

Memorandum 2000-32

Expired Pilot Projects (Draft Tentative Recommendation)

In the course of studying statutory changes necessary to implement trial court unification, the Commission identified a small number of apparently obsolete statutes relating to expired pilot projects. Subsequent research by the Institute for Legislative Practice at the McGeorge School of Law identified many more such statutes. The Institute has inquired with the appropriate government agencies to determine whether it would be appropriate to repeal these apparently obsolete statutes. Its report is attached.

Agency responses were of three general types:

- (1) The statute in question is obsolete and appropriate for repeal in a Commission-sponsored bill.
- (2) The statute is obsolete and the agency will be sponsoring legislation to repeal it. It should not be repealed in a Commission-sponsored bill.
- (3) The statute has continuing relevance and should not be repealed.

Also attached to this memorandum is a draft tentative recommendation proposing the repeal of those statutes identified as obsolete and appropriate for repeal in a Commission-sponsored bill. Notes following each section proposed for repeal identify the nature of the expired pilot project and the agency that authorized repeal.

Many of the provisions proposed for repeal include obsolete reporting requirements. The Institute for Legislative Practice is doing research to identify other sections that contain obsolete reporting requirement, in order to determine whether they would be appropriate for repeal. This will be the subject of a separate study.

Unless specific questions are raised, the staff does not intend to discuss the content of the draft tentative recommendation. Some issues that should perhaps be considered are discussed below.

UNLAWFUL DETAINER PILOT PROJECT

The draft tentative recommendation proposes the repeal of Code of Civil Procedure Section 1167.25. Section 1167.25 was enacted to modify a then-existing pilot project established by Section 1167.2. That pilot project provided an optional procedure for unlawful detainer actions. The procedure required that a tenant deposit 15 days rent with the court in cases where the court finds, in a preliminary hearing, that there is no substantial conflict as to a material fact. If the defendant fails to deposit rent as ordered, judgment for possession is entered in favor of the owner immediately. This was intended to expedite possession of the property by the owner in cases where the tenant has not paid rent and has no affirmative defenses. Section 1167.2 was amended in 1996 to provide, among other things, that the section would be repealed by its own terms on July 1, 1999. Section 1167.25 was not subject to the sunset provision and was not repealed. This appears to have been an oversight, as Section 1167.25 serves no apparent purpose independent of Section 1167.2. A note following the proposed repeal of Section 1167.25 asks for comment on whether there is any reason to preserve the section.

In considering whether Section 1167.2 might eventually be reenacted, the staff examined a preliminary report of the Judicial Council on the pilot project's success. It was suggested by some of the project participants that the project should not continue in its original form, but that some elements of the project were worthwhile. If the Commission is interested in the merits of the unlawful detainer pilot project, the staff could prepare a detailed description of the pilot project for the Commission to consider when it next considers new topics and priorities.

PARTIAL REPEAL OF PROJECT PROVISIONS

The California Energy Commission and the Air Resources Board indicate that the pilot project established by Health and Safety Code Sections 43840-43841.5, relating to alcohol fueled vehicles, is obsolete. They authorize the repeal of Sections 43841-43841.5, but not 43840, because they wish to preserve the Legislative findings and declarations contained in that section. In the draft tentative recommendation, Section 43849 is amended to delete the provision establishing the pilot project, without disturbing the findings and declarations. Sections 43841-43841.5 are recommended for repeal.

APPARENTLY ONGOING PROJECT

The Office of Criminal Justice Planning proposed the repeal of Penal Code Sections 13847-13847.2, which establish the “Rural Indian Crime Prevention Program.” Although this program may be obsolete, there is nothing in the statutes indicating that the program was intended by the Legislature to be a pilot program. There are no limits on the program’s scope or duration. Thus, the sections do not appear to be appropriate for inclusion in the draft tentative recommendation. Repeal of provisions relating to programs that are authorized for unlimited continuation, but happen to be defunct, is probably beyond the scope of our study. The staff has attempted to contact the Office of Criminal Justice Planning to discuss the matter, but has not yet received any additional information. The statutes in question are not included in the draft tentative recommendation.

REPORTING REQUIREMENT

The Department of Youth Authority authorized repeal of Welfare and Institutions Code Section 898.5. That section requires submission of a report to the Legislature on the effectiveness of a pilot program, by January 1, 1989. The section appears to be obsolete, but is not a section establishing an expired pilot project. The staff has not included Section 898.5 in the draft tentative recommendation, but will include it in materials prepared in the course of studying obsolete reporting requirements.

CONCLUSION

The staff recommends that the draft tentative recommendation be approved and that a tentative recommendation be circulated for public comment. Copies of the tentative recommendation should be provided to the agency officials who responded to our inquiries.

Respectfully submitted,

Brian Hebert
Staff Counsel

OBSOLETE PILOT AND DEMONSTRATION PROJECTS
(April 7, 2000)

In the course of working on trial court unification implementing legislation, the Institute for Legislative Practice came across several statutes authorizing pilot projects that appeared to be obsolete (i.e., the date for the pilot project had long expired but the statute remained on the books). This discovery suggested the utility of conducting a “dead letter” project (i.e., searching for obsolete statutes) focusing on pilot or demonstration projects.

Last year, we compiled a list of potentially obsolete pilot project statutes. The list was based upon the date of enactment and the apparent length of the pilot project. We then contacted the agency that appeared to be responsible for the pilot project to determine whether the statute was actually obsolete and, if so, whether the statute should be included in a Law Revision Commission clean-up bill.

The table below reports the results of our inquiries. For each statute, we indicate the department responsible for the pilot project, the name of the person contacted, and their reply. When the “Contact/Date of Contact” entry includes a phone number, that indicates the response was by phone. All other responses were by mail or email.

Respectfully submitted,

Tamika Spirling
Erin Koch
J. Clark Kelso
Institute for Legislative Practice

Business and Professions Code	3537.10	Office of Statewide Health Planning and Development	Megan Florida; 654-2087 March 28, 2000	Do not repeal
Code of Civil Procedure	221	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 March 31, 2000	Repeal
Code of Civil Procedure	270	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 March 31, 2000	Repeal
Code of Civil Procedure	1012.5	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 March 31, 2000	Repeal
Code of Civil Procedure	1167.25	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 April 7, 2000	Repeal
Education Code	17910	California Energy Commission	Tim Schmelzer; 654-4942 March 24, 2000	Do not repeal
Government Code	11805-11807	Department of Finance	Bob Straight; 324-0043 March 21, 2000	Repeal
Government Code	14045	Department of Transportation, Office of Mass Transportation	Romunda Smith; 654-8032 March 28, 2000	Repeal
Government Code	14680.8	Dept. of General Services	Mike Courtney; 322-7034 April 4, 2000	Repeal
Government Code	15290-15300	Housing and Community Development	Benita Reynaga; 324-6764 February 29, 2000	Repeal
Government Code	68070.1	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 March 31, 2000	Do not repeal
Government Code	69801	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 March 31, 2000	Do not repeal
Government Code	69845.6	Judicial Council of California Office of Governmental Affairs	Lee Mohar; 323-3121 March 31, 2000	Repeal
Health and Safety Code	1339.51-1339.61	State Dept. of Health Office of Legislative Affairs	Jean Iacino; 657-2843 April 4, 2000	Repeal
Health and Safety Code	11756.5	Dept. of Alcohol and Drug Programs	Morgan Stainez; 322-1654 April 4, 2000	Do not repeal.
Health and Safety Code	11758.10	Dept. of Alcohol and Drug Programs	Morgan Stainez; 322-1654 April 4, 2000	Do not repeal
Health and Safety Code	11758.51	Dept. of Alcohol and Drug Programs	Morgan Stainez; 322-1654 April 4, 2000	Do not repeal
Health and Safety Code	11759.17	Dept. of Alcohol and Drug Programs	Morgan Stainez; 322-1654 April 4, 2000	Do not repeal
Health and Safety Code	25242.5-25242.6	University of California, State Government Relations	Gail Riley; 510-987-9714 March 21, 2000	Repeal
Health and Safety Code	32354	Dept. of Health Office of Legislative Affairs	Jean Iacino; 657-2843 April 4, 2000	Repeal
Health and Safety Code	43840	Energy Commission/ Air Resources Board	Tim Schmelzer; 654-4942 Rob Oglesby April 4, 2000	Do not repeal section
Health and Safety Code	43841	Energy Commission/ Air Resources Board	Tim Schmelzer; 654-4942 Rob Oglesby April 4, 2000	Repeal

