

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Expired Pilot Projects

October 2000

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

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.

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STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

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October 6, 2000

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

There are a number of statutes establishing pilot projects that have expired. The Law Revision Commission recommends the repeal of 90 such statutes as obsolete.

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

This recommendation was prepared pursuant to Government Code Section 70219.

Respectfully submitted,

David Huebner
Chairperson

EXPIRED PILOT PROJECTS

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

- (1) The statute in question is obsolete and appropriate for repeal in Commission-recommended legislation.
- (2) The statute is obsolete and the agency will be sponsoring legislation to repeal it. It should not be repealed in Commission-recommended legislation.
- (3) The statute has continuing relevance and should not be repealed.

The Commission recommends the repeal of those provisions that were identified by the responsible agency as obsolete and appropriate for repeal in Commission-recommended legislation.⁴ This would result in the repeal of 90 obsolete sections. See proposed legislation, *infra*. Notes following each

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

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

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

4. See Spirling & Kelso, *Obsolete Pilot and Demonstration Projects* (Inst. Leg. Prac. April 7, 2000) (on file with Commission). In one case, an amendment to delete a subdivision establishing a pilot project is recommended, rather than repeal of the entire section. See proposed amendment of Health and Safety Code Section 43840, *infra*.

section proposed for repeal identify the nature of the expired pilot project and the responsible agency.

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

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PROPOSED LEGISLATION

CODE OF CIVIL PROCEDURE

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

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

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


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

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

- ~~(1) Cross-sectional representation of the community.~~
- ~~(2) Numbers of verdicts favoring plaintiffs or defendants, and size of awards.~~
- ~~(3) Accuracy, consistency, and reliability of awards.~~
- ~~(4) Time required for impanelment, trial, and deliberations.~~
- ~~(5) Public and private costs of the jury.~~

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

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

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

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

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

~~270. (a) Notwithstanding Section 269 or any other provision of law, the Judicial Council shall establish a demonstration project to assess the costs, benefits, and acceptability of utilizing audio and video recording as a means of producing a verbatim record of proceedings in up to 75 superior court departments.~~

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

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

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

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

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

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

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

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

~~(h) The Joint Rules Committee shall appoint an advisory committee consisting of two certified shorthand reporters, one person skilled in courtroom audio recording, one person skilled in courtroom video recording, two judges experienced in trial work, one court administrator, and two attorneys experienced in trial work to evaluate the demonstration project, and it shall report its findings and recommendations, including minority views, if any, to the Legislature at the same times as the Judicial Council reports pursuant to subdivision (g). The advisory committee shall be afforded access to all material relating to the conduct and operation of the demonstration project, including, but not limited to, copies of audio and video tapes, logs thereof, transcripts, transcript requests, and the identity of any vendor and consultants involved in the demonstration project.~~

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

~~1167.25. (a) Notwithstanding Section 415.46, in addition to the service of a summons and complaint in an action for~~

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

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


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

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

~~(d) At the time of filing, the claimant shall be added as a defendant in the action for unlawful detainer, filed pursuant to Section 1167.2, and the clerk shall notify the plaintiff that the claimant has been added as a defendant in the action by mailing a copy of the claim filed with the court to the plaintiff with a notation so indicating. Thereafter, the name of the claimant shall be added to any pleading, filing, or form filed in the action for unlawful detainer filed pursuant to Section 1167.2. Upon filing of the claim, the claimant shall comply~~

~~with all of the provisions of Section 1167.2 just as any named defendant. Further, the claimant shall also be liable for the posting of a prospective rent deposit as described in subdivision (e) of Section 1167.2 as a condition of continuing to trial.~~

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

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

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

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

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

Code applies to the claim of right to possession. An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises.

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

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

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

(1) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, an amount equal to 15 days' rent together with the appropriate fee or form for proceeding in forma pauperis. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact. Immediately upon receipt of an amount equal to 15 days' rent and the appropriate fee or form for proceeding in forma pauperis, the court shall file the claim of right to

possession and serve an endorsed copy with the notice of the hearing date on the plaintiff and the claimant by first-class mail. The court issuing the writ of possession shall set and hold a hearing on the claim not less than five nor more than 15 days after the claim is filed with the court.

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

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

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

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

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

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

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

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

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

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

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

GOVERNMENT CODE

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

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

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

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

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

§ 11805. Performance budgeting pilot project development

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

- (a) Strategic planning is central.
- (b) Outcome measures are the primary focus of management accountability.
- (c) Productivity benchmarks measure progress toward strategic goals.
- (d) Performance budgeting may work in conjunction with total quality management, which emphasizes an orientation toward customer service and quality improvement.
- (e) Budget contracts between the Legislature and the executive branch require departments to deliver specified outcomes for a specified level of resources.
- (f) Budget contracts shall include evaluation criteria, and shall specify “gainsharing” provisions, in which 50 percent of savings resulting from innovation are reinvested in the program.
- (g) Managers are provided sufficient operational flexibility to achieve stated outcomes.
- (h) Legislative involvement is critical and is appropriately focused on strategic planning and performance outcomes.
- (i) Innovation is rewarded, not punished.

