listed in subdivisions (a) and (c) of Section 62006 and shall make recommendations on any appropriate revisions of the law or regulations governing the program.~~

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

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

SEC. ____ . Section 62008 of the Education Code is repealed.

~~62008. The State Department of Education shall review and report upon the Instructional Materials Program authorized pursuant to Part 33 (commencing with Section 60000). The State Department of Education shall submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1995. The Legislative Analyst shall submit his or her review of the report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report. In conducting the review required by this section, the State Department of Education shall consider the issues listed in subdivisions (a) and (c) of Section 62006 and shall make~~

~~recommendations on any appropriate revisions of the law or regulations governing the program.~~

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The provider’s qualifications, experience, and education.
- (2) Safety and security procedures, including ratios of children per supervisor.
- (3) Any conflict of interest.
- (4) Maintenance and disclosure of records, including confidentiality policies.

(5) Procedures for screening, delineation of terms and conditions, and termination of supervised visitation services.

(6) Procedures for emergency or extenuating situations.

(7) Orientation to and ~~guidelines~~ *guidelines* for cases in which there are allegations of domestic violence, child abuse, substance abuse, or special circumstances.

(8) The legal obligations and responsibilities of supervisors.

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

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

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

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

SEC. ____ . Section 20025 of the Family Code is repealed.

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

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

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

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

SEC. ____ . Section 20042 of the Family Code is repealed.

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

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

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

FISH AND GAME CODE

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

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

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

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

Fish & Game Code § 853 (amended). Deputies

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

853. (a) The director may deputize any employee of the department to check persons for licenses required under Section 7145 and to enforce violation of that section. Before a person is deputized pursuant to this section for the first time, the person shall have satisfactorily completed a training course meeting the minimum standards of, and comparable to, the training for “level III reserve” as set forth in the regulations of the Commission on Peace Officer Standards and Training. Any person, who is deputized for this limited purpose pursuant to this section, may not enforce any other provision of this code, and is not a peace officer subject to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FOOD AND AGRICULTURAL CODE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. ____ . Section 13127 of the Food and Agricultural Code is amended to read:

13127. (a) Not later than December 31, 1985, the department shall identify 200 pesticide active ingredients which the department determines have the most significant data gaps and widespread use and which are suspected to be

hazardous to people. Not later than 30 days after the report issued pursuant to *former* Section 13125, *as added by Chapter 669 of the Statutes of 1984*, the department shall notify each registrant of a pesticide product containing any of the identified 200 pesticide active ingredients of the applicable data gap required to be filled pursuant to this section.

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

(c)(1) Not later than September 1, 1986, the department shall determine whether a test has been initiated to fill each of the data gaps for each pesticide active ingredient identified in subdivision (a). If no test has been initiated, the department shall fill data gaps in accordance with procedures provided in subparagraph (B) of paragraph (2) of subsection (c) of Section 136a of Title 7 of the United States Code. In order to carry out this section, the director has the same authority to require information from registrants of active pesticide ingredients and to suspend registration that the Administrator of the Environmental Protection Agency has pursuant to subparagraph (B) of paragraph (2) of subsection (c) of Section 136a of Title 7 of the United States Code. If a hearing is requested regarding the proposed suspension of registration, it shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. On or before July 1, 1986, the director shall, by regulation, prescribe procedures for resolving disputes or funding the filling of data gaps. The

procedures may include mediation and arbitration. The arbitration procedures, insofar as practical, shall be consistent with the federal act, or otherwise shall be in accordance with the commercial arbitration rules established by the American Arbitration Association. The procedures shall be established so as to resolve any dispute within the timetable established in subdivision (a).

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

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

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

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

(f)(1) Whenever the director exercises the authority provided in paragraph (1) of subdivision (e), he or she shall give public notice of the action stating the reasons for exempting the pesticide product from the data requirements of

this article. Copies of this notice shall be provided to the appropriate policy committees of the Legislature.

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

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

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

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

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

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

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

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

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

58509. (a) The Secretary of the State and Consumer Services Agency shall ~~review the federal Temporary~~

~~Emergency Food Assistance Program and submit a report on or before March 1, 1985, to the Legislature regarding recommendations for the operation and administration of this program in the state. In performing this review, the secretary shall, at a minimum, consult with the departments of the Health and Welfare Agency, such as the Department of Aging and the Department of Social Services, and shall also consult with the Departments of Education, General Services, and Food and Agriculture. In addition, the secretary shall consult with four food bank representatives, two from the northern portion of the state, all of whom have been active members of a nationwide network of food banks for a minimum of two years immediately prior to appointment, and two from the southern portion of the state, all of whom have been active members of a nationwide network of food banks for a minimum of two years immediately prior to appointment, and two food industry representatives, one wholesaler and one manufacturer, all of whom shall be selected by the Governor and referred to as the Food Bank Advisory Committee.~~

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

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

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

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

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

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

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

~~(5) Review procedures that will minimize the requirements imposed on eligible recipient agencies insofar as practicable while also complying with Public Law 98-8 and Public Law 98-92.~~

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

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

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

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

GOVERNMENT CODE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mandated blood testing and confidentiality to protect public health, prohibition against compelling identification of test subjects, Section 120975, Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, unauthorized disclosures of identification of test subjects, Section 120980, Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, disclosure to patient's spouse, sexual partner, needle sharer, or county health officer, Section 121015, Health and Safety Code.

Manufactured home, mobilehome, floating home, confidentiality of home address of registered owner, Section 18081, Health and Safety Code.

Marital confidential communications, Sections 980, 981, 982, 983, 984, 985, 986, and 987, Evidence Code.

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

Marketing of commodities, confidentiality of financial information, Section 58781, Food and Agricultural Code.

Marketing orders, confidentiality of processors or distributors' information, Section 59202, Food and Agricultural Code.

Marriage, confidential, certificate, Section 511, Family Code.

Medi-Cal Benefits Program, confidentiality of information, Section 14100.2, Welfare and Institutions Code.

Medi-Cal Benefits Program, Evaluation Committee, confidentiality of information, Section 14132.6, Welfare and Institutions Code.

Medi-Cal Benefits Program, Request of Department for Records of Information, Section 14124.89, Welfare and Institutions Code.

Medi-Cal Fraud Bureau, confidentiality of complaints, Section 12528, Government Code.

Medical information, disclosure by provider unless prohibited by patient in writing, Section 56.16, Civil Code.

Medical information, types of information not subject to patient prohibition of disclosure, Section 56.30, Civil Code.

Medical and other hospital committees and peer review bodies, confidentiality of records, Section 1157, Evidence Code.

Medical or dental licensee, action for revocation or suspension due to illness, report, confidentiality of, Section 828, Business and Professions Code.

Medical or dental licensee, disciplinary action, denial or termination of staff privileges, report, confidentiality of, Sections 805, 805.1, and 805.5, Business and Professions Code.

Meetings of state agencies, disclosure of agenda, Section 11125.1, Government Code.

Mental institution patient, notification to peace officers of escape, Section 7325.5, Welfare and Institutions Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Veterinarian or animal health technician, alcohol or dangerous drugs diversion and rehabilitation records,

confidentiality of, Section 4871, Business and Professions Code.

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

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

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

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

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

Voting, secrecy, Section 1050, Evidence Code.

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

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

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

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

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

Comment. Section 8293 is amended to delete as obsolete the reference to the filing of the Law Revision Commission's first report. The section

is also amended to eliminate the implication that the Commission may not study a matter listed in its calendar of topics that has previously been approved by the Legislature, or that has been assigned by statute rather than concurrent resolution of the Legislature.

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

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

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

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

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

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

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

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

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

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

SEC. _____. Section 8593.3 of the Government Code is repealed.

~~8593.3. The Office of Emergency Services shall prepare and submit to the Legislature, on or before December 31, 1991, a report which shall include the following:~~

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

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

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

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

SEC. _____. Section 8599.1 of the Government Code is repealed.

~~8599.1. The Office of Emergency Services shall provide the Assembly Committee on Earthquake Preparedness and Natural Disasters and the Senate Committee on Toxics and Public Safety Management with a status report on the development of the plan required by Section 8599 on or before July 15, 1991, and a final report with recommendations on what is required to implement the plan on or before October 31, 1991.~~

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

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

SEC. _____. Section 8870.75 of the Government Code is repealed.

~~8870.75. In addition to the responsibilities listed in Section 8870.7, the Seismic Safety Commission shall undertake a study to determine the feasibility of (i) establishing a comprehensive program of earthquake hazard reduction having as its purposes the saving of lives and mitigating~~

damage to property and (ii) developing and implementing a system for predicting damaging earthquakes in California.

The study shall accomplish the following tasks:

(a) Earthquake hazard reduction.

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

(1) A review of and recommendations for improving the development and implementation of technically and economically feasible codes, standards, and procedures for the design and construction of new structures and the strengthening of existing structures so as to increase the earthquake resistance of structures located in areas of significant seismic hazard.

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

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

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

(b) Earthquake prediction.

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

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

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

(c) Implementation processes.

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

~~(1) Recommendations for new roles, responsibilities, and programs for state and local agencies, universities, private organizations, and volunteer organizations, including goals, priorities, and expenditures of future state funds specifically~~

~~identified for the recommended earthquake prediction and hazards reduction program.~~

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

~~(d) Coordination with other agencies.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. _____. Section 9116 of the Government Code is repealed.

~~9116. (a) The Legislature shall conduct a project feasibility study which includes a thorough review of the current and long-term requirements of the Legislature for office facilities and a determination of the most economical and cost-effective~~

~~method of funding the acquisition of those office facilities. The Legislature may contract with the Department of General Services for the purpose of the feasibility study.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Each agency, ~~by July 1, 1988,~~ shall furnish the department, in the format specified by the department, a record of each parcel of real property which it possesses. Each

agency shall update its real property holdings, reflecting any changes, by July 1 of each year. This record shall include, but is not limited to, all of the following information:

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

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

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

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

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

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

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

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

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

SEC. _____. Section 11011.19 of the Government Code is repealed.

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

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

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

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

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

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

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

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

(d) The California LIHEAP established pursuant to this section is separate from and independent of the California

LIHEAP established in Chapter 7 of the Statutes of 2001, First Extraordinary Session.

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

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

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

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

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

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

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

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

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

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

(1) Elderly persons.

(2) Disabled persons.

(3) Limited-English-speaking persons.

(4) Migrant and seasonal farmworkers.

(5) Households with very young children.

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

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

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

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

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

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

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

(1) Explore, with grantee agencies, standards for determining effective, efficient intake procedures, and

procedures to combine outreach for federal, state, and utility low-income energy programs into a single intake process.

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

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

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

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

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

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

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

(n) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted

statute, that is enacted before January 1, 2005, deletes or extends that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Commuter rail services.

(4) Public transit services.

(5) Other transportation services.

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

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

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

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

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

Gov't Code § 14525.6 (repealed). Allocation and expenditure of transportation funds

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

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

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

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

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

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

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

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

SEC. ____ . Section 15345.1 of the Government Code is repealed.

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

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

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

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

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

~~(4) Identification of industries migrating to California.~~

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

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

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

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

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

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

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

SEC. ____ . Section 15345.2 of the Government Code is repealed.

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

- ~~(1) California utilities.~~
- ~~(2) Chambers of commerce.~~
- ~~(3) Local economic development organizations.~~
- ~~(4) California manufacturing associations.~~
- ~~(5) Small business manufacturing enterprises.~~
- ~~(6) Large business manufacturing enterprises.~~
- ~~(7) Organized labor.~~
- ~~(8) California community colleges and universities.~~
- ~~(9) The Employment Development Department.~~
- ~~(10) The Franchise Tax Board.~~

~~(b) In gathering required information, the secretary may utilize plant closure information provided through the federal Worker Adjustment and Retraining Notification Act (29~~

~~U.S.C. Sec. 2101 and following) and employment data provided through the Employment Development Department's Labor Market Information Survey, as well as market research, site inventory analysis, survey instruments, and other appropriate data gathering strategies.~~

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

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

SEC. _____. Section 15345.3 of the Government Code is repealed.

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

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

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

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

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

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

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

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

(4) Business mix of domestic and international sales.

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

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

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

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

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

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

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

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

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

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

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

SEC. _____. Section 15345.5 of the Government Code is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) The State Energy Resources Conservation and Development Commission shall, in consultation with the Department of General Services, publish and transmit to the Legislature no later than December 31, 1994, a report describing the activities related to financing energy~~

~~conservation measures at kindergarten through grade 12 schools.~~

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

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

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

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

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

SEC. ____ . Section 16272.3 of the Government Code is repealed.

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

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

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

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

16272.5. The State Controller, shall total the amounts determined pursuant to *former* Section 16272.3, *as amended by Chapter 332 of the Statutes of 1978*, and shall determine the proportion which the amounts submitted by each governing body bears to the total amount of the property taxes reported by all such governing bodies. The percentage

determined for each governing body shall be applied to the one hundred and twenty-five million dollars (\$125,000,000) to determine the dollar share of the surplus allocation for each governing body. The Controller shall then notify in writing each fiscal officer of the allocation which will be made for the 1978-79 fiscal year, on or before July 20, 1978.

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Statistics on sick leave, on the job accidents, health care claims, workers' compensation claims, termination,~~

~~grievances, and tardiness for the years of 1984, 1985, and 1986.~~

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

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

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

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

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

~~(g) The number of supervisory consultations.~~

~~(h) Employee satisfaction with the program.~~

~~(i) Recommendations for improving the program.~~

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

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

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

SEC. ____ . Section 30605 of the Government Code is repealed.

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

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

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

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

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

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

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

~~(b) The report of the audit shall be submitted to the Legislature and Governor on or before March 31, 1996. The State Auditor shall not unnecessarily duplicate the efforts of the Legislative Analyst's Office, and shall utilize, to the extent possible, the data and analyses of the Legislative Analyst.~~

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

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

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

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

(1) Pipelines, as defined in paragraph (3) of subdivision (a) of Section 51010.5, used for the transportation of crude oil

that operate by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe.

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

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

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

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

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

(f) The costs of this section shall be funded from federal block grant funds. This section shall become operative only upon receipt of these federal block grant funds as determined

by the State Fire Marshal. Upon receipt of these funds the State Fire Marshal shall provide written notice to both houses of the Legislature for publication in their respective journals.

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

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

SEC. ____ . Section 51015.1 of the Government Code is repealed.

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

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

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

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

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

~~(5) Analysis of the feasibility of requiring the pipeline operator to test, repair, replace, or relocate intrastate pipelines~~

~~suspected of potential damage resulting from a railroad car derailment. As a minimum, that analysis shall include the examination of issues involved in obtaining necessary rights-of-way, and requirements for gaining approval of concerned local, state, and federal governmental agencies for pipeline relocation.~~

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

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

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

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

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

~~(C) Special testing or inspection requirements.~~

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

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

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

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

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

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

SEC. _____. Section 53117 of the Government Code is repealed.

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

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

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

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

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

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

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

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

~~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.~~

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

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

SEC. _____. Section 68511.4 of the Government Code is repealed.

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

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

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

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

SEC. _____. Section 68515 of the Government Code is repealed.

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

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

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

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

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

~~(5) Data on megatrials for the past 10 years, to include, but not be limited to, 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) The status of establishing an Office of Rural Health or alternative organizational structure.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1275.3. (a) The State Department of Health Services and the State Department of Developmental Services shall jointly develop and implement licensing and Medi-Cal regulations appropriate for intermediate care facilities/developmentally

disabled—nursing. The Director of Health Services shall adopt these regulations as emergency regulations and, notwithstanding any provision of law, shall transmit emergency regulations adopted pursuant to this subdivision directly to the Secretary of State for filing, and regulations shall become effective immediately upon filing.

The adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(b) The regulations adopted pursuant to subdivision (a) shall ensure that residents of intermediate care facilities/developmentally disabled—nursing receive appropriate medical and nursing services, and developmental program services in a normalized, least restrictive physical and programmatic environment appropriate to individual resident need.

In addition, the regulations shall do all of the following:

(1) Include provisions for the completion of a clinical and developmental assessment of placement needs, including medical and other needs, and the degree to which they are being met, of clients placed in an intermediate care facility/developmentally disabled—nursing and for the monitoring of these needs at regular intervals.

(2) Provide for maximum utilization of generic community resources by clients residing in a facility.

(3) Require the State Department of Developmental Services to review and approve an applicant's program plan as part of the licensing and certification process.

(4) Require that the physician providing the certification that placement in the intermediate care facility/developmentally disabled—nursing is needed, consult with the physician who was the physician of record at the time the person's proposed placement is being considered by the interdisciplinary team.

(c) Regulations developed pursuant to this section shall include licensing fee schedules appropriate to facilities which will encourage their development.

(d) Nothing in this section supersedes the authority of the State Fire Marshal pursuant to Sections 13113, 13113.5, 13143, and 13143.6 to the extent that these sections are applicable to community care facilities.

~~(e) The State Department of Developmental Services, in consultation with the State Department of Health Services, shall report to the Legislature no later than January 1, 1989, regarding the number and types of clients being served in intermediate care facilities/developmentally disabled—nursing and any problems encountered by facilities or the departments in implementing the new licensure category.~~

Comment. Section 1275.3 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1989.

Health & Safety Code § 1519 (repealed). Cost of operation of residential facilities

SEC. ____ . Section 1519 of the Health and Safety Code is repealed.

~~1519. The Auditor General shall report to the Legislature by no later than March 1, 1986, on the cost of operation for residential facilities for all client groups, taking into account the difference in facility size. The Auditor General shall recommend an appropriate rate structure for recipients of Supplemental Security Income/State Supplementary Program in residential facilities for all client groups based on the findings in the report.~~

Comment. Section 1519 is repealed as obsolete. The required report was to be completed by March 1, 1986.

Health & Safety Code § 1520.65 (repealed). Study of community care facility placements

SEC. ____ . Section 1520.65 of the Health and Safety Code is repealed.

~~1520.65. (a) The Legislature finds and declares that there exists a compelling need to examine the circumstances and conditions that result in the placement of children in community care facilities outside their county of residence in order to determine the impact these placements have on the overconcentration of facilities in certain communities, and the well-being of the children effected and the success of family reunification.~~

~~(b) The State Department of Social Services shall provide a report to the Legislature on or before January 1, 1994. In preparing the report, the department shall consult with representatives of provider organizations, the County Welfare Directors Association, the County Probation Officers Association, and others. The report shall contain the following information:~~

~~(1) Identify the number of children, by county, who are being placed into community care facilities outside their county of residence, as well as the location of the placement facilities.~~

~~(2) Identify the characteristics of the children being placed out of county, including their ethnic and socioeconomic background, as well as the particular needs which resulted in their placement.~~

~~(3) Identify the number of children by county being placed out of state.~~

~~(4) Identify the characteristics of the children being placed out of state, including their ethnic and socioeconomic background, as well as the particular needs which resulted in their placement.~~

~~(5) Determine the effect of land use regulations in urban and suburban areas on the siting of facilities.~~

~~(6) Determine the relationship between housing costs, prevailing labor costs, and unemployment rates on siting of facilities.~~

Comment. Section 1520.65 is repealed as obsolete. The required report was to be completed by January 1, 1994.

Health & Safety Code § 1522.4 (amended). Community care facility standards

SEC. ____ . Section 1522.4 of the Health and Safety Code is amended to read:

1522.4. (a) In addition to any other requirements of this chapter and except for foster family homes, small family homes, and certified family homes of foster family agencies, all of the following apply to any community care facility providing 24-hour care for children:

(1) The facility shall have one or more facility managers. "Facility manager," as used in this section, means a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients. The facility manager, licensee, and administrator, or any combination thereof, may be the same person provided he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility, this person shall be limited to the administration and management of only one facility.

(2) The facility manager shall have at least one year of experience working with the client group served, or equivalent education or experience, as determined by the department.

(3) A facility manager shall be at the facility at all times when one or more clients are present. To ensure adequate supervision of clients when clients are at the facility outside of their normal schedule, a current telephone number where the facility manager can be reached shall be provided to the clients, licensing agency, school, and any other agency or

person as the department determines is necessary. The facility manager shall instruct these agencies and individuals to notify him or her when clients will be returning to the facility outside of the normal hours.

(4) The Legislature intends to upgrade the quality of care in licensed facilities.

For the purposes of Sections 1533 and 1534, the licensed facility shall be inspected and evaluated for quality of care at least once each year, without advance notice and as often as necessary, without advance notice, to ensure the quality of care being provided.

Paragraphs (1), (2), and (3) shall apply only to new facilities licensed for six or fewer children which apply for a license after January 1, 1985, and all other new facilities licensed for seven or more children which apply for a license after January 1, 1988. Existing facilities licensed for seven or more children shall comply by January 1, 1989.

(b) No employee of the state or county employed in the administration of this chapter or employed in a position that is in any way concerned with facilities licensed under this chapter shall hold a license or have a direct or indirect financial interest in a facility described in subdivision (a).

The department, by regulation, shall make the determination pursuant to the purposes of this section and chapter, as to what employment is in the administration of this chapter or in any way concerned with facilities licensed under this chapter and what financial interest is direct or indirect.

This subdivision does not prohibit the state or county from securing a license for, or operating, a facility that is otherwise required to be licensed under this chapter.

(c)(1) No group home or foster family agency licensee, or employee, member of the board of directors, or officer of a group home or foster family agency licensee, shall offer gifts or other remuneration of any type to any employee of the

State Department of Social Services or placement agency that exceeds the monetary limits for gifts to employees of the State of California pursuant to Title 9 (commencing with Section 81000) of the Government Code and regulations adopted thereunder by the Fair Political Practices Commission.

(2) No employee of the department or a placement agency shall accept any gift or other remuneration of any type from a group home or foster family agency licensee or employee, member of the board of directors, or officer of a group home or foster family agency licensee that exceeds the monetary limits for gifts to employees of the State of California in Title 9 (commencing with Section 81000) of the Government Code and regulations adopted thereunder by the Fair Political Practices Commission.

(3) Violation of this subdivision is punishable as a misdemeanor.

~~(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.~~

Comment. Section 1522.4 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1999.

Health & Safety Code § 1522.6 (repealed). Fingerprint clearance advisory committee

SEC. ____ . Section 1522.6 of the Health and Safety Code is repealed.

~~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.~~

Comment. Section 1522.6 is repealed. The advisory committee created by Section 1522.6 was terminated on January 1, 1991.

Health & Safety Code § 1527.9 (repealed). Availability of commercial liability insurance

SEC. ____ . Section 1527.9 of the Health and Safety Code is repealed.

~~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 foster-care status of the insured, the premium cost, the number of insurers offering coverage to foster care families, and the number of claims made against each insurer by insureds relevant to the foster care relationship.~~

Comment. Section 1527.9 is repealed as obsolete. The required report was to be completed by January 1, 1988.

Health & Safety Code § 1529.3 (repealed). Foster parent training

SEC. ____ . Section 1529.3 of the Health and Safety Code is repealed.

~~1529.3. (a) By January 1, 1990, the Legislative Analyst shall report to the Legislature on the status of foster parent training in California. The report shall include, but not be limited to, the following: identification of a desirable basic curriculum of training for foster parents, identification of specialized training needs for foster parents in addition to the basic curriculum; recommendations for whether training should be mandatory for all foster parents; and recommendations on how the training should be funded.~~

~~(b) In preparing the report, the Legislative Analyst shall consult with the State Department of Social Services, the Chancellor of the California Community Colleges, the California State Foster Parents Association, the California Association of Services for Children, the County Welfare Directors Association, and other appropriate parties.~~

Comment. Section 1529.3 is repealed as obsolete. The required report was to be completed by January 1, 1990.

Health & Safety Code § 1557 (repealed). Suspension of license or special permit of community care facility

SEC. ____ . Section 1557 of the Health and Safety Code is repealed.

~~1557. The Auditor General shall report to the Legislature by April 1, 1988, on the implementation of the procedures established in Section 1556.~~

Comment. Section 1557 is repealed as obsolete. The required report was to be completed by April 1, 1988.

Health & Safety Code § 1569.545 (repealed). Reinstatement of suspended permit

SEC. ____ . Section 1569.545 of the Health and Safety Code is repealed.

~~1569.545. The Auditor General shall report to the Legislature by April 1, 1988, on the implementation of the procedures established in Section 1569.54.~~

Comment. Section 1569.545 is repealed as obsolete. The required report was to be completed by April 1, 1988.

Health & Safety Code § 1596.955 (amended). Toddler program

SEC. ____ . Section 1596.955 of the Health and Safety Code is amended to read:

1596.955. (a) The department shall develop guidelines and procedures to permit licensed child day care centers serving preschool age children to create a special program component for children between the ages of 18 months and 30 months. This optional toddler program shall be subject to the following basic conditions:

(1) An amended application is submitted to and approved by the department.

(2) No child shall be placed in the preschool program before the age of 30 months without parental permission. A child who is more than 30 months of age may participate in the toddler program with parental permission.

(3) Parents give permission for the placement of their children in the toddler program.

(4) A ratio of six children to each teacher is maintained for all children in attendance at the toddler program. An aide who is participating in on-the-job-training may be substituted for a teacher when directly supervised by a fully qualified teacher.

(5) The maximum group size, with two teachers, or one fully qualified teacher and one aide, does not exceed 12 toddlers.

(6) The toddler program is conducted in areas separate from those used by older or younger children. Plans to alternate use of outdoor play space may be approved to achieve separation.

(7) All other preschool regulations are complied with.

(b) The toddler program shall be considered an extension of the preschool license, without the need for a separate license.

(c) The department shall immediately prepare proposed regulations for public hearing which would consider the foregoing basic conditions as well as any additional health and safety safeguards deemed necessary for this age group.

(d) The guidelines in subdivision (a) shall remain in force and effect only until regulations implementing this section are adopted by the department. ~~A status report on development of the regulations shall be submitted by the department to the Legislature no later than June 1, 1990.~~

Comment. Section 1596.955 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by June 1, 1990.

Health & Safety Code § 1597.01 (repealed). Outdoor activity space requirements

SEC. ____ . Section 1597.01 of the Health and Safety Code is repealed.

~~1597.01. (a) The State Department of Social Services shall conduct a comprehensive evaluation of the square footage requirements for outdoor activity space in child day care centers, as contained in regulations in Title 22 of the California Code of Regulations, and shall report to the Legislature by June 1, 1989, on all of the following:~~

~~(1) The extent to which the current waiver process is used to permit exceptions to the 75 square feet per child requirement. This shall include the number of waivers that are requested, approved, and denied, by geographic area of the state, and the reasons for approval or denial.~~

~~(2) The results of a survey of licensed child day care centers on whether or not the current regulatory requirements for outdoor activity space should be retained or changed.~~

~~(3) Recommendations for whether the 75 square feet per child regulatory requirement should be retained or changed.~~

~~This shall include a discussion of whether the square footage requirement for outdoor activity space for infants should be reduced and, if so, by how much and for what age group.~~

~~(b) In conducting the evaluation, the department shall consult actively with licensed child care providers, resource and referral agencies, urban planners and child care coordinators, and developers of new facilities, among others. The department shall solicit public testimony on the issue of whether the square footage for infants should be retained or changed and under what circumstances.~~

Comment. Section 1597.01 is repealed as obsolete. The required report was to be completed by June 1, 1989.

Health & Safety Code § 1598.3 (repealed). Recipients of funds

SEC. ____ . Section 1598.3 of the Health and Safety Code is repealed.

~~1598.3. The State Department of Social Services shall report to the Legislature, on or before January 1, 1980, with respect to the names of the organizations receiving funds pursuant to this chapter and the purposes for which the funds have been utilized.~~

Comment. Section 1598.3 is repealed as obsolete. The required report was to be completed by January 1, 1980.

Health & Safety Code § 6982 (amended). Wastewater technologies

SEC. ____ . Section 6982 of the Health and Safety Code is amended to read:

6982. (a) Notwithstanding Section 6952, the West Bay Sanitary District may use the procedures in this chapter to provide alternative or innovative waste water technologies in the district's jurisdiction.

(b) The determination of a public health officer pursuant to Section 6955.1 shall include written findings, adopted by the district board of directors, regarding the existing or potential public health hazard.

~~(c) If the district uses the procedures in this chapter to provide alternative or innovative waste water technologies pursuant to this section, the district shall submit to the Legislature, by January 1, 1991, a report on the effectiveness of alternative waste water technologies and the procedures in this chapter, recommend changes, if any in the requirements, and make recommendations as to the desirability of continuing the requirements after January 1, 1992.~~

~~(d) “Alternative or innovative waste water technologies” means either (1) an onsite waste water disposal system, as defined in Section 6952, or (2) such a system in conjunction with communitywide sewer or sewage systems, if one or more of the components of the system is located on or in close proximity to the real property and employs innovative or alternative waste water technologies, including, but not limited to, grinder pump pressure sewer systems, septic tank effluent pump pressure sewer systems, vacuum sewer systems, or small-diameter gravity septic tank systems.~~

Comment. Section 6982 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1991.

Health & Safety Code § 11756.5 (repealed). Alcohol and drug abuse treatment programs

SEC. ____ . Section 11756.5 of the Health and Safety Code is repealed.

~~11756.5. (a) The director shall provide funding for the establishment of three pilot projects aimed at the prevention and nonresidential treatment of alcohol and drug abuse in Asian and Pacific Islander communities. Only one project shall be funded in each county. The projects may serve either adults exclusively, or youth exclusively, or both.~~

~~(b) The pilot projects shall operate for a period of three years, commencing on April 1, 1991.~~

~~(c) Each of the pilot projects shall be located in counties that have an unmet need for services to the Asian and Pacific Islander population. The pilot projects shall be ethnic-specific, employing bilingual, bicultural counselors, and involving family members and traditional community resources and indigenous Asian and Pacific Islander approaches.~~

~~(d) In determining unmet needs, the department shall consider the population and diversity of Asians and Pacific Islanders in each county.~~

~~(1) Only those programs that demonstrate a potential client population of at least 3,000 shall be funded.~~

~~(2) Each program to be funded shall demonstrate the capacity to serve at least 5 percent of the potential client population.~~

~~(e) In selecting the projects to be funded, the director shall also consider evidence of community support, including, but not limited to, business, educational, charitable, and social service groups. Priority shall be given to programs aimed at respecting the cultural diversity within the target population, especially new and emerging immigrant groups, by offering a spectrum of services.~~

~~(f) The department shall evaluate the success of the pilot projects and shall submit an evaluation report to the Legislature no later than December 1, 1994. The evaluation report shall contain, but shall not be limited to, all the following:~~

~~(1) The number of clients served by each pilot project.~~

~~(2) The number of clients who successfully completed the program offered by each pilot project.~~

~~(3) The nature and extent of the alcohol and drug abuse of the clients during the last 30 days of the program offered by each pilot project.~~

~~(4) The types of prevention and treatment services provided.~~

~~(5) The effectiveness of using bilingual and bicultural approaches to prevention and treatment.~~

~~(g) A pilot project shall be deemed successful if both the following occur:~~

~~(1) The project served 20 percent more Asian and Pacific Islander clients than were served by any previously existing programs.~~

~~(2) The number of referrals to the project from courts and social service and mental health agencies increased 20 percent over prior referrals to any previously existing programs.~~

~~(h) To the extent permitted by federal law, the department shall use three hundred thousand dollars (\$300,000) of available federal Alcohol, Drug Abuse, and Mental Health Services Block Grant funds to provide funding for the pilot projects established pursuant to this section for the first year of implementation. It is the intent of the Legislature that funding for the pilot projects in subsequent years be appropriated in the annual Budget Act.~~

Comment. Section 11756.5 is repealed as obsolete. The required projects were to be completed by April 1, 1994.

Health & Safety Code § 11756.7 (amended). Comprehensive client-centered system of care

SEC. ____ . Section 11756.7 of the Health and Safety Code is amended to read:

11756.7. (a) The department shall, in partnership with the County Alcohol and Drug Program Administrators' Association of California, collaborate with providers, constituency groups, and other interested parties, to develop and test a comprehensive, client-centered system of care that is outcome-based and addresses the devastating costs of substance abuse to individuals, families, and communities.

(b) Key elements of the system of care may include:

(1) Definition of services.

(2) Automation of state, county, and provider data collection and capacity management system.

(3) Quality assurance standards.

(4) Assessment and outcome measures.