Health and Safety Code	43841.5	Energy Commission/ Air Resources Board	Tim Schmelzer; 654-4942 Rob Oglesby April 4, 2000	Repeal
Labor Code	4612	Division of Worker's Compensation	Nancy Fox October 5, 1999	Repeal
Penal Code	1000.30	Office of Criminal Justice Planning	Virginia I. Papan October 26, 1999	Repeal
Penal Code	1348.5	Office of Criminal Justice Planning	Virginia I. Papan October 26, 1999	Repeal
Penal Code	2053.3	Corrections	Dean Borg; 323-3712 February 21, 2000	Repeal
Penal Code	5020	Corrections	Dean Borg; 323-3712 February 21, 2000	Repeal
Penal Code	6247	Board of Corrections	William J. Crout September 30, 1999	Repeal
Penal Code	13823.20	Office of Criminal Justice Planning	Virginia I. Papan October 26, 1999	Repeal
Penal Code	13847	Office of Criminal Justice Planning	Virginia I. Papan October 26, 1999	Repeal
Penal Code	13894.7	Office of Criminal Justice Planning	Virginia I. Papan October 26, 1999	Repeal
Penal Code	14113	Office of Criminal Justice Planning	Virginia I. Papan October 26, 1999	Repeal
Public Resources Code	25920-25931	California Energy Commission	Tim Schmelzer 654-4942 February 18, 2000	Repeal <i>Chapter 10.7</i>
Public Resources Code	48695	California Integrated Waste Management Board	Elliot Block; 255-2821 March 28, 2000	Repeal
Public Utilities Code	746	Public Utilities Commission	Diane Finestein; 415-703- 2423 March 24, 2000	Repeal
Vehicle Code	2802	California Highway Patrol	Joe Farrow/Dave; 657-7249 February 29, 2000	Repeal
Vehicle Code	2802.5	California Highway Patrol	Joe Farrow/Dave 657-7249 February 29, 2000	Repeal
Vehicle Code	4764.1-4764.4	Department of Motor Vehicles	Bill Cather; 657-6518 March 24, 2000	Repeal
Welfare and Institutions Code	729.11	Office of Criminal Justice Planning	Virginia I. Papan October 26, 2000	Repeal
Welfare and Institutions Code	898.5	Youth Authority	Greg Zermeno October 7, 1999	Repeal entire chapter
Welfare and Institutions Code	898.5	Dept. of Youth Authority Office of Legislation	Joyce Hayhoe; 262-1471 March 31, 2000	Earlier instruction reversed. Repeal only Section 898.5
Welfare and Institutions Code	1760.3	Youth Authority	Greg Zermeno October 7, 1999	Repeal

Welfare and Institutions Code	8016	State Controller's Office	Kim Cramlett; 445-2636 April 4, 2000	Repeal
Welfare and Institutions Code	14115.6	State Dept. of Health Office of Legislative Affairs	Jean Iacino; 657-2843 April 4, 2000	Repeal
Welfare and Institutions Code	14124.81	State Dept. of Health Office of Legislative Affairs	Jean Iacino; 657-2843 April 4, 2000	Do not repeal
Welfare and Institutions Code	14133.61	State Dept. of Health Office of Legislative Affairs	Jean Iacino; 657-2843 April 4, 2000	Repeal
Welfare and Institutions Code	15200.98	State Board of Control Policy and Procedures Unit	Sherri Gauger; 322-2499 March 28, 2000	Repeal
Welfare and Institutions Code	16515	Department of Social Services Office of Legislation	Valerie Kennedy; 657-2623 March 28, 2000	Repeal
Welfare and Institutions Code	18210-18215	Department of Social Services Office of Legislation	Valerie Kennedy; 657-2623 March 28, 2000	Repeal
Welfare and Institutions Code	18600	Rehabilitation	Joseph O. Egan November 23, 1999	Repeal
Welfare and Institutions Code	18919	Department of Social Services Office of Legislation	Valerie Kennedy; 657-2623 March 28, 2000	Repeal
Welfare and Institutions Code	18920	Department of Social Services Office of Legislation	Valerie Kennedy; 657-2623 March 28, 2000	Repeal
Welfare and Institutions Code	18990-18991	Department of Aging	Chisorom Okwuosa; 322-0488 March 24, 2000	Repeal

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 other apparently obsolete statutes relating to expired pilot projects.²

The agencies responsible for implementing the pilot projects were contacted to learn whether it would be appropriate to repeal these statutes.³ Agency responses were of three general types⁴:

(1) The statute in question is obsolete and appropriate for repeal in a Commission-sponsored bill.

(2) The statute is obsolete and the agency will be sponsoring legislation to repeal it. It should not be repealed in a Commission-sponsored bill.

(3) The statute has continuing relevance and should not be repealed.

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

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

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

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

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

4. See Spirling & Kelso, *Obsolete Pilot and Demonstration Projects* (Inst. Leg. Prac. April 7, 2000) (summarizing agency responses).

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

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Labor Code § 4612 (repealed). Employer-provided health care	24
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PROPOSED LEGISLATION

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

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

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

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

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

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

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

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

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

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

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

28 **Comment.** Section 221 is repealed as obsolete. The pilot project established by this section has
29 expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

30  **Note.** Code of Civil Procedure Section 221, enacted in 1988, established a pilot project
31 relating to jury composition. The project was to end by July 1, 1989. A report on the project
32 was to be submitted to the Legislature by January 1, 1990.

33 The Judicial Council, Office of Governmental Affairs, confirmed that this section is obsolete
34 and should be repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **Comment.** Section 270 is repealed as obsolete. The pilot project established by this section has
4 expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

5  **Note.** Code of Civil Procedure Section 270, enacted in 1986, established a pilot project
6 relating to electronic recording to produce a verbatim record of court proceedings. The project
7 was to end by January 1, 1994. A report on the project was to be submitted to the Legislature
8 by January 1, 1992.

9 The Judicial Council, Office of Governmental Affairs, confirmed that this section is obsolete
10 and should be repealed.

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

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

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

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

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

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

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

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

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

17 **Comment.** Section 1012.5 is repealed as obsolete. The pilot project established by this section
18 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

19  **Note.** Code of Civil Procedure Section 1012.5, enacted in 1989, established a pilot project
20 relating to the use of facsimile machines in the judicial process. The three-year project was to
21 commence on January 1, 1990, and end on December 31, 1992. A report on the project was to be
22 submitted to the Legislature by December 31, 1999.

23 The Judicial Council, Office of Governmental Affairs, confirmed that this section is obsolete
24 and should be repealed.

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

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

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

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

41 -----
42 NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER.

~~READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE
ATTACHED SUMMONS AND COMPLAINT.~~

~~1. If you live here and you do not complete and submit this form within 5
days of the date of service shown on this form, you will be evicted
without further hearing by the court along with the persons named in the
Summons and Complaint.~~

~~2. If you file this form, your claim will be determined in the eviction
action against the persons named in the Complaint.~~

~~3. If you do not file this form, you will be evicted without further hearing.~~

~~CLAIMANT OR CLAIMANT'S ATTORNEY TELEPHONE NO. : FOR COURT USE ONLY~~

~~(Name and Address):~~

~~—:~~

~~—:~~

~~—:~~

~~—:~~

~~ATTORNEY FOR (Name):~~

~~NAME OF COURT:~~

~~STREET ADDRESS:~~

~~MAILING ADDRESS:~~

~~CITY AND ZIP CODE:~~

~~BRANCH NAME:~~

~~PLAINTIFF:~~

~~DEFENDANT:~~

~~PREJUDGMENT CLAIM OF RIGHT TO POSSESSION : CASE NUMBER:~~

~~—: (To be completed by~~

~~the process server)~~

~~—:~~

~~Complete this form only if ALL of these : : DATE OF SERVICE:
statements are true: : :~~

~~1. You are NOT named in the accompanying : :
Summons and Complaint. : :~~

~~2. You occupied the premises on or before : : (Date that this form
the date the unlawful detainer : : is served or
(eviction) Complaint was filed. : : delivered, and posted,~~

~~3. You still occupy the premises. : : and mailed by the~~

1 ~~—: : officer or process~~

2 ~~—: : server)~~

3 -----

4

5 I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

6 ~~1. My name is (specify):~~

7 ~~2. I reside at (street address, unit No., city and ZIP code):~~

8 ~~3. The address of "the premises" subject to this claim is (address):~~

9 ~~4. On (insert date): _____, the landlord or the landlord's authorized agent~~

10 ~~filed a complaint to recover possession of the premises. (This date is~~

11 ~~the court filing date on the accompanying Summons and Complaint.)~~

12 ~~5. I occupied the premises on the date the complaint was filed (the date in~~

13 ~~item 4). I have continued to occupy the premises ever since.~~

14 ~~6. I was at least 18 years of age on the date the complaint was filed (the~~

15 ~~date in item 4).~~

16 ~~7. I claim a right to possession of the premises because I occupied the~~

17 ~~premises on the date the complaint was filed (the date in Item 4).~~

18 ~~8. I was not named in the Summons and Complaint.~~

19 ~~9. I understand that if I make this claim of right to possession, I will be~~

20 ~~added as a defendant to the unlawful detainer (eviction) action.~~

21 ~~10. I understand that I must file this form with the Court within five (5)~~

22 ~~days from the date of service shown on this form. I may file this form~~

23 ~~by taking it to the Court or mailing it by registered or certified mail,~~

24 ~~return receipt requested, and post-marked within five (5) days from the~~

25 ~~date of service shown on this form. I understand that if I fail to file~~

26 ~~this form, as described above, I will not be entitled to make a claim of~~

27 ~~right to possession.~~

28

29 -----

30 PLAINTIFF (Name): : CASE NUMBER:

31 —:

32 DEFENDANT (Name): : :

33 -----

34

35 -----

36 ~~—: NOTICE: If you fail to file this claim, you will be :~~

37 ~~—: evicted without further hearing.—:~~

38 -----

39

40 11. I understand that in addition to filing this form, at the same time, I may

41 also file a completed Reply Form.

42 12. Rental agreement. I have (check all that apply to you):

43 a. an oral rental agreement with the landlord.