§ 11806. Legislative review of budget contracts

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

§ 11807. Evaluation of pilot program

11807. The Department of Finance shall evaluate the pilot program and submit a report to the Chairperson of the Joint Legislative Budget Committee on or before January 1, 1996. The evaluation shall determine the extent to which performance budgeting results in a more cost-effective and innovative provision of government services. The evaluation also shall report on the gainsharing rewards to each department in the program and the specific innovation which brought about the savings.

§ 11808.1. Budgets and reports to be delivered to the legislature

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

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

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

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

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

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

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

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

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

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

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

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

☞ **Note.** The Commission recommends repeal of Government Code Section 14045. See *infra*. Government Code Section 14035.1 implements

the pilot project established by Section 14045. Since Section 14045 is obsolete, this section is also obsolete.

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


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

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

~~(b) The department shall prepare a preliminary report regarding the disposition of projects proposed for inclusion in either the 1991 or subsequent annual Transit Capital Improvement Program or the 1992 or subsequent State Transportation Improvement Program, and a final report regarding the impact of the demonstration program on the~~

~~level of use of mass transit by residents living within one-half mile of the mass transit guideway station. The department shall submit each report to the commission for review and comment. The commission shall submit the preliminary report, with its comments, to the Legislature no later than January 1, 1994, and the final report, with its comments, to the Legislature no later than January 1, 1996.~~

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

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

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

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

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

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

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

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

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

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

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

(A) To reduce occupancy costs.

(B) To maximize efficiency of space utilization.

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

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

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

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

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

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

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

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

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

~~(c) The department shall appoint an advisory committee to assist the department and the consultants utilized under the demonstration project. The advisory committee shall participate in all aspects of the pilot project, including the assistance in the development of the request for proposals, as required under subdivision (a), and reviewing and commenting upon the final recommendations of the~~

~~consultants prior to submission to the Governor and the Legislature. The department shall invite the federal government and affected local governments to participate in the advisory committee. The advisory committee shall include, but is not limited to, representatives, who shall be either directors or business service officers, of the state agencies that own or occupy property in the designated pilot project area.~~

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

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

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

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

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

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

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

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

§ 15290. Legislative findings and declarations

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

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

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

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

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

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

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

§ 15291. Establishment and administration of project

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

§ 15292. Definitions

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

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

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

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

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

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

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

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

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

§ 15293. Powers and duties

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

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

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

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

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

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

§ 15294. Allocation of funds

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

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

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

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

(1) Food.

(2) Clothing.

(3) Emergency shelter in accordance with Section 15296.

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

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

§ 15295. Use of funds

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

§ 15296. Emergency shelter services

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

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

§ 15297. Permanent residence in another state

15297. Whenever a homeless person indicates a desire to establish permanent residence in another state and demonstrates that he or she will be able to establish a permanent residence in another state, such as with relatives, friends, or through the acceptance of a pending job offer, the board or its contractor shall, if consistent with cost effectiveness guidelines which shall be adopted by the board, provide the individual with funding for transportation to the out-of-state residence. The board or its contractor may purchase the necessary services. An agency shall not be eligible to disburse funds for transportation under this part until it has received approval from the board. Each disbursement of funds for transportation shall be approved by the board coordinator. The board

shall adopt guidelines specifying the manner in which an individual would have to verify his or her potential permanent residence in order to receive services under this section. Under no circumstances may a homeless person be forced to relocate.

§ 15298. Job placement and counseling services

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

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

§ 15299. Loans to individuals placed in employment

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

§ 15300. Status report and recommendations

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

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

- (1) Those who obtain permanent housing.
- (2) Those who achieve a steady income.
- (3) Those who maintain a positive cash flow.

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

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

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

~~65083. As part of implementation of the demonstration program established pursuant to Section 14045 of the Government Code, the regional transportation planning~~

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

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

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

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

SEC. 12. Section 65460.2 of the Government Code is amended to read:

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

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

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

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

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

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

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

(1) Relief of traffic congestion.

(2) Improved air quality.

(3) Increased transit revenue yields.

(4) Increased stock of affordable housing.

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

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

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

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

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

(10) Promotion of job opportunities.

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

(12) Increased sales and property tax revenue.

(13) Reduction in energy consumption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gov't Code § 65917 (amended). Purpose of density bonus

SEC. 14. Section 65917 of the Government Code is amended to read:

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65913.5 or 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

Comment. Section 65917 is amended to correct an obsolete reference to former Section 65913.5.

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

SEC. 15. Section 68086 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 16. Section 69845.6 of the Government Code is repealed.

~~69845.6. As a three-year pilot project, the Placer County Board of Supervisors may direct the clerk of the Superior Court in Placer County to suspend the maintenance of a~~

~~register of actions from January 1, 1981, to January 1, 1984. After January 1, 1984, the clerk of the Superior Court in Placer County shall keep a register of actions pursuant to Section 69845 or 69845.5, unless a statute enacted prior to January 1, 1984, extends such pilot project.~~

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

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

HEALTH AND SAFETY CODE

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

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

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

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

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

§ 1339.51. Legislative findings and declaration

1339.51. The Legislature finds and declares as follows:

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

(b) That many single parents of these children must work or further their education, but are unable to find a child care agency in the

community equipped and staffed to provide the physical care required for these children.

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

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

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

§ 1339.52. Definitions

1339.52. For the purposes of this article:

(a) “Children” means persons under the age of 21 years.