(c) Involvement in the testing of the various system of care components shall be voluntary for counties and their contract providers. Providers within the selected counties that volunteer and are approved by the county alcohol and drug program administrator shall meet the criteria for application and participation and coordinate services through their county alcohol and drug program administrator. The department shall establish criteria, in partnership with the County Alcohol and Drug Program Administrators' Association of California, and in consultation with providers, constituency groups, and other interested parties.

(d) The department, in consultation with the County Alcohol and Drug Program Administrators' Association of California, may establish terms and conditions, which may include, but need not be limited to, incentives for participation that establish alternate means to satisfy accountability, reporting, or other requirements otherwise required by this division.

(e) The department shall commence planning and implementing the tests on or after January 1, 1999, with the counties that have volunteered to participate in the system of care. The department, in partnership with the County Alcohol and Drug Program Administrators' Association of California, shall report annually to the Legislature during budget hearings as to the status of the tests.

(f) The outcome of the tests shall include automation linkages for the state, counties, and providers, and recommendations for service system improvements.

(g) Findings and recommendations shall be prepared by the department, in partnership with the County Alcohol and Drug

~~Program Administrators' Association of California, and reported to the Legislature by July 1, 2001.~~

(h) The department shall seek federal funding to support the testing and evaluation of key system elements.

(i) *(h)* By January 1, 2003, the department shall provide the appropriate committees of the Legislature with a written report on options on how to apply the pilot program developed under this section on a statewide basis. The report shall contain options for redesigning the operation of state and local alcohol and drug programs that reflect the definition of services, quality assurance standards, automation of data collection, capacity management and assessment, and outcome measures developed pursuant to this section.

(j) *(i)* This section shall become inoperative on July 1, 2003, and shall be repealed on January 1, 2004, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends those dates.

Comment. Subdivision (g) of Section 11756.7 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 2001.

Health & Safety Code § 11757.62 (repealed). Alcohol and Drug Affected Mothers and Infants

SEC. ____ . Section 11757.62 of the Health and Safety Code is repealed.

~~11757.62. The office, in consultation with the interagency task force, shall evaluate the effectiveness of the pilot project, Services to Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants, and shall report its findings to the Legislature no later than June 30, 1994.~~

Comment. Section 11757.62 is repealed as obsolete. The required report was to be completed by June 30, 1994.

Health & Safety Code § 11758.10 (amended). Net amount contracts

SEC. ____ . Section 11758.10 of the Health and Safety Code is amended to read:

11758.10. (a)(1) Notwithstanding any other provision of law, the department shall contract with any county that requests to participate in the pilot project for the 1993-94 fiscal year.

(b) The pilot project shall terminate on June 30, 1994. The department shall negotiate, on or before July 1, 1994, multiyear net amount contracts with every county. The department shall allocate funds to each county in accordance with Sections 11814 and 11983. The department shall predicate its contract negotiations on the availability of a mutually agreeable dedicated capacity.

~~(b) The department shall submit a final report by January 1, 1995, to the Chairperson of the Senate Health and Human Services Committee, the Chairperson of the Assembly Health Committee, and the Chairperson of the Assembly Human Services Committee as to whether the use of negotiated net amount contracts under this pilot project result in improved levels of efficiency, local discretion and flexibility, reduced local administrative overhead and costs, and increased program funds for services, as well as maintenance of quality and access within the counties requesting to participate in the pilot project.~~

Comment. Section 11758.10 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1995.

Health & Safety Code § 11758.33 (repealed). Construction of chapter SEC. ____. Section 11758.33 of the Health and Safety Code is repealed.

~~11758.33. Nothing in this chapter shall be construed to apply to negotiated net amount contracts under the pilot project established pursuant to Chapter 3 (commencing with Section 11758.10) of Part 1 of Division 10.5 of the Health and Safety Code.~~

Comment. Sections 11758.33 is repealed as obsolete. The pilot project to which it relates has been completed.

Health & Safety Code §§ 11758.50-11758.54 (repealed). AIDS education pilot project

SEC. ____ . Chapter 3.5 (commencing with Section 11758.50) of Division 10.5 of Part 1 of the Health and Safety Code is repealed.

Comment. Sections 11758.50-11758.54 are repealed as obsolete. The required pilot project and report were to be completed by July 1, 1992.

Health & Safety Code §§ 11759.10-11759.17 (repealed). Employee Assistance Consortium Demonstration Program

SEC. ____ . Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of the Health and Safety Code is repealed.

Comment. Sections 11759.10-11759.17 are repealed as obsolete. The demonstration program to which they relate has been completed.

Health & Safety Code § 11772 (amended). Contracts with public or private agencies

SEC. ____ . Section 11772 of the Health and Safety Code is amended to read:

11772. (a) The department may enter into contracts with public or private agencies or make grants necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public or private agencies and individuals, to pay them in advance or reimburse them for services provided to problem drinkers and their families and communities. The Legislature finds and declares that many of the activities required of the department which are necessary to carry out its duties under this part are unique to alcohol services and programs. Therefore, the Legislature directs the department to contract with public or private agencies or individuals to perform its duties whenever that expertise is available and appropriate to utilize.

(b) Notwithstanding any other provision of this part, the department may not contract directly for the provision of alcohol services except as follows:

(1) To provide referral and monitoring services for recipients of Supplemental Security Income in those counties that choose not to provide these services.

(2) For demonstration programs of limited duration and scope which, wherever possible, shall be administered through the counties and which are specifically authorized and funded by the Budget Act or other statutes.

~~(3) For pilot projects under Chapter 3 (commencing with Section 11758.10).~~

(4) To provide supportive services, such as technical assistance, on a statewide basis, or management and evaluation studies to help assure more effective implementation of this part.

(c) The Legislature strongly encourages all counties to apply for funds under this part because of the seriousness of alcohol problems in California and the necessity for affirmative governmental involvement to help alleviate alcohol problems. However, the Legislature has chosen not to mandate that counties provide those services and programs. In the absence of local community control of the services and programs, the state shall not intervene to operate directly or through contract services and programs which the elected county board of supervisors has chosen not to provide to its constituents.

Comment. Sections 11772 is amended to reflect the repeal of former Chapter 3 (commencing with Section 11758.10).

Health & Safety Code § 11782 (repealed). Service delivery systems

SEC. ____ . Section 11782 of the Health and Safety Code is repealed.

~~11782. The department shall contract for a statewide independent evaluation of both the current alcohol and drug~~

~~service delivery systems and methods to increase access to alcohol and drug recovery programs for disenfranchised populations.~~

~~(a) The target populations shall include, but not be limited to:~~

- ~~(1) Women.~~
- ~~(2) Ethnic minorities.~~
- ~~(3) Adolescents.~~
- ~~(4) The elderly.~~
- ~~(5) The disabled.~~
- ~~(6) The homeless.~~

~~(7) Any other group determined by the department to be underserved.~~

~~(b) Prior to commencing the evaluation, the independent contractor shall consult with representatives of affected state and local agencies and community groups, including, but not limited to:~~

~~(1) State agencies responsible for providing services to the target populations.~~

~~(2) County alcohol and drug program administrators.~~

~~(3) Each of the designated target population constituency groups.~~

~~(4) Community-based organizations which provide alcohol abuse prevention and recovery services, drug abuse prevention and treatment services, or both to one or more of the target population groups.~~

~~(c) The independent evaluation shall include, but not be limited to, the following:~~

~~(1) Review and evaluation of both the county alcohol plan and the county drug plan.~~

~~(2) Review and evaluation of legislative mandates to ascertain accessibility to alcohol and drug abuse prevention and recovery programs by the target populations and to define the barriers to such access.~~

~~(3) Comparative analyses of county alcohol plans and county drug plans with the actual services provided by each county studied.~~

~~(A) The analyses shall include specific descriptions of services provided to each of the target populations, as well as a list of alternative services available to the target populations in each county studied.~~

~~(B) In conducting the analyses, community-based organizations providing services to the target populations most heavily underserved shall be interviewed in general on the quality of county support and specifically on barriers to access of services.~~

~~(C) At least four counties shall be evaluated, including Los Angeles County, a primarily urban county other than Los Angeles County, a primarily suburban county, and a primarily rural county.~~

~~(4) Recommendations to the department for any administrative policy, funding, and regulatory changes necessary to enhance access to programs by the target populations.~~

~~(5) Recommendations to the Legislature for funding and statutory changes necessary to enhance access to programs by the target populations.~~

~~(d) On or before September 30, 1991, the department shall issue a final report to the Legislature on the findings of the independent evaluation.~~

~~(e) Within six months after issuing the final report, the department shall hold a series of public hearings on the findings and recommendations provided by the independent evaluation and contained in the final report.~~

Comment. Section 11782 is repealed as obsolete. The required report was to be completed by September 30, 1991.

Health & Safety Code § 11798.1 (amended). Combined drug and alcohol programs

SEC. ____ . Section 11798.1 of the Health and Safety Code is amended to read:

11798.1. ~~(a) Notwithstanding any other provision of this division, the director shall establish a demonstration program with Fresno, San Francisco, and San Mateo Counties, whereby Fresno, San Francisco, and San Mateo Counties shall each develop and operate its alcohol and drug abuse programs that would otherwise be required under this division, as one coordinated program in each county. However, the demonstration program shall only operate in any of these counties if the board of supervisors of the respective county adopts a resolution consenting to the establishment of the demonstration program. Notwithstanding any other provision of this division, the director shall permit Marin, Santa Clara, San Diego, San Luis Obispo, Solano, and Ventura Counties to participate in the demonstration program commencing on the effective date of amendments to this section pursuant to Assembly Bill 2591, of the 1991-92 Regular Session.~~

~~(b) In establishing this demonstration program, it is the intent of the Legislature that:~~

~~(1) In developing and operating this demonstration program, counties may combine their alcohol and drug advisory boards, their alcohol and drug plan, their alcohol and drug budget, and submission deadlines for alcohol and drug budgets and cost reports and their administration at both the county and provider level.~~

~~(2) The demonstration program shall reflect current licensing and program standards, except as defined in paragraph (3).~~

~~(3) In circumstances where any of the participating counties wish to combine treatment programs for persons with both alcohol and drug problems, the county shall first submit its~~

plan and program standards for the treatment programs to the department for approval.

~~(4) The demonstration programs shall assess or categorize a program participant at the time of admission and discharge as having problems primarily with abuse of either alcohol or of drugs for purposes of federal reimbursement as required by federal law and report information to the department in a form consistent with existing data collection systems.~~

~~(5) All participating counties shall report to the director no later than October 1 of each year, that information which the director determines is reasonably necessary to determine the utility of these demonstration programs compared to operations in those counties prior to implementation of this section. This information shall include, but not be limited to, each of the following:~~

~~(A) The extent of savings in administrative costs as a result of consolidation.~~

~~(B) The extent of any shift of resources from administrative support to service delivery.~~

~~(C) The impact of this demonstration program on service delivery and program effectiveness, including social model programs, and the achievement of outcomes identified in the county plans.~~

~~(D) The impact of this demonstration on the program availability of federal funds.~~

~~(E) The extent to which individuals with primary alcohol problems decline services because of this demonstration program.~~

~~(F) Ability of the demonstration program to incorporate effective prevention efforts.~~

~~(G) Survey of participant attitudes regarding satisfaction with services to assure that the unique problems of drug abusers and persons inappropriately using alcohol are adequately addressed.~~

~~(H) Recovery rates compared with similar counties.~~

~~(I) The impact of this demonstration program on unit costs as compared to previous service costs for alcohol and drug services.~~

~~(J) The extent of training provided for alcohol and drug recovery program staff.~~

~~No later than January 1, 1994, the director shall report to the Legislature regarding the impact of consolidation. The report shall include a program evaluation based on the above information.~~

~~(e) Notwithstanding any other requirement of this division, commencing July 1, 1993, the pilot program pursuant to subdivisions (a) and (b) of this section shall terminate and thereafter any county may, by resolution of its board of supervisors, develop and operate alcohol and drug abuse programs as one coordinated system. In establishing coordinated systems with combined alcohol and drug services counties shall do all of the following:~~

~~(1) (a) Submit a combined alcohol and drug plan, including, but not limited to, a budget of all funds allocated to the county by the department.~~

~~(2) (b) Report all of the following to the department:~~

~~(A) (1) Utilization of all funds allocated by the department to the county in a combined annual expenditure report pursuant to state and federal requirements.~~

~~(B) (2) All information necessary for the department to administer this section, including, but not limited to, information needed to meet federal reporting requirements. This information shall be reported on a form developed by the department in consultation with the County Alcohol and Drug Administrators Association.~~

~~(3) (c) Combine drug and alcohol administrations in performance of alcohol and drug program administrative duties pursuant to Sections 11801 and 11963.~~

(4) (d) In circumstances where any of the participating counties wish to combine treatment programs for persons with both alcohol and drug problems, the county shall first submit its plan and program standards for the treatment programs to the department for approval.

(5) (e) Require combined programs, for planning and reimbursement purposes, to assess or categorize program participants at the time of admission and discharge with regard to whether their primary treatment needs are related to abuse of alcohol or of drugs.

(6) (f) Ensure that combined programs comply with statewide program standards developed pursuant to regulations adopted by the department in consultation with the alcohol and drug administrators.

Comment. Section 11798.1 is amended to delete reference to an obsolete program and report. The program and report were to be completed by January 1, 1994.

Health & Safety Code § 11831.5 (amended). Certification of recovery or treatment program

SEC. ____ . Section 11831.5 of the Health and Safety Code is amended to read:

11831.5. (a) Certification shall be granted by the department pursuant to this section to any alcoholism or drug abuse recovery or treatment program wishing to receive, and requesting, the certification regardless of the source of the program's funding.

(b) The purposes of certification under this section shall be all of the following:

(1) To identify programs which exceed minimal levels of service quality, are in substantial compliance with the department's standards, and merit the confidence of the public, third party payers, and county alcohol and drug programs.

(2) To encourage programs to meet their stated goals and objectives.

(3) To encourage programs to strive for increased quality of service through recognition by the state and by peer programs in the alcoholism and drug field.

(4) To assist programs to identify their needs for technical assistance, training, and program improvements.

(c) Certification may be granted under this section on the basis of evidence satisfactory to the department that the requesting alcoholism or drug abuse recovery or treatment program has an accreditation by a statewide or national alcohol or drug program accrediting body. The accrediting body shall be one whose accreditation meets or exceeds the department's standards and which is recognized by the department.

(d) No fee shall be levied by the department for certification of nonprofit organizations or local governmental entities under this section.

(e) Certification, or the lack thereof, shall not convey any approval or disapproval by the department, but shall be for information purposes only.

(f) The standards developed pursuant to Section 11830 and the certification under this section shall satisfy the requirements of Section 1463.16 of the Penal Code.

(g) The department and the State Department of Social Services shall enter into an interagency agreement to establish a process by which the Department of Alcohol and Drug Programs can certify residential facilities or programs serving primarily adolescents as defined in paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code, and providing alcoholism and drug recovery or treatment services.

~~The departments shall report to the Legislature no later than January 1, 1991, on the certification process they have~~

~~identified to be used by the department in certifying adolescent programs.~~

Comment. Section 11831.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1991.

Health & Safety Code § 11963.5 (repealed). Drug and alcohol program funding study

SEC. ____ . Section 11963.5 of the Health and Safety Code is repealed.

~~11963.5. (a) It is the intent of the Legislature that the policies and procedures governing the state's allocation formulas for funding alcohol and drug abuse prevention and treatment programs be reviewed and evaluated, including an evaluation of the feasibility of the state allocating funds based on indicators of high incidence drug and alcohol use among counties.~~

~~(b) The department shall conduct a study to assess the extent to which both alcohol and drug program funding allocation formulas to counties can be modified to include statewide indicators of high incidence drug and alcohol use.~~

~~The study shall include, but not be limited to, all of the following:~~

~~(1) A review and assessment of the existing allocation formulas to counties, including a review of other allocation formulas used in selected states determined by the department.~~

~~(2) An identification and assessment of potential statewide indicators of high incidence drug and alcohol use among counties.~~

~~(3) An examination of the feasibility of incorporating need indicators and other relevant measures into the allocation formulas.~~

~~(4) An examination of the feasibility of incorporating need indicators into the allocation of funds at the local level.~~

~~(5) Recommendations for modifying the existing allocation formulas to counties, including cost estimates. The department shall assess, to the extent possible, the impact of these recommendations on current allocations to counties.~~

~~(c) In conducting the study, the department shall acquire input from county program administrators, private nonprofit providers, and other relevant groups and citizens. Public input may be accomplished through public hearings, roundtable discussions, or other formats as determined appropriate by the department. The department shall ensure input from ethnic minorities that reflect the demographics of the State of California.~~

~~(d) The department shall report its findings and recommendations to the Legislature on or before January 24, 1992.~~

Comment. Section 11963.5 is repealed as obsolete. The required report was to be completed by January 24, 1992.

Health & Safety Code § 11998.2 (amended). County drug and alcohol abuse master plan

SEC. ____ . Section 11998.2 of the Health and Safety Code is amended to read:

11998.2. (a) "Department," as used in this division, means the State Department of Alcohol and Drug Programs.

(b) The board of supervisors of each county is encouraged to prepare and adopt a county drug and alcohol abuse master plan, pursuant to paragraph (1) of subdivision (f) of Section 11998.1, that addresses as many of the long-range goals set forth in Section 11998.1 as possible. It is the intent of the Legislature that every county master plan include quantitative outcome objectives that, at a minimum, measure progress in the areas of prevention, education, enforcement, and treatment. It is the intent of the Legislature that these objectives include measurements of:

(1) The reduction of arrests for driving under the influence of drugs or alcohol, or both.

(2) The reduction of alcohol and drug-related arrests.

(3) Increased public education on the dangers of substance abuse and the available prevention techniques including specific measurements of children, parents, and teachers who have received this education.

(4) The reduction of alcohol-and drug-related deaths and injuries.

(5) The increased number of persons successfully completing drug and alcohol abuse services.

If a county master plan is adopted, the board of supervisors or its designee shall, in conjunction with the county advisory boards as established pursuant to paragraph (2) of subdivision (f) of Section 11998.1, annually assess the progress of the county in reaching its long-range goals.

(c) Every county or public or private agency within a county that applies for state or local assistance funds for drug and alcohol abuse efforts in their program, may address, to the extent possible, any long-range goals set forth in a county drug and alcohol abuse master plan established pursuant to subdivision (b), and funding priority may be given to those entities which address these goals within their respective programs.

(d) The Governor shall designate one state agency to act as the lead agency on all drug and alcohol abuse matters.

(e) Every state agency that contracts or grants money to local jurisdictions or programs for drug and alcohol abuse services shall require the submission and shall review the contents of an approved county drug and alcohol abuse master plan, to the extent a plan has been adopted pursuant to subdivision (b).

(f) ~~On March 1, 1993, and annually thereafter, every~~ *Every* state agency that offers drug and alcohol abuse services or

financial assistance shall report *annually* to the Legislature on its efforts to achieve the master plan goals provided in Section 11998.1. Individual agencies may report separately or in combination with other state agencies.

(g) The department shall send copies of this division to all state-funded social service programs that provide drug and alcohol abuse services.

(h) The department shall maintain copies of every county drug and alcohol abuse master plan for review by other state agencies and the Legislature.

(i) The Governor shall designate one statewide resource center to coordinate efforts of other resource centers statewide and to coordinate with local government and assist in their preparation of drug and alcohol abuse master plans.

~~(j) The Senate Office of Research shall prepare, on or before June 30, 1989, a summary of drug and alcohol abuse laws for use by the Legislature, the department, and all other related state agencies in oversight of drug and alcohol abuse programs, and in evaluating the need for statutory changes. To the degree possible this summary shall be available to the public.~~

~~(k) Commencing June 30, 1989, the~~ *The* department shall maintain an annually updated listing of all drug and alcohol abuse programs provided or funded by the state. Every other state agency shall regularly provide the department with current information on programs they fund or provide.

~~(l)~~ *(k)* The Governor's Policy Council on Drug and Alcohol Abuse shall review and consider all of the goals contained in Section 11998.1.

~~(m) After January 1, 1992, the Auditor General shall audit the department to determine the state's progress and to the degree possible, the counties' progress toward meeting the master plan objectives set forth by this division. On or before~~

~~January 1, 1993, the Auditor General shall report the findings resulting from these audits to the Legislature.~~

Comment. Subdivision (f) of Section 11998.2 is amended to delete an obsolete reference to the date on which an annual reporting requirement took effect.

Former subdivision (j) is deleted as obsolete. The required report was to be completed by June 30, 1989.

Former subdivision (k) is redesignated subdivision (j) and amended to delete an obsolete reference to the date on which an annual listing requirement took effect.

Former subdivision (l) is redesignated subdivision (k).

Former subdivision (m) is deleted as obsolete. The required report was to be completed by January 1, 1993.

Health & Safety Code § 13143.7 (repealed). Automatic fire sprinklers

SEC. ____ . Section 13143.7 of the Health and Safety Code is repealed.

~~13143.7. (a) The Legislature hereby finds and declares that the installation of automatic fire sprinkler systems or other fire suppression or intrusion detection systems in schools might save lives and protect school property from losses due to arson fires, and that it is in the public interest to study the costs of installing fire sprinklers or other fire suppression or intrusion detection systems in schools, and to compare the costs of the sprinklers or other fire suppression or intrusion detection systems with benefits derived from their action in school fires.~~

~~(b) The State Fire Marshal shall, subject to funding of twenty-five thousand dollars (\$25,000) from private sources, study all pertinent laws and local building regulations regarding the installation and maintenance of systems including, but not limited to, automatic sprinkler systems, or fire protection systems that the State Fire Marshal determines are equivalent to automatic sprinkler systems, in school buildings. The State Fire Marshal shall give consideration to the potential cost of installing automatic sprinkler systems~~

~~and any other system reviewed by the State Fire Marshal, compared with the potential protection of life and cost savings due to the protection of property, within school facilities.~~

~~(c) On or before January 1, 1990, subject to funding of twenty-five thousand dollars (\$25,000) from private sources, the State Fire Marshal shall report findings and recommendations made pursuant to this section to the appropriate policy and fiscal committees of the Legislature.~~

~~(d) "School building," as used in this section, includes any building of a public or private elementary or secondary school, college or university, community college, or state university, or the University of California with a capacity of 50 or more persons.~~

~~(e) Funding shall be sought from private sources, for the implementation of this section.~~

Comment. Section 13143.7 is repealed as obsolete. The required report was to be completed by January 1, 1990.

Health & Safety Code § 16109 (amended). Earthquake mitigation technology

SEC. ____ . Section 16109 of the Health and Safety Code is amended to read:

16109. (a) In the event that a project involving buildings utilizing earthquake mitigation technologies and other new seismic resistant design technologies requires design review and plan approval by more than one public agency, the Coordinating Council of the Building Standards Commission shall, to the maximum extent feasible, consolidate the various hearings which may be required in order to minimize the time required for the hearings. This consolidation shall be for procedural purposes only and shall not be construed as consolidating the statutory responsibilities of the public agencies conducting the consolidated hearings.

~~(b) The Coordinating Council of the Building Standards Commission, in consultation with the State Architect, shall report to the Legislature by January 1, 1991, on recommendations for expediting and facilitating design review and plan approval of buildings utilizing earthquake mitigation technologies and other new seismic resistant design technologies.~~

Comment. Section 16109 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1991.

Health & Safety Code § 18944.34 (repealed). Report on straw bale structures

SEC. ____ . Section 18944.34 of the Health and Safety Code is repealed.

~~18944.34. (a) Subject to the availability of funds, on or before January 1, 2002, the California Building Standards Commission shall transmit, to the department and to the Legislature, a report regarding the implementation of this chapter.~~

~~(b) The implementation report shall describe which cities and counties have utilized this chapter, and the number and type of structures that have been built pursuant to local ordinances. The implementation report may include recommendations to amend the guidelines established by this chapter, or any other related matters.~~

~~(c) The California Building Standards Commission may accept and use any funds provided or donated for the purposes of this section.~~

Comment. Section 18944.34 is repealed as obsolete. The required report was to be completed by January 1, 2002, subject to the availability of funds.

Health & Safety Code § 25159.13 (repealed). Report on injection well use

SEC. ____ . Section 25159.13 of the Health and Safety Code is repealed.

~~25159.13. (a) Each person who is using, or has used, an injection well on or after January 1, 1960, for the discharge of hazardous wastes shall file with the department, on a form provided by the department, a hazardous waste injection statement on or before January 1, 1987.~~

~~(b) Each hazardous waste injection statement shall include, but not be limited to, all of the following information:~~

~~(1) The name and addresses of the persons responsible for the injection well and the owner, if different.~~

~~(2) The address and location of the well, including the city and county in which the well is located.~~

~~(3) The name and 24-hour telephone number of the contact person in the event of an emergency involving the well, if the well is currently in operation.~~

~~(4) A description of the well, including the type of construction of the well, well drilling and geologic logs, and age of the well.~~

~~(5) A list of the specific hazardous waste constituents discharged into each well, the dates of these discharges, and approximate volumes of the discharges unless the person demonstrates, for a well which has not been in operation since January 1, 1980, that the information cannot be ascertained.~~

~~(6) A description of any method used to monitor the well for leaks and migration into surrounding soils or groundwater.~~

~~(c) Each statement shall be accompanied by a fee specified in the fee schedule adopted by the department pursuant to Section 25159.19, set in an amount sufficient to cover the reasonable costs of the department in administering this section.~~

~~(d) Any person who fails to submit the statement and the fee for each injection well to the department by January 1, 1987,~~

~~is subject to a civil penalty in an amount of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) per day for each day the statement has not been received. Any person who submits false information to the department is subject to a civil penalty in an amount of not less than two thousand dollars (\$2,000) and not more than twenty-five thousand dollars (\$25,000) per day for each day the false information goes uncorrected.~~

~~(e) The department shall compile the hazardous waste injection statements by each city and county within which the well is located. These compilations shall be transmitted to the state board, the appropriate regional boards, cities, and counties on or before July 1, 1987.~~

~~(f) The department shall submit to the Legislature, on or before January 1, 1988, a report, based on the compilation of the hazardous waste injection statements made pursuant to subdivision (e) and any other information available to the department, which details the injection well sites which have resulted in contamination of land, air, or water and describing any proposed enforcement and remedial actions.~~

~~(g) This section applies only to injection wells into which hazardous waste is discharged.~~

Comment. Section 25159.13 is repealed as obsolete. The required reports were to be completed by January 1, 1988.

Health & Safety Code § 25159.19 (amended). Fee schedule

SEC. ____ . Section 25159.19 of the Health and Safety Code is amended to read:

25159.19. (a) On or before July 1, 1986, the department shall, by emergency regulation, adopt a fee schedule which assesses a fee upon any person discharging any hazardous wastes into an injection well. The department shall include in this fee schedule the fees charged for filing a hazardous waste injection statement specified in *former* Section 25159.13, *as added by Chapter 1591 of the Statutes of 1985*, the report

specified in Section 25159.18, and applications for, and renewals of, the exemptions specified in Section 25159.15. The department shall also include provisions in the fee schedule for assessing a penalty pursuant to subdivision (c). These fees shall be based on the reasonable anticipated costs which will be incurred by the department to implement and administer this article. The department may also request an appropriation to be used in combination with these fees to perform the monitoring, inspections, review of reports, or any other implementation and administrative actions required by this article.

(b) The emergency regulations which set the fee schedule shall be adopted by the department in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect until revised by the department.

(c) The department shall send a notice to each person subject to the fee specified in subdivision (a). If a person fails to pay the fee within 60 days after receipt of this notice, the department shall require the person to pay an additional penalty fee. The department shall set the penalty fee at not more than 100 percent of the assessed fee, but in an amount sufficient to deter future noncompliance, as based upon that

person's past history of compliance and ability to pay, and upon additional expenses incurred by this noncompliance.

(d) The department shall collect and deposit the fees and penalties collected pursuant to this section in the Hazardous Waste Injection Well Account, which is hereby created in the General Fund. The money within the Hazardous Waste Injection Well Account is available, upon appropriation by the Legislature, to the department for purposes of administering this article.

(e) This section applies only to injection wells into which hazardous waste is discharged.

Comment. Section 25159.19 is amended to reflect the repeal of former Section 25159.13.

Health & Safety Code § 25244.3 (repealed). Reductions in hazardous waste generation

SEC. ____ . Section 25244.3 of the Health and Safety Code is repealed.

~~25244.3. On or before June 1, 1986, the department shall conduct a study, and make recommendations to the Legislature, on the establishment of a comprehensive program for achieving reductions in hazardous waste generation. The study shall address, but not be limited to, all of the following program elements, as they relate to hazardous waste reduction:~~

- ~~(a) Funding assistance, such as grants, low-interest loans, and tax incentives.~~
- ~~(b) Disposal fee levels and types.~~
- ~~(c) Technical assistance.~~
- ~~(d) Regulatory incentives.~~
- ~~(e) Demonstration projects.~~
- ~~(f) Research activities.~~
- ~~(g) Funding and staffing necessary to fully implement this program.~~

Comment. Section 25244.3 is repealed as obsolete. The required report was to be completed by June 1, 1986.

Health & Safety Code § 25299.80 (repealed). Underground tank study

SEC. ____ . Section 25299.80 of the Health and Safety Code is repealed.

~~25299.80. On or before January 1, 1993, the board, in consultation with the commissioner, shall prepare and submit to the Legislature a report containing, but not limited to, all of the following information:~~

~~(a) A summary of corrective action taken pursuant to this chapter.~~

~~(b) Summary data on claims paid out of the fund.~~

~~(c) An assessment of the availability of private insurance for coverage of unauthorized releases of petroleum from underground storage tanks.~~

~~(d) Data on the ability of owners or operators of underground storage tanks to comply with alternative mechanisms for demonstrating financial responsibility, such as financial guarantees.~~

~~(e) Summary data on the low-interest loan program established pursuant to Chapter 8.5 (commencing with Section 15399.10) of Part 6.7 of Division 3 of Title 2 of the Government Code for the repair or replacement of leaking underground storage tanks.~~

~~(f) Recommendations for a permanent program to further the intent of this chapter, including recommendations as to the use of the insurance fund to provide coverage for owners and operators of underground storage tanks for liability under federal law arising out of unauthorized releases of petroleum into the environment from these tanks.~~

Comment. Section 25299.80 is repealed as obsolete. The required report was to be completed by January 1, 1993.

Health & Safety Code § 25503.2 (amended). Hazardous materials compliance assistance manual

SEC. ____ . Section 25503.2 of the Health and Safety Code is amended to read:

25503.2. (a) The California Environmental Protection Agency, with the guidance of the Chemical Emergency Planning and Response Commission, as specified in Section 25503.1, shall develop a hazardous materials compliance assistance manual, which shall include all of the following:

(1) A copy of each form required by federal and state agencies for the reporting of activities concerning hazardous materials and criteria as to who is required to file the form.

(2) The due date for each form specified in paragraph (1).

(3) The address, telephone number, and contact person of each federal and state agency which requires the reporting forms specified in paragraph (1).

(4) An insert which contains a copy of each form used for the reporting of activities concerning hazardous materials required by each local agency under whose jurisdiction the person requesting the manual conducts business, including the due date for each form, and the address, telephone number, and contact person of each local agency.

(5) Any other information which the California Environmental Protection Agency determines to be necessary.

(b) On or before July 1, 1991, the California Environmental Protection Agency, with the guidance of the Chemical Emergency Planning and Response Commission, shall make known to businesses and other interested parties, and distribute, upon request, the hazardous materials compliance assistance manual developed pursuant to subdivision (a). The Secretary for Environmental Protection may impose a fee for the manual to pay for all costs related to the development, maintenance, reproduction, and distribution of the manual.

~~(c) On or before July 1, 1991, the California Environmental Protection Agency, with the guidance of the Chemical~~

~~Emergency Planning and Response Commission, shall submit a report to the Legislature on the status of the development and distribution of the hazardous materials compliance assistance manual program. The report shall also contain a discussion of the feasibility of the adoption of a single filing date for state and local hazardous materials reporting forms, including recommendations for implementation of a single filing date for these forms, and the use of a single comprehensive hazardous materials reporting form for businesses to submit to the appropriate state and local agencies.~~

Comment. Section 25503.2 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1991.

Health & Safety Code §§ 25547-25547.2 (repealed). Hazardous materials use reduction institute

SEC. ____ . Article 5 (commencing with Section 25547) of Chapter 6.95 of Division 20 of the Health and Safety Code is repealed.