- ~~b. [] a written rental agreement with the landlord.~~
- ~~c. [] an oral rental agreement with a person other than the landlord.~~
- ~~d. [] a written rental agreement with a person other than the landlord.~~
- ~~e. [] other (explain):~~

~~I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.~~

~~-----~~
~~⚠ WARNING: Perjury is a felony punishable by ⚠~~
~~⚠ imprisonment in the state prison. ⚠~~
~~-----~~

DATE:

.....
~~-----~~
~~(TYPE OR PRINT NAME) (SIGNATURE OF CLAIMANT)~~
~~-----~~

~~NOTICE: This case will be scheduled for a pretrial hearing. If you file this claim of right to possession, you will be notified by the Court of the hearing date. At that hearing the Court will determine whether there is a substantial conflict as to a material fact or facts relevant to the unlawful detainer. At the end of the hearing the Court may order you to make a rent deposit with the Court, as requested by the landlord. At the pretrial hearing you will be allowed to verbally answer the complaint and present your testimony, the written declarations of others, and documentary or physical evidence as to material facts relevant to the unlawful detainer. If the court determines that a pretrial rent deposit is required, it will be no greater than an amount equal to 15 days' rent or \$600, whichever is less.~~

~~Should the court order you to make a pretrial rent deposit and you have timely returned the "reply form," you will have two court days from the date of the hearing to make the deposit. If you fail to timely return the "reply form" and the Court orders a pretrial rent deposit, you must make the deposit that same day to preserve your right to a trial. Failure to make a court-ordered pretrial rent deposit will result in judgment being entered against you for possession of your residence. If the case proceeds to trial, you may be found liable for rent, costs, and, in some cases, treble damages.~~

~~-----~~
~~-----~~
~~---NOTICE TO OCCUPANTS---~~

1 YOU MUST ACT AT ONCE if all the following are true:

2 ~~1. You are NOT named in the accompanying Summons and Complaint.~~

3 ~~2. You occupied the premises on or before the date the unlawful detainer~~
4 ~~(eviction) complaint was filed. (The date is the court filing date on~~
5 ~~the accompanying Summons and Complaint.)~~

6 ~~3. You still occupy the premises.~~

7 ~~(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 5~~
8 ~~DAYS from the date of service (on the reverse of this form) at the court~~
9 ~~where the unlawful detainer (eviction) complaint was filed.~~

10 ~~(What will happen if you do not file this form) If you do not complete and~~
11 ~~submit this form, YOU WILL BE EVICTED.~~

12 ~~After this form is properly filed, you will be added as a defendant in the~~
13 ~~unlawful detainer (eviction) action and your right to occupy the premises~~
14 ~~will be decided by the court. If you do not file this claim, you will be~~
15 ~~evicted without a hearing.~~

16 -----
17 ~~(c) Notwithstanding Section 1174.25, any occupant who is served with a~~
18 ~~prejudgment claim of right to possession in accordance with this section may file a~~
19 ~~claim, as prescribed in this section, and a reply form, as described in Section~~
20 ~~1167.2, with the court within five days of the date of service of the prejudgment~~
21 ~~claim to right of possession as shown on the return of service, which period shall~~
22 ~~include Saturday and Sunday, but excluding all other judicial holidays.~~

23 ~~(d) At the time of filing, the claimant shall be added as a defendant in the action~~
24 ~~for unlawful detainer, filed pursuant to Section 1167.2, and the clerk shall notify~~
25 ~~the plaintiff that the claimant has been added as a defendant in the action by~~
26 ~~mailing a copy of the claim filed with the court to the plaintiff with a notation so~~
27 ~~indicating. Thereafter, the name of the claimant shall be added to any pleading,~~
28 ~~filing, or form filed in the action for unlawful detainer filed pursuant to Section~~
29 ~~1167.2. Upon filing of the claim, the claimant shall comply with all of the~~
30 ~~provisions of Section 1167.2 just as any named defendant. Further, the claimant~~
31 ~~shall also be liable for the posting of a prospective rent deposit as described in~~
32 ~~subdivision (e) of Section 1167.2 as a condition of continuing to trial.~~

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

35  **Note.** Code of Civil Procedure Section 1167.2, enacted in 1994, established a pilot project
36 relating to unlawful detainer proceedings. Section 1167.25 was enacted in 1995 to modify the
37 pilot program procedure. In 1996, Section 1167.2 was amended to provide, among other things,
38 that Section 1167.2 would be repealed by its own terms on July 1, 1999. Section 1167.2 was
39 repealed pursuant to that provision. Section 1167.25 was not. This appears to have been an
40 oversight, as Section 1167.25 has no apparent purpose if Section 1167.2 is not operative.

41 The Judicial Council, Office of Governmental Affairs, has confirmed that the section is
42 obsolete and should be repealed. However, the Commission would like to receive comment on
43 whether there is any reason to preserve Section 1167.25.

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

2 SEC. 5. Article 2 (commencing with Section 11805) of Chapter 8 of Part 1 of
3 Division 3 of Title 2 of the Government Code is repealed.

4 **Comment.** Sections 11805-11807 are repealed as obsolete. The pilot project established by
5 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

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

11 The Department of Finance confirmed that these sections are obsolete and should be repealed.
12 The full text of the article is set out below for reference:

13 **§ 11805. Performance budgeting pilot project development**

14 11805. The Department of Finance shall develop a performance budgeting pilot project,
15 involving at least four departments, including the Stephen P. Teale Consolidated Data Center, the
16 Department of Parks and Recreation, the Department of General Services, and the Department of
17 Consumer Affairs, or other departments substituted by the Department of Finance, to be
18 implemented during the 1994-95 fiscal year. The pilot project shall be developed by the
19 department in accordance with the following principles:

20 (a) Strategic planning is central.

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

22 (c) Productivity benchmarks measure progress toward strategic goals.

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

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

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

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

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

33 (i) Innovation is rewarded, not punished.

34 **§ 11806. Legislative review of budget contracts**

35 11806. Budget contracts entered into pursuant to Section 11805 shall be reviewed by the fiscal
36 subcommittees of the Assembly and the Senate. Any budget contract proposed to be effective for
37 the fiscal year beginning July 1 shall be submitted in draft form no later than January 31 to the
38 fiscal subcommittees of the Assembly and the Senate.

39 **§ 11807. Evaluation of pilot program**

40 11807. The Department of Finance shall evaluate the pilot program and submit a report to the
41 Chairperson of the Joint Legislative Budget Committee on or before January 1, 1996. The
42 evaluation shall determine the extent to which performance budgeting results in a more cost-
43 effective and innovative provision of government services. The evaluation also shall report on the
44 gainsharing rewards to each department in the program and the specific innovation which brought
45 about the savings.

46 **§ 11808.1 Budgets and reports to be delivered to the legislature**

47 11808.1 (a)(1) As required in subdivision (e) of Section 11805, the Department of General
48 Services shall enter into a contract with the Legislature that produces specified financial
49 performance.

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

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

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

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

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

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

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

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

22 SEC. 6. Section 14045 of the Government Code is repealed.

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

40 (b) ~~The department shall prepare a preliminary report regarding the disposition~~
41 ~~of projects proposed for inclusion in either the 1991 or subsequent annual Transit~~
42 ~~Capital Improvement Program or the 1992 or subsequent State Transportation~~
43 ~~Improvement Program, and a final report regarding the impact of the~~
44 ~~demonstration program on the level of use of mass transit by residents living~~
45 ~~within one-half mile of the mass transit guideway station. The department shall~~
46 ~~submit each report to the commission for review and comment. The commission~~

1 shall submit the preliminary report, with its comments, to the Legislature no later
2 than January 1, 1994, and the final report, with its comments, to the Legislature no
3 later than January 1, 1996.

4 **Comment.** Section 14045 is repealed as obsolete. The pilot project established by this section
5 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

6  **Note.** Government Code Section 14045, enacted in 1990, established a pilot project relating to
7 residential development near mass transit sites. No ending date for the project is specified.
8 Reports on the project were to be submitted to the Legislature by January 1, 1994, and January 1,
9 1996.

10 The Department of Transportation confirmed that this section is obsolete and should be
11 repealed.

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

13 SEC. 7. Section 14680.8 of the Government Code is repealed.

14 14680.8. (a) ~~The Department of General Services shall conduct a state property~~
15 ~~management demonstration project within a defined geographic region to be~~
16 ~~determined by the department. The federal and local governments may add funds~~
17 ~~to the total amount the state makes available for consulting fees in exchange for~~
18 ~~the consultant's analysis of the market value of locally or federally owned public~~
19 ~~buildings and the consultant's evaluation of opportunities to adopt proactive assets~~
20 ~~management procedures and strategies with respect to those properties.~~

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

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

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

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

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

42 (5) ~~Develop a proactive assets management methodology, with~~
43 ~~recommendations structuring cost controls and performance incentives within state~~

1 government to meet strategic goals, including, but not limited to, all of the
2 following:

3 (A) To reduce occupancy costs.

4 (B) To maximize efficiency of space utilization.

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

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

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

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

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

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

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

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

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

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

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

1 **Comment.** Section 14680.8 is repealed as obsolete. The pilot project established by this section
2 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

3  **Note.** Government Code Section 14680.8, enacted in 1986, established a pilot project relating
4 to the management of state property. No fixed beginning or ending date for the project is
5 specified.

6 The Department of General Services confirmed that this section is obsolete and should be
7 repealed.

8 **Gov't Code §§ 15290-15300 (repealed). Homeless Relief Pilot Project**

9 SEC. 8. Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3 of
10 Title 2 of the Government Code is repealed.

11 **Comment.** Sections 15290-15300 are repealed as obsolete. The pilot project established by
12 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

13  **Note.** Government Code Sections 15290-15300, enacted in 1986, established a project
14 relating to the provision of relief services to the homeless. The project was to end two years after
15 the sections' effective date. A report on the project was to be submitted to the Legislature by
16 March 1, 1988.

17 The Department of Housing and Community Development confirmed that these sections are
18 obsolete and should be repealed.

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

20 **§ 15290. Legislative findings and declarations**

21 15290. The Legislature finds and declares all of the following:

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

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

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

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

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

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

35 **§ 15291. Establishment and administration of project**

36 15291. There is hereby established the Homeless Relief Pilot Project, to be administered by the
37 Department of Housing and Community Development for a period of two years from the
38 effective date of this part in the County of San Diego. The purpose of the project shall be to
39 coordinate and centralize the delivery of state and local services, both public and private, for
40 homeless persons in order to maximize the individual benefit and cost-effectiveness of those
41 services and to assess the suitability of the program model hereby established for implementation
42 on a permanent statewide basis.