(b) “Chronic illness” means a physical condition which restricts physical development, impairs ability to engage in age-appropriate accustomed and expected activities, and requires periodic medical treatment during the year in a hospital or other medical outpatient or inpatient facility. “Chronic illness” does not include developmental disabilities as defined in Section 4512 of the Welfare and Institutions Code.

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

§ 1339.53. Care to be provided in intermediate care facility

1339.53. The care provided in an intermediate care facility for chronically or terminally ill children under this chapter shall include, but not be limited to, child supervision, dietary services, administration of medications, day activities and socialization, coordination with local education agencies, and special services, as determined by the client’s attending physician and surgeon. At the time of admission or within 24 hours of admission, an individual care plan shall be developed. The individual care plan shall be coordinated by a registered nurse who shall be on call at all times for the provision of needed skilled nursing services. Medications shall be administered by the registered nurse and licensed vocational nurse within the scope of their respective licenses. The

department shall determine staffing standards which shall include at least one licensed vocational nurse and at least one care provider trained in early childhood education. Each client accepted for care shall be under the continuing supervision of an attending physician and surgeon who shall evaluate the client as needed and at least once every 30 days unless there is an alternate schedule. The attending physician and surgeon shall document the visits in the client's health record.

§ 1339.54. Demonstration project

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

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

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

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

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

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

§ 1339.55. Fire safety standards applicable to facility

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

facilities, and the requirements specified in this section shall be uniformly enforced by state and local fire authorities.

§ 1339.56. Seismic safety requirements of facility

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

§ 1339.57. Zoning of facility

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

§ 1339.58. Multipurpose spaces in facility

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

§ 1339.59. Daily rate

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

§ 1339.60. Termination of demonstration project

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

§ 1339.61. Legislative intent; flexibility

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

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

SEC. 18. Article 11.6 (commencing with Section 25242.5) of Chapter 6.5 of Division 20 of the Health and Safety Code is repealed.

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

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

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

§ 25242.5. Establishment of program

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

§ 25242.6. Funding and reporting

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

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

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

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

Health & Safety Code § 32354 (repealed). Rural California professional liability loan program

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

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

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

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

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

SEC. 20. Section 43840 of the Health and Safety Code is amended to read:

43840. (a) The Legislature finds and declares that emission of air pollutants from motor vehicles is a major contributor to air pollution within the State of California and, therefore, declares its policy to encourage the testing of various types of


vehicle fuels, which would contribute substantially to the protection and preservation of the public health and well-being.

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

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

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

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

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

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

SEC. 21. Section 43841 of the Health and Safety Code is repealed.

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

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

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

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

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

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

SEC. 22. Section 43841.5 of the Health and Safety Code is repealed.

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

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

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


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

SEC. 23. Section 50502.5 of the Health and Safety Code is repealed.

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

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

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

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

LABOR CODE

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

SEC. 24. Section 4612 of the Labor Code is repealed.

~~4612. (a) A pilot project is hereby authorized, for a duration of up to 36 months, under regulations to be developed and implemented by the administrative director. The purpose of the pilot project is to authorize an employer participating in~~

the pilot project to contract with a licensed health care service plan to be the exclusive provider of medical, surgical, and hospital treatment for occupational and nonoccupational injuries and illnesses incurred by its employees. The health care service plan shall provide all occupational-related medical treatment coverage required by this division without any payment by the employee of deductibles, copayments, or any share of the premium. Employers participating in the pilot project shall make available health plan coverage for their employees' dependents for the treatment of nonindustrial injuries and illnesses. Nothing herein shall require an employer to pay for that dependent coverage. An employer participating in the pilot project shall offer its employees a choice between the exclusive provider of care option and a traditional health benefits plan which allows employees to obtain workers' compensation treatment from a traditional workers' compensation provider. In the case of a pilot project established by a multiemployer, collectively bargained employee welfare benefit plan, or by a recognized exclusive bargaining agent for state employees that sponsors an employee welfare benefit plan for the benefit of employees, this choice may be exercised by an exclusive or certified bargaining agent that represents employees of the employer.

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

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

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

- ~~(1) Employer costs.~~
- ~~(2) Vocational rehabilitation implications of 24-hour care pilot projects.~~
- ~~(3) Numbers and percentages of employees in pilot worksites that enroll in the plan.~~
- ~~(4) Incentives used by employers to encourage enrollment in the plan.~~
- ~~(5) Extent to which dependents of pilot project employees enroll in health plans.~~
- ~~(6) Determination of employee satisfaction with the pilot program.~~

(7) Extent to which employees enrolling in the pilot plan continue to stay within it during the length of the pilot program.

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

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

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

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

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

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

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

(e) The administrative director shall prepare an itemization of the costs to the division associated with preparation of the report described in subdivision (d). The cost of the report shall be borne by the employers participating in the pilot project, and, if available, by other external sources outside of the General Fund. Contribution by the employers shall be

apportioned on a per capita basis based upon the number of employees enrolled under the pilot project.

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

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

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

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

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

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

(i) Notwithstanding any other provision of this section, no employer that is required to bargain with an exclusive or certified bargaining agent which represents employees of the employer in accordance with state or federal employer-

~~employee relations law for represented employees, shall contract with a managed care organization for purposes of this section unless authorized to do so by mutual agreement between the bargaining agent and the employer.~~

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

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

PENAL CODE

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

SEC. 25. Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2 of the Penal Code is repealed.