Comment. Sections 25547-25547.2 are repealed as obsolete. The required study was to be completed by March 1, 1991.

Health & Safety Code § 25928 (repealed). Asbestos Assessment Task Force report

SEC. ____ . Section 25928 of the Health and Safety Code is repealed.

~~25928. The State Department of Health Services shall report to the Legislature by December 31, 1987, on the results of the Asbestos Assessment Task Force recommendations and inspections pursuant to Section 25927.~~

Comment. Section 25928 is repealed as obsolete. The required report was to be completed by December 31, 1987.

Health & Safety Code § 38045 (repealed). Direct service contracts with nonprofit organizations

SEC. ____ . Section 38045 of the Health and Safety Code is repealed.

~~38045. (a) It is the intent of the Legislature to ensure that nonprofit organizations that enter into human services contracts with the state are provided with the appropriate information to enable them to faithfully execute the contracts and meet the audit standards that are established by the various departments of state government which contract for services through local assistance funding.~~

~~(b) The Auditor General shall review the contract reform, appeals, and audit processes set forth in this division and Division 25.1 (commencing with Section 38050), with respect to their application to direct service contracts with nonprofit organizations, and shall report thereon to the Legislature on or before July 1, 1989. The report shall contain recommendations to achieve a reduction in the number of audit exceptions and appeals so as to improve the efficient administration of direct service contracts with nonprofit organizations.~~

Comment. Section 38045 is repealed as obsolete. The required report was to be completed by July 1, 1989.

Health & Safety Code § 39663 (repealed). Control of landfill gas

SEC. ____ . Section 39663 of the Health and Safety Code is repealed.

~~39663. (a) For purposes of this section "landfill" means a solid waste landfill, as defined in subdivision (a) of Section 40195.1 of the Public Resources Code.~~

~~(b) The Legislature hereby finds and declares all of the following:~~

~~(1) Despite the adoption of stringent emission reduction measures, especially as applied to stationary sources, southern California and other regions of the state exceed a number of~~

federal and state ambient air quality standards, often by wide margins.

(2) Noncombustion landfill gas control technologies that convert landfill gas to alternative fuels may offer opportunities to achieve additional emission reductions beyond those currently being achieved.

(3) Alternative fuels produced from landfill gas may generate a revenue stream for landfill operators and may be sold as, among other things, a reformulated gasoline additive and an alternative vehicle fuel. Both uses are key components of local air quality management plans in nonattainment areas to achieve compliance with state and federal ambient air quality standards.

(4) It is in the interests of the people of this state to identify and encourage the use of technologies that can cost-effectively achieve additional pollutant emission reductions for stationary sources while producing a marketable product from renewable waste materials that can further reduce emissions from vehicles.

(c) On or before January 1, 1998, the state board, in consultation with the south coast district and other districts, as feasible, shall conduct a study and prepare a report thereon that does all of the following:

(1) Identifies commercially available technologies to control landfill gas that are not based on combustion as the means of controlling or destroying emissions from landfill gas.

(2) Analyzes the effects on air quality of the use of technologies identified pursuant to paragraph (1) and compares the results of that analysis with emissions from landfill gas control technologies for which best available control technology has been established, emphasizing opportunities for further reductions in emissions of criteria pollutants.

~~(3) Identifies opportunities for emission reduction credits resulting from the use of technologies identified pursuant to paragraph (1) compared to the use of landfill gas control technologies for which best available control technology has been established, based on the state board's best assessment of current and projected values of credits for specified pollutants.~~

~~(4) Identifies those landfill gas control technologies that have the ability to generate revenue from the production of energy or alternative fuels, and analyzes the potential economic impact of those revenues on the use of the technologies.~~

~~(d) In preparing the report required by subdivision (c), the state board shall make all reasonable efforts to obtain financial and technical assistance from districts, and districts that assist in preparing the report shall make all reasonable efforts to provide that assistance to the state board.~~

Comment. Section 39663 is repealed as obsolete. The required report was to be completed by January 1, 1998.

Health & Safety Code § 40410.5 (amended). South coast district sensitive zone

SEC. ____ . Section 40410.5 of the Health and Safety Code is amended to read:

40410.5. (a) There is hereby established within the south coast district a sensitive zone, which shall include the general forecast areas known as the San Gabriel/Pomona Valleys and the Riverside/San Bernardino areas.

(b) In addition to every other requirement for the issuance of a permit, the following requirements shall be applicable to the issuance of a permit by the south coast district for the construction or operation of any stationary source within the sensitive zone:

(1) When emission offsets are required to mitigate the air quality impacts of a stationary source, the offsets shall be

secured by the applicant so as to bring about ambient air quality improvements within the sensitive zone. The applicant shall be required to demonstrate, to the satisfaction of the south coast district, that any emissions reductions acquired from stationary sources operating within the South Coast Air Basin will result in a demonstrable net ambient air quality improvement within the sensitive zone.

(2) In considering an application for a permit to construct or operate a stationary source, the south coast district board shall, in addition to making a finding and determination that the impacts of the stationary source will be mitigated so as to result in a net improvement in ambient air quality within the South Coast Air Basin, also make a finding and determination that the impacts of the stationary source can be mitigated so as to result in a net improvement in ambient air quality within the sensitive zone.

(c) The south coast district board shall adopt rules and regulations to implement this section by January 1, 1991.

~~(d) The south coast district shall report to the Legislature by January 1, 1992, on the implementation of subdivision (b). This report shall include a description of the impact of the requirements of subdivision (b) on the issuance of permits for the construction or operation of stationary sources within the sensitive zone, and upon air quality within the sensitive zone.~~

Comment. Section 40410.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1992.

Health & Safety Code § 40452 (amended). Report on regulatory activities

SEC. ____ . Section 40452 of the Health and Safety Code is amended to read:

40452. The south coast district shall submit an annual report to the state board and the Legislature summarizing its

regulatory activities for the preceding calendar year. The report shall include all of the following:

(a) A summary of each major rule and rule amendment adopted by the south coast district board. The summary shall include emission reductions to be accomplished by each rule or regulation; the cost per ton of emission reduction to be achieved from each rule or regulation; other alternatives that were considered through the environmental assessment process; the cost per ton of comparable emission reductions that could have been achieved from each alternative; a statement of the reason why a given alternative was chosen; the conclusions and recommendations of the district's socioeconomic analysis, including any evaluations of employment impacts; and the source of funding for the rule or regulation. For the purposes of this subdivision, a major rule or rule amendment is one that is intended to significantly affect air quality or that imposes emission limitations.

(b) The number of permits to operate or to construct, by type of industry, that are issued and denied, and the number of permits to operate that are not renewed.

(c) Data on emission offset transactions and applications, by pollutant, during the previous fiscal year, including an accounting of the number of applications for permits for new or modified sources that were denied because of the unavailability of emission offsets.

(d) The district's forecast of budget and staff increases proposed for the following fiscal year, and projected for the next two fiscal years. Budget and staff increases shall be related to existing programs and rules, and to new programs or rules to be adopted during the following years. The budget forecast shall provide a workload justification for proposed budget and staff changes and shall identify any cost savings to be achieved by program or staff changes. The budget forecast shall include increases in permit fees and other fees proposed

for the following fiscal year and projected for the next two fiscal years.

(e) An identification of the source of all revenues collected that are used, or proposed to be used, to finance activities related to either stationary or nonstationary sources.

~~(f) A response to audit recommendations pursuant to Section 40453. The response shall include proposed statutory changes needed to implement the recommendations.~~

(g) The results of the clean fuels program as specified in Section 40448.5. This element of the report shall be submitted biennially.

Comment. Section 40452 is amended to delete an obsolete reference to former Section 40453.

Health & Safety Code § 43013.5 (amended). Unfinished fuels and fuel blending

SEC. ____ . Section 43013.5 of the Health and Safety Code is amended to read:

43013.5. (a) For purposes of implementing and enforcing Sections 43020 and 43021, the State Air Resources Board shall purchase and install a wavelength dispersive XRF spectrometer with the capability to analyze gasoline and diesel fuels and other petroleum products for sulfur content according to ASTM procedures specified by regulation.

~~(b) On or before May 1, 1992, the State Air Resources Board shall report to the Legislature on the nature, types, and extent of unfinished fuels and fuel blending components sold or blended at locations other than refineries. The report shall include recommendations concerning the need for appropriate legislation.~~

Comment. Section 43013.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by May 1, 1992.

Health & Safety Code § 44245 (repealed). Programs funded by vehicle registration fees

SEC. ____ . Section 44245 of the Health and Safety Code is repealed.

~~44245. The state board shall report to the Legislature on or before December 31, 1992, on the air pollution reduction programs funded pursuant to this chapter. The report shall include, but not be limited to, an analysis of the use of vehicle registration fees for air pollution programs, the efficacy and results of the programs funded by the fees and any conclusions and recommendations by the state board.~~

Comment. Section 44245 is repealed as obsolete. The required report was to be completed by December 31, 1992.

Health & Safety Code § 44247 (repealed). Report by local agencies on use of fees and results of programs

SEC. ____ . Section 44247 of the Health and Safety Code is repealed.

~~44247. Local agencies imposing vehicle registration fees for air pollution programs pursuant to this chapter shall report to the state board on their use of the fees and the results of the programs funded by the fees and shall cooperate with the state board in the preparation of its report. These reports shall be submitted according to a schedule adopted by the state board to ensure compliance with the reporting requirements of Section 44245.~~

Comment. Section 44247 is repealed as obsolete. The report required under Section 44245 was to be completed by December 31, 1992.

Health & Safety Code § 50519 (amended). Residential hotels

SEC. ____ . Section 50519 of the Health and Safety Code is amended to read:

50519. (a) The Legislature finds and declares that the need for decent housing among individuals of very low and low income is great, and that residential hotels are often the only form of housing affordable to these individuals. Many

residential hotels are in poor condition and in need of rehabilitation, and many are being demolished or converted to other uses. The state can play an important role in preserving the existence and improving the quality of this housing resource through sponsoring demonstration projects which will enable local sponsors to acquire, rehabilitate, maintain, or otherwise protect and improve residential hotels as a housing resource for persons of very low and low income. The demonstration projects should be undertaken and designed so as to demonstrate the feasibility of innovative methods of protecting and improving residential hotels and of improving their habitability while assuring their continued availability to persons of very low and low income.

(b) The following definitions govern the construction of this section:

(1) "Residential hotel" means any building containing six or more guestrooms or efficiency units, as defined by Section 17958.1, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, but does not mean any building containing six or more guestrooms or efficiency units, as defined by Section 17958.1, which is primarily used by transient guests who do not occupy that building as their primary residence.

(2) "Sponsor" means a local government or nonprofit housing sponsor.

(3) "Persons of low income" shall have the same meaning as persons of low income as defined in Section 50093 of the Health and Safety Code.

(c) The department, in conjunction with the State Fire Marshal, shall develop a model code for the rehabilitation of residential hotels. The department shall adopt the code on or before January 1, 1981. The code need not be adopted by any

city, county, or city and county. However, those entities may adopt all or part of the code as an alternative to the requirements of the State Housing Law, Part 1.5 (commencing with Section 17910) of Division 13, as that law applies to residential hotels.

The purpose of the standards shall be to protect the health, safety, and welfare of the occupants of those residential hotels, to allow the economically feasible rehabilitation of those residential hotels, and to assure to the extent possible the preservation of those residential hotels as housing for very low and low-income persons.

(d) The agency shall develop a program of financing and loan insurance for the purpose of assisting the rehabilitation and acquisition of residential hotels serving the housing needs of very low and low-income persons by appropriate sponsors, and shall implement that program on or before January 1, 1981.

In the event that the agency is unable to implement that program, it shall report to the Legislature on or before July 1, 1981, the reasons for its inability to implement that program, and recommend methods by which the agency could implement that program.

(e) The department shall contract, subject to the availability of federal funds, with selected sponsors to acquire, rehabilitate, maintain, or otherwise protect and improve residential hotels as housing for persons of low income. The contracts may provide for grants or loans at an interest rate which the department determines will facilitate the present and future use of residential hotels as housing for persons of very low and low income. Subject to the availability of funds, the department shall contract for the preservation and improvement of at least one residential hotel in a rural area. Subject to restrictions on funds received, the department shall

give first priority to residential hotels financed or acquired with assistance from the agency pursuant to subdivision (d).

(f) In connection with contracts let pursuant to subdivision (e), the department shall fix, and may alter from time to time, a schedule of rents as may be necessary to assure affordable rents for persons of low income in residential hotels assisted by funds made available under subdivision (e), and to the extent consistent with the maintenance of the financial integrity of the sponsor of the project and with the requirements for repayment of any funds loaned as established by the department. No local government or nonprofit housing sponsor receiving funds through the provisions of subdivision (e) shall alter rents without the prior permission of the department, which permission shall be given only if the sponsor demonstrates that the alteration is necessary to defray necessary operating costs and to avoid jeopardizing the fiscal integrity of the sponsor or to maintain affordable rents to the residents in the project. If the department does not act upon a request for a rent increase within 60 days, the increase shall be deemed approved. In connection with contracts authorized by subdivision (e), the department may determine standards for the selection by sponsors of the tenants for units in projects funded by contracts pursuant to subdivision (e). The authority of the department to fix and alter rents pursuant to this subdivision shall apply only to units within residential hotels which receive assistance pursuant to subdivision (e).

~~(g) On or before January 1, 1983, the department shall conduct an evaluation of the various projects funded pursuant to subdivision (e), and of the various methods of preserving and improving residential hotels as a housing resource for persons of low income, and will report on these projects and methods to the Legislature.~~

~~(h) On or before January 1, 1983, the department shall report to the Legislature on the extent of the use of residential hotels as housing for persons of low income, and on possible state actions to further the use of residential hotels and to improve existing conditions in residential hotels in a manner designed to maintain their use as housing for persons of low income.~~

Comment. Section 50519 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by January 1, 1983.

Health & Safety Code § 50524 (amended). Extent and causes of homelessness

SEC. ____ . Section 50524 of the Health and Safety Code is amended to read:

~~50524. The department shall, on or before March 1, 1985, prepare and provide a report to the Legislature evaluating the extent and causes of homelessness in the state, identifying who is homeless and what existing efforts are being made to address the problem, and recommending appropriate state action which will help resolve the problem. It is the intent of the Legislature, that the department utilize and rely upon existing sources of information about the homeless, to the maximum extent feasible, and devote a majority of the amount appropriated by subdivision (c) of Section 7 of the act which enacted this section to develop recommendations of appropriate solutions to resolve that problem. The department shall thereafter include in its statewide housing plan a review of housing assistance policies, goals, and objectives affecting the homeless.~~

Comment. Section 50524 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by March 1, 1985.

Health & Safety Code § 50837 (repealed). Advisory Task Force on Affordable Housing

SEC. ____ . Section 50837 of the Health and Safety Code is repealed.

~~50837. (a) The Advisory Task Force on Affordable Housing is hereby created in the Department of Housing and Community Development to provide advisory recommendations on methods by which state housing programs may be restructured in order to benefit the greatest number of Californians by obtaining maximum federal funding under the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and, particularly, under Titles II and IV thereof. As part of the report, the Treasurer shall study, and report to the task force, about how the state bond programs can be counted as part of the nonfederal match and how they might specifically fund the HOME and HOPE programs.~~

~~(b) The members of the task force shall include the Director of Housing and Community Development, who shall serve as chairperson of the task force, the Controller, the Treasurer, the Director of the Department of Veterans Affairs, and the Executive Director of the California Housing Finance Agency, or their respective designees. The task force shall meet as deemed necessary by the 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.

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.~~

~~(b) The report shall include, but not be limited to, all of the following information, which the department shall take into consideration in its recommendation:~~

~~(1) The number of indigent patients served.~~

~~(2) The number of dentists, dental auxiliaries, and other persons who volunteer in the provision of dental care to the indigent patients.~~

~~(3) The dollar amount billed to the Denti-Cal program, which provides reimbursement for dental care services under the Medi-Cal program.~~

~~(4) The dollar amount paid to the pilot project by Denti-Cal.~~

~~(5) The dollar amount of treatment denied by Denti-Cal.~~

~~(6) The dollar amount paid by patients.~~

~~(7) The dollar amount of supplies and equipment donated to the program.~~

~~(8) The dollar amount paid by the project for overhead.~~

~~(9) The number of hours of service by volunteers.~~

Comment. Section 101535 is repealed as obsolete. The required report was to be completed by December 31, 1989.

Health & Safety Code § 104595 (repealed). Nutrition monitoring

SEC. ____ . Section 104595 of the Health and Safety Code is repealed.

~~104595. The department shall analyze the results of the California Nutrition Monitoring Development Act of 1986 in a report to the Governor and the Legislature. Where feasible and appropriate, other reports on nutritional status within the department shall be consolidated into one nutrition monitoring report. This report shall include all of the following components:~~

~~(a) The types of data to be collected and reported on shall include, but are not limited to, the data described in Section 104580 for purposes of carrying out this article.~~

~~(b) Based upon the findings of subdivision (a), the department shall identify those areas in which existing data is meeting user needs, areas in which users have identified deficiencies or inefficiencies, and areas in which data collection efforts are not occurring. The department shall recommend specifications for a suitable data system using microcomputer technology where feasible. The system shall involve state and local government agencies and the private sector.~~

~~(c) Using the data collected in subdivisions (a) and (b), the department shall identify options for providing data of the type and timeliness needed by local users.~~

~~(d) The department shall submit its report and recommendations to the Governor and the Legislature no later than January 1, 1988.~~

Comment. Section 104595 is repealed as obsolete. The required report was to be completed by January 1, 1988.

Health & Safety Code § 105140 (amended). Geriatric medicine

SEC. ____ . Section 105140 of the Health and Safety Code is amended to read:

105140. (a) In addition to the other programs provided under this chapter, it is the intent of the Legislature to encourage the Regents of the University of California to monitor existing physician licensing requirements, and any additional requirements developed in response to Section 105135. It is also the intent of the Legislature that the regents review programs and offerings in the schools of medicine to ensure that graduates of those schools are adequately prepared to meet the licensing requirements in geriatric medicine and any other educational requirements in geriatric medicine deemed appropriate by the regents.

(b) It is the intent of the Legislature that the regents request the medical and other health science schools of the University of California to consider the need for additional emphasis on geriatrics in their curricula. ~~The regents are hereby requested to provide a status report on this need to the Governor and the Legislature by January 1, 1987.~~

Comment. Section 105140 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1987.

Health & Safety Code § 105175 (amended). Occupational health

SEC. ____ . Section 105175 of the Health and Safety Code is amended to read:

105175. (a) The department shall, ~~by no later than January 1, 1987, establish and thereafter~~ maintain a program on occupational health and occupational disease prevention, including, but not limited to, the following:

(1) Investigations into the causes of morbidity and mortality from work-induced diseases.

(2) Development of recommendations for improved control of work-induced diseases.

(3) Maintenance of a thorough knowledge of the effects of industrial chemicals and work practices on the health of California workers.

(4) Provision of technical assistance in matters of occupational disease prevention and control to the Department of Industrial Relations and other governmental and nongovernmental agencies, organizations, and private individuals.

(5) Collection and summarization of statistics describing the causes and prevalence of work-induced diseases in California.

(b) The functions provided for in subdivision (a) are intended to implement within the department a continuing research and development capability and a repository of hazardous substances capability which will reinforce and strengthen the administration of the California Occupational Safety and Health Act of 1973, Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, including the capability to recommend occupational health standards to the California Occupational Safety and Health Standards Board. Whenever the repository identifies data gaps for any chemical regulated by the California Occupational Safety and Health Act of 1973, the department shall notify the Division of Occupational Safety and Health of the Department of Industrial Relations of its finding.

~~(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 (a).~~

~~(d) Upon the request of the department, and in furtherance of the goals of the occupational disease prevention program, employers shall provide to the department the results of~~

monitoring data, both exposure and medical, which has been collected pursuant to Cal-OSHA standards and regulations.

(e) (d) The state department shall have access without delay to any place of employment during regular working hours and at other reasonable times to conduct investigations necessary to carry out the purposes of this article and Article 2 (commencing with Section 105185), including, but not limited to, research, health hazard evaluation, and epidemiological surveillance. In connection with the investigation, the department may question privately any employer, owner, operator, agent, or employee and review and copy records collected pursuant to Cal-OSHA standards and regulations, and other related records.

(f) (e) The repository maintained pursuant to this section and Section 147.2 of the Labor Code shall contain the report issued pursuant to Sections 13124 and 13125 of the Food and Agricultural Code. Whenever a request for toxicity information is received concerning a chemical discussed in that report, the department shall notify the requestor of the nature and extent of any data gaps identified in the report with respect to that chemical. Whenever the repository receives a request about toxicity information on any other chemical, in addition to providing available information about the known toxic effects of exposure to the chemical, the repository shall also notify the requester of a determination by any state agency or federal agency that the chronic health effects testing data on the chemical is inadequate or incomplete. State agencies that maintain information on the toxic effects of chemicals shall provide the repository with access to that information.

Comment. Subdivision (a) of Section 105175 is amended to delete an obsolete reference to the date on which the program was to be established.

Former subdivision (c) is deleted as obsolete. The required report was to be completed by January 1, 1988.

Former subdivision (d) is redesignated subdivision (c).
Former subdivision (e) is redesignated subdivision (d).
Former subdivision (f) is redesignated subdivision (e).

Health & Safety Code § 105335 (repealed). Sharps injuries

SEC. ____ . Section 105335 of the Health and Safety Code is repealed.

~~105335. The program on occupational health and occupational disease prevention of the department shall do all of the following:~~

~~(a) In coordination with the Division of Occupational Safety and Health of the Department of Industrial Relations, and to the extent funding is available, conduct a three-year pilot surveillance study on sharps injuries in hospitals, skilled nursing facilities, and home health agencies.~~

~~(b) Hospitals, skilled nursing facilities, and home health agencies shall be solicited to participate in the study on a voluntary basis and, to the extent feasible, an incentive shall be provided to encourage voluntary participation.~~

~~(c) The pilot surveillance study shall be conducted over a three-year period, as follows:~~

~~(1) By July 1, 1997, the program shall develop a surveillance mechanism and enter into voluntary agreements with hospitals, skilled nursing facilities, and home health agencies.~~

~~(2) On or before July 1, 1998, the program shall collect necessary and appropriate data, work with volunteering hospitals, skilled nursing facilities, and home health agencies to confirm and correct data, and commence an analysis of the data.~~

~~(3) By December 31, 1999, the program shall issue its final report and determine the feasibility of establishing an ongoing sharps injuries surveillance system. The final report, or a summary thereof, shall be distributed to all licensed health facilities, licensed home health agencies, and the Division of~~

~~Occupational Safety and Health of the Department of Industrial Relations, and shall be made available to other persons or entities, upon request.~~

~~(d) The program shall consult with outside experts as appropriate to implement this section.~~

~~(e) The program may solicit and accept grant funding from public and private sources to supplement state funds.~~

Comment. Section 105335 is repealed as obsolete. The required report was to be completed by December 31, 1999.

Health & Safety Code § 108865 (repealed). Lead release from tableware

SEC. ____ . Section 108865 of the Health and Safety Code is repealed.

~~108865. On or before January 1, 1993, the department shall evaluate the standards specified in Section 108860 to determine whether they are adequate to protect the public health, including, but not limited to, the health of children and other sensitive groups of the population, and shall report the results of this evaluation to the Legislature. The evaluation and report shall specifically include recommendations regarding standards governing the release of lead and cadmium from tableware that would be necessary to adequately protect the public health and shall include comparisons with other public health standards governing exposure to lead and cadmium. The report shall also identify any additional studies necessary to adequately evaluate the public health impacts of exposures to lead and cadmium.~~

Comment. Section 108865 is repealed as obsolete. The required report was to be completed by January 1, 1993.

Health & Safety Code § 110540 (repealed). Food packaging and sale

SEC. ____ . Section 110540 of the Health and Safety Code is repealed.

~~110540. The department shall conduct a study of feasible methods for the packaging and sale of food products that will afford the greatest protection to the public from the adulteration of those products. The study shall be conducted in conjunction with the Department of Food and Agriculture, as well as representatives of consumer groups and food producers and retailers.~~

~~In carrying out this study, the department shall cooperate with the federal Food and Drug Administration to avoid unnecessary duplication. The department shall also evaluate the applicability of federal recommendations on food product safety to the needs of California. The department shall complete the study and report its findings to the Legislature on or before March 1, 1984.~~

Comment. Section 110540 is repealed as obsolete. The required report was to be completed by March 1, 1984.

Health & Safety Code § 110795 (amended). Characteristics of fish

SEC. ____ . Section 110795 of the Health and Safety Code is amended to read:

110795. (a) The department may adopt regulations that name and describe the characteristics of salmon and any other fish or other seafood it considers appropriate. The department shall consult with the Department of Fish and Game, the Joint Committee on Fisheries and Aquaculture, consumers, commercial fishermen, aquaculturists, and seafood processors, wholesalers, restaurateurs, and other retailers before adopting these regulations. The department shall not adopt any regulation that conflicts with the common name of any fish designated by the Department of Fish and Game pursuant to Section 8023 of the Fish and Game Code.

(b) In addition to the consultations required by subdivision (a), the department shall consult and seek the recommendations of the groups named in that subdivision concerning the possible need for, or desirability of, any

further legislation or regulations affecting seafood labeling. ~~The department shall report to the Legislature the results of the consultations required by this subdivision, and make recommendations to the Legislature concerning any legislation it considers appropriate, on or before January 1, 1986.~~

(c) No regulation adopted pursuant to this section shall deviate from a pertinent United States standard where the fish or seafood product specified is packed or processed as a standardized product under a United States standard.

(d) Nothing in this section or in regulations adopted pursuant to this section shall be construed to require the use of more than the common family name of any fish or seafood by any restaurant in menus or advertisements.

Comment. Section 110795 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1986.

Health & Safety Code § 114820 (amended). Fissile radioactive material

SEC. ____ . Section 114820 of the Health and Safety Code is amended to read:

114820. (a) The department, with the assistance of the Office of Emergency Services, the State Energy Resources Conservation and Development Commission, and the Department of the California Highway Patrol shall, with respect to any fissile radioactive material coming within the definition of “fissile class II,” “fissile class III,” “large quantity radioactive materials,” or “low-level radioactive waste” provided by the regulations of the United States Department of Transportation (49 C.F.R. 173.389), do all of the following:

(1) Study the adequacy of current packaging requirements for radioactive materials.

(2) Study the effectiveness of special routing and timing of radioactive materials shipments for the protection of the public health.

(3) Study the advantages of establishing a tracking system for shipments of most hazardous radioactive materials.

~~(b) A report on these studies, together with recommendations for any necessary changes in transportation regulations, shall be submitted by the department to the Legislature on or before July 1, 1982.~~

(e) The department, with the assistance of the Office of Emergency Services, the State Energy Resources Conservation and Development Commission, and the Department of the California Highway Patrol, shall extend the nuclear threat emergency response plan to include radioactive materials in transit and provide training for law enforcement officers in dealing with those threats.

~~(d)~~ (c) Subject to Section 114765, the department, in cooperation with the Department of the California Highway Patrol, shall adopt, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, reasonable regulations that, in the judgment of the department, promote the safe transportation of radioactive materials. The regulations shall (1) prescribe the use of signs designating radioactive material cargo; shall designate, in accordance with the results of the studies done pursuant to subdivision (a), the manner in which the shipper shall give notice of the shipment to appropriate authorities; (2) prescribe the packing, marking, loading, and handling of radioactive materials, and the precautions necessary to determine whether the material when offered is in proper condition to transport, but shall not include the equipment and operation of the carrier vehicle; and (3) be reviewed and amended, as required, pursuant to Section 114765. The regulations shall be compatible with those

established by the federal agency or agencies required or permitted by federal law to establish the regulations.

(e) (d) Subject to Section 114765, the Department of the California Highway Patrol, after consulting with the department, shall adopt regulations specifying the time at which shipments may occur and the routes that are to be used in the transportation of cargoes of hazardous radioactive materials, as those materials are defined in regulations of the department.

Comment. Section 114820 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1982.

Health & Safety Code § 116360 (amended). Cryptosporidium and giardia

SEC. ____ . Section 116360 of the Health and Safety Code is amended to read:

116360. (a) The department shall take all reasonable measures it determines necessary to reduce the risk to public health from waterborne illnesses in drinking water caused by cryptosporidium and giardia, to the extent those microorganisms are not yet able to be adequately controlled through existing drinking water treatment and other management practices.

(b) The department shall directly conduct, or order the state's public water systems to conduct, comprehensive sanitary surveys, as present resources permit, to identify risks to public health from cryptosporidium and giardia.

(c) To thoroughly address the public health risks currently posed by cryptosporidium, in particular, the department shall ensure that its initial cryptosporidium action plan, that has been circulated to public water systems serving more than 1,000 service connections, is comprehensively implemented and shall devise and implement necessary strategies for

protecting the health of individuals served by smaller public water systems from cryptosporidium exposure.

~~(d) On or before January 1, 1998, the department shall submit a report to the Chairperson of the Assembly Environmental Safety and Toxic Materials Committee and of the Senate Toxics and Public Safety Management Committee. The report shall do all of the following:~~

~~(1) Describe the department's action to reduce human exposure to cryptosporidium and giardia from California drinking water and the extent to which implementation of the cryptosporidium action plan for larger water systems, and alternative actions for smaller water systems, have reduced the threat to public health from cryptosporidium contamination.~~

~~(2) Recommend additional actions necessary to adequately protect public health from waterborne diseases in California drinking water caused by micro-organisms, including any legislative changes necessary to ensure adequate protection of the public from exposure to cryptosporidium and other disease-causing micro-organisms in drinking water.~~

~~(3) Describe the progress of the California public water systems in the implementation of the cryptosporidium-related requirements of the federal Information Collection Rule, as set forth in the Federal Register on February 10, 1994, and the department's progress in implementing the cryptosporidium-related requirements of the federal Safe Drinking Water Act Amendments of 1996 (P.L. 104-182).~~

Comment. Section 116360 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1998.

Health & Safety Code § 120865 (repealed). HIV programs

SEC. ____ . Section 120865 of the Health and Safety Code is repealed.

~~120865. (a) The department, in consultation with the State Department of Alcohol and Drug Programs, shall review existing programs administered by the department, the State Department of Alcohol and Drug Programs, or both that provide services to persons with AIDS or ARC or persons at risk of becoming infected with HIV to identify whether there are unmet needs in targeting these programs to substance abusers, racial and ethnic minority populations, and women. In reviewing the existing programs, the department shall consider the provision of care by the existing programs outside of a general acute care hospital setting to substance abusers, racial and ethnic minority populations, and women by taking into account the current availability of beds outside of a hospital setting, the availability of those beds to substance abusers, racial and ethnic minority populations, and women, and the projected need for additional beds outside of a hospital setting for substance abusers, racial and ethnic minority populations, and women.~~

~~(b) The department shall take into account the unmet needs of substance abusers, racial and ethnic minority populations, and women as identified pursuant to subdivision (a) in its planning and development of programs that provide services to persons with AIDS and ARC.~~

~~(c) The department shall report its findings pursuant to this section on or before April 1, 1991. The report shall include, but not be limited to, recommendations suggesting programmatic changes deemed appropriate by the department that would better meet the needs of substance abusers, racial and ethnic minority populations, and women with, or at risk of becoming infected with, HIV, and the fiscal considerations for implementing the recommendations.~~

Comment. Section 120865 is repealed as obsolete. The required report was to be completed by April 1, 1991.

Health & Safety Code § 124135 (repealed). Childhood lead screening target areas

SEC. ____ . Section 124135 of the Health and Safety Code is repealed.

~~124135. (a) By July 1, 1987, the department shall identify target areas in which to conduct a childhood lead screening program.~~

~~(b) The targeted areas shall include at least one area within the urban San Francisco/Alameda County area, one area within the urban Los Angeles/Orange County/San Diego area, and one area within the Central Valley Sacramento/Fresno area, and other areas if scientifically indicated as determined by the director.~~

~~(c) These target areas shall be described by census tract and shall be selected based on the prevalence of the following factors:~~

- ~~(1) Older housing.~~
- ~~(2) Lead-emitting industry.~~
- ~~(3) History of heavy automobile traffic.~~
- ~~(4) Use or disposal of hazardous materials or waste.~~
- ~~(5) Populations where cultural or ethnic factors or both may result in a higher risk of ingestion of lead.~~
- ~~(6) Population of children between the ages of 12 months and 6 years.~~

Comment. Section 124135 is repealed as obsolete. The required selection of target areas was to be completed by July 1, 1987.