43 **§ 15292. Definitions**

44 15292. The following definitions shall govern the construction of this part:

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

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

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

- 1 (d) "Permanent housing" means occupancy, for at least 90 days, in either of the following:
2 (1) A dwelling unit with self-contained kitchen and bathroom facilities, which dwelling unit is
3 not a shelter for homeless persons.
4 (2) A duly accredited public or private facility for the care of the mentally or physically ill,
5 which facility is not a juvenile hall, reform school, jail, prison, or similar penal institution.
6 (e) "Positive cash flow" means steady income equal to or in excess of expenses.
7 (f) "Steady income" means a legal, regular, permanent source of funds maintained for a period
8 of at least 90 days while resident in permanent housing.

9 **§ 15293. Powers and duties**

- 10 15293. The department shall have the following powers and duties:
11 (a) To promulgate such rules and regulations as are necessary for the effective administration of
12 this part.
13 (b) To recommend a comprehensive plan for the coordinated delivery of existing state services
14 for homeless persons in San Diego County to every state entity administering such services. The
15 recommendations shall be in writing. The recommendations shall be consistent with the local plan
16 required pursuant to Section 15294. The recommendations shall be included in the report to the
17 Legislature required by Section 15300 and shall include comments regarding compliance by the
18 various state entities with the recommendations.
19 (c) Approve the local plan for the delivery of services to homeless persons required pursuant to
20 Section 15294. If the department does not approve the local plan by March 1, 1987, it shall report
21 a detailed explanation why the report was not approved to the Legislature within 30 days.
22 (d) Disburse and monitor funds appropriated for the purposes of Section 15294.
23 (e) Report to the Legislature as required by Section 15300.

24 **§ 15294. Allocation of funds**

- 25 15294. The department shall allocate funds to the board for provision of services to homeless
26 persons pursuant to a local plan to be submitted by January 1, 1987, which contains all of the
27 following elements:
28 (a) Coordinated delivery of local public and private services for homeless persons, including
29 designation by the county of a single person to coordinate the delivery of local county services.
30 (b) Collection of information, including, but not limited to, the number of homeless persons in
31 the county and the currently unmet needs of the homeless.
32 (c) Establishment of one or more homeless service centers administered by the board, or its
33 contractor, which shall provide at least all of the following services:
34 (1) Food.
35 (2) Clothing.
36 (3) Emergency shelter in accordance with Section 15296.
37 (4) Transportation services to a place of permanent residence in accordance with Section
38 15297.
39 (5) Case management services, including an evaluation of the client's needs and the making of
40 referrals to other entities which provide services needed by the client. These case management
41 services shall include an assessment of existing entitlements and the prevention of duplication of
42 services in accordance with subdivision (a).

43 **§ 15295. Use of funds**

44 15295. None of the funds provided under this part may be used to satisfy, directly or indirectly,
45 the county's existing legal obligations under Section 17000 of the Welfare and Institutions Code,
46 to provide food, clothing, transportation, shelter, and other necessities of life. Funds may be used
47 for both capital and operating costs, as specified in the local plan. Funds shall be used to expand
48 availability of existing programs, resources, and services, or to initiate new ones. If pilot project
49 funding is reduced or eliminated, no new services pursuant to this part shall be mandated on the
50 county. The county is not required to divert existing funding for mental health, alcohol and drug
51 programs for services under this part.

1 **§ 15296. Emergency shelter services**

2 15296. (a) In providing emergency shelter services under this part, the board or its contractor
3 may utilize either direct services or a voucher system.

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

8 **§ 15297. Permanent residence in another state**

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

20 **§ 15298. Job placement and counseling services**

21 15298. The board or its contractor may also provide job placement services, including job
22 counseling, to homeless persons. If the board contracts with other entities to provide job services
23 under this chapter, the board shall utilize incentives to reward agencies that successfully place
24 homeless individuals in unsubsidized employment.

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

27 **§ 15299. Loans to individuals placed in employment**

28 15299. If consistent with cost effectiveness guidelines which shall be adopted by the board, a
29 contractor may utilize funds allocated pursuant to this part in order to provide loans to individuals
30 placed in employment for first and last month's rent and for cleaning deposits. Any loan made
31 pursuant to this section shall be approved by the board.

32 **§ 15300. Status report and recommendations**

33 15300. By March 1, 1988, the department shall report to the Legislature on the status of the
34 project and make recommendations for its future disposition.

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

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

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

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

43 SEC. 9. Section 69845.6 of the Government Code is repealed.

44 ~~69845.6. As a three-year pilot project, the Placer County Board of Supervisors~~
45 ~~may direct the clerk of the Superior Court in Placer County to suspend the~~
46 ~~maintenance of a register of actions from January 1, 1981, to January 1, 1984.~~
47 ~~After January 1, 1984, the clerk of the Superior Court in Placer County shall keep~~
48 ~~a register of actions pursuant to Section 69845 or 69845.5, unless a statute enacted~~
49 ~~prior to January 1, 1984, extends such pilot project.~~

1 **Comment.** Section 69845.6 is repealed as obsolete. The pilot project established by this section
2 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

3 **Note.** Government Code Section 69845.6, enacted in 1980, established a pilot project relating
4 to the register of actions in Placer County Superior Court. The three-year project was to
5 commence on January 1, 1981, and end on January 1, 1984.

6 The Judicial Council, Office of Governmental Affairs, confirmed that this section is obsolete
7 and should be repealed.

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

9 SEC. 10. Article 11 (commencing with Section 1339.51) of Chapter 2 of
10 Division 2 of the Health and Safety Code is repealed.

11 **Comment.** Sections 1339.51-1339.61 are repealed as obsolete. The pilot project established by
12 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

13 **Note.** Health and Safety Code Sections 1339.51-1339.61, enacted in 1984, established a pilot
14 project relating to chronically or terminally ill children. The project was to end by July 1,
15 1990. A report on the project was to be submitted to the Legislature by July 1, 1989.

16 The State Department of Health, Office of Legislative Affairs, confirmed that these sections are
17 obsolete and should be repealed.

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

19 **§ 1339.51. Legislative findings and declaration**

20 1339.51. The Legislature finds and declares as follows:

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

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

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

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

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

35 **§ 1339.52. Definitions**

36 1339.52. For the purposes of this article:

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

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

43 (c) "Intermediate care facility for chronically or terminally ill children" means a facility which
44 provides 24-hour personal care and supportive health services and day care to children with
45 chronic or terminal illnesses who need care and supervision and regular health services, and each
46 client has been certified by the client's attending physician and surgeon as not requiring
47 continuous skilled nursing care. An intermediate care facility for chronically or terminally ill
48 children shall be limited to a capacity of 12 day care clients with provision for intermittent 24-
49 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.

1 **§ 1339.57. Zoning of facility**

2 1339.57. For the purposes of all local zoning and use permit ordinances, an intermediate care
3 facility for chronically or terminally ill children shall be considered to be a community care
4 facility of six beds or less and shall meet the requirements of Section 1566.3. No other state or
5 local requirements relating to zoning and use permits shall apply to these facilities.

6 **§ 1339.58. Multipurpose spaces in facility**

7 1339.58. Multipurpose spaces in an intermediate care facility for chronically or terminally ill
8 children shall be utilized to provide rest periods, space, and accommodation for day care clients.

9 **§ 1339.59. Daily rate**

10 1339.59. Subject to approval by the state department, the provider of services pursuant to the
11 demonstration project shall establish a daily rate based on the cost of care, and a sliding daily fee
12 scale based on ability to pay. The families of children receiving services under this chapter shall
13 be billed in accordance with the sliding fee scale.

14 **§ 1339.60. Termination of demonstration project**

15 1339.60. The director may terminate the demonstration project at any time it is determined that
16 conditions exist which constitute a threat to the health, safety, security, and welfare of the clients.

17 **§ 1339.61. Legislative intent; flexibility**

18 1339.61. It is the intent of the Legislature that for purposes of this article, statutes and
19 regulations governing intermediate care facilities be applied to this demonstration project by the
20 state department in a manner that provides for maximum flexibility in requirements in areas
21 including, but not limited to, staffing, dietary services, physical plant and equipment, and client
22 records, so long as this flexibility is consistent with client health and safety.

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

25 SEC. 11. Chapter 11.6 (commencing with Section 25242.5) of Chapter 6.5 of
26 Division 20 of the Health and Safety Code is repealed.

27 **Comment.** Sections 25242.5-25242.6 are repealed as obsolete. The pilot project established by
28 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

29 ☞ **Note.** Health and Safety Code Sections 25242.5-25242.6, enacted in 1987, established a pilot
30 project relating to a hazardous waste management internship program. The project was to
31 commence by June 1, 1988, but no ending date for the project is specified. Reports on the
32 project were to be submitted to the Legislature on or before June 1, 1988, and January 1,
33 1990.

34 The University of California, Office of State Government Relations, confirmed that these
35 sections are obsolete and should be repealed.

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

37 **§ 25242.5. Establishment of program; hazardous waste audits**

38 25242.5. The Legislature hereby requests the University of California to develop a hazardous
39 waste reduction internship pilot program, except as provided in Section 25242.6, on or before
40 June 1, 1988, which would place students in engineering, environmental sciences, or related
41 subject areas in private businesses for the purpose of providing onsite assistance on hazardous
42 waste reduction methods to small quantity generators. These students shall assist small businesses
43 by conducting hazardous waste audits, assisting in preparing waste reduction plans, and providing
44 information concerning the hazardous waste laws and regulations as they apply to small quantity
45 generators.