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

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

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

§ 1000.30. Selection of participating counties

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

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

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

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

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

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

§ 1000.31. Applicability of chapter provisions

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

§ 1000.32. Counseling of convicted offenders

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

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

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

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

§ 1000.33. County mental health department

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

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

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

§ 1000.34. Reimbursement of pilot counties

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

§ 1000.36. Award of project funds

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

- (a) Third-party payments, where appropriate.
- (b) Defendant fees, where ordered by the court.
- (c) Existing counseling treatment and education services, where appropriate.
- (d) Project funds to provide case management for each defendant and to purchase appropriate services where subdivisions (a), (b), and (c) are not applicable.

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

SEC. 26. Section 1348.5 of the Penal Code is repealed.

~~1348.5. (a) On or before July 1, 1987, upon adoption of a resolution of the board of supervisors, a county may establish a three-year pilot project, whereby the court, in any criminal action in which an act of child abuse or molestation is alleged against a member of the child's immediate family, may appoint a children's representative to represent the interests of the minor who was a victim of, or a witness to, the alleged act of abuse or molestation, provided that the victim or witness is under the age of 14. Counties participating in the program shall report to the Legislature before December 31, 1988, on the interim results of the program, and shall submit a final report to the Legislature on or before September 30, 1990, on the results of this program.~~

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

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

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

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

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

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

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

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

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

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

~~(2) Be screened for a criminal record pursuant to Section 11105.3, including, but not limited to, a fingerprint check. A criminal conviction, other than a conviction of a sexually related crime or a conviction of child abuse, shall not bar a person from acting as a children's representative.~~

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

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

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

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

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

~~(j) The court shall appoint an administrator whose duties shall be to enforce the guidelines established by this section~~

and the guidelines set up by the volunteer advisory board. The administrator's duties shall also include monitoring the training program and supervising the volunteers.

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

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

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

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

(l) It is the intent of the Legislature that the court shall consider the goal of continuity between the children's representative and a child victim or witness in the various court proceedings. The Legislature thereby declares that it is desirable for a children's representative appointed to represent the interests of the minor in a dependency proceeding to

~~continue to represent the minor's interest in any ensuing criminal and civil proceedings.~~

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

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

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

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

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

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

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

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

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

Penal Code § 2053.3 (repealed). Prisoner cell study

SEC. 27. Section 2053.3 of the Penal Code is repealed.

~~2053.3. (a) The Director of Corrections shall implement a two-year correctional education program that increases inmate assignments through adoption of a pilot project cell~~

study program. The program shall be implemented at three institutions, one for female inmates and two for male inmates, with the sites to be chosen by the Department of Corrections and the employee bargaining unit. Inmates shall be assigned to a classroom for three hours per day or 15 hours per week, not to exceed 20 inmates per classroom. Classroom-assigned inmates shall then be assigned to their cells for a study period of three hours per day or 15 hours per week. Inmates shall be housed contiguously to ensure appropriate educational supervision and educational assistance by an instructor and inmate teaching assistants. Cell study instruction shall be limited to 80 inmates housed contiguously where feasible to accomplish the objectives of the cell study program. The department shall adjust cell assignments to accomplish the program's intent. In implementing this program, the department shall adhere to the State Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).

(b) An inmate participating in a cell study program pursuant to this section shall demonstrate appropriate educational progress, as certified by the instructor, as a condition of any reduction in the time served pursuant to Section 2933. Appropriate educational progress shall be demonstrated based upon preprogram and postprogram testing that reflects improved literacy of the inmate.

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

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

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

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

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

Penal Code § 5020 (repealed). Individualized prisoner education

SEC. 28. Section 5020 of the Penal Code is repealed.

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

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

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

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

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

SEC. 29. Section 6247 of the Penal Code is repealed.

~~6247. (a) Notwithstanding any other provision of this chapter, the County of Orange may establish, in consultation with the Board of Corrections, a regional public inebriate reception center in the County of Orange as a one-year pilot project to provide short-term shelter with a minimum capacity of 20 sleeping spaces, surveillance, assessment, and referral services for men and women.~~

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

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

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

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

SEC. 30. Section 13823.20 of the Penal Code is repealed.

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

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

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

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

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

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

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

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

~~(A) An 8 percent reduction in radio calls.~~

~~(B) A 6 percent reduction in repressible crime.~~

~~(C) A 12 percent reduction in violent crime.~~

~~(4) Each city shall demonstrate whether changes in the incidence of drug-related crimes in areas adjacent to the targeted areas are appreciable and the extent to which those changes may be caused by increased foot patrol activity in the targeted areas.~~

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

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

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

SEC. 31. Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4 of the Penal Code is repealed.

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

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

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

§ 13894.5. Legislative findings and declarations

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

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

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

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

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

§ 13894.6. Pilot fingerprint project

13894.6. The Department of Justice shall designate an appropriate county or portion of a county, with the county's consent, for a pilot

fingerprint project. The designated area should be as self-contained as possible to increase the likelihood that the arrestees' residences, places of work, and general driving patterns are within its boundaries. In consultation with the department, the sheriff of the designated county shall fingerprint persons who are arrested for a violation of Section 23152 or 23153 of the Vehicle Code using a livescan fingerprint computer system. The sheriff of the county designated by the Department of Justice shall cooperate with the department in the county's implementation of the pilot project.