Health & Safety Code § 124140 (repealed). Childhood lead screening program

SEC. ____ . Section 124140 of the Health and Safety Code is repealed.

~~124140. By October 1, 1988, the department shall complete a screening program for childhood lead in the targeted areas identified pursuant to Section 124135, and in other areas where scientifically indicated. Further, where environmental~~

~~abatement is found to be indicated, the department shall carry out field trials of alternative abatement technologies.~~

Comment. Section 124140 is repealed as obsolete. The required screening was to be completed by October 1, 1988.

Health & Safety Code § 124145 (repealed). Report on childhood lead screening

SEC. ____ . Section 124145 of the Health and Safety Code is repealed.

~~124145. On January 1, 1989, the department shall submit a report to the relevant legislative policy committees, and to the relevant legislative budget subcommittees for their review, describing the results of the screening program, the significance of the results, and the department's recommendations for further actions, where indicated.~~

Comment. Section 124145 is repealed as obsolete. The required report was to be completed by January 1, 1989.

Health & Safety Code § 124150 (amended). Additional findings

SEC. ____ . Section 124150 of the Health and Safety Code is amended to read:

124150. The Legislature hereby finds and declares that the activities conducted by the department pursuant to ~~Sections Section~~ 124130, 124135, and 124140 have confirmed and supported the findings specified in Section 124125 and, in addition, have resulted in the following findings:

(a) Very few children are currently tested for elevated blood lead levels in California. The lead registry established pursuant to Section 124130 has been effective at identifying incidents of occupational lead poisoning; however, because childhood lead screening is not now required in California, the registry is unable to serve as the exclusive mechanism to identify children with elevated blood lead levels. Additional blood lead screening needs to be done to identify children at high risk of lead poisoning.

(b) Based on emerging information about the severe deleterious affects *effects* of low levels of lead on children's health, the lead danger level is expected to be lowered from 25 to 15 micrograms of lead per deciliter of human blood.

(c) Lead poisoning poses a serious health threat for significant numbers of California children. Based on lead registry reports and targeted screening results, the department has estimated that tens of thousands of California children may be suffering from blood lead levels greater than the danger level.

(d) The implications of lead exposure to children and pregnant women from lead brought home on the clothing of workers is unknown, but may be significant.

(e) Levels of lead found in soil and paint around and on housing constitute a health hazard to children living in the housing. No regulations currently exist to limit allowable levels of lead in paint surfaces in California housing.

Comment. Section 124150 is amended to reflect the repeal of former sections 124135 and 124140.

Health & Safety Code § 124160 (amended). Lead poisoning prevention

SEC. _____. Section 124160 of the Health and Safety Code is amended to read:

124160. The department shall continue to direct the Childhood Lead Poisoning Prevention Program to implement a program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures in California. In implementing this program, the department shall utilize its own studies, as well as relevant information from the scientific literature and childhood lead poisoning programs from outside California. The particular activities specified in this section shall be initiated by January 1, 1990, and

completed on or before January 1, 1993. The program shall include at least all of the following components:

(a) Lead screening. The department shall:

(1) Design and implement at least one pilot blood lead screening project targeting children at high risk of elevated blood lead levels. In designing any pilot projects, the department shall give special consideration to conducting screening through the Child Health Disability and Prevention Program.

(2) Conduct a pilot screening project to evaluate blood lead levels among children of workers exposed to lead in their occupations.

(3) Develop and issue health advisories urging health care providers to conduct routine annual screening of high-risk children between the ages of one and five years of age.

~~(4) Study the options for, and feasibility of, implementing a mandatory childhood blood lead testing program in California. The study shall include an evaluation of the voluntary response and cooperation of health care providers to the health advisory program specified in paragraph (3). The results of this study shall be submitted to the Legislature by July 1, 1991.~~

(5) Develop a program to assist local health departments in identifying and following up cases of elevated blood lead levels.

~~(6)~~ (5) Develop and conduct programs to educate health care providers regarding the magnitude and severity of, and the necessary responses to, the childhood lead poisoning problem in California.

(b) The department, in consultation with the Department of Housing and Community Development, shall adopt regulations governing the abatement of lead paint in and on housing, including, but not limited to, standards for enforcement, testing, abatement, and disposal.

(c) The department shall conduct a study to evaluate whether abatement of lead in soil is effective at reducing blood lead levels in children.

Comment. Section 124160 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1991.

Health & Safety Code § 124195 (amended). Adolescent Family Life Programs

SEC. ____ . Section 124195 of the Health and Safety Code is amended to read:

124195. The department shall require reports to be prepared by all programs funded pursuant to this article. ~~A summary of the reports and recommendations regarding the programs shall be submitted by the department to the Legislature on or before December 31, 1996. The summary shall include all of the following:~~

~~(a) An accounting of the incidence of high-risk pregnant or parenting adolescents who are abusing alcohol or drugs, or a combination of alcohol and drugs.~~

~~(b) An accounting of the health outcomes of infants of high-risk pregnant and parenting adolescents including: infant morbidity, mortality, rehospitalization, low birth weight, premature birth, developmental delay, and other related areas.~~

~~(c) An accounting of school enrollment among high-risk pregnant and parenting adolescents.~~

~~(d) An assessment of the effectiveness of the counseling services in reducing the incidence of high-risk pregnant and parenting adolescents who are abusing alcohol or drugs, or a combination of alcohol and drugs.~~

~~(e) The effectiveness of the component of other health programs aimed at reducing substance use among pregnant and parenting adolescents.~~

~~(f) The need for an availability of substance abuse treatment programs in the program areas that are appropriate, acceptable, and accessible to teenagers.~~

~~(g) This section shall become operative on July 1, 1994.~~

Comment. Section 124195 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by December 31, 1996.

Health & Safety Code § 124235 (repealed). Children and adolescents with mental and emotional problems

SEC. ____ . Section 124235 of the Health and Safety Code is repealed.

~~124235. By February 1, 1987, the Regents of the University of California are requested to submit to the Legislature a report on their assessment of the need for, and relative priority of, increased university programs for training specialists in the care and treatment of children and adolescents with mental and emotional problems in this state. It is requested that the report include, but not be limited to, all of the following:~~

~~(a) A description of the university's programs for the training of specialists in the care and treatment of children and adolescents with mental and emotional problems.~~

~~(b) A determination of the need for and relative priority of increased university training and research in this field.~~

~~(c) The estimated costs of programs to train additional specialists.~~

Comment. Section 124235 is repealed as obsolete. The required report was to be completed by February 1, 1987.

Health & Safety Code § 127360 (amended). Construction of article

SEC. ____ . Section 127360 of the Health and Safety Code is amended to read:

127360. Nothing in this article shall be construed to authorize or require specific formats for hospital needs assessments, community benefit plans, or reports until

recommendations pursuant to *former* Section 127365, *as added by Chapter 1023 of the Statutes of 1996*, are considered and enacted by the Legislature.

Nothing in this article shall be used to justify the tax-exempt status of a hospital under state law. Nothing in this article shall preclude the office from requiring hospitals to directly report their charity activities.

Comment. Section 127360 is amended to reflect the repeal of former Section 127365.

Health & Safety Code § 127365 (repealed). Community benefit plans

SEC. ____ . Section 127365 of the Health and Safety Code is repealed.

~~127365. The Office of Statewide Health Planning and Development shall prepare and submit a report to the Legislature by October 1, 1997, including all of the following:~~

~~(a) The identification of all hospitals that did not file plans on a timely basis.~~

~~(b) A statement regarding the most prevalent characteristics of plans in terms of identifying and emphasizing community needs.~~

~~(c) Recommendations for standardization of plan formats, and recommendations regarding community benefits and community priorities that should be emphasized. These recommendations shall be developed after consultation with representatives of the hospitals, local governments, and communities.~~

Comment. Section 127365 is repealed as obsolete. The required report was to be completed by October 1, 1997.

Health & Safety Code § 128195 (amended). Report on pilot projects

SEC. ____ . Section 128195 of the Health and Safety Code is amended to read:

~~128195. (a) The office shall issue a report on the existing Health Manpower Pilot Project No. 152 that evaluates Sonoma County's experience with the project, by December 1, 1996. The report shall contain all of the following information:~~

~~(1) A description of the persons trained, including, but not limited to, the following:~~

~~(A) The total number of persons who entered training.~~

~~(B) The total number of persons who completed training.~~

~~(C) The selection method, including descriptions of any nonquantitative criteria used by employers to refer persons to training.~~

~~(D) The education and experience of the trainees prior to training.~~

~~(E) Demographic characteristics of the trainees, as available.~~

~~(2) An analysis of the training completed, including, but not limited to, the following:~~

~~(A) Curriculum and core competencies.~~

~~(B) Qualifications of instructors.~~

~~(C) Changes in the curriculum during the pilot project or recommended for the future.~~

~~(D) Nature of clinical and didactic training, including ratio of students to instructors.~~

~~(3) A summary of the specific services and the standards of care for tasks performed by geriatric technicians.~~

~~(4) The new health skills taught or the extent to which existing skills have been reallocated.~~

~~(5) Implication of the project for existing licensure laws with suggestions for changes in the law where appropriate.~~

~~(6) Implications of the project for health services curricula and for health care delivery systems.~~

~~(7) Teaching methods used in the project.~~

~~(8) The quality of care, including pertinent medication errors, incident reports, and patient acceptance in the project.~~

~~(9) The extent to which persons with new skills could find employment in the health care system, assuming laws were changed to incorporate their skills.~~

~~(10) The cost of care provided in the project, the likely cost of this care if performed by the trainees subsequent to the project, and the cost for provision of this care by current providers.~~

(b) The office shall issue followup reports on additional geriatric technician pilot projects approved by the office following 24 months of implementation of the employment utilization phase of each project. The reports shall contain all of the following information:

(1) A description of the persons trained, including, but not limited to, the following:

(A) The total number of persons who entered training.

(B) The total number of persons who completed training.

(C) The selection method, including descriptions of any nonquantitative criteria used by employers to refer persons to training.

(D) The education and experience of the trainees prior to training.

(E) Demographic characteristics of the trainees, as available.

(2) An analysis of the training completed, including, but not limited to, the following:

(A) Curriculum and core competencies.

(B) Qualifications of the instructor.

(C) Changes in the curriculum during the pilot project or recommended for the future.

(D) The nature of clinical and didactic training, including the ratio of students to instructors.

(3) A summary of the specific services provided by geriatric technicians.

(4) The new health skills taught or the extent to which existing skills have been reallocated.

(5) Implications of the project for existing licensure laws with suggestions for changes in the law where appropriate.

(6) Implications of the project for health services curricula and for health care delivery systems.

(7) Teaching methods used in the project.

(8) The quality of care, including pertinent medication errors, incident reports, and patient acceptance in the project.

(9) The extent to which persons with new skills could find employment in the health care system, assuming laws were changed to incorporate their skills.

(10) The cost of care provided in the project, the likely cost of this care if performed by the trainees subsequent to the project, and the cost for provision of this care by current providers thereof.

(e) (b) Notwithstanding any other provision of law, issuance of the reports described in subdivisions (a) and (b) *subdivision (a)* shall not require that the office terminate the ~~Health Manpower Pilot Project No. 152~~ or subsequent geriatric technician pilot projects authorized by the office.

Comment. Section 128195 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by December 1, 1996.

Health & Safety Code § 129295 (amended). Loan insurance program

SEC. ____ . Section 129295 of the Health and Safety Code is amended to read:

129295. The office shall establish a pilot program under this article of insuring loans to nonprofit borrowers that are not licensed to operate the facilities for which the loans are insured. The number of facilities for which loans are insured under this section shall not exceed 30 and the aggregate

amount of loans insured under this section shall not exceed six million dollars (\$6,000,000), that may be in addition to the maximum loan insurance amount otherwise authorized by subdivision (b) of Section 129285. Construction of all projects assisted under this section shall be commenced on or before January 1, 1990.

The office may delay processing or decline acceptance of loan guarantee applications under this section if the volume of applications becomes too large for existing staff to process in a timely manner or if risks associated with the pilot program are determined by the office to be unreasonable.

~~The office shall submit a report to the Legislature, on or before January 1, 1991, specifically identifying potential problems and financial risks associated with insuring loans authorized by this section.~~

Comment. Section 129295 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1991.

INSURANCE CODE

Ins. Code § 11751.51 (repealed). Workers' compensation

SEC. _____. Section 11751.51 of the Insurance Code is repealed.

~~11751.51. (a) The commissioner shall require the licensed rating organization designated as his or her statistical agent to monitor and measure changes in the cost of the various components of workers' compensation which may be affected by the changes enacted in the 1989-90 Regular Session of the Legislature. This shall include, but not be limited to, the change in costs of providing medical treatment, temporary disability benefits, permanent disability benefits, vocational rehabilitation services, resolving medical disputes, evaluating permanent partial disability, and providing compensation for psychiatric injuries. The commissioner shall submit to the~~

~~Governor and to the Legislature by July 1, 1990, the methodology proposed to be used for the purposes of this section, and the collection of data shall commence not earlier than September 1, 1990, but not later than January 1, 1991. No later than January 1, 1993, the rating organization shall quantify any identified changes as a percentage of total incurred losses and shall report this percentage to the Insurance Commissioner. The rating organization shall continue to report annually through January 1, 1998.~~

~~(b) The commissioner shall have 60 days from the date the report is filed by the rating organization with his or her office to verify the methodology utilized, the accuracy and reliability of the results obtained, and the percentage calculated pursuant to this section, by the rating organization. The commissioner thereupon shall submit a report to the Governor and the Legislature by April 1, 1993, and annually thereafter, which describes the methodology utilized, the accuracy and reliability of the results obtained, and the percentage calculated pursuant to this section.~~

~~(c) This section shall become inoperative on July 1, 1998.~~

Comment. Section 11751.51 is repealed as obsolete. By its own terms the section became inoperative on July 1, 1998.

Ins. Code § 12693.94 (repealed). Healthy Families Program

SEC. ____ . Section 12693.94 of the Insurance Code is repealed.

~~12693.94. On or before January 15, 1999, the board shall report to the Legislature on the policies and procedures that would be necessary to ensure the feasibility of allowing families with incomes above 200 percent of the federal poverty level to buy coverage through the program, at their cost. The board shall review the need for changes in both government and private health coverage programs and make recommendations to the Legislature on specific statutory and regulatory changes that would be required.~~

Comment. Section 12693.94 is repealed as obsolete. The required report was to be completed by January 15, 1999.

Ins. Code § 12696.25 (repealed). Performance evaluation

SEC. _____. Section 12696.25 of the Insurance Code is repealed.

~~12696.25. (a) No later than January 1, 1994, the board shall submit to the Governor and the Legislature a report that evaluates the performance of the program.~~

~~(b) The report required by subdivision (a) shall cover the first two years of the operation of the program and shall include all of the following:~~

~~(1) A description of the demographic characteristics of program subscribers.~~

~~(2) An analysis of the program's ability, as demonstrated in the first two years in which coverage is offered, to achieve the following goals:~~

~~(A) A reduction in the percentage of uninsured births in the state.~~

~~(B) A reduction in the percentage of women who give birth in California without receiving adequate prenatal care, with statistics on the trimester in which these women began to receive their prenatal care.~~

~~(C) A reduction in the amount of bad debt and charity care related to maternity services that is reported by hospitals and physicians.~~

~~(D) A reduction in the incidence in negative delivery and birth outcomes of pregnant women covered under the program who give birth in California.~~

~~(3) Comparisons of the delivery and birth outcomes of program subscribers to the delivery and birth outcomes of women who are uninsured for prenatal and delivery services, and to women who receive services through the Medi-Cal program.~~

~~(4) Comparisons between the different service delivery systems of the delivery and birth outcomes of program subscribers.~~

~~(5) Evaluation and report annually, beginning January 1, 1993, to the extent available, on the incidence of program subscribers whose employers eliminate or alter maternity care coverage in the 12 months prior to when a subscriber enrolls.~~

~~(6) A comparison of costs per case, including administrative costs and eligibility processing times, and birth outcomes between this program and the state-only Medi-Cal program for pregnant women and infants where incomes are between 185 and 200 percent of the federal poverty line.~~

~~(7) A comparison of the access to services between the program implemented pursuant to this part and the state-only Medi-Cal program for pregnant women and infants whose incomes are between 185-200 percent of the official federal poverty 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, distributed, or broadcast in any manner, any statement concerning services or benefits to be provided to an injured worker, that is paid for directly or indirectly by that person or entity and is false, misleading, or deceptive, or that omits material information necessary to make the statement therein not false, misleading, or deceptive.

(b) As soon as reasonably possible, but not later than January 1, 1994, the administrative director shall adopt regulations governing advertising by persons or entities other than physicians and attorneys with respect to services or benefits for injured workers. ~~The administrative director shall report to the Assembly Insurance Committee and the Senate Industrial Relations Committee on July 1, 1993, and on January 1, 1994, with respect to his or her progress in adopting these regulations.~~ In promulgating regulations pursuant to this subdivision, the administrative director shall review existing regulations, including those adopted by the State Bar, to identify those regulatory approaches that may serve as a model for regulations required by this subdivision.

(c) A violation of subdivision (a) is a misdemeanor, punishable by incarceration in the county jail for not more than one year, or by a fine not exceeding ten thousand dollars (\$10,000), or both.

(d) This section shall not apply to physicians or attorneys. It is the intent of the Legislature to exempt physicians and attorneys from this section because the conduct regulated by this section, with respect to physicians and attorneys, is governed by other provisions of law.

Comment. Section 139.43 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1994.

Lab. Code § 6715 (repealed). Health effects of computer monitor radiation

SEC. ____ . Section 6715 of the Labor Code is repealed.

~~6715. (a) The division, on or before July 1, 1992, shall compile existing research studies and other information current as of June 1, 1992, pertaining to the effects of continuous exposure to low-frequency magnetic radiation emitted by video display terminals, including personal computer screens and all other computer display monitors and report its findings to the Assembly Committee on Rules and the Senate Committee on Rules.~~

~~(b) On or before July 1, 1992, the State Department of Health Services shall provide the Assembly Committee on Rules and the Senate Committee on Rules in writing of any information, current as of June 1, 1992, it has concerning the subject matter described in subdivision (a).~~

Comment. Section 6715 is repealed as obsolete. The required reports were to be completed by July 1, 1992.

MILITARY AND VETERANS CODE

Mil. & Vet. Code § 1012.5 (repealed). Health care needs of those suffering dementia diseases

SEC. ____ . Section 1012.5 of the Military and Veterans Code is repealed.

~~1012.5. (a) The Department of Veterans Affairs shall conduct a study to determine the health care needs and the associated costs of providing appropriate care to meet the identified health care needs of current and future members of the Veterans' Home of California who are suffering from Alzheimer's disease and other dementia diseases. This study shall address, but not be limited to, the following:~~

~~(1) The determination of what constitutes “appropriate care” for members suffering from Alzheimer’s disease and other dementia diseases.~~

~~(2) The estimated cost of providing appropriate care, including staffing and other support items.~~

~~(3) The estimated cost of making any necessary capital improvements at the Veterans’ Home of California sites to provide appropriate care.~~

~~(4) The proposed methods of treatment to be utilized by the department in providing appropriate care.~~

~~(b) The study shall be submitted to the Legislature on or before July 1, 1998. The cost associated with the preparation of this study shall be absorbed within the department’s current resources.~~

Comment. Section 1012.5 is repealed as obsolete. The required report was to be completed by July 1, 1998.

PENAL CODE

Penal Code § 653.1 (amended). Electrically conductive balloons

SEC. ____ . Section 653.1 of the Penal Code is amended to read:

653.1. (a) No person shall sell or distribute any balloon which is constructed of electrically conductive material, and filled with a gas lighter than air without:

(1) Affixing an object of sufficient weight to the balloon or its appurtenance to counter the lift capability of the balloon.

(2) Affixing a statement on the balloon, or ensuring that a statement is so affixed, that warns the consumer about the risk if the balloon comes in contact with electrical power lines.

(3) A printed identification of the manufacturer of the balloon.

(b) No person shall sell or distribute any balloon filled with a gas lighter than air, which is attached to an electrically

conductive string, tether, streamer, or other electrically conductive appurtenance.

(c) No person shall sell or distribute any balloon which is constructed of electrically conductive material and filled with a gas lighter than air, which, is attached to another balloon constructed of electrically conductive material and filled with a gas lighter than air.

(d) No person or group shall release, outdoors, balloons made of electrically conductive material and filled with a gas lighter than air, as part of a public or civic event, promotional activity, or product advertisement.

(e) Any person who violates subdivision (a), (b), (c), or (d) shall be guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100). Any person who violates subdivision (a), (b), (c), or (d) who has been previously convicted twice of violating subdivision (a), (b), (c), or (d) shall be guilty of a misdemeanor.

(f) This section shall not apply to manned hot air balloons, or to balloons used in governmental or scientific research projects.

~~(g) Electrical corporations shall report to the Public Utilities Commission every other month, from January 1, 1991, until June 30, 1993, on electrical service disruptions caused by balloons constructed of electrically conductive material, including, but not limited to, the location of the service disruption, the composition of the balloon, and the extent of the disruption. The commission shall provide a copy of each electrical corporation's bimonthly report to a representative designated by the metallic balloon manufacturers and shall report the following by December 31, 1993, to the Legislature:~~

~~(1) The number of outages reported by each electrical corporation on a monthly basis.~~

~~(2) A comparison of the monthly outages reported pursuant to Chapter 1122 of the Statutes of 1988, with the monthly outages reported by each electrical corporation pursuant to this act, reflecting the numerical trend of the outages.~~

Comment. Section 653.1 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by December 31, 1993.

Penal Code § 1174.6 (repealed). Program facilities for pregnant and parenting women

SEC. ____ . Section 1174.6 of the Penal Code is repealed.

~~1174.6. On or before July 1, 1995, the department shall report to the Legislature the status of siting for construction and renovation of the program facilities authorized.~~

Comment. Section 1174.6 is repealed as obsolete. The required report was to be completed by July 1, 1995.

Penal Code § 1247k (amended). Rules for criminal appeals

SEC. ____ . Section 1247k of the Penal Code is amended to read:

1247k. The Judicial Council shall have the power to prescribe by rules for the practice and procedure on appeal, and for the time and manner in which the records on such appeals shall be made up and filed, in all criminal cases in all courts of this State.

~~The Judicial Council shall report the rules prescribed by it to the Legislature on or before March 31, 1943.~~

The rules reported as aforesaid shall take effect on July 1, 1943, and thereafter all laws in conflict therewith shall be of no further force or effect.

Comment. Section 1247k is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by March 31, 1943.

Penal Code § 2053 (amended). Prisoner literacy

SEC. ____ . Section 2053 of the Penal Code is amended to read:

2053. (a) The Legislature finds and declares that there is a correlation between prisoners who are functionally literate and those who successfully reintegrate into society upon release. It is therefore the intent of the Legislature, in enacting “The Prisoner Literacy Act,” to raise the percentage of prisoners who are functionally literate, in order to provide for a corresponding reduction in the recidivism rate.

(b) The Department of Corrections shall determine the reading level of each prisoner upon commitment. ~~The department shall report to the Legislature on or before July 1, 1988, regarding the reading levels of prisoners, the number of prisoners who are enrolled in reading programs, the recidivism rates of prisoners based upon their reading levels, the department’s estimate of the amount of time it would take an average inmate to achieve a 9th grade reading level, the costs involved in implementing reading programs on a systemwide basis, the department’s estimate on the amount of time necessary to establish a systemwide reading program, and any barriers which currently exist to the implementation of a systemwide reading program.~~

Comment. Section 2053 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1988.

Penal Code § 3053.2 (amended). Parole condition

SEC. ____ . Section 3053.2 of the Penal Code is amended to read:

3053.2. (a) Upon the request of the victim, or the victim’s parent or legal guardian if the victim is a minor, the parole authority shall impose the following condition on the parole of a person released from prison for an offense involving threatening, stalking, sexually abusing, harassing, or violent

acts in which the victim is a person specified in Section 6211 of the Family Code:

Compliance with a protective order enjoining the parolee from threatening, stalking, sexually abusing, harassing, or taking further violent acts against the victim and, if appropriate, compliance with any or all of the following:

(1) An order prohibiting the parolee from having personal, telephonic, electronic, media, or written contact with the victim.

(2) An order prohibiting the parolee from coming within at least 100 yards of the victim or the victim's residence or workplace.

(3) An order excluding the parolee from the victim's residence.

(b) The parole authority may impose the following condition on the parole of a person released from prison for an offense involving threatening, stalking, sexually abusing, harassing, or violent acts in which the victim is a person specified in Section 6211 of the Family Code:

For persons who committed the offense prior to January 1, 1997, participation in a batterer's program, as specified in this section, for the entire period of parole. For persons who committed the offense after January 1, 1997, successful completion of a batterer's program, which shall be a condition of release from parole. If no batterer's program is available, another appropriate counseling program designated by the parole agent or officer, for a period of not less than one year, with weekly sessions of a minimum of two hours of classroom time. The program director shall give periodic progress reports to the parole agent or officer at least every three months.

(c) The parole agent or officer shall refer the parolee only to a batterer's program that follows the standards outlined in Section 1203.097 and immediately following sections.

(d) The parolee shall file proof of enrollment in a batterer's program with the parole agent or officer within 30 days after the first meeting with his or her parole agent or officer, if he or she committed the offense after January 1, 1997, or within 30 days of receiving notice of this parole condition, if he or she committed the offense prior to January 1, 1997.

(e) The parole agent or officer shall conduct an initial assessment of the parolee, which information shall be provided to the batterer's program. The assessment shall include, but not be limited to, all of the following:

- (1) Social, economic, and family background.
- (2) Education.
- (3) Vocational achievements.
- (4) Criminal history, prior incidents of violence, and arrest reports.
- (5) Medical history.
- (6) Substance abuse history.
- (7) Consultation with the probation officer.
- (8) Verbal consultation with the victim, only if the victim desires to participate.

(f) Upon request of the victim, the victim shall be notified of the release of the parolee and the parolee's location and parole agent or officer. If the victim requests notification, he or she shall also be informed that attendance in any program does not guarantee that an abuser will not be violent.

(g) The parole agent or officer shall advise the parolee that the failure to enroll in a specified program, as directed, may be considered a parole violation that would result in possible further incarceration.

(h) The director of the batterer's program shall immediately report any violation of the terms of the protective order issued pursuant to paragraph (3) of subdivision (a), including any new acts of violence or failure to comply with the program requirements, to the parolee's parole agent or officer.

(i) Upon recommendation of the director of the batterer's program, a parole agent or officer may require a parolee to participate in additional sessions throughout the parole period, unless he or she finds that it is not in the interests of justice to do so. In deciding whether the parolee would benefit from more sessions, the parole agent or officer shall consider whether any of the following conditions exist:

(1) The parolee has been violence-free for a minimum of six months.

(2) The parolee has cooperated and participated in the batterer's program.

(3) The parolee demonstrates an understanding of, and practices, positive conflict resolution skills.

(4) The parolee blames, degrades, or has committed acts that dehumanize the victim or puts the victim's safety at risk, including, but not limited to, molesting, stalking, striking, attacking, threatening, sexually assaulting, or battering the victim.

(5) The parolee demonstrates an understanding that the use of coercion or violent behavior to maintain dominance is unacceptable in an intimate relationship.

(6) The parolee has made threats to harm another person in any manner.

(7) The parolee demonstrates acceptance of responsibility for the abusive behavior perpetrated against the victim.

~~(j) The Department of Corrections, with collaboration as appropriate from the Board of Prison Terms, shall (1) submit a report to the Legislature on or before February 1, 1998, on the implementation of this section which shall include, but not be limited to, the crimes used to identify parolees subject to this section, the method of notifying victims that compliance with a protective order may be made a condition of parole, efforts made to ensure that victims inform the parole authority of the request for, or issuance of, those orders and that a~~

~~request for conditioning parole may be submitted, problems encountered in implementing this section, and progress made in that implementation, and (2) submit a report to the Legislature on or before July 1, 1999, which shall include, but not be limited to, the subjects discussed in the first report required by this section, the identification of the number of parolees eligible for such programs and protective orders which may be made a condition of parole; number of parolees required to participate in batterers programs; space available by county and number of spaces filled in such programs; the number of parolees who recidivate during the parole period or who do not complete the programs; and the criteria used to determine which parolees have been required to complete the programs or who have had parole conditioned on compliance with a protective order.~~

Comment. Section 3053.2 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by July 1, 1999.

Penal Code § 3424 (repealed). Efficiency and effect of community treatment programs

SEC. ____ . Section 3424 of the Penal Code is repealed.

~~3424. On or before March 30, 1983, the Department of Corrections shall evaluate the cost efficiency and effect of this chapter and shall report back to the Legislature on efforts to procure outside funding sources together with the department's recommendations as to whether or not this chapter should be altered or repealed and if so, why.~~

Comment. Section 3424 is repealed as obsolete. The required report was to be completed by March 30, 1983.

Penal Code § 4497.40 (repealed). Report on allocation of funds

SEC. ____ . Section 4497.40 of the Penal Code is repealed.

~~4497.40. The Department of the Youth Authority shall report to the Legislature by July 1, 1991, on the status of~~

~~funds expended and provide a complete list of funds allocated to each county.~~

Comment. Section 4497.40 is repealed as obsolete. The required report was to be completed by July 1, 1991.

Penal Code § 5010 (amended). Weight lifting

SEC. _____. Section 5010 of the Penal Code is amended to read:

5010. (a) The Legislature hereby finds and declares that the predominant purpose of exercise in correctional facilities should be for the maintenance of the general health and welfare of inmates and that exercise equipment and programs in correctional facilities should be consistent with this purpose.

The Legislature further finds and declares that in some cases it may be beneficial to provide access to weights for therapeutic or rehabilitative reasons under a doctor's order or for certain vocational activities such as firefighting.

(b) It is the intent of the Legislature that both the Department of Corrections and the Department of the Youth Authority eliminate or restrict access to weights and weight lifting equipment where it is determined that the particular type of equipment involved or the particular prison population or inmate involved poses a safety concern both in the correctional facility and to the public upon release. In those instances where inmates are allowed access to weights and weight lifting equipment, access shall be a privilege.

As a condition of inmate access to weights and weight lifting equipment, the departments may require inmates to participate in training in the proper use of weights and weight lifting equipment that emphasizes departmental rules and safety practices that must be observed when using weights and weight lifting equipment.

The directors of the departments, or their respective designees, may restrict individual or group access to weights

and weight lifting equipment as deemed necessary for the orderly operation of the correctional facility.

(c) On or before July 1, 1995, both the Department of Corrections and the Department of the Youth Authority shall adopt regulations governing inmate access to weight lifting and weight training equipment in state prison and California Youth Authority facilities, respectively. In developing these regulations, the departments shall consider each of the following:

(1) Some prisoners may utilize weight equipment to develop strength and increase body mass and size rather than for the maintenance of general health. This use of weight equipment may create a risk of harm to other inmates, correctional officers, and staff and, upon release, to law enforcement officers and the general public.

(2) The improper use of weights and weight lifting equipment may result in injuries that require costly medical attention.

(3) Access to weights and weight lifting equipment by inmates may result in the use of the equipment by inmates to attack other inmates or correctional officers.

~~(d) Both the Department of Corrections and the Department of the Youth Authority shall report to the Chair of the Assembly Committee on Public Safety and the Chair of the Senate Judiciary Committee on or before July 1, 1995, regarding the regulations adopted pursuant to this section.~~

Comment. Section 5010 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by July 1, 1995.

Penal Code § 5066 (amended). Prison ombudsman

SEC. ____ . Section 5066 of the Penal Code is amended to read:

5066. The Director of Corrections shall expand the existing prison ombudsman program to ensure the comprehensive

deployment of ombudsmen throughout the state prison system with specific focus on the maximum security institutions.

~~The director shall submit a report to the chairs of the appropriate fiscal and policy committees of the Legislature by February 1, 1999, outlining the plans for implementation of this section.~~

Comment. Section 5066 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by February 1, 1999.