46 **§ 25242.6. Funding of program; feasibility study; implementation report**

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

1 25242.6. (a) Attempt to secure funds from private foundations, industry, the federal
2 government, or other sources for the costs of the program which the University of California is
3 authorized to establish pursuant to this article.

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

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

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

15 SEC. 12. Section 32354 of the Health and Safety Code is repealed.

16 ~~32354. The program established by the Chowchilla Memorial Hospital District
17 and others who enter such a joint powers agreement shall be deemed to be a pilot
18 project to be used as a guide for the State Department of Health Services in
19 establishing the Rural California Professional Liability Loan Program in the event
20 Assembly Bill 2865 of the 1975-76 Regular Session is enacted, and in such case
21 funds for loans under this chapter shall be made available from the Rural
22 California Professional Liability Loan Fund upon creation by the State Controller.~~

23 **Comment.** Section 32354 is repealed as obsolete. The pilot project established by this section
24 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

25  **Note.** Health and Safety Code Section 32354, enacted in 1976, established a pilot project
26 relating to rural medical care. The project was to serve as a model for a statutory scheme that was
27 ultimately not enacted. No fixed beginning or ending date for the project is specified.

28 The Department of Health, Office of State Legislative Affairs, confirmed that this section is
29 obsolete and should be repealed.

30 **Health and Safety Code § 43840 (amended). Alcohol-fueled vehicles**

31 SEC. 13. Section 43840 of the Health and Safety Code is amended to read:

32 43840. (a) The Legislature finds and declares that emission of air pollutants from
33 motor vehicles is a major contributor to air pollution within the State of California
34 and, therefore, declares its policy to encourage the testing of various types of
35 vehicle fuels, which would contribute substantially to the protection and
36 preservation of the public health and well-being.

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

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

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

4 **Comment.** Section 43840 is amended to repeal subdivision (d), which is obsolete. The pilot
5 project established by that subdivision has expired. See *Expired Pilot Projects*, 30 Cal. L.
6 Revision Comm'n ___ (2000).

7  **Note.** Health and Safety Code Sections 43840(d)-43841.5, enacted in 1980, established a pilot
8 project relating to alcohol-fueled vehicles. No fixed beginning or ending date for the project is
9 specified.

10 The Air Resources Board and the California Energy Commission confirmed that these
11 provisions are obsolete and should be repealed.

12 **Health and Safety Code § 43841 (repealed). Alcohol-fueled vehicles**

13 SEC. 14. Section 43841 of the Health and Safety Code is repealed.

14 43841. The Secretary of the Business and Transportation Agency shall
15 reimburse the County of Ventura from funds appropriated for alternative motor
16 vehicle fuels for the cost of conversion of fleet vehicles provided that the state
17 board finds both of the following:

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

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

22 **Comment.** Section 43841 is repealed as obsolete. The pilot project which it implements has
23 expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

24  **Note.** Health and Safety Code Sections 43840(d)-43841.5, enacted in 1980, established a pilot
25 project relating to alcohol-fueled vehicles. No fixed beginning or ending date for the project is
26 specified.

27 The Air Resources Board and the California Energy Commission confirmed that these
28 provisions are obsolete and should be repealed.

29 **Health and Safety Code § 43841.5 (repealed). Alcohol-fueled vehicles**

30 SEC. 15. Section 43841.5 of the Health and Safety Code is repealed.

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

39 **Comment.** Section 43841.5 is repealed as obsolete. The pilot project which it implements has
40 expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

41  **Note.** Health and Safety Code Sections 43840(d)-43841.5, enacted in 1980, established a pilot
42 project relating to alcohol-fueled vehicles. No fixed beginning or ending date for the project is
43 specified.

1 The Air Resources Board and the California Energy Commission confirmed that these
2 provisions are obsolete and should be repealed.

3 **Labor Code § 4612 (repealed). Employer-provided health care**

4 SEC. 16. Section 4612 of the Labor Code is repealed.

5 4612. (a) A pilot project is hereby authorized, for a duration of up to 36 months,
6 under regulations to be developed and implemented by the administrative director.
7 The purpose of the pilot project is to authorize an employer participating in the
8 pilot project to contract with a licensed health care service plan to be the exclusive
9 provider of medical, surgical, and hospital treatment for occupational and
10 nonoccupational injuries and illnesses incurred by its employees. The health care
11 service plan shall provide all occupational-related medical treatment coverage
12 required by this division without any payment by the employee of deductibles,
13 copayments, or any share of the premium. Employers participating in the pilot
14 project shall make available health plan coverage for their employees' dependents
15 for the treatment of nonindustrial injuries and illnesses. Nothing herein shall
16 require an employer to pay for that dependent coverage. An employer participating
17 in the pilot project shall offer its employees a choice between the exclusive
18 provider of care option and a traditional health benefits plan which allows
19 employees to obtain workers' compensation treatment from a traditional workers'
20 compensation provider. In the case of a pilot project established by a
21 multiemployer, collectively bargained employee welfare benefit plan, or by a
22 recognized exclusive bargaining agent for state employees that sponsors an
23 employee welfare benefit plan for the benefit of employees, this choice may be
24 exercised by an exclusive or certified bargaining agent that represents employees
25 of the employer.

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

34 (c) Notwithstanding the terms of Section 4600, 4601, or any other provision of
35 this article, an employee employed by an employer participating in the pilot
36 project who has elected to enroll in the pilot project shall not have the option of
37 predesignating a personal physician, other than a physician provided by the
38 licensed health care service plan designated by the participating employer, as his
39 or her treating physician, nor shall an employee have the option of changing to a
40 physician not provided by the health care service plan pursuant to Section 4601.
41 However, this section shall not be construed to limit the requirement under Section
42 4600 that an employer provide treatment reasonably required to cure or relieve the

1 effects of an injury, nor shall this section be construed to prohibit an employee
2 from changing to another provider of health care services during any annual open
3 enrollment period.

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

9 (1) Employer costs.

10 (2) Vocational rehabilitation implications of 24-hour care pilot projects.

11 (3) Numbers and percentages of employees in pilot worksites that enroll in the
12 plan.

13 (4) Incentives used by employers to encourage enrollment in the plan.

14 (5) Extent to which dependents of pilot project employees enroll in health plans.

15 (6) Determination of employee satisfaction with the pilot program.

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

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

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

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

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

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

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

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

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

42 (f) For purposes of this section, "health care service plan" includes health care
43 service plans and disability insurers that offer a managed care product within a

1 pilot project county, workers' compensation insurers as defined in Section 3211 of
2 the Labor Code that offer a managed care product within a pilot project county,
3 multiemployer collectively bargained employee welfare benefit plans that offer a
4 managed care product within a pilot project county, and welfare benefit plans
5 sponsored by recognized exclusive bargaining agents for state employees. Pilot
6 projects covering state employees shall be approved by the state employer and
7 approved pursuant to Part 5 (commencing with Section 22751) of Title 2 of the
8 Government Code.

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

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

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

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

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

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

28 **Comment.** Section 4612 is repealed as obsolete. The pilot project established by this section
29 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

30  **Note.** Labor Code Section 4612, enacted in 1992, established a pilot project relating to
31 employer-provided health plans. The project was to last for three years. No fixed beginning or
32 ending date for the project is specified.

33 The Division of Workers' Compensation confirmed that this section is obsolete and should be
34 repealed.

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

36 SEC. 17. Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2
37 of the Penal Code is repealed.

38 **Comment.** Sections 1000.30-1000.36 are repealed as obsolete. The pilot project governed by
39 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

40  **Note.** Penal Code Sections 1000.30-1000.36, enacted in 1985, continued an existing pilot
41 project relating to the treatment of child sexual abuse perpetrators. The project was to last for two
42 years. No fixed beginning or ending date for the project is specified.

1 The Office of Criminal Justice Planning confirmed that these sections are obsolete and should
2 be repealed.

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

4 **§ 1000.30. Selection of participating counties**

5 1000.30. The Office of Criminal Justice Planning shall, pursuant to Chapter 1660 of the
6 Statutes of 1984, establish a pilot project for a period of two years in not more than three
7 counties. The pilot projects shall test a program to provide treatment to child sexual abuse
8 perpetrators, including intrafamilial and pedophilic abusers, and including abusers who are
9 incarcerated, as well as those who are not. The office shall designate the pilot project counties
10 from among those counties that wish to participate. The office shall give priority to selection of at
11 least two of the three pilot projects in counties where an existing project provides services to child
12 sexual abuse perpetrators and where the proposed pilot project is an expansion of, and integrated
13 with, existing services.

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

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

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

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

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

27 **§ 1000.31. Applicability of chapter provisions**

28 1000.31. The provisions of this chapter shall be applicable in the designated counties for the
29 duration of the pilot project.

30 **§ 1000.32. Counseling of convicted offenders**

31 1000.32. (a) Except as provided in subdivision (b), in any case in which the defendant has been
32 convicted in a pilot project county of violating Section 261, 264.1, 285, 286, 288, 288a, or 289,
33 and the victim is a person who was under 18 years of age at the time the offense was committed,
34 the court shall, in addition to any other punishment or confinement that may be imposed, require
35 counseling of the convicted person pursuant to Section 1000.33, when the person is confined or
36 placed on probation within the county.

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

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

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

46 **§ 1000.33. County mental health department**

47 1000.33. In a pilot project county, the county mental health department shall do both of the
48 following:

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

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

3 **§ 1000.34. Reimbursement of pilot counties**

4 1000.34. The state shall reimburse each pilot project county less any fees received pursuant to
5 subdivision (b) of Section 1000.33 for any costs it incurs in conducting the pilot project under this
6 chapter.