§ 13894.7. Persons arrested for driving under influence of alcohol

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

§ 13894.8. Livescan fingerprint computer system

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

§ 13894.9. Report

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

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

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

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

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

SEC. 32. Section 14113 of the Penal Code is repealed.

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

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

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

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


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

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

~~(5) Conflict resolution.~~

~~(6) The media.~~

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

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

Penal Code § 14114 (amended). Program priorities

SEC. 33. Section 14114 of the Penal Code is amended to read:

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

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

(2) Economic factors and institutional racism.

(3) Schools and educational factors.

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

(5) Conflict resolution.

(6) The media.

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

(a)

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

(b)

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

(c)

(3) Include the imparting of conflict resolution skills.

(d)

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

(e)

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

(f)

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

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

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

SEC. 34. Section 14119 of the Penal Code is amended to read:

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

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

(c)

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

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

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

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

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

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

(d)

(c) There shall be at least three workshops.


Comment. Section 14119 is amended to delete an obsolete reference to former Section 14113, and an obsolete commencement date.

PUBLIC RESOURCES CODE

Pub. Res. Code §§ 25920-25925 (repealed). Energy efficient mortgages

SEC. 35. Chapter 10.7 (commencing with Section 25920) of Division 15 of the Public Resources Code is repealed.

Comment. Sections 25920-25925 are repealed as obsolete. The pilot project established by these sections has expired.

 **Note.** Public Resources Code Sections 25920-25925, enacted in 1993, established a pilot project relating to energy efficient mortgages. No fixed beginning or ending date for the project is specified. A report on the project was to be submitted to the Governor and the Legislature on the project's completion. The California Energy Commission confirmed that these sections are obsolete and should be repealed.

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

§ 25920. Legislative findings and declarations

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

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

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

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

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

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

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

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

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

§ 25921. Additional legislative findings and declarations

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

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

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

§ 25922. Development and implementation of pilot program

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

§ 25923. Functions of pilot program

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

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

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

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

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

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

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

§ 25924. Workshops and consultations

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

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

§ 25925. Report to governor and legislature

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

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

- (b) Obstacles to the use of energy efficient mortgages.
- (c) Recommendations on how to improve the use and effectiveness of energy efficient mortgages.

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

SEC. 36. Section 48695 of the Public Resources Code is repealed.

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

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


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

~~(d) The board shall not expend more than one hundred twenty thousand dollars (\$120,000) annually during each year~~

of the two-year pilot program for purposes of conducting the program.

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

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

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

VEHICLE CODE

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

SEC. 37. Section 2802.5 of the Vehicle Code is repealed.

~~2802.5. (a) The Department of the California Highway Patrol, in cooperation with the Public Utilities Commission, the State Board of Equalization, the Department of Motor Vehicles, the Judicial Council, and other appropriate agencies, shall develop an interagency agreement under which the agencies shall assign one or more employees or interagency clerks at one or more commercial vehicle inspection facilities of the department which are open on a continuous basis. The employees or interagency clerks shall be assigned duties to perform on behalf of the state agencies which are a party to the agreement as specified in subdivision (b). However, in the case of the Judicial Council, the clerk shall perform duties on behalf of the clerk of the municipal court district in which the inspection facility is located, or of~~

the superior court in a county in which there is no municipal court.


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

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

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

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

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

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

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

SEC. 38. Section 4764.1 of the Vehicle Code is repealed.

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

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

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

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

SEC. 39. Section 4764.2 of the Vehicle Code is repealed.

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

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

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

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


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

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

SEC. 40. Section 4764.3 of the Vehicle Code is repealed.

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

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


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

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

SEC. 41. Section 4764.4 of the Vehicle Code is repealed.

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

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

 **Note.** Vehicle Code Sections 4764.1-4764.4, enacted in 1988, established a pilot project relating to the collection of unpaid parking penalties. The two-year project was to commence on or before December 31, 1989. Reports on the project were to be submitted to the Legislature on or before January 1, 1991 and July 1, 1991. The Department of Motor

Vehicles confirmed that these sections are obsolete and should be repealed.

WELFARE AND INSTITUTIONS CODE

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

SEC. 42. Section 729.11 of the Welfare and Institutions Code is repealed.

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

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

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

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

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

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

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

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

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

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

~~second year of funding the program shall be provided by the selected demonstration program projects.~~

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

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

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

~~SEC. 43. Section 1760.3. of the Welfare and Institutions Code is repealed.~~

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

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

~~(c) The Los Angeles County Probation Office also may, in its discretion, as part of the pilot project, require wards of the juvenile court who are placed in the juvenile hall for Los~~

~~Angeles County or any juvenile home, ranch, or camp located in Los Angeles County to perform work necessary and proper to repair, remove, clean, or reconstruct any damage or defacement resulting from the application of graffiti to public buildings, structures, or other facilities owned by the state, Los Angeles County, any city within Los Angeles County, or any district or other political subdivision of the state.~~

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

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

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

SEC. 44. Chapter 1 (commencing with Section 8016) of Division 8 of the Welfare and Institutions Code is repealed.