Penal Code § 7009 (repealed). Financing of prison facilities

SEC. ____ . Section 7009 of the Penal Code is repealed.

~~7009. (a) The Director of Corrections and the Legislative Analyst shall investigate the advisability of using lease or lease-purchase arrangements to finance the acquisition, construction, and the underwriting of prison facilities authorized by the Legislature. For purposes of this section, the director may solicit bids for any lease or lease-purchase in a newspaper of general circulation in the county in which the authorized project is located.~~

~~(b) The director and the Legislative Analyst shall report their findings and recommendations relative to lease or lease-purchase arrangements to the Legislature no later than January 1, 1984.~~

Comment. Section 7009 is repealed as obsolete. The required report was to be completed by January 1, 1984.

Penal Code § 7514 (amended). HIV testing

SEC. ____ . Section 7514 of the Penal Code is amended to read:

7514. (a) It shall be the chief medical officer's responsibility to see that personal counseling is provided to a law enforcement employee filing a report pursuant to Section 7510, an inmate filing a request pursuant to Section 7512, and any potential test subject, at the time the initial report or

request for tests is made, at the time when tests are ordered, and at the time when test results are provided to the employee, inmate, or test subject.

The chief medical officer may provide additional counseling to any of these individuals, upon his or her request, or whenever the chief medical officer deems advisable, and may arrange for the counseling to be provided in other jurisdictions. The chief medical officer shall encourage the subject of the report or request, the law enforcement employee who filed the report, the person who filed the request pursuant to Section 7512, or in the case of a minor, the minor on whose behalf the request was filed, to undergo voluntary HIV testing if the chief medical officer deems it medically advisable. All testing required by this title or any voluntary testing resulting from the provisions of this title, shall be at the expense of the appropriate correctional institution.

~~(b) On or before January 15, 1993, 1994, and 1995, the Department of Corrections, the Department of the California Youth Authority, and each law enforcement agency in which a request for a test has been filed during the previous calendar year, shall report data to the Joint Committee on Prison Construction and Operations on all requests made during that period, plus specifics of the disposition of each request, the counseling provided, and its extent for each case. This data shall be provided by the committee to the Legislative Analyst, who shall compile a report to the Legislature on or before January 30, 1995, on whether the program is meeting the objectives of this title. The report shall include a recommendation on whether the program should be continued, terminated, or changed.~~

~~The Legislative Analyst shall consult with the Office of AIDS, within the State Department of Health Services, in preparing its evaluation.~~

~~Names of persons seeking tests or the subject of a request for a test shall not be included in any document made public as a result of this section.~~

Notwithstanding the repeal of this section in accordance with Section 7555, the duties imposed by this subdivision shall continue in effect until they have been complied with.

Comment. Section 7514 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 30, 1995.

Penal Code § 11108.7 (repealed). Firearms report

SEC. ____ . Section 11108.7 of the Penal Code is repealed.

~~11108.7. On January 1, 2002, the Department of Justice shall submit to the Legislature a report that shall include, but not be limited to:~~

~~(a) An assessment of the effectiveness of current arrangements for ensuring that recovered firearms are traced by the National Tracing Center of the Bureau of Alcohol, Tobacco, and Firearms.~~

~~(b) The number of firearms submitted by each local law enforcement agency.~~

~~(c) An evaluation of the effectiveness and the likelihood of success of each Serial Number Restoration Plan described in Section 11108.9.~~

~~(d) Suggestions for further legislation or programmatic changes necessary to further the purpose of Sections 11108.3 and 11108.9.~~

~~The Attorney General shall contract with an independent agency to conduct the report.~~

Comment. Section 11108.7 is repealed as obsolete. The required proposal was to be completed by January 1, 2002.

Penal Code § 11110 (repealed). Automated storage and communication of photographs

SEC. ____ . Section 11110 of the Penal Code is repealed.

~~11110. The Attorney General shall perform a feasibility study of automated systems for storing and communicating law enforcement related photographs on or before January 1, 1995, and shall complete a study report to the Legislature on or before January 1, 1996.~~

Comment. Section 11110 is repealed as obsolete. The required study and report were to be completed by January 1, 1996.

Penal Code § 13013 (repealed). Data collection system proposal

SEC. ____ . Section 13013 of the Penal Code is repealed.

~~13013. The department shall prepare a written proposal to be submitted to the Legislature on or before July 1, 1985, which outlines a proposed system or systems by which data could be collected which could determine subsequent criminal activity of persons exposed to rehabilitation treatment programs after having been found by the juvenile court to be within the provisions of Section 602 of the Welfare and Institutions Code. The proposal shall be prepared after consultation with interested parties, including juvenile court judges, probation officers, prosecutors, attorneys who represent minors in juvenile court proceedings, organizations which provide services to minors, and law enforcement officials who specialize in cases involving minors. The proposal shall preserve the confidentiality of records concerning minors wherever possible and shall include information concerning all of the following:~~

~~(a) An estimate of the cost of the proposed system or systems, including an estimate of the cost to the state and to city and county government.~~

~~(b) A summary of current law governing obtaining, transmitting, storing, accumulating, and utilizing fingerprints of minors, including a summary of current law in this area governing the department, other state officials, and city and county officials.~~

~~(c) A summary of the changes in current law which would be required in order to implement the proposed system or systems.~~

~~(d) A summary of the impact which the proposed system or systems would have on access to fingerprints of minors, including a summary of persons or agencies who would obtain increased or decreased access to fingerprints of minors as a result of the proposed system or systems.~~

Comment. Section 13013 is repealed as obsolete. The required proposal was to be completed by July 1, 1985.

Penal Code § 13508 (amended). Commission on Peace Officer Standards and Training

SEC. ____ . Section 13508 of the Penal Code is amended to read:

13508. (a) The commission shall do each of the following:

(1) Establish a learning technology laboratory that would conduct pilot projects with regard to needed facilities and otherwise implement modern instructional technology to improve the effectiveness of law enforcement training.

(2) Develop an implementation plan for the acquisition of law enforcement facilities and technology. In developing this plan, the commission shall consult with appropriate law enforcement and training organizations. The implementation plan shall include each of the following items:

(A) An evaluation of pilot and demonstration projects.

(B) Recommendations for the establishment of regional skills training centers, training conference centers, and the use of modern instructional technology.

(C) A recommended financing structure.

~~(3) Report to the Legislature on or before January 1, 1995, as to the status and effectiveness of the pilot projects implemented under this section.~~

(b) The commission may enter into joint powers agreements with other governmental agencies for the purpose of developing and deploying needed technology and facilities.

(c) Any pilot project conducted pursuant to this section shall terminate on or before January 1, 1995 unless funding is provided for the project continuation.

Comment. Section 13508 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1995.

Penal Code § 13828.2 (repealed). Child sexual abuse cases

SEC. ____ . Section 13828.2 of the Penal Code is repealed.

~~13828.2. On or before January 1, 1988, the Secretary of the Judicial Council shall submit a report to the Legislature regarding training programs on the handling of child sexual abuse cases funded and provided in the 1986-87 fiscal year in order to enable the Legislature to evaluate the costs and potential benefits of these programs.~~

Comment. Section 13828.2 is repealed as obsolete. The required report was to be completed by January 1, 1988.

Penal Code § 13835.2 (amended). Victim-Witness Assistance Fund

SEC. ____ . Section 13835.2 of the Penal Code is amended to read:

13835.2. (a) Funds appropriated from the Victim-Witness Assistance Fund shall be made available through the Office of Criminal Justice Planning to any public or private nonprofit agency for the assistance of victims and witnesses which meets all of the following requirements:

(1) It provides comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type of crime, and which do not restrict services to victims of crime where there is a suspect in the case.

(2) It is recognized by the board of supervisors as the major provider of comprehensive services to victims and witnesses in the county.

(3) It is selected by the board of supervisors as the agency to receive funds pursuant to this article.

(4) It assists victims of crime in the preparation, verification, and presentation of their claims to the State Board of Control for indemnification pursuant to Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(5) It cooperates with the State Board of Control in verifying the data required by Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(b) The Office of Criminal Justice Planning shall consider the following factors, together with any other circumstances it deems appropriate, in awarding funds to public or private nonprofit agencies designated as victim and witness assistance centers:

(1) The capability of the agency to provide comprehensive services as defined in this article.

(2) The stated goals and objectives of the center.

(3) The number of people to be served and the needs of the community.

(4) Evidence of community support.

(5) The organizational structure of the agency which will operate the center.

(6) The capability of the agency to provide confidentiality of records.

~~(c) The Office of Criminal Justice Planning shall conduct an evaluation of the activities and performance of the centers established pursuant to Chapter 1256 of the Statutes of 1977 to determine their ability to comply with the intent of this~~

article, and shall report the findings thereon to the Legislature by January 1, 1985.

Comment. Section 13835.2 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1985.

Penal Code § 13835.6 (amended). Victim and witness assistance centers

SEC. ____ . Section 13835.6 of the Penal Code is amended to read:

13835.6. (a) The Office of Criminal Justice Planning, in cooperation with representatives from local victim and witness assistance centers, shall develop standards defining the activities and services enumerated in this article.

(b) The Office of Criminal Justice Planning in cooperation with representatives from local victim and witness assistance centers, shall develop a method of evaluating the activities and performance of centers established pursuant to this article.

~~By January 1, 1985, the Office of Criminal Justice Planning shall prepare and submit to the Legislature a report summarizing the effectiveness of victim and witness assistance centers established pursuant to this article. That report shall include, but not be limited to, the effectiveness in achieving the functions and the services enumerated in the article.~~

Comment. Section 13835.6 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1985.

Penal Code § 13871 (repealed). Hate crime study

SEC. ____ . Section 13871 of the Penal Code is repealed.

~~13871. The Attorney General shall, on January 1, 1985, commence a one-year project to develop a program model to collect, compile, and analyze information about racial, ethnic,~~

~~and religious crimes. The project shall include, but not be limited to, all of the following duties:~~

~~(a) Develop uniform guidelines for consistent identification of racial, ethnic, and religious crimes.~~

~~(b) Recommend an appropriate means for statewide collection of data on racial, ethnic, and religious crimes.~~

~~(c) Recommend an appropriate state agency to implement collection of this information.~~

~~(d) Submit to the Legislature a final report describing the findings of the study by January 1, 1986.~~

Comment. Section 13871 is repealed as obsolete. The required report was to be completed by January 1, 1986.

Penal Code § 14210 (amended). Missing persons

SEC. ____ . Section 14210 of the Penal Code is amended to read:

14210. (a) The Legislature finds and declares that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.

(b) The Department of the California Highway Patrol shall continue to implement the written policy, required to be developed and adopted pursuant to former Section 11114.3, for the coordination of each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways.

~~(c) The Department of the California Highway Patrol shall report to the Legislature on or before June 30, 1989, regarding the experience under, and the effects of, subdivision (b).~~

Comment. Section 14210 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by June 30, 1989.

PUBLIC RESOURCES CODE

Pub. Res. Code § 612.5 (amended). Soil survey

SEC. _____. Section 612.5 of the Public Resources Code is amended to read:

612.5. (a) The Legislature hereby finds and declares all of the following:

(1) It is in the state's public interest to have an accurate inventory of the state's soil resources.

(2) In California, the United States Soil Conservation Service has been responsible for undertaking soil surveys and soils information for many of California's agricultural counties is outdated or unavailable.

(3) Information on soils is needed for agricultural management, water and soil conservation activities, engineering and land use planning, and state and local policy decisions. Completion of the California Farmland Mapping and Monitoring Program is contingent upon availability of accurate, modern soil surveys.

(4) State funding of soil surveys has been limited to soil vegetation surveys on wildlands and no state contributions have been made toward the completion of modern soil surveys in California on cropland. In recent years, every state with incomplete soil surveys on farmland, except California, has cost-shared with the United States Soil Conservation Service to complete those surveys.

(5) Federal funding for the soil survey program of the United States Soil Conservation Service has been declining in real dollars in the past several years and is projected to be further reduced under the requirements of the Gramm-Rudman-Hollings Deficit Reduction Act.

(6) Therefore, it is in California's interest to authorize the department to assist the United States Soil Conservation Service with the completion of soil surveys.

(b) The department shall provide financial assistance to the United States Soil Conservation Service to undertake or complete soil surveys in areas of this state where the surveys have not been completed, including, but not limited to, portions of the Counties of San Joaquin, Yuba, Colusa, Butte, Fresno, Kern, Tulare, Stanislaus, and Lassen. Financial assistance shall be applied to field work which includes on-site soils mapping, report writing, manuscript preparation, and final correlation of soils data.

(c) In allocating funds for completion of soil surveys in the United States Soil Conservation Service soil survey areas in California, the department shall consider criteria which includes, but are not limited to, all of the following:

- (1) Voids in important farmland maps.
- (2) Rate and type of land use changes.
- (3) Extent of erosion, alkalinity, and other soil resource problems.
- (4) Farm-gate value of agricultural production.
- (5) Specific soil-related problems.
- (6) Status of ongoing soil surveys.
- (7) Extent of cropland in each county.
- (8) Availability of local funding or other support.

~~(d) The department shall make a report on the status of the soil survey program to the Legislature no later than February 1, 1989.~~

Comment. Section 612.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by February 1, 1989.

Pub. Res. Code § 2802 (repealed). Earthquake prediction system

SEC. ____ . Section 2802 of the Public Resources Code is repealed.

~~2802. (a) The department shall develop jointly with the United States Geological Survey a prototype earthquake~~

prediction system along the central San Andreas fault near the City of Parkfield.

(b) ~~The system shall include a dense cluster of seismic and crustal deformation instrumentation capable of monitoring geophysical and geochemical phenomena associated with earthquakes in the region. These data shall be analyzed continuously to determine if precursory anomalies can be identified with sufficient certainty to make a short-term prediction. The department shall not duplicate any of the ongoing efforts of the United States Geological Survey or any public or private college or university in the development of this system.~~

(c) ~~In meeting its obligations under this chapter, the department shall develop, in cooperation with the United States Geological Survey, a plan for completion of the Parkfield instrumentation network. The plan shall provide for all of the following:~~

~~(1) Augmentation of monitoring instruments with the goal of detecting precursors of the Parkfield characteristic earthquake.~~

~~(2) Operation by the department of a remote data review station in Sacramento which will provide state scientists with data from the Parkfield prototype earthquake prediction system and other data, as required, to advise the Office of Emergency Services of the occurrence of precursors and verification of the predicted event.~~

~~(3) Advising the United States Geological Survey, the Office of Emergency Services, the Seismic Safety Commission, and the California Earthquake Prediction Evaluation Council, regarding the department's review of Parkfield data.~~

~~(d) On January 1, 1987, the department shall issue a progress report to the Governor, the Legislature, and the Seismic Safety Commission. An annual progress report shall~~

~~be made each year thereafter. The project shall terminate on January 1, 1992, unless extended by statute.~~

Comment. Section 2802 is repealed as obsolete. The project established by the section was terminated on January 1, 1992.

Pub. Res. Code § 2804.6 (repealed). Earthquake early warning system

SEC. ____ . Section 2804.6 of the Public Resources Code is repealed.

~~2804.6. (a) The department, in consultation with the Seismic Safety Commission, shall prepare a feasibility study evaluating the effectiveness of an early warning system to detect seismic activity along the San Andreas Fault north of the Los Angeles metropolitan area. The feasibility study shall include, but is not limited to, a study of all of the following:~~

~~(1) Possible scenarios for the probability, strength, direction, and location of seismic activity occurring along the San Andreas Fault north of the Los Angeles metropolitan area.~~

~~(2) Development, use, and transmission of a warning signal to announce significant seismic activity detected by the early warning system, including an analysis of the estimated lead time provided by the system.~~

~~(3) Technical and economic feasibility of implementing the early warning system. Possible applications include automated shutdown of pipelines, transportation systems, computer systems, and other vital lifelines which would be damaged in an earthquake.~~

~~(4) Assessment of the value of warnings to various elements of society, including public officials, schools, hospitals, police, fire stations, private industry, critical defense contractors, and gas, oil, and electrical industries. The assessment should include an estimate of the value of a warning as a function of the warning time and its reliability.~~

~~(5) Description of the funding, management, reliability, and liability aspects of the system.~~

~~(b) The department shall submit the feasibility study to the Governor's Office and to the Legislature by July 1, 1988.~~

Comment. Section 2804.6 is repealed as obsolete. The required report was to be completed by July 1, 1988.

Pub. Res. Code § 3488 (repealed). Illegal disposal of used oil

SEC. ____ . Section 3488 of the Public Resources Code is repealed.

~~3488. (a) On or before January 1, 1993, the grant recipient shall submit to the board a report describing the implementation of the project and the extent to which the program was successful in addressing the problem of illegal disposal of used oil. The report shall include all of the following information:~~

~~(1) A description of the used oil curbside collection project.~~

~~(2) An account of the number of households participating in the project.~~

~~(3) The amount of used oil collected as a result of the curbside collection project.~~

~~(4) A determination of whether this demonstration program can be made applicable to other local agencies throughout the state.~~

~~(5) A description of measures taken by the local agency to continue the program.~~

~~(b) On or before March 1, 1993, the board shall submit to the Legislature the report received pursuant to subdivision (a), together with recommendations for the use of the program for applicability to local agencies throughout the state.~~

Comment. Section 3488 is repealed as obsolete. The required reports were to be completed by March 1, 1993.

Pub. Res. Code § 4473 (repealed). Experimental prescribed burn program

SEC. _____. Section 4473 of the Public Resources Code is repealed.

~~4473. On or before January 1, 1982, the department shall submit to the board a report consisting of an analysis of the results obtained in the experimental program and recommendations for the further implementation and improvement of the program.~~

Comment. Section 4473 is repealed as obsolete. The required report was to be completed by January 1, 1982.

Pub. Res. Code § 4562.5 (amended). Soil erosion study

SEC. _____. Section 4562.5 of the Public Resources Code is amended to read:

4562.5. It is the purpose of this section to insure that soil erosion associated with timber operations is adequately controlled to protect soil resources, forest productivity, and water quality. The prevention, retardation, and control of accelerated erosion are the principal goals of this section. ~~The board shall conduct such investigations of soil characteristics and erosion rates and of the instruments, techniques, and procedures available for use in monitoring soil loss as will facilitate the development and application of soil resource conservation standards, and shall, by January 1, 1976, publish reports or otherwise disseminate the information thus obtained, including a determination, if possible, of permissible levels of soil loss.~~ The board shall promulgate regulations for each district to govern timber operations that may cause significant soil disturbance.

Comment. Section 4562.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1976.

Pub. Res. Code § 4563.5 (repealed). Resource conservation standards

SEC. ____ . Section 4563.5 of the Public Resources Code is repealed.

~~4563.5. The department shall, on or before July 1, 1989, report to the Governor and the Legislature on the adequacy of existing resource conservation standards in meeting the objectives of this chapter and achieving the goal of maximum sustained production of high-quality timber products, as specified in Section 4513. The report shall include all of the following:~~

~~(a) A description of the status of regeneration at a representative number of timber harvesting sites, within each forest practice district, that were previously determined by the department to be adequately stocked.~~

~~(b) Information on the type of silvicultural method originally described in the timber harvesting plan for each site examined.~~

~~(c) Any recommendations for regulations or legislation changing the requirements of this chapter, as they pertain to existing resource conservation standards, and limitations, if any, on allowable harvest levels for forest land where regeneration is not occurring consistent with the goals specified in Section 4513.~~

Comment. Section 4563.5 is repealed as obsolete. The required report was to be completed by July 1, 1989.

Pub. Res. Code § 5097.96 (repealed). Native American sacred places

SEC. ____ . Section 5097.96 of the Public Resources Code is repealed.

~~5097.96. The commission may prepare an inventory of Native American sacred places that are located on public lands and shall review the current administrative and statutory protections accorded to such places. The commission shall submit a report to the Legislature no later than January 1, 1979, in which the commission shall report its findings as a~~

~~result of these efforts and shall recommend such actions as the commission deems necessary to preserve these sacred places and to protect the free exercise of the Native American religions.~~

Comment. Section 5097.96 is repealed as obsolete. The required report was to be completed by January 1, 1979.

Pub. Res. Code § 6226 (repealed). Offshore seeps

SEC. ____ . Section 6226 of the Public Resources Code is repealed.

~~6226. (a) The commission shall, in cooperation with other appropriate state agencies, conduct research and investigations into natural and manmade seeps of oil, dry gas, and other hydrocarbon products occurring offshore and which contribute or could contribute to the pollution of beaches, tidelands, and submerged lands of the state. Such research shall include, but not be limited to, all of the following:~~

~~(1) Determination of the magnitude and extent of contamination.~~

~~(2) Identification of the sources of the pollution.~~

~~(3) Documentation of the geophysical aspects of active seepage zones.~~

~~(4) Examination of the cause and effect relationship between offshore oil sources and marine pollution.~~

~~(5) Methods of reducing, mitigating, or eliminating pollution from such leaks.~~

~~(b) For the purpose of this section, the commission may contract, upon such terms and conditions as will be in the best interests of the people of the state, with one or more private persons, firms, associations, organizations, partnerships, corporations, companies, or public agencies to conduct such research and investigation.~~

~~(c) The commission may apply to any agency of the federal or state government or private foundation which may now or~~

~~in the future provide financial assistance for the programs as contemplated by this section.~~

~~(d) The commission shall report to the Legislature by January 1, 1978, the results of the research and investigations of seeps of oil, gas, and other hydrocarbons conducted pursuant to the provisions of this section.~~

Comment. Section 6226 is repealed as obsolete. The required report was to be completed by January 1, 1978.

Pub. Res. Code § 18017 (repealed). Plastic waste labeling

SEC. ____ . Section 18017 of the Public Resources Code is repealed.

~~18017. The department shall review compliance with this chapter and shall submit a report of its evaluation to the Legislature on or before January 1, 1994.~~

Comment. Section 18017 is repealed as obsolete. The required report was to be completed by January 1, 1994.

Pub. Res. Code § 25689 (repealed). Energy technology research

SEC. ____ . Section 25689 of the Public Resources Code is repealed.

~~25689. The commission shall prepare an extensive report examining the benefits to the people of this state from the research, development, and demonstration projects for which financing was provided under this chapter, and submit it to the Legislature on or before January 1, 1990.~~

Comment. Section 25689 is repealed as obsolete. The required report was to be completed by January 1, 1990.

Pub. Res. Code § 29777 (repealed). Delta Protection Commission funding

SEC. ____ . Section 29777 of the Public Resources Code is repealed.

~~29777. (a) The commission shall submit to the Governor and the Legislature, on or before December 31, 1993, a report setting forth its recommendation for legislation that would~~

~~provide funding sources to replace the penalty assessment prescribed by Section 29775 that would provide sufficient funds, in an amount not to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year, for its activities and operations pursuant to this division.~~

~~(b) In preparing the report, the commission shall meet and consult with individuals and groups whose activities the commission is considering as potential funding sources.~~

~~(c) The commission shall not incur costs in excess of the amount of funds available for expenditure by the commission in any fiscal year.~~

Comment. Section 29777 is repealed as obsolete. The required report was to be completed by December 31, 1993.

Pub. Res. Code § 42552 (repealed). Recycling telephone directories

SEC. ____ . Section 42552 of the Public Resources Code is repealed.

~~42552. The board shall report the results of the study to the Legislature on or before July 1, 1994. The report shall include a finding as to whether recyclable materials are currently available which could be utilized in the manufacture of telephone directories which can and will be recycled without significantly reducing the durability of the directories nor significantly increasing production costs. If the board determines that recyclable telephone directories cannot be cost-effectively produced, the board shall include in its report recommendations on alternative methods of removing telephone directories from the waste stream, such as the development of new recycling techniques.~~

Comment. Section 42552 is repealed as obsolete. The required report was to be completed by July 1, 1994.

Pub. Res. Code § 42553 (amended). Operation of Article 2

SEC. ____ . Section 42553 of the Public Resources Code is amended to read:

42553. Article 2 (commencing with Section 42557) shall become operative only if the report required in *former* Section 42552, *as added by Chapter 1066 of the Statutes of 1991*, contains an affirmative finding regarding the feasibility of producing recyclable telephone directories without significantly reducing the durability of the directories nor significantly increasing production costs.

Comment. Section 42553 is amended to reflect the repeal of former Section 42552.

Pub. Res. Code § 42776 (repealed). Recycled paper survey

SEC. ____ . Section 42776 of the Public Resources Code is repealed.

~~42776. After January 1, 1994, the board shall conduct a survey of the paper industry to assess the availability of, quality of, and market for all recycled-content papers, including coated groundwood papers and other papers which are not newsprint. The board shall report the findings of its survey to the Legislature on or before July 1, 1994.~~

Comment. Section 42776 is repealed as obsolete. The required report was to be completed by July 1, 1994.

Pub. Res. Code § 71064 (amended). Environmental Data Management Advisory Committee

SEC. ____ . Section 71064 of the Public Resources Code is amended to read:

71064. (a) There is in the agency the Environmental Data Management Advisory Committee. The advisory committee shall consist of not more than seven members appointed by the secretary. The secretary shall select members who represent business, government, and environmental groups, and who have proven expertise 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 participation in hearings and proceedings of the commission by public utilities, commission staff, and other persons.

~~(e) The commission shall prepare and submit a report to the Legislature on or before January 1, 1986, consisting of its first compilation.~~

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.

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.

Pub. Util. Code § 5371.4 (amended). Limousine operators

SEC. ____ . Section 5371.4 of the Public Utilities Code is amended to read:

5371.4. (a) The governing body of any city, county, or city and county may not impose a fee on charter-party carriers operating limousines. However, the governing body of any city, county, or city and county may impose a business license fee on, and may adopt and enforce any reasonable rules and regulations pertaining to operations within its boundaries for,

any charter-party carrier domiciled or maintaining a business office within that city, county, or city and county.

(b) The governing body of any airport may not impose vehicle safety, vehicle licensing, or insurance requirements on charter-party carriers operating limousines that are more burdensome than those imposed by the commission. However, the governing board of any airport may require a charter-party carrier operating limousines to obtain an airport permit for operating authority at the airport.

(c) Notwithstanding subdivisions (a) and (b), the governing body of any airport may adopt and enforce reasonable and nondiscriminatory local airport rules, regulations, and ordinances pertaining to access, use of streets and roads, parking, traffic control, passenger transfers, trip fees, and occupancy, and the use of buildings and facilities, that are applicable to charter-party carriers operating limousines on airport property.

(d) This section does not apply to any agreement entered into pursuant to Sections 21690.5 to 21690.9, inclusive, between the governing body of an airport and charter-party carriers operating limousines.

~~(e) The commission shall conduct an audit and review of the annual gross revenues earned by charter-party carriers operating limousines for the purpose of ascertaining whether the imposition of additional fees based on a charter-party carrier's gross annual revenues would place an undue administrative or financial burden on the charter-party carrier industry. The commission shall report its findings to the Legislature on or before June 30, 1992.~~

~~(f) The governing body of any airport shall not impose a fee based on gross receipts of charter-party carriers operating limousines.~~

~~(g) (f) Notwithstanding subdivisions (a) to ~~(f) (e)~~, inclusive, nothing in this section prohibits a city, county, city and~~

county, or the governing body of any airport, from adopting and enforcing reasonable permit requirements, fees, rules, and regulations applicable to charter-party carriers of passengers other than those operating limousines.

(h) (g) For the purposes of this section, “limousine” includes any luxury sedan, of either standard or extended length, with a seating capacity of not more than nine passengers including the driver, used in the transportation of passengers for hire on a prearranged basis within this state.

Comment. Section 5371.4 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by June 30, 1992.

Pub. Util. Code § 5385.6 (amended). Limousines

SEC. ____ . Section 5385.6 of the Public Utilities Code is amended to read:

5385.6. (a) No charter-party carrier shall operate a limousine as defined by ~~subdivision (h)~~ of Section 5371.4 unless the limousine is equipped with the special license plates issued and distributed by the Department of Motor Vehicles pursuant to Section 5011.5 of the Vehicle Code.

(b) The commission shall issue to each charter-party carrier operating limousines a permit or certificate for the number of vehicles verified by the carrier as employed in providing limousine service. The permit or certificate shall be submitted to the Department of Motor Vehicles, which will issue to each verified vehicle a set of unique, identifying license plates. The department shall maintain a record of each set of plates it issues and provide a copy of each record to the commission.

(c) The commission shall recover from any carrier whose permit or certificate is cancelled, suspended, or revoked any and all plates issued pursuant to this section.

(d) The special license plate shall be in lieu of the decal required to be issued and displayed pursuant to Section 5385.5.

(e) This section shall become operative on July 1, 1995.

Comment. Section 5385.6 is amended to reflect that former subdivision (h) of Section 5371.4 was redesignated as subdivision (g).

Pub. Util. Code § 5388 (repealed). Report on issuance of three-year permit

SEC. _____. Section 5388 of the Public Utilities Code is repealed.

~~5388. The commission shall, on or before January 1, 1992, prepare and submit to the Legislature a report of its experiences with respect to issuing certificates and permits to charter-party carriers of passengers valid for three years, including its recommendations as to returning to the former requirement for annual certificates and permits and as to issuing certificates and permits which are valid until revoked.~~

Comment. Section 5388 is repealed as obsolete. The required report was to be completed by January 1, 1992.

Pub. Util. Code § 8303 (repealed). Notice of shipment of radioactive fuel

SEC. _____. Section 8303 of the Public Utilities Code is repealed.

~~8303. The Department of the California Highway Patrol shall, on or before July 1, 1986, report to the Legislature regarding the establishment of procedures for notifying local officials of the shipment of hazardous radioactive materials containing commercially produced, spent radioactive fuel.~~

Comment. Section 8303 is repealed as obsolete. The required report was to be completed by July 1, 1986.

Pub. Util. Code § 99620 (amended). Purpose and amount of allocations

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

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

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.~~

~~(5) Actual revenues, if any, generated from the levy in the prior fiscal year and actual expenditures, if any, made in the prior year for the local obligation or indebtedness for which the tax was levied.~~

~~(6) Any other information relating to the levy of property tax at a rate in excess of the limitation prescribed by subdivision (a) of Section 1 of Article XIII A which the Controller deems relevant.~~

~~(c) With respect to ad valorem property tax levies in excess of the rate limitation prescribed in subdivision (a) of Section 1 of Article XIII A of the Constitution which have been authorized by the voters but not collected in fiscal years 1978-79, 1979-80, 1980-81, 1981-82, or 1982-83, each local agency shall report the information specified in paragraphs (1), (2), and (3) of subdivision (b).~~

~~(d) The official of each local agency responsible for submitting the report required by this section shall certify that the information submitted is, to the best of his or her knowledge, true and accurate.~~

~~(e) The Controller shall require that any property tax levied in fiscal years 1978-79, 1979-80, 1980-81, 1981-82, or 1982-83 at a rate which is in excess of the limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the Constitution be reported in the manner specified in this section.~~

~~(f) For purposes of this section, an "ad valorem property tax" means any tax or assessment imposed on the basis of the value of the real property, including any special ad valorem assessment.~~

~~(g) If a local agency fails to file a report required by this section by April 1, 1983, the Controller and the county auditor in the succeeding fiscal year shall reduce the payment they are required to make to such jurisdiction based on claims filed pursuant to Section 16113 of the Government Code. The reduction shall be 10 percent of the prior year's payment or five thousand dollars (\$5,000), whichever is less.~~

Comment. Section 2237.3 is repealed as obsolete. The required reports were to be completed by April 1, 1983.

Rev. & Tax. Code § 2327 (repealed). Exception to reporting deadline

SEC. ____ . Section 2327 of the Revenue and Taxation Code is repealed.

~~2327. For the 1973-74 fiscal year, the report required by Section 2325 shall be due by May 15, 1974. In succeeding fiscal years, the provisions of Section 2326 shall be effective.~~

Comment. Section 2327 is repealed as obsolete. The reporting deadline provided in the section expired on May 15, 1974.

Rev. & Tax. Code § 18405 (amended). Substantial unintentional noncompliance

SEC. ____ . Section 18405 of the Revenue and Taxation Code is amended to read:

18405. (a) In the case of a new statutory provision in Part 7.5 (commencing with Section 13201), Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), or Part 11 (commencing with Section 23001), or the addition of a new part, the Franchise Tax Board itself is authorized to grant relief as set forth in subdivision (b) from the requirements of the new statutory provision in a manner as provided in subdivision (c).