7 **§ 1000.36. Award of project funds**

8 1000.36. To the extent that funds are appropriated for that purpose, the Office of Criminal
9 Justice Planning shall award project funds to three counties which meet the criteria set forth in
10 Section 1000.30. Pilot counties shall utilize each of the following:

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

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

17 SEC. 18. Section 1348.5 of the Penal Code is repealed.

18 ~~1348.5. (a) On or before July 1, 1987, upon adoption of a resolution of the board
19 of supervisors, a county may establish a three-year pilot project, whereby the
20 court, in any criminal action in which an act of child abuse or molestation is
21 alleged against a member of the child's immediate family, may appoint a
22 children's representative to represent the interests of the minor who was a victim
23 of, or a witness to, the alleged act of abuse or molestation, provided that the victim
24 or witness is under the age of 14. Counties participating in the program shall report
25 to the Legislature before December 31, 1988, on the interim results of the
26 program, and shall submit a final report to the Legislature on or before September
27 30, 1990, on the results of this program.~~

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

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

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

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

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

42 ~~(d) After considering the guidelines stated in subdivision (b), the court, in its
43 discretion, may appoint a trained volunteer as a children's representative,
44 including a person who has received training from a program formed and operated~~

1 under the guidelines established by the National Court Appointed Special
2 Advocate Association.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **Comment.** Section 1348.5 is repealed as obsolete. The pilot project established by this section
37 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

38  **Note.** Penal Code Section 1348.5, enacted in 1986, established a pilot project relating to
39 representation of a child in family sexual abuse cases. The three-year project was to commence on
40 or before July 1, 1987. Reports on the project were to be submitted to the Legislature on or
41 before December 31, 1988 and September 30, 1990.

42 The Office of Criminal Justice Planning confirmed that this section is obsolete and should be
43 repealed.

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

2 SEC. 19. Section 2053.3 of the Penal Code is repealed.

3 ~~2053.3. (a) The Director of Corrections shall implement a two-year correctional~~
4 ~~education program that increases inmate assignments through adoption of a pilot~~
5 ~~project cell study program. The program shall be implemented at three institutions,~~
6 ~~one for female inmates and two for male inmates, with the sites to be chosen by~~
7 ~~the Department of Corrections and the employee bargaining unit. Inmates shall be~~
8 ~~assigned to a classroom for three hours per day or 15 hours per week, not to~~
9 ~~exceed 20 inmates per classroom. Classroom-assigned inmates shall then be~~
10 ~~assigned to their cells for a study period of three hours per day or 15 hours per~~
11 ~~week. Inmates shall be housed contiguously to ensure appropriate educational~~
12 ~~supervision and educational assistance by an instructor and inmate teaching~~
13 ~~assistants. Cell study instruction shall be limited to 80 inmates housed~~
14 ~~contiguously where feasible to accomplish the objectives of the cell study~~
15 ~~program. The department shall adjust cell assignments to accomplish the~~
16 ~~program's intent. In implementing this program, the department shall adhere to the~~
17 ~~State Building Standards Law (Part 2.5 (commencing with Section 18901) of~~
18 ~~Division 13 of the Health and Safety Code).~~

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

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

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

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

33 **Comment.** Section 2053.3 is repealed as obsolete. The pilot project established by this section
34 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

35  **Note.** Penal Code Section 2053.3, enacted in 1993, established a pilot project relating to
36 education of prisoners. The two-year project was to commence on January 1, 1994, and end on
37 December 31, 1995.

38 The Office of Criminal Justice Planning confirmed that this section is obsolete and should be
39 repealed.

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

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

42 ~~5020. (a) The Department of Corrections and the California Youth Authority~~
43 ~~shall conduct a two-year pilot project in juvenile halls, the Youth Authority, and~~

1 the state prison system if and when the necessary computer hardware, software,
2 and technical assistance is donated to the departments to implement innovative
3 individualized education programs in these institutions.

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

9 **Comment.** Section 5020 is repealed as obsolete. The pilot project established by this section
10 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

11  **Note.** Penal Code Section 5020, enacted in 1984, established a pilot project relating to
12 education of prisoners. The project was to last for two years. No fixed beginning or ending date
13 for the project is specified. A report on the project was to be submitted to the Legislature after the
14 conclusion of the project.

15 The Department of Corrections confirmed that this section is obsolete and should be repealed.

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

17 SEC. 21. Section 6247 of the Penal Code is repealed.

18 6247. (a) Notwithstanding any other provision of this chapter, the County of
19 Orange may establish, in consultation with the Board of Corrections, a regional
20 public inebriate reception center in the County of Orange as a one-year pilot
21 project to provide short-term shelter with a minimum capacity of 20 sleeping
22 spaces, surveillance, assessment, and referral services for men and women.

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

28 **Comment.** Section 6247 is repealed as obsolete. The pilot project established by this section
29 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

30  **Note.** Penal Code Section 6247, enacted in 1994, established a pilot project relating to shelter
31 of public inebriates. The project was to last for one year. No fixed beginning or ending date for
32 the project is specified. A report on the project was to be submitted to the Board of Corrections
33 within nine months of commencement of the project.

34 The Board of Corrections confirmed that this section is obsolete and should be repealed.

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

36 SEC. 22. Section 13823.20 of the Penal Code is repealed.

37 13823.20. (a) The Office of Criminal Justice Planning shall establish a
38 demonstration project in the City of Los Angeles for the purpose of creating police
39 foot patrols in high intensity drug-related crime areas. Funds for these
40 demonstration projects shall be allocated to the City of Los Angeles no later than
41 30 days following enactment of this section.

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

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

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

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

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

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

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

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

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

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

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

29 **Comment.** Section 13823.20 is repealed as obsolete. The pilot project established by this
30 section has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

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

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

38 SEC. 23. Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4
39 of the Penal Code is repealed.

40 **Comment.** Sections 13894.5-13894.9 are repealed as obsolete. The pilot project established by
41 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

1 ☞ **Note.** Penal Code Sections 13894.5-13894.9, enacted in 1990, established a pilot project
2 relating to fingerprinting of persons convicted of driving under the influence of alcohol. The
3 project was to last for eighteen months. No fixed beginning or ending date for the project is
4 specified. A report on the project was to be submitted to the Legislature by November 1, 1992.

5 The Office of Criminal Justice Planning confirmed that these sections are obsolete and should
6 be repealed.

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

8 **§ 13894.5. Legislative findings and declarations**

9 13894.5. The Legislature finds and declares all of the following:

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

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

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

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

21 **§ 13894.6. Pilot fingerprint project**

22 13894.6. The Department of Justice shall designate an appropriate county or portion of a
23 county, with the county's consent, for a pilot fingerprint project. The designated area should be as
24 self-contained as possible to increase the likelihood that the arrestees' residences, places of work,
25 and general driving patterns are within its boundaries. In consultation with the department, the
26 sheriff of the designated county shall fingerprint persons who are arrested for a violation of
27 Section 23152 or 23153 of the Vehicle Code using a livescan fingerprint computer system. The
28 sheriff of the county designated by the Department of Justice shall cooperate with the department
29 in the county's implementation of the pilot project.

30 **§ 13894.7. Persons arrested for driving under influence of alcohol**

31 13894.7. Under the pilot project, the sheriff of the designated county shall statistically track the
32 persons arrested for driving under the influence for an 18-month period to determine whether the
33 same individuals are arrested for subsequent driving offenses during the pilot period and whether
34 the person's prior records in the pilot project fingerprint data base are successfully matched as a
35 result of the fingerprint identification process.

36 **§ 13894.8. Livescan fingerprint computer system**

37 13894.8. The sheriff of the portion of the county designated by the Department of Justice shall
38 take the fingerprints of persons arrested for driving under the influence of alcohol or drugs, or
39 both, with the livescan fingerprint computer system.

40 **§ 13894.9. Report**

41 13894.9. The Bureau of Crime Statistics, within the Department of Justice, shall advise on the
42 study's design, review the findings, and assist the county in preparing a report to the Legislature
43 which shall be submitted by the designated county to the Legislature on or before November 1,
44 1992. The report shall include all of the following:

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

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

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

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

SEC. 24. 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. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

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.

The extent to which other sections in the same title (Welf. & Inst. Code §§ 14110-14112, 14114-14121) are related to Section 14113 is not clear. It may be that these sections are directly related to the obsolete pilot projects established in Section 14113 and are also obsolete. The Commission would like to receive comments on this point.

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

SEC. 25. Chapter 10.7 (commencing with Section 25920) of Division 15 of the Public Resources Code is repealed.

Comment. Sections 25920-25931 are repealed as obsolete. The pilot project established by these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

Note. Public Resources Code Sections 25920-25931, 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.

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

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

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

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

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

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

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

24 **§ 25921. Additional legislative findings and declarations**

25 25921. The Legislature further finds and declares all of the following:

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

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

31 **§ 25922. Development and implementation of pilot program**

32 25922. The commission shall develop and implement a pilot program to determine how best to
33 inform homeowners and potential homeowners of the availability, methods, and benefits of
34 obtaining an energy efficient mortgage.

35 **§ 25923. Functions of pilot program**

36 25923. The pilot program shall be designed to do all of the following:

37 (a) Meet the eligibility requirements of the energy efficient mortgage pilot program and training
38 program established by the federal government pursuant to the Energy Policy Act of 1992 (P.L.
39 102-486) if this state is chosen to participate in the federal government's pilot program.

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

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

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

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

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

1 **§ 25924. Workshops and consultations**

2 25924. (a) The commission shall convene one or more workshops with mortgage lenders, real
3 estate licensees, home appraisers, home inspectors, energy utilities, energy service providers, and
4 other appropriate parties to solicit recommendations on the implementation of the pilot program.
5 The commission shall encourage those parties to participate in the pilot program.