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

☞ **Note.** Welfare and Institutions Code Section 8016, enacted in 1987, established a pilot project relating to the provision of financial services to seniors. The eighteen-month project was to commence on January 31, 1988. A report on the project was to be submitted to the Legislative Analyst's office by May 1, 1989. The State Controller's Office confirmed that this section is obsolete and should be repealed.

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

§ 8016 . Financial services for seniors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) No single county's allotment under the formula for this section shall exceed ninety thousand dollars (\$90,000). If any county's total allotment exceeds ninety thousand dollars (\$90,000), the amount over ninety thousand dollars (\$90,000) shall be apportioned to the remaining participating counties based on the percentage that each of the remaining

county's number of persons on conservatorship is to the total number of conservatorships among those remaining counties.

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

SEC. 45. Section 11265.5 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(viii) Ease of use by clients.

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

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

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

(B) A reporting system that permits families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no changes in

eligibility criteria, to report electronically monthly, using either an audio response or the food stamp on-line issuance and recording system, or a combination of both. Adequate instruction and training shall be provided to county welfare department staff and to recipients who choose to use this system prior to its implementation.

(C) A reporting system that requires all families to report changes in circumstances that affect eligibility and grant amount as changes occur. The changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported, shall be provided to recipients of aid along with benefit payments each month.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 46. Section 14115.6 of the Welfare and Institutions Code is repealed.

~~14115.6. The department shall establish a pilot project under which a nurse practitioner may bill independently for services provided in a nursing facility, as defined in Section 1250 of the Health and Safety Code. Nurse practitioners shall be compensated by the department for those services which would be compensable had the services been provided by a physician. If a nurse practitioner chooses to bill independently~~

for these services, the department shall make the payment for the services directly to the nurse practitioner. The department shall ensure that payments made to providers who employ nurse practitioners who bill separately are adjusted to reflect this separation so as not to increase the financial obligation incurred by the Medi-Cal program. The department shall establish a reimbursement rate for nurse practitioners who choose to bill independently pursuant to this section.

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

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

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

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

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

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

SEC. 47. Section 14133.61 of the Welfare and Institutions Code is repealed.

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

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

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

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

SEC. 48. Section 16515 of the Welfare and Institutions Code is repealed.

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

~~(a) The director shall designate the County of Orange and the County of San Diego as the pilot counties to provide respite care for handicapped children in family homes, small~~

family homes, as defined in paragraph (6) of subdivision (a) of Section 1502 of the Health and Safety Code.

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

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

(1) The number of handicapped children in family homes and small family homes before, during, and at the conclusion of the respite care pilot project.

(2) The number of foster children for whom respite care was provided by the pilot project.

(3) The number of hours of respite care provided by the pilot project.

(4) The cost of providing respite care, on an hourly and aggregated basis.

(d) This project shall be deemed to be successful if the Counties of Orange and San Diego each experience a 25 percent increase in the total number of family homes and small family homes.

Comment. Section 16515 is repealed as obsolete. The pilot project established by this section has expired.

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

Welf. & Inst. Code §§ 18210-18215 (repealed). Food delivery

SEC. 49. Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

Comment. Sections 18210-18215 are repealed as obsolete. The pilot project established by these sections has expired.

☞ **Note.** Welfare and Institutions Code Sections 18210-18215, enacted in 1970, established a pilot project relating to the delivery of meals to handicapped or infirm persons who are eligible for public assistance. The project was to commence by January 1, 1971, but no ending date for the project is specified. Annual reports on the project were to be submitted to the Legislature. The Department of Social Services confirmed that these sections are obsolete and should be repealed.

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

§ 18210. Pilot project

18210. In addition to other demonstration projects authorized under this chapter a pilot project shall be conducted pursuant to this article. This project shall commence January 1, 1971, and be limited to two counties, one in the northern and one in the southern part of this state, which are willing to participate and are designated for participation by the department.

§ 18211. Meals for handicapped or infirm persons

18211. A designated county may prepare and deliver, or contract to be prepared and delivered, meals in the county to handicapped or infirm persons eligible for public assistance under Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5 (commencing with Section 13000), and Chapter 6 (commencing with Section 13500) of Part 3 of this division or any handicapped or infirm persons who meet the eligibility requirements of aid to the aged except for their age and who without such service may be required to live in a protective living arrangement. A designated county may provide such service to other persons unable to properly provide meals for themselves and who are unable to secure assistance to do so who shall pay the full cost of such meals to the county. The service may be provided pursuant to contract by the county with another public or private organization.

§ 18212. Charge for portion of cost of meals

18212. The department shall develop and test as a part of the pilot project under this article methods under which persons furnished meals as provided under Section 18211 may be charged a portion of the cost of home-delivered meals based on their ability to pay, provided that the

charges for any meals provided to a recipient shall not exceed one-third of the daily food allowance of that recipient.

§ 18212.5. Cooperation and study; voluntary nonprofit organizations

18212.5. In carrying out the provisions of this article the department shall cooperate with, secure information from, and study the methods and procedures of any voluntary nonprofit organization with the consent of such organization that is conducting similar federally funded projects on the effective date of this act.