(b) The relief provided in subdivision (a) may be granted only for the first taxable year for which the new statutory provision is operative and only when substantial unintentional noncompliance with the new provision has occurred by a class of affected taxpayers. The relief is limited to waiving penalties or perfecting elections and may be granted only to taxpayers who timely paid taxes and other required amounts shown on the return consistent with the election and who timely filed their return (with regard to extension).

(c) The relief granted in this section shall, upon the recommendation of the executive officer of the Franchise Tax Board, be made by resolution of the Franchise Tax Board which sets forth the conditions, time, and manner as the Franchise Tax Board determines are necessary. The resolution shall be adopted only by an affirmative vote of each of the three members of the Franchise Tax Board.

(d) For purposes of this section:

(1) “New statutory provision” means a complete, newly established tax program, tax credit, exemption, deduction, exclusion, penalty, or reporting or payment requirement and does not mean amendments made to existing tax provisions that make minor modifications or technical changes.

(2) "Perfecting elections" includes correcting omissions or errors only when substantial evidence is present with the filed return that the taxpayer intended to make the election and does not include making an election where one was not previously attempted to be made.

(3) "Substantial unintentional noncompliance," for purposes of Part 11 (commencing with Section 23001), includes any case in which the taxpayer filed a water's-edge contract with a timely filed original return and timely paid all taxes and other required amounts shown on the return consistent with the water's-edge election, but where the taxpayer's election is or might be invalidated by reason of the act or omission of an affiliated corporation that is not the parent or a subsidiary of the taxpayer. In that case, notwithstanding anything to the contrary in this section, relief shall be deemed granted to validate the taxpayer's water's-edge election, conditioned only upon an agreement by the affiliated corporation to either (A) file a water's-edge contract and pay all taxes and other required amounts consistent with that election, or (B) waive any right, with respect to any taxable year for which the corporation did not make a water's-edge election on its own timely filed return, to determine its income derived from or attributable to sources within this state pursuant to that election, whichever measure produces the greater amount of tax.

(e) This section shall apply to any Franchise Tax Board resolution adopted after the effective date of this section with respect to any taxable year which is subject to an open statute of limitations on the date of the resolution.

~~(f) On or before March 1, 1995, the Franchise Tax Board shall report to the Legislature on the utilization of this section. The report shall describe the class or classes of taxpayers provided relief, the issue involved and the number of~~

~~taxpayers affected, and, where applicable, the aggregate amount of penalty relieved for each class of taxpayers.~~

Comment. Section 18405 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by March 1, 1995.

Rev. & Tax. Code § 19264 (amended). Electronic transmission of earnings withholding orders

SEC. _____. Section 19264 of the Revenue and Taxation Code is amended to read:

19264. (a) Notwithstanding Sections 706.071 and 706.080 of the Code of Civil Procedure, the Franchise Tax Board shall establish a pilot program to issue earnings withholding orders for taxes and any other notice or document required to be served or provided in connection with an earnings withholding order, pursuant to Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure, to government and private employers by magnetic media, electronic transmission, or other electronic technology. The purpose of the pilot program is to study the feasibility and cost effectiveness of the Franchise Tax Board issuing earnings withholding orders to employers using magnetic media, electronic transmission, or other electronic technology.

(b) The pilot program shall apply to any earnings withholding order for taxes and any other notice or document required to be served or provided in accordance with subdivision (a) on or after January 1, 1997, and before January 1, 1999, to an employer who agrees to participate in the pilot program.

(c) For purposes of the pilot program, the Franchise Tax Board shall identify and work with employers who agree to be served as authorized by subdivision (a).

(d) The pilot program shall be successful if the Franchise Tax Board can demonstrate all of the following:

(1) The Franchise Tax Board's time to prepare and serve earnings withholding orders by magnetic media, electronic transmission, or other electronic technology, as authorized by subdivision (a), will be reduced by at least two days when compared to orders that would otherwise be prepared and served under Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

(2) The Franchise Tax Board's administrative cost to prepare and serve earnings withholding orders by magnetic media, electronic transmission, or other electronic technology, as authorized by subdivision (a), will be less than the cost to prepare and serve orders as specified under Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

(3) The employer's time and administrative costs to receive and comply with orders served in accordance with subdivision (a) do not exceed the time and administrative costs when compared to receiving and complying with orders served in accordance with Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

~~(e) The Franchise Tax Board shall report to the Legislature on or before January 1, 1999, as to the results of the pilot program. The report shall include a cost comparison and the administrative advantages and disadvantages of preparing and serving earnings withholding orders by traditional methods and by magnetic media, electronic transmission, or other electronic technology.~~

(f) If the Franchise Tax Board determines that the pilot program is successful based on the criteria stated in subdivision (d), the Franchise Tax Board may continue to issue earnings withholding orders for taxes and any other notice or document required to be served or provided in

connection with an earnings withholding order, pursuant to Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure, to government and private employers who agree to accept service by magnetic media, electronic transmission, or other electronic technology.

(g) (f) This section shall apply in the same manner and with the same force and effect and to the full extent as if this section had been incorporated in full into Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

Comment. Section 19264 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1999.

Rev. & Tax. Code § 23331 (amended). Taxpayer information program

SEC. _____. Section 23331 of the Revenue and Taxation Code is amended to read:

23331. (a) For the purposes of this article, the effective date of dissolution of a corporation is the date on which the certified copy of the court decree, judgment, or order declaring the corporation duly wound up and dissolved is filed in the office of the Secretary of State or the date on which the certificate of winding up, if necessary, and the certificate of dissolution are filed in the office of the Secretary of State. For the purposes of this article, the effective date of withdrawal of a foreign corporation is the date on which the certificate of withdrawal is filed in the office of the Secretary of State.

(b) The Secretary of State shall, through an information program and by forms and instructions provided to taxpayers, recommend that all documents required by this article to be filed with the Secretary of State be sent, if mailed, by certified mail with return receipt requested. The Secretary of State

shall also notify taxpayers that receipt of documents by the Secretary of State pursuant to this article will be acknowledged within 21 days of receipt.

(c) On or before 21 days after their receipt, the Secretary of State shall provide a taxpayer with acknowledgment of the receipt of documents submitted by a 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.~~

~~(c) 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 collection of overpaid unemployment compensation benefits. The report shall be transmitted to the Senate Committee on Industrial Relations and the Assembly Committee on Finance and Insurance.~~

Comment. Section 1598 is repealed as obsolete. The required report was to be completed by July 1, 1986.

Unemp. Ins. Code § 11005 (repealed). Provision of employment services to the deaf and hearing impaired

SEC. ____ . Section 11005 of the Unemployment Insurance Code is repealed.

~~11005. The State Job Training Coordinating Council shall do all of the following:~~

~~(a) Evaluate the contractors' provision of employment services to the deaf and hearing impaired persons, including the impact of employment services on a representative sample of recipients of services. The evaluation shall include an~~

~~analysis of the effectiveness of the services listed in Section 11002 and the cost of the services.~~

~~(b) Review the department's supervision of the contractors.~~

~~(c) Recommend legislative and administrative changes, if any.~~

~~The council shall submit the report to the Legislature by February 1, 1986.~~

Comment. Section 11005 is repealed as obsolete. The required report was to be completed by February 1, 1986.

Unemp. Ins. Code § 11011 (amended). State work force development plan

SEC. ____ . Section 11011 of the Unemployment Insurance Code is amended to read:

11011. (a) On or before April 1, 1998, the Secretary of the Health and Welfare Agency, the Secretary of the Trade and Commerce Agency, the Chancellor of the California Community Colleges with the consent of the Board of Governors, and the Superintendent of Public Instruction, with the consent of the State Board of Education, shall enter into a memorandum of understanding to develop and maintain a plan including a schedule to do the following:

(1)(A) Develop a state work force development plan to create an integrated, high-quality work force development system out of the current array of job training and vocational education programs in order to prepare emerging, transitional, and current workers to be employed in the state's global economy.

The plan shall serve as a framework for the development of public policy, fiscal investment, and operation of all state work force education and training programs.

(B) The plan, which shall be updated every five years, shall, at a minimum, include all of the following:

(i) Long term goals for the state's work force development system.

(ii) Short term objectives and benchmarks that the state will use to measure its progress towards meeting the state's goals for the state work force development system and its programs.

(iii) Identification of the role each institution and program plays in the statewide system and mechanism of articulation among programs.

(iv) A strategy for assessing unmet work force preparation needs and areas of duplicative services and a description of measures to assure coordination, eliminate duplication, and maximize or redirect funding to more effectively deliver services to meet the state's work force development needs.

(v) A strategy for consolidating multiple planning processes.

(vi) A strategy with benchmarks for implementing a system of universal access to work force development services ensuring access to comprehensive services in all rural and urban areas of the state.

(C) The plan shall be developed through a collaborative process that shall include review and input by state, regional, and local work force education and training providers, private industry councils, and representatives of business and labor.

~~(D) A report with final recommendations on how state, local, and regional agencies and programs can deliver seamless, high-quality services to clients shall be transmitted to the Governor and the Legislature by October 1, 1999.~~

(2) Initiate a competitive process to select a minimum of five regional education, work force preparation, and economic development collaboratives, known as regional collaboratives, that will receive financial and program incentives to develop local partnerships to maximize the delivery of employment, training, and education services. These partnerships shall collaborate in the development of shared systems to improve their efficiency and effectiveness in delivering work force development services.

(3) Identify new and redirected resources, federal and state waivers, and legislative changes necessary to enhance the effectiveness of regional collaboratives.

(b) Regional collaboratives shall have representation from the following public and private entities:

(1) The Employment Development Department.

(2) The local Job Training Partnership Act administrative entity.

(3) Community college districts.

(4) Local school districts, including those that provide adult education and regional occupational centers or programs.

(5) Regional occupational centers serving adults.

(6) Entities administering local public assistance welfare-to-work programs.

(7) Local economic development organizations.

(8) The private sector, including both business and labor.

In addition, the competitive selection process shall emphasize the expectation that these regional collaboratives will have broad representation of all public, private, and nonprofit agencies that have an interest in education, economic 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.~~

Comment. Section 4750.2 is repealed as obsolete. The required report was to be completed by December 1, 1992.

Veh. Code § 4750.4 (amended). Information provided by insurers

SEC. ____ . Section 4750.4 of the Vehicle Code is amended to read:

4750.4. Information provided by an insurer to the department pursuant to Section 11580.10 of the Insurance Code and *former* Section 4750.2 of this code, *as added by Chapter 946 of the Statutes of 1991*, shall be made available only to law enforcement agencies for law enforcement purposes.

Comment. Section 4750.4 is amended to reflect the repeal of former Section 4750.2.

Veh. Code § 5011.5 (amended). Limousines operated by charter-party carrier

SEC. ____ . Section 5011.5 of the Vehicle Code is amended to read:

5011.5. Every limousine operated by a charter-party carrier, as defined by ~~subdivision (h)~~ of Section 5371.4 of the Public Utilities Code, shall display a special identification license plate issued pursuant to Section 5385.6 of that code.

This section shall become operative on July 1, 1995.

Comment. Section 5011.5 is amended to reflect that subdivision (h) of Public Utilities Code Section 5371.4 was redesignated as subdivision (g).

Veh. Code § 14112 (amended). Driver's license proceeding

SEC. ____ . Section 14112 of the Vehicle Code is amended to read:

14112. (a) All matters in a hearing not covered by this chapter shall be governed, as far as applicable, by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Subdivision (a) of Section 11425.30 of the Government Code does not apply to a proceeding for issuance, denial, revocation, or suspension of a driver's license pursuant to this division. ~~The Department of Motor Vehicles shall study the effect of that subdivision on proceedings involving special certificates issued pursuant to Sections 12517 to 12527, inclusive, and shall report to the Legislature by December 31, 1999, with recommendations concerning experience with its application in those proceedings.~~

Comment. Section 14112 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by December 31, 1999.

Veh. Code § 21370.1 (repealed). Nonemergency highway maintenance work

SEC. ____ . Section 21370.1 of the Vehicle Code is repealed.

~~21370.1. The Department of Transportation, in cooperation with the Department of California Highway Patrol, shall study the feasibility of performing nonemergency maintenance work activities upon state highways during low-volume traffic hours. The study shall at a minimum consider the following criteria:~~

- ~~(a) Motorist safety.~~
- ~~(b) Worker safety.~~
- ~~(c) Working conditions.~~
- ~~(d) Cost of performing the work.~~
- ~~(e) Cost of delays to the motorists.~~

~~Upon completion of the study, the department shall develop a highway lane closure policy and procedure and report its findings and recommendations to the Legislature on or before March 31, 1988.~~

Comment. Section 21370.1 is repealed as obsolete. The required report was to be completed by March 31, 1988.

Veh. Code § 32005 (repealed). Licensing and inspection program

SEC. ____ . Section 32005 of the Vehicle Code is repealed.

~~32005. The Department of the California Highway Patrol shall submit a report to the Legislature on or before January 1, 1983, concerning the implementation of the licensing and inspection program under this division, including, but not limited to, the amount collected for license fees, the number of companies and terminals inspected, and the nature of the violations charged.~~

Comment. Section 32005 is repealed as obsolete. The required report was to be completed by January 1, 1983.

Veh. Code § 34508.5 (repealed). Schoolbus accidents

SEC. ____ . Section 34508.5 of the Vehicle Code is repealed.

~~34508.5. (a) The department shall, pursuant to its investigation of schoolbus accidents in accordance with Section 12517.1, investigate accidents involving schoolbuses, school pupil activity buses, and youth buses for evidence of overcrowding aboard the bus or obstructed aisles, or both, contributing to increased pupil injury or risk of injury. The department shall also inquire of other states containing large urban areas as to whether increased pupil injuries in schoolbus, school pupil activity bus, and youth bus accidents resulted from overcrowding or obstructed aisles existing at the time of the accident.~~

~~(b) The department shall prepare and submit to the Legislature, on or before July 1, 1993, a report on its findings and recommendations from its investigation pursuant to subdivision (a), including recommendations for improving the safe transportation of pupils together with any needed revisions to existing laws or regulations relating to seating aboard schoolbuses, school pupil activity buses, and youth~~

~~buses and requiring aisles to be unobstructed while those buses are in motion.~~

Comment. Section 34508.5 is repealed as obsolete. The required report was to be completed by July 1, 1993.

Veh. Code § 40001 (amended). Owner or employer liability

SEC. ____ . Section 40001 of the Vehicle Code is amended to read:

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner to request, cause, or permit the operation of any vehicle that is any of the following:

(1) Not registered or for which any fee has not been paid under this code.

(2) Not equipped as required in this code.

(3) Not in compliance with the size, weight, or load provisions of this code.

(4) Not in compliance with the regulations promulgated pursuant to this code, or with applicable city or county ordinances adopted pursuant to this code.

(5) Not in compliance with the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board.

(c) Any employer who violates an out-of-service order, that complies with Section 396.9 of Title 49 of the Code of Federal Regulations, or who knowingly requires or permits a driver to violate or fail to comply with that out-of-service order, is guilty of a misdemeanor.

(d) An employer who is convicted of allowing, permitting, requiring, or authorizing a driver to operate a commercial motor vehicle in violation of any statute or regulation

pertaining to a railroad-highway grade crossing is subject to a fine of not more than ten thousand dollars (\$10,000).

(e) Whenever a violation is chargeable to the owner or lessee of a vehicle pursuant to subdivision (a) or (b), the driver shall not be arrested or cited for the violation unless the vehicle is registered in a state or country other than California, or unless the violation is for an offense that is clearly within the responsibility of the driver. ~~The Department of the California Highway Patrol shall report to the Legislature on or before January 1, 1988, concerning the effects of this subdivision.~~

(f) Whenever the owner, or lessee, or any other person is prosecuted for a violation pursuant to this section, the court may, on the request of the defendant, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. However, the court may make the driver a codefendant only if the driver is the owner or lessee of the vehicle, or the driver is an employee or a contractor of the defendant who requested the court to make the driver a codefendant. If the codefendant is held solely responsible and found guilty, the court may dismiss the charge against the defendant.

(g) In any prosecution under this section, it is a rebuttable presumption that any person who gives false or erroneous information in a written certification of actual gross cargo weight has directed, requested, caused, or permitted the operation of a vehicle in a manner contrary to law in violation of subdivision (a) or (b), or both.

Comment. Section 40001 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1988.

Veh. Code § 42007 (amended). Traffic violator school

SEC. ____ . Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county and, as may be applicable, distributed as follows:

(1) In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars (\$2) for every seven dollars (\$7) that would have

been collected pursuant to Section 76000 of the Government Code shall be deposited in that fund. Nothing in the act that added this paragraph shall be interpreted in a manner that would result in either of the following:

(A) The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service on a capital facility that existed before January 1, 2000.

(B) The reduction of the availability of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility which was approved by a county board of supervisors, but on January 1, 2000, is not under construction.

(c) For fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code 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.~~

~~(B) The task force shall recommend both short-term and long-term funding solutions for the programs specified in subparagraph (A), including recommendations for appropriate state and local agency responsibility for determining funding levels, program administration, oversight, and evaluation.~~

~~(c) The task force shall be composed of persons knowledgeable in delinquency prevention programs, juvenile justice issues, and alternative juvenile justice models,~~

~~including representatives of the Department of the Youth Authority, the State Department of Social Services, the Chief Probation Officers Association, the County Supervisors Association of California, the County Welfare Directors Association, the Juvenile Court Judges of California, and county and private nonprofit agencies involved with juvenile justice services. In developing its recommendations, the task force shall consult with representatives of providers of group home care for delinquent minors.~~

Comment. Section 225.05 is repealed as obsolete. The required report was to be completed by January 15, 1992.

Welf. & Inst. Code § 398 (repealed). Status of children in foster care

SEC. ____ . Section 398 of the Welfare and Institutions Code is repealed.

~~398. The department shall report to the Speaker of the Assembly and the Senate Rules Committee on the current status of children placed in foster care. The report shall be submitted on October 1, 1981, and shall include, in addition to the current status of children in foster care, an analysis of foster care service plans in relation to the policy set forth in Section 396.~~

Comment. Section 398 is repealed as obsolete. The required report was to be completed by October 1, 1981.

Welf. & Inst. Code § 503 (amended). Serious habitual offender data

SEC. ____ . Section 503 of the Welfare and Institutions Code is amended to read:

503. Programs funded under this article shall adopt and pursue the following policies:

(a) Each participating law enforcement agency shall do all of the following:

(1) Gather data on identified serious habitual offenders.

(2) Compile data into usable format for law enforcement, prosecutors, probation officer, schools, and courts pursuant to interagency agreement.

(3) Regularly update data and disseminate data to juvenile justice system agencies, as needed.

(4) Establish local policies in cooperation with the prosecutor, the probation officer, schools, and the juvenile court regarding data collection, arrest, and detention of serious habitual offenders.

(5) Provide support and assistance to other agencies engaged in the program.

(b) Each participating district attorney's office shall do all of the following:

(1) File petitions based on the most serious provable offenses of each arrest of a serious habitual offender.

(2) Use all reasonable prosecutorial efforts to resist the release, where appropriate, of the serious habitual offender at all stages of the prosecution.

(3) Seek an admission of guilt on all offenses charged in the petition against the offender. The only cases in which the prosecutor may request the court to reduce or dismiss the charges shall be cases in which the prosecutor decides there is insufficient evidence to prove the people's case, the testimony of a material witness cannot be obtained or a reduction or dismissal will not result in a substantial change in sentence. In those cases, the prosecutor shall file a written declaration with the court stating the specific factual and legal basis for such a reduction or dismissal and the court shall make specific findings on the record of its ruling and the reasons therefor.

(4) Vertically prosecute all cases involving serious habitual offenders, whereby the prosecutor who makes the initial filing decision or appearance on such a case shall perform all subsequent court appearances on that case through its conclusion, including the disposition phase.

(5) Make all reasonable prosecutorial efforts to persuade the court to impose the most appropriate sentence upon such an offender at the time of disposition. As used in this paragraph, “most appropriate sentence” means any disposition available to the juvenile court.

(6) Make all reasonable prosecutorial efforts to reduce the time between arrest and disposition of the charge.

(7) Act as liaison with the court and other criminal justice agencies to establish local policies regarding the program and to ensure interagency cooperation in the planning and implementation of the program.

(8) Provide support and assistance to other agencies engaged in the program.

(c) Each participating probation department shall do all of the following:

(1) Cooperate in gathering data for use by all participating agencies pursuant to interagency agreement.

(2) Detain minors in custody who meet the detention criteria set forth in Section 628.

(3) Consider the data relating to serious habitual offenders when making all decisions regarding the identified individual and include relevant data in written reports to the court.

(4) Use all reasonable efforts to file violations of probation pursuant to Section 777 in a timely manner.

(5) Establish local policies in cooperation with law enforcement, the district attorney, schools, and the juvenile court regarding the program and provide support and assistance to other agencies engaged in the program.

(d) Each participating school district shall do all of the following:

(1) Cooperate in gathering data for use by all participating agencies pursuant to interagency agreement. School district access to records and data shall be limited to that information that is otherwise authorized by law.

(2) Report all crimes that are committed on campus by serious habitual offenders to law enforcement.

(3) Report all violations of probation committed on campus by serious habitual offenders to the probation officer or his or her designee.

(4) Provide educational supervision and services appropriate to serious habitual offenders attending schools.

(5) Establish local policies in cooperation with law enforcement, the district attorney, probation and the juvenile court regarding the program and provide support and assistance to other agencies engaged in the program.

~~(e) On or before March 1, 1988, the Office of Criminal Justice Planning shall submit a written report to the Legislature regarding achievement of program goals. Specifically, the report shall do all of the following:~~

~~(1) Document the amount of serious crime committed by a relatively small number of serious habitual offenders.~~

~~(2) Provide statistical documentation regarding the total number of juveniles in the program, the types of offenses committed, the manner in which cases are disposed, and a statistical profile of the average juvenile who qualifies for the program.~~

~~(3) Evaluate program costs.~~

~~(4) Review new operational and organizational techniques used in gathering and disseminating information, in prosecution and in monitoring and supervising serious habitual offenders.~~

~~(5) Compare this program and its effectiveness with the techniques and methods used prior to the implementation of the program.~~

Comment. Section 503 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by March 1, 1988.

Welf. & Inst. Code § 898.5 (repealed). Recidivism reduction study

SEC. _____. Section 898.5 of the Welfare and Institutions Code is repealed.

~~898.5. The Youth Authority shall conduct a study of the effectiveness of the pilot program authorized by this article in reducing recidivism, and shall report thereon to the Legislature no later than January 1, 1989.~~

Comment. Section 898.5 is repealed as obsolete. The required report was to be completed by January 1, 1989.

Welf. & Inst. Code § 1120 (amended). Education of wards

SEC. _____. Section 1120 of the Welfare and Institutions Code is amended to read:

1120. (a) It is the intent of the Legislature to insure an appropriate educational program for wards committed to the Department of the Youth Authority. The objective of such program shall be to improve the academic, vocational, and life survival skills of each ward so as to enable such wards to return to the community as productive citizens.

(b) The department shall assess the educational needs of each ward upon commitment and at least annually thereafter until released on parole. The initial assessment shall include a projection of the academic, vocational, and psychological needs of the ward and shall be used both in making a determination as to the appropriate educational program for the ward and as a measure of progress in subsequent assessments of the educational development of the ward.

The educational program of the department shall be responsive to the needs of all wards, including those who are educationally handicapped or limited-English speaking wards.

(c) The state-wide educational program of the department shall include, but shall not be limited to, all of the following courses of instruction:

(1) Academic preparation in the areas of verbal communication skills, reading, writing, and arithmetic.

(2) Vocational preparation including vocational counseling, training in marketable skills, and job placement assistance.

(3) Life survival skills, including preparation in the areas of consumer economics, family life, and personal and social adjustment.

All of the aforementioned courses of instruction shall be offered at each institution within the jurisdiction of the department except camps and those institutions whose primary function is the initial reception and classification of wards. At such camps and institutions the educational program shall take into consideration the purpose and function of the camp and institutional program.

~~(d) The department shall report to the Legislature and the Superintendent of Public Instruction by February 1, 1980, on the department's assessment of and plan to improve its educational program, including, but not limited to, the training needs of its educational staff, a statement of departmental priorities with regard to its educational program, compliance with state and federal laws with regard to teaching credentials and staffing patterns within its educational program, and plans to implement the provisions of this section.~~

Comment. Section 1120 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by February 1, 1980.

Welf. & Inst. Code § 1756.1 (repealed). Mental health treatment facilities

SEC. ____ . Section 1756.1 of the Welfare and Institutions Code is repealed.

~~1756.1. The Director of the Youth Authority shall conduct a study on the feasibility of establishing on a regional basis mental health treatment facilities for mentally disordered persons confined in state correctional schools and on parole~~

~~therefrom and shall report his findings to the Legislature by March 1, 1976.~~

Comment. Section 1756.1 is repealed as obsolete. The required report was to be completed by March 1, 1976.

Welf. & Inst. Code § 1906 (repealed). Youth service bureaus

SEC. _____. Section 1906 of the Welfare and Institutions Code is repealed.

~~1906. The Department of the Youth Authority shall submit a report to the Legislature by January 1, 1984, describing the youth service bureaus funded by this article.~~

~~Such report shall include, but not be limited to, the types of services and programs offered by each bureau, the number and characteristics of the clients served, the source of referrals, the services provided to clients and the dispositions of cases.~~

Comment. Section 1906 is repealed as obsolete. The required report was to be completed by January 1, 1984.

Welf. & Inst. Code § 1914 (repealed). Statewide juvenile information system

SEC. _____. Section 1914 of the Welfare and Institutions Code is repealed.

~~1914. The Department of the Youth Authority shall submit a report to the Legislature on or before January 1, 1996, on the status of the development of the classification system and on the feasibility and costs of a statewide juvenile information system.~~

Comment. Section 1914 is repealed as obsolete. The required report was to be completed by January 1, 1996.

Welf. & Inst. Code § 4026 (repealed). Mentally disordered patients in long-term healthcare facilities

SEC. _____. Section 4026 of the Welfare and Institutions Code is repealed.

~~4026. (a) The Legislature finds and declares all of the following:~~

~~(1) That there is a severe shortage of adequate facilities for mentally disordered patients of all ages since the closing of the 48 out of 94 facilities in the mental illness program in 1968.~~

~~(2) That most of these mentally disordered people, who do not have families and money, are turned away from any treatment or therapy from the state and are forced to be sent out on the street.~~

~~(3) That these mentally disordered patients are not receiving the care that they are entitled to.~~

~~(4) That this shortage is demonstrated by the current practice of placing mentally disordered patients in jails and in transferring them from county to county.~~

~~(5) That mentally disordered patients are currently displacing potential residents over the age of 55 at our existing long-term health care facilities.~~

~~(6) That since the closing of these mental health facilities, the counties have been instructed by the State Department of Mental Health to commit the mentally disordered to skilled and long-term care nursing facilities.~~

~~(7) That when long-term care facilities house both mentally disordered patients and seniors, severe disruption and stress results, particularly in the nonmentally disordered senior population.~~

~~(8) That in order to meet the needs of seniors residing in long-term health care facilities, as well as mentally disordered patients, it would be of immense value to preclude mentally disordered persons from residing in long-term health care facilities, while, at the same time, ensuring that adequate facilities exist for the housing of mentally disordered patients.~~

~~(b) The State Department of Mental Health shall determine the extent of the problem, and identify the number of~~

~~mentally disordered patients who are in need of long-term health care.~~

~~The department also shall determine how many people, whose primary illness is a mental disorder, are residing in long-term health care facilities, as defined in Section 1418 of the Health and Safety Code. If deemed appropriate, the department shall ask that any person whose primary illness is a mental disorder be precluded from residing in long-term health care facilities, if the residence is not in accordance with the then current licensing requirements.~~

~~The department also shall identify the extent of the shortage of long-term health care services and programs and make a preliminary estimate of costs of providing long-term health care services and programs for those patients. Those services and programs shall be ready to serve mentally disordered persons prior to any mentally disordered patient being denied admission to, or discharged from, the health care facility, when the denial or discharge has been made to comply with the then current licensing requirements.~~

~~The department shall report the results of its investigation to the Governor and the Legislature by January 1, 1990, with recommendations on the desired course of action to alleviate any problems identified resulting from inappropriate placement of mentally disordered persons in these facilities.~~

Comment. Section 4026 is repealed as obsolete. The required report was to be completed by January 1, 1990.

Welf. & Inst. Code § 4390 (amended). School-based early mental health intervention

SEC. ____ . Section 4390 of the Welfare and Institutions Code is amended to read:

4390. The Legislature finds that an evaluation of program effectiveness is both desirable and necessary and accordingly requires the following:

(a) No later than June 30, 1993, and each year thereafter through the term of the grant award, each local education agency that receives a matching grant under this part shall submit a report to the director that shall include the following:

(1) An evaluation of the effectiveness of the local educational agency in achieving stated goals.

(2) A description of the problems encountered in the design and operation of the school-based early mental health intervention and prevention services program, including, but not limited to, identification of any federal, state, or local regulations that impeded program implementation.

(3) The number of eligible pupils served by the program.

(4) The number of additional eligible pupils who have not been served.

(5) An evaluation of the impact of the school-based early mental health intervention and prevention services program on the local educational agency and the children completing the program. The program shall be deemed successful if at least 75 percent of the children who complete the program show an improvement in at least one of the four following areas:

(A) Learning behaviors.

(B) Attendance.

(C) School adjustment.

(D) School-related competencies. Improvement shall be compared with comparable children in that school district that do not complete or participate in the program.

(6) An accounting of local budget savings, if any, resulting from the implementation of the school-based early mental health intervention and prevention services program.

(7) A revised plan of how the proposed school-based early mental health intervention and prevention services program will be continued after the state matching grant has expired, including a list of cooperative entities that will assist in

providing the necessary funds and services. Beginning in 1993, this shall, to the extent information is provided by the local mental health department, include a description of the availability of federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. 1396 and following) through a cooperative agreement or contract with the local mental health department. The county office of education may submit the report on the availability of federal financial participation on behalf of the participating local education agencies with the county. In any county in which there is an interagency children's services coordination council established pursuant to Section 18986.10, a report submitted pursuant to this paragraph shall be submitted to the council for its review and approval.

~~(b) No later than April 30, 1994, the director shall, through grants, contracts, or cooperative agreements with independent organizations, provide for an evaluation of the effectiveness of matching grants awarded under Chapter 2 (commencing with Section 4380). This evaluation shall allow for the comparison of the impact of different models of school-based mental health early intervention and prevention services programs on the local educational agency and on the children participating in the program. That comparison shall be done with comparable schools or school districts that operate without the school-based mental health early intervention and prevention services program.~~

~~(c) No later than June 30, 1994, the director shall submit a report to the Governor, the Legislature, and the Secretary of Child Development and Education summarizing the reports submitted under subdivision (a) and reporting the results of the evaluation described in subdivision (b).~~

Comment. Section 4390 is amended to delete an obsolete evaluation requirement and an obsolete reporting requirement. The required evaluation was to be completed by April 30, 1994. The required report was to be completed by June 30, 1994.

Welf. & Inst. Code § 4506 (repealed). Staffing standards

SEC. _____. Section 4506 of the Welfare and Institutions Code is repealed.

~~4506. It is the intent of the Legislature that the State Department of Developmental Services adopt staffing standards in state hospitals serving persons with developmental disabilities which will assure the maximum personal growth and development of those served. By March 1, 1977, the department shall submit a report to the Legislature on the results of a pilot study of the staffing standards known as Program Review Unit Number 72, and shall include recommendations regarding modifications to such standards or similar standards developed by the department.~~

~~The Legislature shall review and approve or disapprove staffing standards by May 1, 1977.~~

~~The department shall adopt, and to the extent funds are available, begin implementation of the approved standards in the 1977-78 fiscal year.~~

~~It is further the intent of the Legislature that the adopted standards be fully implemented by June 30, 1980.~~

Comment. Section 4506 is repealed as obsolete. Its requirements were to be completed by June 30, 1980.

Welf. & Inst. Code § 4519.5 (repealed). Evaluation of services to developmentally disabled

SEC. _____. Section 4519.5 of the Welfare and Institutions Code is repealed.

