

Senate Bill No. 153

Passed the Senate April 16, 2001

Secretary of the Senate

Passed the Assembly July 16, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 1174.3 of, and to repeal Sections 221, 270, 1012.5, and 1167.25 of, the Code of Civil Procedure, to amend Sections 65460.2, 65917, and 68086 of, to repeal Sections 14035.1, 14045, 14680.8, 65083, 65913.5, and 69845.6 of, to repeal Article 2 (commencing with Section 11805) of Chapter 8 of Part 1 of Division 3 of Title 2 of, and to repeal Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3 of Title 2 of, the Government Code, to amend Section 43840 of, to repeal Sections 32354, 43841, 43841.5, and 50502.5 of, to repeal Article 11 (commencing with Section 1339.51) of Chapter 2 of Division 2 of, and to repeal Article 11.6 (commencing with Section 25242.5) of Chapter 6.5 of Division 20 of, the Health and Safety Code, to repeal Section 4612 of the Labor Code, to amend Sections 14114 and 14119 of, to repeal Sections 1348.5, 2053.3, 5020, 6247, 13823.20, and 14113 of, to repeal Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2 of, and to repeal Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4 of, the Penal Code, to repeal Section 48695 of, and to repeal Chapter 10.7 (commencing with Section 25920) of Division 15 of, the Public Resources Code, to repeal Sections 2802.5, 4764.1, 4764.2, 4764.3, and 4764.4 of the Vehicle Code, to amend Section 11265.5 of, to repeal Sections 729.11, 1760.3, 14115.6, 14133.61, 16515, 18600, 18919, and 18920 of, to repeal Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of Division 9 of, to repeal Chapter 1 (commencing with Section 8016) of Division 8 of, and to repeal Chapter 13 (commencing with Section 18990) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to pilot projects.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, Knight. Pilot projects: state and local programs.

Under existing law, various state and local pilot, demonstration, and other projects and programs of limited duration were created to, among other things, make studies, collect data, and make reports to the Legislature pertaining to, among other things, civil procedure, air pollution, transportation, housing, health and



welfare, criminal law, juvenile justice, hazardous waste, and state property.

This bill would repeal certain of these provisions that have become obsolete and would make related technical and conforming changes.

The people of the State of California do enact as follows:

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

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

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

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

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

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

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



eviction to the levying officer at the office of the levying officer or at the premises at the time of the eviction.

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

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

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

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



by first-class mail. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact.

(d) At the hearing, the court shall determine whether there is a valid claim of possession by the claimant who filed the claim, and the court shall consider all evidence produced at the hearing, including, but not limited to, the information set forth in the claim. The court may determine the claim to be valid or invalid based upon the evidence presented at the hearing. The court shall determine the claim to be invalid if the court determines that the claimant is an invitee, licensee, guest, or trespasser. If the court determines the claim is invalid, the court shall order the return to the claimant of the amount of the 15 days' rent paid by the claimant, if that amount was paid pursuant to paragraphs (1) or (3) of subdivision (c), less a pro rata amount for each day that enforcement of the judgment was delayed by reason of making the claim of right to possession, which pro rata amount shall be paid to the landlord. If the court determines the claim is valid, the amount equal to 15 days' rent paid by the claimant shall be returned immediately to the claimant.

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

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



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

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

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

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



NOTE TO PRINTING OFFICE: INSERT CAMERA-READY COPY HERE for Claim of Right to Possession form as printed on pages 16 to 19 of Chapter 196, 1995 Statutes.





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

SEC. 7. Section 14035.1 of the Government Code, as amended by Section 1 of Chapter 25 of the Statutes of 1992, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Relief of traffic congestion.

(2) Improved air quality.

(3) Increased transit revenue yields.

(4) Increased stock of affordable housing.

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

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



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

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

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

(10) Promotion of job opportunities.

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

(12) Increased sales and property tax revenue.

(13) Reduction in energy consumption.

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

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

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

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

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

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

68086. (a) The following provisions apply in superior court:

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

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



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

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

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

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

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

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

(b) The following provisions apply in municipal court:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(2) Economic factors and institutional racism.

(3) Schools and educational factors.

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

(5) Conflict resolution.

(6) The media.

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

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

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

(3) Include the imparting of conflict resolution skills.

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



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

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

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

14119. (a) The Office of Criminal Justice Planning shall promote, organize, and conduct a series of one-day crime and violence prevention training workshops around the state. The Office of Criminal Justice Planning shall seek participation in the workshops from ethnically, linguistically, culturally, educationally, and economically diverse persons, agencies, organizations, and institutions.

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

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

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

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

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

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

(c) There shall be at least three workshops.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(viii) Ease of use by clients.

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

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

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

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

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

(b) (1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department, upon the department's review and approval of the proposals, to the federal agency on the counties' behalf. The



development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



Approved _____, 2001

Governor