§ 18213. Federal funds

18213. The department shall actively seek, and make maximum use of, federal funds which might be available for the purposes of this chapter.

§ 18214. Annual progress reports

18214. The department shall make annual progress reports to the Legislature including, but not limited to, a cost and benefit analysis of the program established pursuant to this article and any information and comparative analysis of other programs secured pursuant to Section 18212.5 not later than the fifth legislative day of the legislative session, commencing with the 1971 Regular Session of the Legislature.

§ 18215. Appropriation

18215. There is hereby appropriated from the General Fund the sum of fifty thousand dollars (\$50,000) provided that the federal government makes available an amount equal to or in excess of such sum prior to July 1, 1971, for allocation to the designated counties for the purposes of this article.

Welf. & Inst. Code § 18600 (repealed). Services for newly blind and severely visually-impaired persons over 55

SEC. 50. Section 18600 of the Welfare and Institutions Code is repealed.

~~18600. There is hereby established a two-year pilot project under which the State Department of Rehabilitation shall contract with private nonprofit organizations serving the blind to provide the newly blind and severely visually impaired persons 55 years of age or older with the following services as needed:~~

~~(a) Counseling.~~

~~(b) Personal adjustment including instruction in daily living skills.~~

~~(c) Instruction in orientation and mobility.~~

~~As used in this article a severely visually impaired person shall be defined as a person who, with best corrected vision, is unable to read newsprint.~~

Comment. Section 18600 is repealed as obsolete. The pilot project established by this section has expired.

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

Welf. & Inst. Code § 18919 (repealed). Food stamp cash out

SEC. 51. Section 18919 of the Welfare and Institutions Code is repealed.

~~18919. (a) The director may establish, within the Food Stamp Program, the Food Stamp Cash Out Demonstration Project.~~

~~(b) To enable San Diego County to conduct a demonstration project, the director may, by formal order, waive the enforcement of Section 18904 and specific regulations and standards. The order establishing the waiver shall provide alternative methods and procedures of administration and issuance, shall not be in conflict with the basic purposes or coverage provided by law, shall not reduce the amount of benefits that recipients would otherwise be entitled to under the Food Stamp Program, shall not be general in scope but shall apply only to this project, shall not exceed five years, and shall not take effect unless and until the following conditions have been met:~~

~~(1) The appropriate federal agency has agreed on or before June 30, 1989, to waive the federal requirements for the same project.~~

~~(2) A comprehensive plan, including an analysis of the expected costs and savings, has been published in a~~

~~newspaper of general circulation in San Diego County and filed with the policy and fiscal committees of each house of the Legislature.~~

~~(c) During the duration of the demonstration project, cashed out food stamp benefits shall not be considered as income in determining eligibility, the amount of aid, or benefit levels in any other public benefit or subsidy program. Applicants and recipients shall be entitled to the same rights to fair hearings and appeals that they would otherwise be entitled to under the Food Stamp Program.~~

~~(d) San Diego County shall submit an annual report to the department on the demonstration project authorized by this section. The county shall additionally collect and report any data and findings as required by the department and shall cooperate with the department in evaluating the demonstration project.~~

~~(e) Within nine months of the termination of the demonstration project authorized by this section, the department shall submit to the Legislature a report evaluating the effectiveness of the demonstration project. The report shall address, but not be limited to, the impact of the demonstration project on all of the following:~~

~~(1) Food stamp processing and mailing costs.~~

~~(2) Eligibility staff time and other administrative costs.~~

~~(3) Losses caused by fraud and theft.~~

~~(4) Changes in program benefits received by, and receptivity to cashed out benefits of, food stamp recipients.~~

~~(5) Food stamp error rate prior to and during cash out of food stamps.~~

~~(f) The director may extend the demonstration project to June 30, 1997.~~

Comment. Section 18919 is repealed as obsolete. The pilot project established by this section has expired.

☞ **Note.** Welfare and Institutions Code Section 18919, enacted in 1988, established a pilot project relating to “food stamp cash out.” The project

was to last for five years. No fixed beginning or ending date for the project is specified. However, the project can be extended through June 30, 1997. A report on the project was to be submitted to the Legislature within nine months after the conclusion of the project. The Department of Social Services confirmed that this section is obsolete and should be repealed.

Welf. & Inst. Code § 18920 (repealed). Food stamp reporting systems

SEC. 52. Section 18920 of the Welfare and Institutions Code is repealed.

~~18920. (a) (1) The department may conduct three pilot projects, to be located in the Counties of Los Angeles, Merced, and Santa Clara, upon approval of the department and the participating counties. The pilot projects shall test the reporting systems described in subparagraphs (A), (B), and (C) of paragraph (4).~~

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

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

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

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

~~(C) The projects shall be designed to compare the monthly reporting system with alternatives described in paragraph (4) as to the phenomena described in subparagraph (C) of paragraph (3) of subdivision (a) of Section 11265.5.~~

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

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

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

(C) ~~A reporting system that requires all households to report changes in circumstances that affect eligibility and benefit amount as changes occur. These changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported,~~

shall be provided to recipients of aid along with benefit payments each month.