~~4519.5. (a) The Health and Welfare Agency shall contract with an independent consultant to conduct an evaluation of the policies and procedures used by the Department of Developmental Services and regional centers in providing services and supports to persons with developmental disabilities and for determining and monitoring the transfer of persons with developmental disabilities living in~~

~~developmental centers to a community placement. The agency shall report to the appropriate policy committees and the fiscal committees of the Legislature by March 15, 1998, on the results of the evaluation and shall convene at least two public hearings to disseminate and discuss the evaluation results. The evaluation shall include the identification of any barriers to the provision of safe, secure, and stable community living arrangements for individuals with developmental disabilities.~~

~~(b) The sum of five hundred thousand dollars (\$500,000) is hereby appropriated from the General Fund to the Health and Welfare Agency to implement this section.~~

Comment. Section 4519.5 is repealed as obsolete. The required report was to be completed by March 15, 1998.

Welf. & Inst. Code § 4637 (repealed). Computerized records system

SEC. ____ . Section 4637 of the Welfare and Institutions Code is repealed.

4637. The State Department of Developmental Services shall do all of the following:

~~(a) Obtain estimates of the cost of installing and maintaining a computerized system with input stations in each regional center which is capable of storing all necessary fiscal and caseload data for timely printouts and updates of the operational and fiscal status of each center, and shall report estimates and capabilities of such a system to the Legislature on or before June 15, 1980.~~

~~(b) Obtain estimates of the cost of contracting with the Department of Finance or the office of the State Controller for the performance of an annual audit of the fiscal operations and contractual compliance of the regional centers holding contracts with the department, and shall report to the Legislature on or before June 15, 1980, with respect to such estimates.~~

Comment. Section 4637 is repealed as obsolete. The required reports were to be completed by June 15, 1980.

Welf. & Inst. Code § 4681.2 (repealed). Community care facility rate commission

SEC. ____ . Section 4681.2 of the Welfare and Institutions Code is repealed.

~~4681.2. The Legislative Analyst shall conduct a study of the feasibility of establishing an independent rate-setting commission responsible for the establishment of rates and fees for community care facilities as defined in Section 1502 of the Health and Safety Code, and health facilities, as defined in Section 1250 of the Health and Safety Code, for developmentally disabled persons and report thereon to the Legislature no later than March 1, 1978. The study shall evaluate the feasibility of adopting a system similar to the rate-setting system for public utilities in California.~~

Comment. Section 4681.2 is repealed as obsolete. The required report was to be completed by March 1, 1978.

Welf. & Inst. Code § 4689.1 (amended). Family home agencies

SEC. ____ . Section 4689.1 of the Welfare and Institutions Code is amended to read:

4689.1. (a) The Legislature declares that it places a high priority on providing opportunities for adults with developmental disabilities to live with families approved by family home agencies and to receive services and supports in those settings as determined by the individual program plan.

(b) For purposes of this section, “family home” means a home that is owned, leased, or rented by, and is the family residence of, the family home provider or providers, and in which services and supports are provided to a maximum of two adults with developmental disabilities regardless of their degree of disability, and who do not require continuous skilled nursing care.

(c) For purposes of this section, “family home agency” means a private not-for-profit agency that is vendored to do all of the following:

(1) Recruit, approve, train, and monitor family home providers.

(2) Provide social services and in-home support to family home providers.

(3) Assist adults with developmental disabilities in moving into approved family homes.

(d) For purposes of ensuring that regional centers may secure high quality services that provide supports in natural settings and promote inclusion and meaningful participation in community life for adults with developmental disabilities, the department shall promulgate regulations for family home agencies and family homes that shall include, but not be limited to, standards and requirements related to all of the following:

(1) Selection criteria for regional centers to apply in vendoring family home agencies, including, but not limited to, all of the following:

(A) The need for service.

(B) The experience of the agency or key personnel in providing the same or comparable services.

(C) The reasonableness of the agency’s overhead.

(D) The capability of the regional center to monitor and evaluate the vendor.

(2) Vendorization.

(3) Operation of family home agencies, including, but not limited to, all of the following:

(A) Recruitment.

(B) Approval of family homes.

(C) Qualifications, training, and monitoring of family home providers.

(D) Assistance to consumers in moving into approved family homes.

(E) The range of services and supports to be provided.

(F) Family home agency staffing levels, qualifications, and training.

(4) Program design.

(5) Program and consumer records.

(6) Family homes.

(7)(A) Rates of payment for family home agencies and approved family home providers. In developing the rates pursuant to regulation, the department may require family home agencies and family homes to submit program cost or other information, as determined by the department.

(B) Regional center reimbursement to family home agencies shall not exceed rates for similar individuals when residing in other types of out-of-home care established pursuant to Section 4681.1.

~~(C) The department shall review the appropriateness of the rates paid to family home agencies and report its findings to the Legislature no later than December 31, 1996.~~

(8) The department and regional center's monitoring and evaluation of the family home agency and approved homes, which shall be designed to ensure that services do all of the following:

(A) Conform to applicable laws and regulations and provide for the consumer's health and well-being.

(B) Assist the consumer in understanding and exercising his or her individual rights.

(C) Are consistent with the family home agency's program design and the consumer's individual program plan.

(D) Maximize the consumer's opportunities to have choices in where he or she lives, works, and socializes.

(E) Provide a supportive family home environment, available to the consumer 24 hours a day, that is clean,

comfortable, and accommodating to the consumer's cultural preferences, values, and lifestyle.

(F) Are satisfactory to the consumer, as indicated by the consumer's quality of life as assessed by the consumer, his or her family, and if appointed, conservator, or significant others, or all of these, as well as by evaluation of outcomes relative to individual program plan objectives.

(9) Monthly monitoring visits by family home agency social service staff to approved family homes.

(10) Procedures whereby the regional center and the department may enforce applicable provisions of law and regulation, investigate allegations of abuse or neglect, and impose sanctions on family home agencies and approved family homes, including, but not limited to, all of the following:

(A) Requiring movement of a consumer from a family home under specified circumstances.

(B) Termination of approval of a family home.

(C) Termination of the family home agency's vendorization.

(11) Appeal procedures.

(f) Each adult with developmental disabilities placed in a family home shall have the rights specified in this division, including, but not limited to, the rights specified in Section 4503.

(g) Prior to placement in a family home of an adult with developmental disabilities who has a conservator, consent of the conservator shall be obtained.

(h) The adoption of any emergency regulations to implement this section that are filed with the Office of Administrative Law within one year of the date on which the act that added this section took effect shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Comment. Section 4689.1 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by December 31, 1996.

Welf. & Inst. Code § 4692 (repealed). Reimbursement for day programs

SEC. ____ . Section 4692 of the Welfare and Institutions Code is repealed.

~~4692. (a) The State Department of Developmental Services shall provide, within six weeks after the effective date of this section, a written report to the Legislature showing its current procedure for establishing reimbursement for day programs. This report shall include, but not be limited to, information on the following: development of rates for new and established programs; description of allowable and nonallowable expenses, including service activity and administration costs; reimbursement for client absences; replacement for lost subsidy; and the process and procedure for appeal of rates established under this criteria.~~

~~(b) The State Council on Developmental Disabilities, in consultation with the Health and Welfare Agency, shall conduct a study on alternative reimbursement mechanisms and present their recommendations to the Legislature by January 1, 1983. Participants in this study shall include, but not be limited to, the State Department of Developmental Services, California Association of Rehabilitation Facilities, Association for Retarded Citizens—California, Association of Regional Center Agencies, and other interested community and provider groups. The study shall include the examination of standards and recommendations of the utilization of standards, including national accreditation standards, as a prerequisite for reimbursement, and what the fiscal and policy implications will be for each of these alternatives, including reimbursement of actual and allowable costs, costs of supporting national accreditation standards, and methods of~~

implementing these mechanisms should there be no additional funding.

~~(c) The State Department of Developmental Services shall not adopt a new policy or promulgate regulations for reimbursing day programs until such a time that the Legislature can review the study directed in subdivision (b).~~

Comment. Section 4692 is repealed as obsolete. The required reports were to be completed by January 1, 1983.

Welf. & Inst. Code § 4751 (repealed). Method for evaluating independence

SEC. ____ . Section 4751 of the Welfare and Institutions Code is repealed.

~~4751. The department shall perform all of the following tasks to provide the Legislature with information to determine the extent to which programs under its jurisdiction are obtaining desirable results:~~

~~(a) The department shall propose to the Legislature by July 1, 1977, a method for determining that developmentally disabled persons throughout the state are, as a result of services provided pursuant to this division, leading more independent, productive, and normal lives. The proposed method shall measure changes, including, but not limited, to changes in:~~

~~(1) The amount of supervision required and the restrictiveness of living situations.~~

~~(2) The productivity of adults involved in vocational, prevocational, or work training programs.~~

~~(3) The relative normality of training or education experiences, including hours of attendance and participation in activities with nondisabled persons.~~

~~(b) The proposed method shall apply to developmentally disabled persons living in state hospitals and in the community.~~

~~(c) The proposed method shall have the capability of measuring progress or lack of progress for adults and for children, regardless of the degree of their handicaps.~~

~~(d) The proposed method shall be approved by the state council prior to its submission to the Legislature.~~

~~(e) The proposed method shall include scales for measuring changes in individual clients as defined in subdivision (a), and examples of the format to be used in reporting evaluation results to the Legislature. The proposed method shall be reviewed and commented upon by the appropriate committees of the Legislature within 30 days. After such 30 days the department shall field test the proposed method and report its findings to the Legislature by February 1, 1978.~~

Comment. Section 4751 is repealed as obsolete. The required reports were to be completed by February 1, 1978.

Welf. & Inst. Code § 4838 (repealed). Integration of state and local services

SEC. ____ . Section 4838 of the Welfare and Institutions Code is repealed.

~~4838. The Department of Developmental Services shall study and report to the Legislature, no later than January 1, 1980, on the feasibility for integration of state services, staff, and programs into the continuum of local services. The report should include, but not be limited to, the issues of:~~

~~(a) Continuity of state services, staff relocations, and retraining.~~

~~(b) The transfer of program and administration funds to the designated agency without service loss.~~

~~(c) Employment rights of staff in programs within the continuum.~~

~~(d) Analysis of problems which may be encountered with the transfer of state employees to the designated agency and recommendations for solutions to such problems.~~

~~(e) The establishment of information and data exchange on a regular basis, not less than quarterly, between the designated agency and the most proximate state hospital in association with the appropriate regional center or centers to assure integration of effort, program continuity, nonduplication of effort, high-quality services, and interagency confidence.~~

~~(f) Provisions for the establishment of internal and external monitoring criteria based on agreements with local developmental disability consumer organizations, the local area board, the State Council on Developmental Disabilities.~~

Comment. Section 4838 is repealed as obsolete. The required report was to be completed by January 1, 1980.

Welf. & Inst. Code § 4840 (repealed). Study of funding options

SEC. ____ . Section 4840 of the Welfare and Institutions Code is repealed.

~~4840. The Director of Developmental Services shall study and report to the Legislature, no later than June 15, 1979, on the:~~

~~(a) Development of methods for the continuation of funding to complement client purchase of service funds and other resources for better utilization.~~

~~(b) Feasibility of integration and use of Title XIX funds for individualized developmental programs for in-home and community care facilities and staff.~~

Comment. Section 4840 is repealed as obsolete. The required report was to be completed by June 15, 1979.

Welf. & Inst. Code § 4842 (repealed). Interagency coordination

SEC. ____ . Section 4842 of the Welfare and Institutions Code is repealed.

~~4842. The Director of Developmental Services shall report to the Legislature, no later than June 1, 1979, on the status of coordination activities with Department of Social Services~~

~~licensing and Department of Health Services licensing for all ongoing and new community living arrangement activities for individuals who need developmental services with the following goals:~~

~~(a) To implement a statewide network of community living arrangements and support services, based on the least restrictive alternative with priority placed upon supporting the individual in the family home wherever possible.~~

~~(b) To implement the principles of normalization in community living arrangements in the state.~~

~~(c) To be responsible for coordinating and reviewing all state activities related to community living arrangements and support services for people who need developmental services.~~

Comment. Section 4842 is repealed as obsolete. The required report was to be completed by June 1, 1979.

Welf. & Inst. Code § 5719.5 (amended). Mental health managed care

SEC. ____ . Section 5719.5 of the Welfare and Institutions Code is amended to read:

5719.5. (a) Notwithstanding any other provision of state law, and to the extent permitted by federal law, the State Department of Mental Health may, in consultation with the State Department of Health Services, field test major components of a capitated, integrated service system of Medi-Cal mental health managed care in not less than two, and not more than five participating counties.

(b) County participation in the field test shall be at the counties' option.

(c) Counties eligible to participate in the field test described in subdivision (a) shall include either of the following:

(1) Any county with an existing county organized health system.

(2) Any county that has been designated for the development of a new county organized health system.

(d) The State Department of Mental Health, in consultation with the State Department of Health Services, the counties selected for field testing, and groups representing mental health clients, their families and advocates, county mental health directors, and public and private mental health professionals and providers, shall develop, for the purpose of the field test, major components for an integrated, capitated service system of Medi-Cal mental health managed care, including, but not limited to, all of the following:

(1)(A) A definition of medical necessity.

(B) The preliminary definition developed pursuant to this paragraph shall be submitted to the Legislature no later than February 1, 1994.

(2) Protocols for facilitating access and coordination of mental health, physical health, educational, vocational, and other supportive services for persons receiving services through the field test.

(3) Procedures for promoting quality assurance, performance monitoring measures and outcome evaluation, including measures of client satisfaction, and procedures for addressing beneficiary grievances concerning service denials, changes, or terminations.

(e) Counties participating in the field test shall report to the State Department of Mental Health as the department deems necessary.

(f) Counties participating in the field test shall do both of the following:

(1)(A) Explore, in consultation with the State Department of Mental Health, the State Department of Health Services, and the California Mental Health Directors Association, rates for capitated, integrated Medi-Cal mental health managed care systems, using an actuarially sound ratesetting methodology.

(B) These rates shall be evaluated by the State Department of Mental Health and the State Department of Health Services

to determine their fiscal impact, and shall result in no increase in cost to the General Fund, compared with the cost that would occur under the existing organization of Medi-Cal funded mental health services, except for caseload growth and price increases as included in the Medi-Cal estimates prepared by the State Department of Health Services and approved by the Department of Finance. In evaluating the fiscal impact of these rates, the departments shall take into account any shift in clients between Medi-Cal programs in which the nonfederal match is funded by state funds and those in which the match is funded by local funds.

(2) Demonstrate the appropriate fiscal relationship between county organized health systems for the federal medicaid program and integrated, capitated Medi-Cal mental health managed care programs.

~~(g) The State Department of Mental Health, in consultation with the State Department of Health Services, the counties participating in the field test, and groups representing mental health clients, their families and advocates, county mental health directors, and public and private mental health professionals and providers, shall prepare and submit a progress report to the Legislature on the results of the field test. The report shall be submitted no later than July 1, 1995, and shall include the following elements:~~

~~(1) Evaluation of client satisfaction with capitated, integrated Medi-Cal mental health managed care.~~

~~(2) Evaluation of performance outcome measures and, to the extent data is available, information concerning outcomes in the areas of personal and community functioning for persons served in the field test.~~

~~(3) Evaluation of the validity of the definition of medical necessity in distinguishing levels of need for mental health services.~~

~~(4) Information necessary to determine whether the capitation methodology developed, and as utilized, protects the service needs and rights of beneficiaries of capitated, integrated Medi-Cal mental health managed care and minimizes the financial risks to systems providing that care.~~

Comment. Section 5719.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 1, 1995.

Welf. & Inst. Code § 5734 (repealed). Mental health master plan recommendation

SEC. ____ . Section 5734 of the Welfare and Institutions Code is repealed.

~~5734. (a) The State Department of Mental Health shall, to the extent resources are available, review the recommendations contained in the Mental Health Master Plan, as submitted by the California Mental Health Planning Council on October 1, 1991.~~

~~(b) By March 1, 1993, the State Department of Mental Health shall submit, to the appropriate committees of the Legislature, its findings as to which recommendations are programmatically and fiscally desirable and feasible, with suggested timelines for adoption.~~

Comment. Section 5734 is repealed as obsolete. The required report was to be completed by March 1, 1993.

Welf. & Inst. Code § 5914 (repealed). Funding of mental disease contract services

SEC. ____ . Section 5914 of the Welfare and Institutions Code is repealed.

~~5914. By April 1, 1992, the California Conference of Local Mental Health Directors shall submit to the Joint Legislative Budget Committee a status report on the use of institutions for mental disease funds not directly tied to institution for mental disease contract services.~~

Comment. Section 5914 is repealed as obsolete. The required report was to be completed by April 1, 1992.

Welf. & Inst. Code § 10627 (repealed). Provision of public social services

SEC. ____ . Section 10627 of the Welfare and Institutions Code is repealed.

~~10627. The department shall evaluate the provision of public social services and report to the Legislature on their effectiveness by January 1, 1982. The report shall include, at least, the following:~~

- ~~(1) The number of services provided.~~
- ~~(2) The number of persons receiving services.~~
- ~~(3) A description of the services provided.~~
- ~~(4) The cost of the services provided.~~
- ~~(5) The number of persons placed in jobs.~~
- ~~(6) The number of persons receiving independent living skills training.~~
- ~~(7) The number of persons receiving other services due to referral and advocacy.~~
- ~~(8) The number and qualifications of staff providing the above services.~~
- ~~(9) The impact of public social services on a representative sample of recipients of services.~~
- ~~(10) Recommendations for legislative and administrative changes.~~

Comment. Section 10627 is repealed as obsolete. The required report was to be completed by January 1, 1982.

Welf. & Inst. Code § 11004.5 (repealed). Overpayments

SEC. ____ . Section 11004.5 of the Welfare and Institutions Code is repealed.

~~11004.5. The State Department of Social Services shall submit a report by January 1, 1983, to the chairpersons of the fiscal committees of the Legislature and the Joint Legislative~~

~~Budget Committee, which analyzes overpayment information collected as a part of the error rate sampling process, including the amount of overpayment by type of error, source or cause of error, and recommendations regarding corrective action.~~

Comment. Section 11004.5 is repealed as obsolete. The required report was to be completed by January 1, 1983.

Welf. & Inst. Code § 11008 (amended). Disregard of earned income

SEC. ____ . Section 11008 of the Welfare and Institutions Code is amended to read:

11008. (a) In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective and the department, in implementing public assistance laws, is directed to do so in the light of this objective.

(b) To the extent required by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled. In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included, except as provided in Section 11018.

~~The State Department of Social Services shall submit a report by January 1, 1983, to the chairpersons of the fiscal committees of the Legislature and the Joint Legislative Budget Committee which evaluates the impact of the income disregard provisions of the federal Omnibus Budget Reconciliation Act of 1981 on the caseload of the Aid to Families With Dependent Children program, including the impact on the length of time recipients are on aid.~~

(c) This section does not apply to recipients under Chapter 3 (commencing with Section 12000) of this part.

Comment. Section 11008 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1983.

Section 11008 is also amended to insert subdivision, in conformity with preferred drafting style.

Welf. & Inst. Code § 11008.19 (amended). Child care and development services

SEC. ____ . Section 11008.19 of the Welfare and Institutions Code is amended to read:

11008.19. (a)(1) To the degree child care and development services administered by the State Department of Education pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code are used to serve families receiving aid to families with dependent children that are eligible for child care under the AFDC program, the department and the State Department of Education, in consultation with the county welfare departments, shall establish a system for documenting child care usage by this population so the state can claim the maximum amount to which it is entitled under Title IV-A of the Social Security Act, contained in Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

(2) To the extent permitted by federal law, ~~on July 1, 1992,~~ and each year thereafter, the department and the State Department of Education shall coordinate their efforts and claim federal financial participation pursuant to Title IV-A of the Social Security Act.

(3) Upon the approval of the Superintendent of Public Instruction, the department, and the State Department of Education shall enter into an interagency agreement to transfer Title IV-A funds from the department to the State Department of Education and to ensure that all federal

requirements are met in carrying out the program made possible by the receipt of Title IV-A funds.

(4) The system established pursuant to paragraph (1) shall be implemented only to the extent that its implementation does not result in an overall increase in expenditures from the General Fund.

(b)(1) Title IV-A funds received pursuant to paragraph (1) of subdivision (a) shall be used to expand child care and development services in accordance with the interagency agreement required by paragraph (3) of subdivision (a).

(2) In no case shall Title IV-A funds received pursuant to this section be used to supplant existing state funds and cause the state to violate the maintenance of effort requirements for the federal Child Care and Development Block Grant and the Title IV-A “at-risk” programs. Funds made available pursuant to subdivision (a) shall be expended by the departments to support the following:

(A) Any additional administrative costs associated with documenting and claiming federal reimbursement incurred by the department, the State Department of Education, county welfare offices, and child care and development services contractors.

(B) Expanded child care and development services to families receiving AFDC benefits, in the following order of priority:

(i) AFDC families in approved education and training programs, except those receiving services under Article 3.2 (commencing with Section 11320) of Chapter 2.

(ii) AFDC applicants or recipients who choose the Alternative Assistance Program pursuant to Section 11280.

(iii) All other AFDC recipients who meet the eligibility criteria for federally funded Title IV-A child care pursuant to this section.

~~(c)(1) The Superintendent of Public Instruction, the Secretary of Health and Welfare, and the Secretary for Child Development and Education, in consultation with representatives from child care and development programs, county welfare departments, legislative staff, and representatives from the Department of Finance and the office of the Legislative Analyst, shall investigate, and develop a report concerning, the feasibility of consolidating all child care and development services to provide equal access to services established by federal regulations, including issues associated with the AFDC child care disregard.~~

~~(2) The purpose of the report required by paragraph (1) shall be to develop a comprehensive, seamless program that maximizes parental choice.~~

~~(3) The Superintendent of Public Instruction, the Secretary of Health and Welfare, and the Secretary for Child Development and Education shall submit their report, including their findings and recommendations, to the appropriate policy and fiscal committees of the Legislature by January 30, 1993.~~

~~(d)(1) Notwithstanding Section 8278 of the Education Code and Item 6110-196-001 of the Budget Act of 1991 (Chapter 118 of the Statutes of 1991), the Superintendent of Public Instruction may authorize the expenditure of not more than one million dollars (\$1,000,000) in child care carryover funds by the State Department of Education and the State Department of Social Services, through an interagency agreement, for the purposes of implementing the program specified in this section in the 1991-92 and 1992-93 fiscal years.~~

~~(2) Prior to making the authorization under paragraph (1), the Superintendent of Public Instruction shall notify the appropriate policy and fiscal committees of the Legislature of the amounts to be expended pursuant to this subdivision.~~

(3) Funds that may be expended pursuant to this subdivision shall be expended for the purpose of supporting administrative costs associated with claiming federal reimbursement for families with dependent children receiving services pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code. In the 1993-94 fiscal year and subsequent fiscal years, state administrative funds for both departments shall be appropriated in the annual Budget Act pursuant to subdivision (b).

(e) (d) For purposes of this section “Title IV-A funds” means federal money received pursuant to Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

Comment. Subdivision (a)(2) of Section 11008.19 is amended to delete an obsolete reference to the date on which the annual duty to seek funding commenced.

Former subdivision (c) is deleted as obsolete. The required report was to be completed by January 30, 1993.

Former subdivision (d) is redesignated subdivision (c).

Welf. & Inst. Code § 11213 (amended). AFDC foster care improvement

SEC. _____. Section 11213 of the Welfare and Institutions Code is amended to read:

11213. For the purpose of developing a more efficient, effective, and equitable Aid to Families With Dependent Children—Foster Care program, the department shall develop:

(a) A management information data base providing expenditure and caseload characteristics information, such as method of entry into AFDC—FC, average cost of placement, type of facility used for placement, and average length of stay in placement.

(b) A quality control system for AFDC—FC, and recommendations to the Legislature regarding resources

required for implementation of such system by October 1, 1980.

(c) Recommendations to the Legislature regarding the following:

(1) A system or systems for establishing payment levels for children eligible to the AFDC—FC program.

(2) Plans and resources required for implementation of the selected system or systems by July 1, 1981.

(d) Recommendations to the Legislature regarding defining that segment of the population to be served by the AFDC—FC program, and impact of such definition on the current AFDC—FC population.

~~The department shall submit by April 1, 1980, to the appropriate policy and fiscal committees of the Legislature a report regarding results of the developmental activities specified in this section.~~

Comment. Section 11213 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by April 1, 1980.

Welf. & Inst. Code § 11215 (amended). AFDC foster care reports

SEC. ____ . Section 11215 of the Welfare and Institutions Code is amended to read:

11215. (a) The department, with the advice and assistance of the County Welfare Directors' Association, the Chief Probation Officers' Association, the California Conference of Local Mental Health Directors, and foster care providers, shall develop performance standards and outcome measures for determining the appropriateness of out-of-home care placements made under the AFDC-Foster Care program and for the effective and efficient administration of the AFDC-Foster Care program. These performance standards shall link county administration of the AFDC-Foster Care program to the state funding of the AFDC-Foster Care program as specified in subdivision (c) of Section 15200.

(b)(1) The performance standards required by this section shall be developed by July 1, 1993, and shall use the Child Welfare Services Case Management System as the data base by which to collect county specific information. The performance standards shall be designed to measure each county's performance in all of the areas over which the county has some degree of influence and other areas of measurable program performance which the department can demonstrate as areas over which county welfare and probation departments have adequate resources and can demonstrate meaningful managerial or administrative influence. These areas may include accuracy of eligibility determination, stability of foster care placement, appropriateness of level of care provided, compliance with statutory timeliness, and compliance with data reporting requirements. The performance standards system shall include, but not be limited to, outcome measures reflective of county placing agencies' use of the Level of Care Assessment Instrument specified in Section 11467.

~~(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.~~

~~(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.~~

~~(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.~~

(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 standards system, as specified in paragraphs (4) and (5), shall be moved to a date two years after the date of implementation of the Child Welfare Services Case Management System.

(4) (3) Regulations regarding the implementation of the performance standards system shall be adopted no later than July 1, 1994. These regulations shall specify both the performance standards system and the manner by which the percentage of state reimbursement to each county for the AFDC-Foster Care program shall be determined.

(5) (4) Effective July 1, 1995, any county which does not meet the performance standards shall be liable for a decrease in the percentage of state reimbursement for the AFDC-Foster Care program to the amounts specified in paragraph (2) of subdivision (c) of Section 15200. This amount will be determined by the department at the start of each fiscal year, beginning with fiscal year 1995-96, pursuant to regulations developed as specified in paragraph (4).

~~(c) No later than January 1, 1995, the department shall report to the Legislature regarding the AFDC-Foster Care ratesetting system as specified in Section 11462. The report shall contain a review of the ratesetting system, and recommendations as to whether the system should be continued or an alternative system should be considered. The department shall use, but not be limited to use of, the information available from the Child Welfare Services Case Management System and the Level of Care Assessment~~

~~Instrument as data sources for this report. The report shall also include the results of a cost study, conducted by the department, which specifies costs of group home providers for the 1993-94 fiscal year, and an analysis of the extent to which the schedule of rates reflects the costs of providing care and supervision for foster children.~~

Comment. Section 11215 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by January 1, 1995.

Welf. & Inst. Code § 11406 (repealed). Reports on foster care placement

SEC. ____ . Section 11406 of the Welfare and Institutions Code is repealed.

~~11406. (a) No later than January 1, 1982, the department, with the advice and assistance of the counties, shall submit a report to the Legislature with regard to arrangements for the care of children by a nonrelated legal guardian, and include in such report recommendations as to:~~

~~(1) The type of aid payment system or systems which should be adopted.~~

~~(2) Whether the homes of nonrelated legal guardians meet the health and safety needs of children.~~

~~(3) The types and objectives of social services which should be provided to children living with nonrelated legal guardians.~~

~~(4) The role and appropriateness of guardianship as a component of permanency planning for children.~~

~~The purpose of the report shall be to ensure that AFDC-FC funded children living in the homes of nonrelated legal guardians are receiving appropriate aid and services.~~

~~(b) No later than January 1, 1982, the department, with the advice and assistance of the counties, shall report to the Legislature with regard to the characteristics of placements made in accordance with the provisions of paragraph (5) of~~

~~subdivision (a) of Section 11402, and shall make recommendations regarding whether such unlicensed placements can and should be redefined, minimized, or eliminated. The purpose of the report shall be to ensure that children are receiving the best possible care.~~

~~(c) No later than January 1, 1982, the department, with the advice and assistance of the counties, shall report to the Legislature with regard to entities licensed to operate more than one group home. The purpose of the report shall be to assess the appropriateness of:~~

~~(1) Licensing standards for such facilities.~~

~~(2) Whether or not present funding arrangements ensure fiscal accountability for AFDC-FC payments.~~

~~(3) The delivery of social services to children in such placements.~~

Comment. Section 11406 is repealed as obsolete. The required reports were to be completed by January 1, 1982.

Welf. & Inst. Code § 11469 (amended). Group home performance

SEC. ____ . Section 11469 of the Welfare and Institutions Code is amended to read:

11469. (a) By July 1, 1993, the department, in consultation with group home providers, the County Welfare Directors' Association, the Chief Probation Officers' Association, the California Conference of Local Mental Health Director and the State Department of Mental Health, shall develop performance standards and outcome measures for determining the effectiveness of the care and supervision, as defined in subdivision (b) of Section 11460, provided by group homes under the AFDC-FC program pursuant to Sections 11460 and 11462. These standards shall be designed to measure group home program performance for the client group that the group home program is designed to serve.

(1) The performance standards and outcome measures shall be designed to measure the performance of group home

programs in areas over which the programs have some degree of influence, and in other areas of measurable program performance which the department can demonstrate are areas over which group home programs have meaningful managerial or administrative influence.

(2) These standards and outcome measures shall include, but are not limited to, the effectiveness of services provided by each group home program, and the extent to which the services provided by the group home assist in obtaining the child welfare case plan objectives for the child.

(3) In addition, when the group home provider has identified as part of its program for licensing, ratesetting, or county placement purposes, or has included as a part of a child's case plan by mutual agreement between the group home and the placing agency, specific mental health, education, medical, and other child-related services, the performance standards and outcome measures may also measure the effectiveness of those services.

~~(b) By January 1, 1994, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the group home performance standards system, the standards and outcome measures developed, and the method by which the system shall be implemented.~~

(e) Regulations regarding the implementation of the group home performance standards system required by this section shall be adopted no later than one year prior to implementation. The regulations shall specify both the performance standards system and the manner by which the AFDC-FC rate of a group home program shall be adjusted if performance standards are not met.

~~(d)~~ (c) Except as provided in subdivision (e) (d), effective July 1, 1995, group home performance standards shall be implemented. Any group home program not meeting the performance standards shall have its AFDC-FC rate, set

pursuant to Section 11462, adjusted according to the regulations required by this section.

(e) (d) Effective July 1, 1995, group home programs shall be classified at rate classification level 13 or 14 only if all of the following are met:

(1) The program generates the requisite number of points for rate classification level 13 or 14.

(2) The program only accepts children with special treatment needs as determined through the assessment process pursuant to subdivision (b) of Section 11467.

(3) The program meets the performance standards designed pursuant to this section.

(f) (e) Notwithstanding subdivision (d) (c), the group home program performance standards system shall not be implemented prior to the implementation of the AFDC-FC performance standards system specified in Section 11215.

Comment. Section 11469 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1994.

Welf. & Inst. Code § 11476.6 (amended). Notification of receipt of child support payments

SEC. ____ . Section 11476.6 of the Welfare and Institutions Code is amended to read:

11476.6. Each local child support agency shall submit to the department data revealing the range and median time periods by which notification of the receipt of child support payments collected on behalf of a family receiving aid under this chapter is made to the local welfare department. The data shall contain the number and percentage of cases in which the payments described herein are conveyed within the time period prescribed by federal law. ~~By April 1, 1987, the department shall submit to the appropriate policy and fiscal committees of each house of the Legislature a report detailing and analyzing the data received from the local child support~~

~~agencies and explaining whatever failure to satisfy the time limits imposed by the federal law is revealed by the data. The report shall also include an estimate of the time by which an accounting of the amounts of child support received and paid to families pursuant to this section can be provided on a monthly basis to those families.~~

Comment. Section 11476.6 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by April 1, 1987.

Welf. & Inst. Code § 12312 (repealed). Report on pilot study findings

SEC. ____ . Section 12312 of the Welfare and Institutions Code is repealed.