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

9 **§ 25925. Report to governor and legislature**

10 25925. The commission shall report to the Governor and the Legislature upon the completion
11 of the pilot program. Copies of the report shall also be sent to the appropriate policy committees
12 of the Legislature, including the housing committees of the Senate and the Assembly. The report
13 shall include all of the following:

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

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

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

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

21 SEC. 26. Section 48695 of the Public Resources Code is repealed.

22 ~~48695. (a) The board may, on or before July 1, 1995, establish a pilot program~~
23 ~~for recycling used oil filters. Any pilot program established pursuant to this section~~
24 ~~shall develop opportunities for the public to voluntarily dispose of used oil filters~~
25 ~~and be eligible for an incentive fee of four cents (\$0.04) upon disposal.~~

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

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

40 ~~(d) The board shall not expend more than one hundred twenty thousand dollars~~
41 ~~(\$120,000) annually during each year of the two-year pilot program for purposes~~
42 ~~of conducting the program.~~

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

1 **Comment.** Section 48695 is repealed as obsolete. The pilot project established by these
2 sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

3  **Note.** Public Resources Code Section 48695, enacted in 1994, established a pilot project
4 relating to recycling of used oil filters. The two-year project was to commence on July 1, 1995,
5 and end on July 1, 1997. A report on the project was to be submitted to the Governor and the
6 Legislature by November 1, 1997.

7 The California Integrated Waste Management Board confirmed that this section is obsolete and
8 should be repealed.

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

10 SEC. 27. Section 2802.5 of the Vehicle Code is repealed.

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

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

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

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

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

10 **Comment.** Section 2802.5 is repealed as obsolete. The pilot project established by this section
11 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

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

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

17 SEC. 28. Section 4764.1 of the Vehicle Code is repealed.

18 ~~4764.1. The Legislature finds that there is a significant loss of revenue to local~~
19 ~~governments due to the present inability of the department to collect unpaid~~
20 ~~parking violation penalties in cases where the ownership of a vehicle has been~~
21 ~~transferred. It is, therefore, the intent of the Legislature that the department, in~~
22 ~~cooperation with parking citation processing agencies, shall develop a plan to~~
23 ~~establish a pilot program by which parking violation penalties and administrative~~
24 ~~fees may be collected without regard to whether a vehicle is transferred.~~

25 **Comment.** Section 4764.1 is repealed as obsolete. The pilot project established by Sections
26 4764.1-4764.4 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

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

31 The Department of Motor Vehicles confirmed that these sections are obsolete and should be
32 repealed.

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

34 SEC. 29. Section 4764.2 of the Vehicle Code is repealed.

35 ~~4764.2. Notwithstanding Section 4764, the department shall, in cooperation with~~
36 ~~parking citation processing agencies, develop a plan to establish a pilot program~~
37 ~~by which parking penalties and administrative fees may be collected without~~
38 ~~regard to whether a vehicle is transferred. The plan shall address, but not be~~
39 ~~limited to, a review of the following:~~

40 ~~(a) A method by which parking violators with 25 or more notices of parking~~
41 ~~violations on file with the department can be identified and be made responsible~~

1 for payment of their parking penalties. The director may establish a lower
2 numerical threshold if it is determined to be cost-effective.

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

6 **Comment.** Section 4764.2 is repealed as obsolete. The pilot project established by Sections
7 4764.1-4764.4 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

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

12 The Department of Motor Vehicles confirmed that these sections are obsolete and should be
13 repealed.

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

15 SEC. 30. Section 4764.3 of the Vehicle Code is repealed.

16 4764.3. The department, pursuant to Section 4763, shall assess a fee to cover the
17 costs of the pilot program.

18 **Comment.** Section 4764.3 is repealed as obsolete. The pilot project established by Sections
19 4764.1-4764.4 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

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

24 The Department of Motor Vehicles confirmed that these sections are obsolete and should be
25 repealed.

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

27 SEC. 31. Section 4764.4 of the Vehicle Code is repealed.

28 4764.4. The department shall report on the plan developed pursuant to Section
29 4764.2 to the Legislature on or before March 31, 1989. The report shall examine
30 whether the costs of the pilot program can be recovered from fees and whether the
31 pilot program will result in a net revenue gain for all local agencies which
32 participate in the program. If the pilot program is shown to be cost-effective, then
33 the department may request funding for the program in the 1989-90 Governor's
34 Budget. Upon appropriation of funds for the pilot program in the 1989-90 Budget
35 Act, the department may implement a 24-month pilot program on or before
36 December 31, 1989. The department shall submit an interim report to the
37 Legislature evaluating the results of the pilot program by January 1, 1991, and a
38 final report, with recommendations, by July 1, 1991.

39 **Comment.** Section 4764.4 is repealed as obsolete. The pilot project established by Sections
40 4764.1-4764.4 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

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

5 The Department of Motor Vehicles confirmed that these sections are obsolete and should be
6 repealed.

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

9 SEC. 32. Section 729.11 of the Welfare and Institutions Code is repealed.

10 729.11. (a) There is hereby established within the Office of Criminal Justice
11 Planning, a demonstration program known as the “Juvenile Offender Substance
12 Abuse Treatment Program.” The goal of the demonstration program shall be to
13 provide substance abuse intervention options for the juvenile courts.

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

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

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

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

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

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

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

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

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

12 **Comment.** Section 729.11 is repealed as obsolete. The pilot project established by this section
13 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

14  **Note.** Welfare and Institutions Code Section 729.11, enacted in 1991, established a two-year
15 pilot project relating to treatment of juvenile substance abuse offenders. The project was to last
16 for two years. No fixed beginning or ending date for the project is specified.

17 The Office of Criminal Justice Planning confirmed that this section is obsolete and should be
18 repealed.

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

20 SEC. 33. Section 1760.3. of the Welfare and Institutions Code is repealed.

21 1760.3. (a) For purposes of this section "graffiti" means any unauthorized
22 inscription, word, figure, or design which is marked, etched, scratched, drawn, or
23 painted on any structural component of any building, structure, or other facility
24 regardless of its content or nature and regardless of the nature of the material of
25 that structural component.

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

36 (c) The Los Angeles County Probation Office also may, in its discretion, as part
37 of the pilot project, require wards of the juvenile court who are placed in the
38 juvenile hall for Los Angeles County or any juvenile home, ranch, or camp located
39 in Los Angeles County to perform work necessary and proper to repair, remove,
40 clean, or reconstruct any damage or defacement resulting from the application of
41 graffiti to public buildings, structures, or other facilities owned by the state, Los
42 Angeles County, any city within Los Angeles County, or any district or other
43 political subdivision of the state.

1 **Comment.** Section 1760.3 is repealed as obsolete. The pilot project established by this section
2 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

3  **Note.** Welfare and Institutions Code Section 1760.3, enacted in 1988, established a pilot
4 project relating to removal of graffiti. The project was to last for three years. No fixed beginning
5 or ending date for the project is specified.

6 The Department of the Youth Authority confirmed that this section is obsolete and should be
7 repealed.

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

9 SEC. 34. Chapter 1 (commencing with Section 8016) of Division 8 of the
10 Welfare and Institutions Code is repealed.

11 **Comment.** Section 8016 is repealed as obsolete. The pilot project established by this section
12 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

13  **Note.** Welfare and Institutions Code Section 8016, enacted in 1987, established a pilot project
14 relating to the provision of financial services to seniors. The eighteen-month project was to
15 commence on January 31, 1988. A report on the project was to be submitted to the Legislative
16 Analyst's office by May 1, 1989.

17 The State Controller's Office confirmed that this section is obsolete and should be repealed.

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

20 **§ 8016 . Financial services for seniors**

21 8016. (a) The public guardian shall enter into a contract or written agreement with eligible
22 private or public nonprofit agencies to provide those services in subdivision (c) to seniors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) Public guardians in participating counties shall issue requests for proposals by April 1,
16 1988.

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

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

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

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

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

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

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

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

35 (2) The Controller shall divide the remainder of the two hundred forty thousand dollars
36 (\$240,000) as follows:

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

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

42 (C) No single county's allotment under the formula for this section shall exceed ninety
43 thousand dollars (\$90,000). If any county's total allotment exceeds ninety thousand dollars
44 (\$90,000), the amount over ninety thousand dollars (\$90,000) shall be apportioned to the
45 remaining participating counties based on the percentage that each of the remaining county's
46 number of persons on conservatorship is to the total number of conservatorships among those
47 remaining counties.

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

50 SEC. 35. Section 14115.6 of the Welfare and Institutions Code is repealed.

1 14115.6. The department shall establish a pilot project under which a nurse
2 practitioner may bill independently for services provided in a nursing facility, as
3 defined in Section 1250 of the Health and Safety Code. Nurse practitioners shall
4 be compensated by the department for those services which would be compensable
5 had the services been provided by a physician. If a nurse practitioner chooses to
6 bill independently for these services, the department shall make the payment for
7 the services directly to the nurse practitioner. The department shall ensure that
8 payments made to providers who employ nurse practitioners who bill separately
9 are adjusted to reflect this separation so as not to increase the financial obligation
10 incurred by the Medi-Cal program. The department shall establish a
11 reimbursement rate for nurse practitioners who choose to bill independently
12 pursuant to this section.

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

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

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

23 **Comment.** Section 14115.6 is repealed as obsolete. The pilot project established by this section
24 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

25  **Note.** Welfare and Institutions Code Section 14115.6, enacted in 1984, established a pilot
26 project relating to billing for the services of a nurse practitioner. The project was to last for one
27 year. No fixed beginning or ending date for the project is specified. A report on the project was to
28 be submitted to the Legislature within three months after the conclusion of the project.