~~(b)(1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department. If federal approvals or waivers are necessary to implement the proposals, the department shall seek these approvals and waivers from the appropriate federal agency. The development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.~~

~~(1.5) The pilot counties shall prepare and submit quarterly reports, annual reports, and a final report to the department.~~

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

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

~~(4)(A) Each pilot county shall submit a final report not later than 90 days following completion of the pilot projects required by this section and Section 11265.5.~~

~~(B)(i) The final reports shall each include an evaluation of the pilot project based on an analysis of the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a) compared to each other, to the current reporting systems in the AFDC and Food Stamp programs and any additional factors as determined by the department. The final evaluation shall be prepared by an independent consultant or consultants contracted with for that purpose prior to the commencing of the projects.~~

~~(ii) Each evaluation shall include, but not be limited to, an analysis of the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a) of Section 11265.5 compared to each other and the current reporting systems in both the AFDC and food stamp programs.~~

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

~~(c)(1) The director may, by formal order, waive the enforcement of specific statutory requirements, regulations, and standards in one or more counties, as required for the implementation of the pilot projects.~~

~~(2) Any waiver under paragraph (1) shall meet all of the following requirements:~~

~~(A) It shall not conflict with the basic purposes, coverage, or benefits provided by law.~~

~~(B) It shall not be general in scope, but shall apply only to this project.~~

~~(C) It shall apply only during the authorized period during which the pilot projects are implemented under this section, not to exceed a period of three years.~~

~~(D) It shall provide alternative methods and procedures of administration.~~

~~(E) It shall not reduce the amount of benefits to which recipients would otherwise be entitled under the Food Stamp Program.~~

~~(F) It shall not take effect unless and until the appropriate federal agency has agreed to waive the federal requirements for the same project.~~

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

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

Comment. Section 18920 is repealed as obsolete. The pilot project established by this section has expired.

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

Welf. & Inst. Code §§ 18990-18991 (repealed). Grandparent phonefriend project

SEC. 53. Chapter 13 (commencing with Section 18990) of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

Comment. Sections 18990-18991 are repealed as obsolete. The pilot project established by these sections has expired.

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

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

§ 18990. Legislative findings

18990. The Legislature finds both of the following:

(a) Older citizens have a great deal to offer children who might not have a close-knit family relationship. A program which utilizes the resources of older citizens as persons providing support or information, or both, to unsupervised children after school hours, and known as "phonefriends," would enhance the self-esteem of the participating older citizens while filling a great societal need.

(b) "Older citizens," as used in this article, means individuals 60 years of age or older.

§ 18991. Establishment, funding and requirements of pilot projects; report to legislature

18991. (a) The Department of Aging shall establish six pilot projects to provide after school telephone help lines for children in kindergarten through 6th grade. The department shall establish two of these projects in Los Angeles County, and one each in Alameda, Butte, Marin, and Riverside Counties. Each pilot project shall be conducted by a public or private entity, selected by the department, which provides services to older citizens. The department shall provide one-time only loans, of up to fifteen thousand dollars (\$15,000) to each entity so selected for startup costs of the project, which shall be limited to the costs of telephone installation and operation; the printing of informational material; a full-time, salaried coordinator; a 20-hour per week secretary; liability insurance; and fingerprinting costs.

(b) The Department of Aging in its operation and administration of the program shall select a coordinator. The coordinator shall work with phonefriend projects already in existence to assist new programs through the developmental stages.

(c) Within one year from the date of obtaining private sector funding, each pilot project coordinator shall submit a report to the Department of Aging citing the effectiveness of the program, the number of children assisted, and the type of assistance provided.

(d) The Department of Aging shall report to the Legislature prior to January 1, 1992. This report shall contain each individual report received pursuant to subdivision (b), along with an overview of the programs and an assessment of the ability of the programs to meet the objectives of this article.

(e) All loans made by the department pursuant to this section shall be repaid to the General Fund with interest equal to that earned by funds of the Pooled Money Investment Board.

(f) The Department of Aging shall notify all eligible parties through the network of providers of service to older citizens, of the availability of funds pursuant to this article.

(g) Prior to April 1, 1989, the Department of Aging shall select the six participants and shall, within six weeks from the selection distribute startup funds, not to exceed fifteen thousand dollars (\$15,000) to each of the participants.

(h) Each pilot project shall meet the following requirements, as verified by the department:

(1) Services shall be provided through telephone help lines created for the purpose of providing information or support, or both, to children in kindergarten through 6th grade, when the children are without adult supervision after school hours.

(2) The telephone help lines shall be staffed on a volunteer basis by older citizens, who shall be known as “grandparent phonefriends” for purposes of publicizing the project.

(3) Volunteers answering the phone lines shall as a minimum be trained to: make appropriate referrals in cases of emergency or in other cases necessitating the assistance of another agency; listen to children who express feelings of loneliness or fear; provide practical information to callers about common household, school, or other problems, as determined by the department and the entity conducting the project; and inquire of children with problems.

(4) Each project shall include procedures for contacting parents in appropriate cases, and procedures to ensure that confidentiality is respected. A caller’s phone number shall be requested only if the volunteer believes it might be necessary to call back the child.

(5) The coordinator for the Department of Aging shall arrange with local entities for fingerprinting volunteer older citizens before the volunteers can begin any training on the phonefriend lines.

(6) Each pilot project shall work with the local school boards and any parent or teacher group in determining training procedures described in paragraph (3).