~~12312. The department shall report to the Joint Budget Committee of the Legislature an interim report describing the status of the pilot projects no later than December 1, 1981. A final report describing the results achieved by the pilot projects with recommendations for future legislation regarding statewide implementation of successful pilot study findings shall be submitted by the department to the Joint Legislative Budget Committee no later than May 1, 1982.~~

Comment. Section 12312 is repealed as obsolete. The required report was to be completed by May 1, 1982.

Welf. & Inst. Code § 14005.6 (amended). Eligibility for social security and Medicaid

SEC. ____ . Section 14005.6 of the Welfare and Institutions Code is amended to read:

14005.6. (a) The Legislature finds and declares as follows:

(1) Under federal law, minors living at home with their families may not be eligible for the SSI and Medicaid programs.

(2) Under the Federal Budget Reconciliation Act of 1981, however, states may apply for a Section 1915(c) waiver to allow a person to be eligible for SSI and Medicaid when medical and social services provided in the home can be

shown to be less costly than services provided in an institution.

(3) Whenever possible, medical and social services should be provided in the least restrictive setting and at the lowest cost to the programs involved.

(4) The State Department of Health Services has already successfully applied for the Section 1915(c) waiver as applied to certain defined populations of developmentally disabled, elderly, and medically acute clients.

(b) The State Director of Health Services shall apply for additional waivers when appropriate to expand the number and types of persons who will be eligible for in-home services.

~~(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(c) waivers no later than July 30, 1985.~~

Comment. Section 14005.6 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by July 30, 1985.

Welf. & Inst. Code § 14026.5 (amended). Medi-Cal fraud investigation

SEC. ____ . Section 14026.5 of the Welfare and Institutions Code is amended to read:

14026.5. (a) The State Director of Health Services may issue Medi-Cal cards to Medi-Cal fraud investigators for the purpose of conducting investigations of Medi-Cal fraud, or a violation of the Medical Practice Act as set forth at Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code upon written request to the State Director of Health Services, or his or her designee, from the head of the requesting agency stating the purpose of the investigation. The request shall be based upon a specific

complaint or information alleging Medi-Cal fraud. The request shall be based upon a specific complaint or information from an outside agency pursuant to its standard procedure for referring cases to another agency where there is suspicion of Medi-Cal fraud.

(b)(1) Upon a complaint by any individual alleging information creating a reasonable suspicion that any person is engaging in Medi-Cal fraud, the State Director of Health Services shall issue Medi-Cal cards for the purpose of conducting investigations of Medi-Cal fraud, or a violation of the Medical Practice Act as set forth in Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, upon an order of a magistrate issued upon a showing of reasonable suspicion that the person being investigated has committed or is committing Medi-Cal fraud or a violation of the Medical Practice Act as set forth in Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(2) For purposes of this section, “reasonable suspicion” means that a peace officer subjectively entertains such a suspicion and that it is objectively reasonable for him or her to do so. The facts shall be those which would cause any reasonable peace officer in a like position drawing when appropriate on his or her training and experience, to suspect the same criminal activity and the same involvement by the person in question. A showing of reasonable suspicion may be made either by written statement under penalty of perjury or by oral statement taken under oath, recorded and transcribed.

(c) Nothing in this section shall be construed to mean that it is the exclusive method for conducting investigations for Medi-Cal fraud or for violations of the Medical Practice Act as set forth at Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(d) The State Department of Health Services shall report to the Legislature every six months commencing June 1, 1981, on the utilization of Medi-Cal cards issued pursuant to this section. The report shall include, among other matters, a description of the types of criminal investigations conducted pursuant thereto.

~~(e) The Legislative Analyst shall report to the Legislature by January 1, 1991, on the utilization of Medi-Cal cards issued pursuant to this section.~~

Comment. Section 14026.5 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1991.

Welf. & Inst. Code § 14041.5 (amended). Claim preparation and processing software

SEC. ____ . Section 14041.5 of the Welfare and Institutions Code is amended to read:

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.

(b) The software programs specified in subdivision (a) shall, to the extent possible:

(1) Contain all necessary validity edits utilized by the fiscal intermediary.

(2) Be designed to reasonably reduce common submission and billing errors.

(3) Contain features which provide options for the provider to use provider-developed files to reduce data entry requirements and improve reporting accuracy.

(4) Provide, at the provider's discretion, for the electronic or paper transmission of claims to the Medi-Cal fiscal intermediary.

(c) The department shall consult with affected provider groups prior to developing, disseminating, and updating claims preparation and processing software pursuant to this section.

(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.

(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.

(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 training materials. These materials shall cover the installation of the programs, use of the software to enter Medi-Cal claims data, and submission procedures.

(g) The software programs for the submission of Medi-Cal claims shall be made available to all interested parties for a reasonable initial fee, plus an annual subscription fee for updates, maintenance, and support provided to users. Fees shall be set so as to recover, as nearly as possible, the development, distribution, and ongoing support costs of software programs, instructional materials, or subsequent updates.

(h) Third-party vendors may obtain and enhance these programs for resale and provisions of value-added services to

Medi-Cal providers. However, the state or any of its officials, employees, or agents shall bear no liability for software provided through any third party that has been altered or misused by any third party.

(i) Neither the state nor any of its officials, employees, or agents shall be responsible for any of the following:

(1) A provider's failure to meet Medi-Cal documentation and billing requirements, including timely billing pursuant to Section 14115.

(2) Alteration or misuse of the software in the submission of claims to the Medi-Cal program.

(3) Use of the software for any purpose other than the submission of claims to the Medi-Cal program.

(4) This subdivision shall not apply to any failure to meet Medi-Cal documentation and billing requirements which is substantiated as resulting from the use of software which is directly provided by the department and which contains proven flaws or defects which significantly contribute to the failure to meet those requirements.

(j) A provider or third party's eligibility to bill claims electronically by using software programs made available pursuant to this section shall be governed by Section 14040 and Section 14040.5, and any rules and regulations adopted by the director pursuant to these sections.

~~(k) The department shall report to the Legislature, on January 1, 1992, and January 1, 1993, on the response of the provider community, the participation of providers in this process, the volume of claims for participating providers, and error rates for participating and nonparticipating providers.~~

Comment. Section 14041.5 is amended to delete reference to obsolete reporting requirements. The required reports were to be completed by January 1, 1993.

Welf. & Inst. Code § 14087.2 (amended). Children's hospitals

SEC. ____ . Section 14087.2 of the Welfare and Institutions Code is amended to read:

14087.2. It is the intent of the Legislature that children's hospitals need not contract under the provisions of this article until October 31, 1984. Services provided by these hospitals prior to November 1, 1984, shall be reimbursed according to the state plan in effect on January 1, 1984. Children's hospitals are defined as those hospitals where 30 percent of the infants and children served by the single institution qualify for Medi-Cal payment systems and the institution serves primarily children.

If such a hospital elects to contract pursuant to this article in the 1982-83 or 1983-84 fiscal year, the negotiator shall give consideration to the special services provided in such hospitals, such as those services provided to children. The California Medical Assistance Commission shall continue to extend such consideration to such hospitals following the 1983-84 fiscal year. ~~By February 1, 1984, the commission shall report to the Legislature on the feasibility of concluding hospital negotiations with these hospitals.~~

Comment. Section 14087.2 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by February 1, 1984.

Welf. & Inst. Code § 14090 (repealed). Health benefits study

SEC. ____ . Section 14090 of the Welfare and Institutions Code is repealed.

~~14090. (a) The commission shall conduct a study to determine the feasibility, costs, and benefits of offering persons eligible for benefits under Title XVIII of the federal Social Security Act and the state's Medi-Cal program multiple options for health benefit coverage negotiated and purchased by the state in lieu of fee-for-service Medi-Cal coverage.~~

~~(b) The study shall include, but not be limited to, all of the following elements:~~

~~(1) Review of other efforts that have been or are being made to provide supplemental health benefit coverage to the Medicare population.~~

~~(2) Determination of costs and services used by the Medicare population.~~

~~(3) Analysis of the utilization patterns of the crossover population, including the use of hospitals by governance and peer group categories. For purposes of this paragraph "crossover population" means those persons eligible for federal and state benefits as described in subdivision (a).~~

~~(4) Analysis of whether or not the need for various types of health benefit coverage varies if the dually eligible individual has enrolled in a Medicare health maintenance organization or competitive medical plan or has a Medi-Cal share of cost.~~

~~(5) Consideration of health benefit coverage options that maximize the choice available to the eligible individuals. These may include, but are not limited to, any of the following, individually or collectively:~~

~~(A) Supplemental indemnity health insurance.~~

~~(B) Health insurance with a preferred provider benefit.~~

~~(C) Health insurance through a health maintenance organization or other organized system of care.~~

~~(6) Completion of a marketing analysis to identify organizations offering health benefit coverage and to measure their interest in providing coverage to the dually eligible population, including an evaluation of the most appropriate scope of benefits to cover.~~

~~(7) Assessment of whether this method of coverage should be optional or mandatory.~~

~~(8) Analysis of the utilization control measures any insurers should include in the management of their insurance plan as~~

~~assurances to the state as to the fiscal integrity of their potential contractual arrangement with the state.~~

~~(9) Determination of the need for reinsurance or stop-loss limits.~~

~~(10) Description of the organizational structure which would provide those persons eligible for such coverage with the appropriate state services to assist them in the purchase of and participation in the health coverage programs.~~

~~(11) Identification of short and long range net savings or costs associated with the coverage arrangements being considered.~~

~~(12) Assessment of the service and financial impact any proposed activities would have on disproportionate providers of health care in any area affected by new financing or organizational arrangements.~~

~~(13) Analysis of the feasibility of the state providing an arrangement whereby Medicare eligible members of the general public could participate in any program established pursuant to this article.~~

~~(c) The commission shall report to the Governor and the Legislature on the results of the study and its determination whether the study is feasible and beneficial to the persons eligible for Medicare and the state Medi-Cal program, no later than October 1, 1987.~~

Comment. Section 14090 is repealed as obsolete. The required report was to be completed by October 1, 1987.

Welf. & Inst. Code § 14090.1 (repealed). Pilot project

SEC. ____ . Section 14090.1 of the Welfare and Institutions Code is repealed.

~~14090.1. (a) Upon a determination by the commission that the arrangements studied under Section 14090 are feasible and beneficial to those persons eligible for Medicare and the state Medi-Cal program, the commission shall design a~~

~~project in not more than three areas of the state to test the findings of the study.~~

~~(b) The department shall not formally submit any federal waivers which might be necessary for these projects until the appropriate committees in the Legislature have had at least 60 days to review the findings of the study conducted under Section 14090 and the decision by the commission under subdivision (a) of this section.~~

~~(c) The commission shall not proceed to negotiate in any project area until startup funds are appropriated in the Budget Act.~~

Comment. Section 14090.1 is repealed as obsolete. The required report was to be completed by October 1, 1987. See former Section 14090.

Welf. & Inst. Code § 14090.2 (repealed). Assistance of department

SEC. ____ . Section 14090.2 of the Welfare and Institutions Code is repealed.

~~14090.2. The department shall provide such information and technical assistance as requested by the commission to conduct the study required by this article.~~

Comment. Section 14090.2 is repealed as obsolete. The required report was to be completed by October 1, 1987. See former Section 14090.

Welf. & Inst. Code § 14090.3 (repealed). Necessary waivers

SEC. ____ . Section 14090.3 of the Welfare and Institutions Code is repealed.

~~14090.3. The department shall seek whatever waivers are necessary from the federal government in order to fulfill the purposes of this article. These waivers shall include, but not be limited to, the following areas:~~

~~(a) The provision of health benefit coverage by the state under private health insurance or under health care plans to cover all copayments and deductibles required by the Medicare program as well as those health care services not~~

covered by Medicare but offered as benefits under the Medical program.

~~(b) The provision of health benefit coverage by the state under private health insurance or health care plans for all Medicare services.~~

Comment. Section 14090.3 is repealed as obsolete. The required report was to be completed by October 1, 1987. See former Section 14090.

Welf. & Inst. Code § 14104.6 (amended). Fiscal intermediary service contracts

SEC. ____ . Section 14104.6 of the Welfare and Institutions Code is amended to read:

~~14104.6. (a) The procedures for system and acceptance testing specified in the contract awarded by the State Department of Health Services to Computer Sciences Corporation for fiscal intermediary services shall be followed. By November 12, 1980, the Director of the State Department of Health Services shall report to the Legislature on procedures, findings, remedies instituted to correct deficiencies, and on the results of such remedies.~~

~~(b) The Joint Legislative Audit Committee shall continue to investigate contracts in force for fiscal intermediary services awarded by the State Department of Health Services, to ascertain and identify problems concerning the claims processing procedures developed pursuant thereto. A report summarizing the findings of the committee shall be submitted to the Legislature by January 1, 1981.~~

~~(c) The Joint Legislative Audit Committee and the Joint Legislative Budget Committee shall have access to records of the disbursement of funds or payments, including documents identifying names of applicants and recipients of benefits under Title XIX of the Social Security Act, and such records shall be released when requested by the committees. The committees shall use information from such records only for~~

~~the purpose of investigating the procedures developed by the department for claims processing under the fiscal intermediary contracts. In any case, where disclosure is authorized pursuant to this section, the committees shall not disclose the identity of any applicant or recipient.~~

~~Except for the aforementioned release of information to the committees, this section shall not otherwise be construed to supersede any other provision of state law, including Section 10850.~~

(d) No Medi-Cal fiscal intermediary contract shall be approved, renewed or continued if a state employee is employed in a management, consultant or technical position by the contractor or a subcontractor to the contractor within one year after the state employee terminated state employment.

For purposes of this section, "state employee" means any appointive or civil service employee of the Governor's office, the Health and Welfare Agency, the State Department of Health Services, the Controller's office, the Attorney General, or the Legislature who, within two years prior to leaving state employment, had responsibilities related to development, negotiation, contract management, supervision, technical assistance or audit of a Medi-Cal fiscal intermediary.

The requirements of this section shall not apply to any state employee who terminated state employment prior to the operative date of this section.

Comment. Section 14104.6 is amended to delete reference to an obsolete reporting requirement. The required report was to be completed by January 1, 1981.

Welf. & Inst. Code § 14105.15 (amended). Payment systems

SEC. ____ . Section 14105.15 of the Welfare and Institutions Code is amended to read:

14105.15. (a)(1) In determining rates of reimbursement for inpatient hospital services the department shall use the

reimbursement policy existing on June 29, 1982. The director shall have authority to modify this reimbursement policy. The director shall implement a new reimbursement policy of peer grouping of hospitals through the promulgation of emergency regulations after required federal approvals are obtained. The department may adjust interim payment percentages to hospitals in order to approximate final settlement and may control or freeze charges in order to carry out this section.

(2) This section shall cease to apply to a hospital when the department enters into a contract, pursuant to Article 2.6 (commencing with Section 14081), either with that hospital or with other hospitals to the exclusion of that hospital for services covered under the contracts.

(b) Notwithstanding any other provision of law, the department may make interim rate adjustments and also implement collection procedures to recover overpayments to hospitals, at tentative and final settlement. These recoveries shall be based on audits or examinations made by or on behalf of the department pursuant to Sections 10722 and 14170, including the application of Sections 51536, 51537, and 51539 of Title 22 of the California Administrative Code at tentative and final settlement. Recovery may be made whether or not appeals by the hospitals are pending. Collection of overpayments shall be made in accordance with Section 14172.5.

(c) The amendment of this section made at the 1985 portion of the 1985-86 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law. This declaration shall not apply to any lawsuits filed on or before July 9, 1985.

~~(d) It is the intent of the Legislature to evaluate alternative payment systems for hospitals in health facility planning areas which are not closed for contracting purposes and noncontracting hospitals in closed areas. The alternatives~~

~~shall include, but are not limited to, selective contracting, prospective payment systems, or other feasible options. Any alternative payment system presented to the Legislature shall include at least all of the following:~~

~~(1) Payment adjustments which recognize the situation of hospitals serving a disproportionate share of low-income patients with special needs.~~

~~(2) The potential need for payment differentials between urban and rural hospitals.~~

~~(3) Alternative data bases, base years, and payment code weighting considerations.~~

~~(4) Potential outliers or exemptions, or both, from prospective payment regarding patient cost, length of stay, or type of service.~~

~~(5) Facility-specific considerations.~~

~~(6) Appeals processes and updating mechanisms.~~

~~(e) In order to evaluate the alternatives, the department may select a contractor to conduct a study and prepare a report which shall include preparation of a general systems design of the alternatives and estimate costs of developing a detailed system design of the recommended alternative. The alternatives shall include, but not be limited to, the reduction of administrative costs to the department and hospitals, incentives for hospitals to contain their costs, and the provision of appropriate and timely payments to hospitals.~~

~~(f) The contractor and department shall solicit the cooperation and assistance of the hospital industry and shall consider its recommendations throughout the course of the study.~~

~~(g) The department may submit a report to the Legislature by January 31, 1989.~~

~~The report shall include the contractor's report prepared pursuant to subdivision (e). The department's report shall contain, but shall not be limited to, information on hospital~~

~~structures and costs on file with the State Department of Health Services, and financial and patient discharge data on file with the Office of Statewide Health Planning and Development. The report shall include the comments and recommendations of the hospital industry.~~

(h) No new payment system may be implemented without specific authorization from the Legislature.

(i) ~~(e)~~ Notwithstanding any other provision of law, reimbursement for out-of-state acute inpatient hospital services provided to Medi-Cal beneficiaries shall not exceed the current statewide average of contract rates for acute inpatient hospital services negotiated by the California Medical Assistance Commission or the actual billed charges, whichever is less.

Comment. Section 14105.15 is amended to delete reference to an obsolete reporting requirement. The required study and report were to be completed by January 31, 1989.

Welf. & Inst. Code § 14195.8 (repealed). Therapeutic Drug Utilization Review System

SEC. ____ . Section 14195.8 of the Welfare and Institutions Code is repealed.

~~14195.8. The Auditor General shall provide or select an appropriate contractor to provide an evaluation of the Therapeutic Drug Utilization Review System established by this article with respect to all of the following issues:~~

~~(a) The impact on institutionalization of Medi-Cal eligibles by operation of the Medi-Cal therapeutic drug utilization review process.~~

~~(b) The cost impact of the Medi-Cal therapeutic drug utilization review process.~~

~~(c) The evaluation report shall be submitted to the department and the Legislature no later than May 1, 1991, with recommendations whether the Therapeutic Drug~~

~~Utilization Review System established by this article is cost-effective and should be continued.~~

Comment. Section 14195.8 is repealed as obsolete. The required report was to be completed by May 1, 1991.

Welf. & Inst. Code § 14492 (repealed). Publicly operated health service delivery systems

SEC. ____ . Section 14492 of the Welfare and Institutions Code is repealed.

~~14492. In addition to other pilot programs established pursuant to this article, the department also shall establish publicly operated health service delivery systems as pilot programs, to determine whether high quality, comprehensive Medi-Cal benefits can be provided at a reasonable cost on a prepayment basis in a public service system. The department shall provide technical assistance to any county or other public entity that desires to establish such a program. To the extent possible, the department shall establish programs in both rural and urban areas.~~

~~Each publicly operated pilot program shall comply with the following:~~

~~(a) The program shall be publicly operated either by the department directly or through contract with other public entities.~~

~~(b) The program may be regional in nature, extending beyond the boundaries of any one county.~~

~~(c) The program shall enroll Medi-Cal recipients and be funded by the department on a prepayment capitation basis determined in accordance with the method for establishing capitation rates paid by the department to prepaid health plans under this chapter for the same or similar care.~~

~~(d) The program shall provide the full range of Medi-Cal services required of prepaid health plans and shall meet all statutory requirements and all regulatory and contractual requirements established by the department for the program.~~

~~(e) The program shall emphasize the innovative use of health personnel including midlevel medical, nursing and dental professionals in ambulatory settings.~~

~~(f) Medi-Cal recipients enrolling in a pilot program pursuant to this section shall be offered a choice of qualified primary care physicians employed by the program to be the recipients' designated primary care physicians.~~

~~(g) One program shall include provision for the enrollment of low-income persons who are not eligible for Medi-Cal as cash grant recipients. Such persons shall be potentially eligible for medically needy or medically indigent status. The expenditures by the Medi-Cal program for such enrollees, when taken together with expenditures for medically needy and medically indigent persons in that county who are not enrolled in the prepayment program, shall not exceed the expenditures made by Medi-Cal for all medically needy and medically indigent persons in that county during the 1977-78 fiscal year, as adjusted for cost of living by the department.~~

~~The department shall establish standards of eligibility for low-income persons who are potentially eligible for the medically needy or medically indigent status and who wish to enroll in this pilot program. Such standards shall include a share of the cost to be paid by such enrollees. The department shall also establish the county's financial obligation for a portion of the cost of care of such enrollees.~~

~~The provision of Medi-Cal payment for persons potentially eligible for the medically needy or medically indigent status who are enrolled in this pilot program shall cease on December 31, 1982, unless the operation of this pilot program is extended by the Legislature.~~

~~The department shall, by February 1, 1982, report to the Legislature and the Governor concerning the effect of enrolling low-income persons who are potentially eligible for the medically needy or medically indigent status. The report~~

~~shall determine any changes in the amount of state and county funds expended for health care because low-income persons who are not required to become eligible for the medically needy or medically indigent status are enrolled in a pilot project and any changes in the categories of health services provided in the county because low-income persons who are not required to become eligible for the medically needy or medically indigent status are enrolled in a pilot program.~~

Comment. Section 14492 is repealed as obsolete. The required project and report were to be completed by December 31, 1982.

Welf. & Inst. Code § 14499.5 (amended). Medi-Cal pilot project

SEC. ____ . Section 14499.5 of the Welfare and Institutions Code is amended to read:

14499.5. (a)(1) In carrying out the intent of this article, the director shall contract for the operation of one local pilot program. Special consideration shall be given to approving a program contracted through county government in Santa Barbara County.

(2) Notwithstanding the limitations contained in Section 14490, the director may enter into, or extend, contracts with the local pilot program in Santa Barbara County pursuant to paragraph (1) for periods that do not exceed three years.

(b) The establishment of a pilot program pursuant to this section shall be contingent upon the availability of state and federal funding. The program shall include the following components:

(1) Local authority for administration, fiscal management, and delivery of services, but not including eligibility determination.

(2) Physician case management.

(3) Cost containment through provider incentives and other means.

(c) The program for the pilot project shall include a plan and budget for delivery of services, administration, and

evaluation. During the first year of the pilot program, the amount of the state contract shall equal 95 percent of total projected Medi-Cal expenditures for delivery of services and for administration based on fee-for-service conditions in the program county. During the remaining years of the pilot project Medi-Cal expenditures in the program county shall be no more than 100 percent of total projected expenditures for delivery of services and for administration based on any combination of the following paragraphs:

(1) Relevant prior fee-for-service Medi-Cal experience in the program county.

(2) The fee-for-service Medi-Cal experience in comparable counties or groups of counties.

(3) Medi-Cal experience of the pilot project in the program county if, as determined by the department, the scope, level, and duration of, and expenditures for, any services used in setting the rates under this paragraph would be comparable to fee-for-service conditions were they to exist in the program county and would be more actuarially reliable for use in ratesetting than data available for use in applying paragraph (1) or (2).

The projected total expenditure shall be determined annually according to an acceptable actuarial process. The data elements used by the department shall be shared with the proposed contractor.

(d) The director shall accept or reject the proposal within 30 days after the date of receipt. If a decision is made to reject the proposal, the director shall set forth the reasons for this decision in writing. Upon approval of the proposal, a contract shall be written within 60 days. After signature by the local contractor, the State Department of Health Services and the Department of General Services shall execute the contract within 60 days.

(e) The director shall seek the necessary state and federal waivers to enable operation of the program. If the federal waivers for delivery of services under this plan are not granted, the department is under no obligation to contract for implementation of the program.

(f) For purposes of Section 1343 of the Health and Safety Code, the Santa Barbara Regional Health Authority shall be considered to be a county-operated pilot program contracting with the State Department of Health Services pursuant to this article, and notwithstanding any other provision of law, during the period that this contract is in effect, the contractor shall be exempt from the provisions of the Knox-Keene Health Care Service Plan Act of 1975, Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code, relative to the services provided to Medical beneficiaries under the terms and provisions of the pilot program.

(g) Dental services may be included within the services provided in this pilot program.

(h) Any federal demonstration funding for this pilot program shall be made available to the county within 60 days upon notification of the award without the state retaining any portion not previously specified in the grant application as submitted.

(i)(1)(A) ~~Commencing January 1, 1996, the~~ *The* California Medical Assistance Commission may negotiate exclusive contracts and rates on behalf of the department with the Santa Barbara Regional Health Authority in the implementation of this section.

(B) Contracts entered into under this article may be on a noncompetitive bid basis and shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code. These contracts shall have no force or effect unless approved by the Department of Finance.

(C) The department shall enter into contracts pursuant to this article, and shall be bound by the terms and conditions related to the rates negotiated by the negotiator.

(2) The department shall implement this subdivision to the extent that the following apply:

(A) Its implementation does not revise the status of the pilot program as a federal demonstration project.

(B) Existing federal waivers apply to the pilot program as revised by this subdivision, or the federal government extends the applicability of the existing federal waivers or authorizes additional federal waivers for the implementation of the program.

(3) The implementation of this subdivision shall not affect the pilot program's having met any of the requirements of Part 3.5 (commencing with Section 1175) of Division 1 of the Health and Safety Code and this division applicable to the pilot program with respect to the negotiations of contracts and rates by the department.

~~(j) An independent evaluation of the program shall be conducted and a report submitted to the Legislature and the director by January 1, 1988. The independent evaluation of the program commissioned by the federal Health Care Financing Administration may fulfill the purposes of this part. This evaluation and report shall include, but is not limited to, the following:~~

~~(1) An assessment of the cost of medical services as compared to the cost of the existing Medi-Cal fee-for-service delivery mode.~~

~~(2) An assessment of utilization levels of specialist and emergency services.~~

~~(3) An assessment of the quality of care.~~

~~(4) Recommendations for future policy on delivery of services.~~

Comment. Subdivision (i) of Section 14499.5 is amended to delete an obsolete reference to the date on which the California Medical Assistance Commission's authority to negotiate contracts and rates commenced.

Subdivision (j) is deleted as obsolete. The required report was to be completed by January 1, 1988.

Welf. & Inst. Code § 16501.6 (repealed). Information regarding children placed in foster care

SEC. ____ . Section 16501.6 of the Welfare and Institutions Code is repealed.

~~16501.6. (a) It is the intent of the Legislature for the State Department of Social Services to enhance the Child Welfare Services Case Management System to include information concerning the level of care required, educational accomplishments, and health history of children placed in foster care. If appropriate, this enhancement could be made after the system is operational statewide as required in Section 16501.5.~~

~~(b) The department shall conduct a study to examine the most efficient methods of collecting and maintaining all of the following data for each child in foster care:~~

~~(1) The names and addresses of the child's health and educational providers.~~

~~(2) The child's grade level performance.~~

~~(3) The child's school record.~~

~~(4) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.~~

~~(5) A record of the child's immunizations.~~

~~(6) The child's known medical problems.~~

~~(7) The child's medications.~~

~~(8) Any other relevant level of care, health and education information concerning the child as determined appropriate by the department.~~

~~(b) In conducting its study, the department shall, as required, examine county health passport systems for possible~~

~~replication on a statewide basis and consult with other state departments, county associations, and provider groups.~~

~~(d) By February 15, 1992, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the results of its study. The department shall include the following in its report:~~

~~(1) Recommendations for coordinating data collection among local child health and disability prevention programs, other health care providers, county welfare departments, schools, and other agencies providing services for foster children.~~

~~(2) Recommendations for the interfacing with any alternative system recommended pursuant to paragraph (1) with the mental health assessment required by Section 5407, and with other requirements of law.~~

~~(e) The report required by subdivision (d) shall address the feasibility, timeframe, and estimated costs of doing either of the following:~~

~~(1) Incorporating the data specified in subdivision (b) in the Child Welfare Services Case Management System.~~

~~(2) Implementing an alternative system which is more appropriate for the collection and maintenance of the data specified in subdivision (b).~~

Comment. Section 16501.6 is repealed as obsolete. The required report was to be completed by February 15, 1992.

Welf. & Inst. Code § 16576 (amended). Statewide Child Support Registry

SEC. ____ . Section 16576 of the Welfare and Institutions Code is amended to read:

16576. (a) The department shall develop an implementation plan for the Statewide Child Support Registry. The Statewide Child Support Registry shall be operated by the agency responsible for operation of the Statewide Automated Child Support System (SACSS) or its replacement. The Statewide

Child Support Registry shall include storage and data retrieval of the data elements specified in Section 16577 for all California child support orders. The plan shall be developed in consultation with clerks of the court, district attorneys, and child support advocates. The plan shall be submitted to the Legislature by January 31, 1998. The implementation plan shall explain in general terms, among other things, how the Statewide Child Support Registry will operate to ensure that all data in the Statewide Child Support Registry can be accessed and how data shall be integrated for statistical analysis and reporting purposes with all child support order data contained in the Statewide Automated Child Support System or its replacement and the Los Angeles Automated Child Support Enforcement System (ACSES) Replacement System.

~~(b) Commencing no later than October 1, 1998, each~~ *Each* clerk of the court shall provide the information specified in Section 16577 within 20 days to the department or the Statewide Child Support Registry from each new or modified child support order, including child support arrearage orders.

~~(c) Commencing no later than October 1, 1998, the~~ *The* department shall maintain a system for compiling the child support data received from the clerks of the court, ensure that all child support data received from the clerks of the court are entered into the Statewide Child Support Registry within 10 days of receipt in the Statewide Child Support Registry, and ensure that the Statewide Child Support Registry is fully implemented statewide.

~~(d) Commencing no later than October 1, 1998, the~~ *The* department shall provide aggregate data on a periodic basis on the data maintained by the Statewide Child Support Registry to the Judicial Council, the appropriate agencies of the executive branch, and the Legislature for statistical

analysis and review. The data shall not include individual identifying information for specific cases.

~~(e) Commencing no later than October 1, 1998, any~~ Any information maintained by the Statewide Child Support Registry received from clerks of the courts shall be provided to county district attorneys, the Franchise Tax Board, the courts, and others as provided by law.

~~(f) On or before October 1, 1998, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the requirements of this chapter.~~

Comment. Subdivisions (b)-(e) of Section 16576 are amended to delete obsolete references to the dates on which the specified duties commenced.

Subdivision (f) is deleted as obsolete. The required report was to be completed by October 1, 1998.

Welf. & Inst. Code § 18379 (repealed). Report on programs relating to health of the elderly

SEC. ____ . Section 18379 of the Welfare and Institutions Code is repealed.

~~18379. The State Department of Health Services, in consultation with the Department of Aging, shall submit a single report to the Legislature by June 30, 1987, describing and evaluating the effectiveness of these projects in promoting the health of the elderly, in reducing their risks of chronic diseases, and the resulting debilitating conditions through early detection, public health nursing services, and other prevention activities.~~

Comment. Section 18379 is repealed as obsolete. The required report was to be completed by June 30, 1987.

Welf. & Inst. Code § 18989.3 (repealed). San Mateo County Consolidated Human Services Agency

SEC. ____ . Section 18989.3 of the Welfare and Institutions Code is repealed.

~~18989.3. By January 1, 1995, San Mateo County shall report to the appropriate policy and fiscal committees of the Legislature on the implementation of this chapter. The report shall include a description of waivers requested and obtained, as well as an evaluation of the cost-effectiveness of any waivers obtained.~~

Comment. Section 18989.3 is repealed as obsolete. The required report was to be completed by January 1, 1995.

Welf. & Inst. Code § 19856 (repealed). Utilization of supported employment and adaptive technology account

SEC. ____ . Section 19856 of the Welfare and Institutions Code is repealed.

~~19856. The department shall report on the utilization of the account to the Legislature by July 1, 1987. The report shall include, but not be limited to, (a) information on the types and costs of equipment, aids, and devices purchased with money from the account; (b) difficulties encountered in administering the account; (c) recommendations for changes in the provisions of this chapter; and (d) data on the fiscal impact and any savings to the state's General Fund as a result of assisting persons with disabilities in becoming engaged in employment through the provisions of this chapter.~~

Comment. Section 19856 is repealed as obsolete. The required report was to be completed by July 1, 1987.