29 The State Department of Health, Office of Legislative Affairs, confirmed that this section is
30 obsolete and should be repealed.

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

33 SEC. 36. Section 14133.61 of the Welfare and Institutions Code is repealed.

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

1 **Comment.** Section 14133.61 is repealed as obsolete. The pilot project established by this
2 section has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

3  **Note.** Welfare and Institutions Code Section 14133.61, enacted in 1981, established a pilot
4 project relating to document management. The project was to last for one year, during the 1981-
5 1982 fiscal year. A report on the project was to be submitted to the Legislature by July 31, 1982.

6 The State Department of Health, Office of Legislative Affairs, confirmed that this section is
7 obsolete and should be repealed.

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

9 SEC. 37. Section 16515 of the Welfare and Institutions Code is repealed.

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

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

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

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

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

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

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

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

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

36 **Comment.** Section 16515 is repealed as obsolete. The pilot project established by this section
37 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

38  **Note.** Welfare and Institutions Code Section 16515, enacted in 1987, established a pilot
39 project relating to respite care services for children. The project was to end by July 1, 1991. A
40 report on the project was to be submitted to the Legislature by July 1, 1990.

41 The Department of Social Services confirmed that this section is obsolete and should be
42 repealed.

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

2 SEC. 38. Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of
3 Division 9 of the Welfare and Institutions Code is repealed.

4 **Comment.** Sections 18210-18215 are repealed as obsolete. The pilot project established by
5 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ____ (2000).

6  **Note.** Welfare and Institutions Code Sections 18210-18215, enacted in 1970, established a
7 pilot project relating to the delivery of meals to handicapped or infirm persons who are eligible
8 for public assistance. The project was to commence by January 1, 1971, but no ending date for
9 the project is specified. Annual reports on the project were to be submitted to the
10 Legislature.

11 The Department of Social Services confirmed that these sections are obsolete and should be
12 repealed.

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

14 **§ 18210. Pilot project**

15 18210. In addition to other demonstration projects authorized under this chapter a pilot project
16 shall be conducted pursuant to this article. This project shall commence January 1, 1971, and be
17 limited to two counties, one in the northern and one in the southern part of this state, which are
18 willing to participate and are designated for participation by the department.

19 **§ 18211. Meals for handicapped or infirm persons**

20 18211. A designated county may prepare and deliver, or contract to be prepared and delivered,
21 meals in the county to handicapped or infirm persons eligible for public assistance under Chapter
22 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5
23 (commencing with Section 13000), and Chapter 6 (commencing with Section 13500) of Part 3 of
24 this division or any handicapped or infirm persons who meet the eligibility requirements of aid to
25 the aged except for their age and who without such service may be required to live in a protective
26 living arrangement. A designated county may provide such service to other persons unable to
27 properly provide meals for themselves and who are unable to secure assistance to do so who shall
28 pay the full cost of such meals to the county. The service may be provided pursuant to contract by
29 the county with another public or private organization.

30 **§ 18212. Charge for portion of cost of meals**

31 18212. The department shall develop and test as a part of the pilot project under this article
32 methods under which persons furnished meals as provided under Section 18211 may be charged a
33 portion of the cost of home-delivered meals based on their ability to pay, provided that the
34 charges for any meals provided to a recipient shall not exceed one-third of the daily food
35 allowance of that recipient.

36 **§ 18212.5. Cooperation and study; voluntary nonprofit organizations**

37 18212.5. In carrying out the provisions of this article the department shall cooperate with,
38 secure information from, and study the methods and procedures of any voluntary nonprofit
39 organization with the consent of such organization that is conducting similar federally funded
40 projects on the effective date of this act.

41 **§ 18213. Federal funds**

42 18213. The department shall actively seek, and make maximum use of, federal funds which
43 might be available for the purposes of this chapter.

44 **§ 18214. Annual progress reports**

45 18214. The department shall make annual progress reports to the Legislature including, but not
46 limited to, a cost and benefit analysis of the program established pursuant to this article and any
47 information and comparative analysis of other programs secured pursuant to Section 18212.5 not
48 later than the fifth legislative day of the legislative session, commencing with the 1971 Regular
49 Session of the Legislature.

1 **§ 18215. Appropriation**

2 18215. There is hereby appropriated from the General Fund the sum of fifty thousand dollars
3 (\$50,000) provided that the federal government makes available an amount equal to or in excess
4 of such sum prior to July 1, 1971, for allocation to the designated counties for the purposes of this
5 article.

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

8 SEC. 39. Section 18600 of the Welfare and Institutions Code is repealed.

9 18600. There is hereby established a two-year pilot project under which the State
10 Department of Rehabilitation shall contract with private nonprofit organizations
11 serving the blind to provide the newly blind and severely visually impaired
12 persons 55 years of age or older with the following services as needed:

13 (a) Counseling.

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

15 (c) Instruction in orientation and mobility.

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

18 **Comment.** Section 18600 is repealed as obsolete. The pilot project established by this section
19 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

20  **Note.** Welfare and Institutions Code Section 18600, enacted in 1980, established a pilot
21 project relating to services for the blind. The project was to last for two years. No fixed beginning
22 or ending date for the project is specified.

23 The Department of Rehabilitation confirmed that this section is obsolete and should be
24 repealed.

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

26 SEC. 40. Section 18919 of the Welfare and Institutions Code is repealed.

27 18919. (a) The director may establish, within the Food Stamp Program, the Food
28 Stamp Cash Out Demonstration Project.

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

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

40 (2) A comprehensive plan, including an analysis of the expected costs and
41 savings, has been published in a newspaper of general circulation in San Diego
42 County and filed with the policy and fiscal committees of each house of the
43 Legislature.

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

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

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

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

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

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

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

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

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

22 **Comment.** Section 18919 is repealed as obsolete. The pilot project established by this section
23 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

24  **Note.** Welfare and Institutions Code Section 18919, enacted in 1988, established a pilot
25 project relating to "food stamp cash out." The project was to last for five years. No fixed
26 beginning or ending date for the project is specified. However, the project can be extended
27 through June 30, 1997. A report on the project was to be submitted to the Legislature within nine
28 months after the conclusion of the project.

29 The Department of Social Services confirmed that this section is obsolete and should be
30 repealed.

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

32 **SEC. 41.** Section 18920 of the Welfare and Institutions Code is repealed.

33 ~~18920. (a) (1) The department may conduct three pilot projects, to be located in~~
34 ~~the Counties of Los Angeles, Merced, and Santa Clara, upon approval of the~~
35 ~~department and the participating counties. The pilot projects shall test the reporting~~
36 ~~systems described in subparagraphs (A), (B), and (C) of paragraph (4).~~

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

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

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

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

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

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

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

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

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

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

1 ~~(1.5) The pilot counties shall prepare and submit quarterly reports, annual~~
2 ~~reports, and a final report to the department.~~

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

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

7 ~~(4) (A) Each pilot county shall submit a final report not later than 90 days~~
8 ~~following completion of the pilot projects required by this section and Section~~
9 ~~11265.5.~~

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

17 ~~(ii) Each evaluation shall include, but not be limited to, an analysis of the factors~~
18 ~~set forth in subparagraph (C) of paragraph (3) of subdivision (a) of Section~~
19 ~~11265.5 compared to each other and the current reporting systems in both the~~
20 ~~AFDC and food stamp programs.~~

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

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

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

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

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

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

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

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

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

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

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

3 **Comment.** Section 18920 is repealed as obsolete. The pilot project established by this section
4 has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

5  **Note.** Welfare and Institutions Code Section 18920, enacted in 1991, established three pilot
6 projects relating to reporting systems for the administration of the food stamp program. The
7 projects were to last for no more than three years. No fixed beginning or ending date for the
8 projects are specified. Reports on the project were to be submitted to the Legislature
9 quarterly, and within 90 days after the conclusion of the projects.

10 The Department of Social Services confirmed that this section is obsolete and should be
11 repealed.

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

13 SEC. 42. Chapter 13 (commencing with Section 18990) of Part 6 of Division 9
14 of the Welfare and Institutions Code is repealed.

15 **Comment.** Sections 18990-18991 are repealed as obsolete. The pilot project established by
16 these sections has expired. See *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n ___ (2000).

17  **Note.** Welfare and Institutions Code Sections 18990-18991, enacted in 1988, established six
18 concurrent pilot projects relating to telephone support services for unsupervised school children.
19 The project was to commence by April 1, 1989, but no ending date for the project is specified. A
20 report on the project was to be submitted to the Legislature by January 1, 1992.

21 The Department of Aging confirmed that these sections are obsolete and should be repealed.

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

23 **§ 18990. Legislative findings**

24 18990. The Legislature finds both of the following:

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

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

31 **§ 18991. Establishment, funding and requirements of pilot projects; report to legislature**

32 18991. (a) The Department of Aging shall establish six pilot projects to provide after school
33 telephone help lines for children in kindergarten through 6th grade. The department shall
34 establish two of these projects in Los Angeles County, and one each in Alameda, Butte, Marin,
35 and Riverside Counties. Each pilot project shall be conducted by a public or private entity,
36 selected by the department, which provides services to older citizens. The department shall
37 provide one-time only loans, of up to fifteen thousand dollars (\$15,000) to each entity so selected
38 for startup costs of the project, which shall be limited to the costs of telephone installation and
39 operation; the printing of informational material; a full-time, salaried coordinator; a 20-hour per
40 week secretary; liability insurance; and fingerprinting costs.

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

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

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

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

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

9 (g) Prior to April 1, 1989, the Department of Aging shall select the six participants and shall,
10 within six weeks from the selection distribute startup funds, not to exceed fifteen thousand dollars
11 (\$15,000) to each of the participants.

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

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

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

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

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

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

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

31