

AMENDED IN SENATE JANUARY 5, 2004

AMENDED IN SENATE APRIL 28, 2003

**SENATE BILL**

**No. 111**

---

---

**Introduced by Senator Knight**

February 3, 2003

---

---

An act to amend Sections 29, 4866, 6095, and 6140.2 of, and to repeal Sections ~~2106, 2873.7, 6086.12, 7340.5, 2873.7, 6086.12, 9889.60, 9889.62, and 9889.64~~ of, the Business and Professions Code, to repeal Chapter 3 (commencing with Section 1812.40) of Title 2 of Part 4 of Division 3 of the Civil Code, to amend Section 529.1 of the Code of Civil Procedure, to amend Sections ~~8805, 62000, 71027, 71051, 89343, and 92640~~ of, and to repeal Sections ~~17912.1, 45357, 45358, 51882, 62006, 62007, and 62008~~ of, the Education Code, to *71051, 89343, and 92640 of the Education Code*, to amend Section 3200 of, and to repeal Sections 20025 and 20042 of, the Family Code, to amend ~~Sections 853, 7147, and Section 15702~~ of, and to repeal Sections 715, 15602, and 15603 of, the Fish and Game Code, to amend Sections 5029, 13127, and 58509 of, and to repeal Sections 13124, 13125, and 42814 of, the Food and Agricultural Code, to amend Sections 6276.12, 6276.30, 6276.46, 8293, 8588.5, 8875.1, 9121, 11011.15, 12092, 12173, 14036.6, ~~15345.4, 15399.51, 15814.25, 16272.5, and 51015.05~~ of, to repeal Sections 8593.3, 8599.1, 8870.75, 8877.7, 9116, 11011.19, 14525.6, ~~15345.1, 15345.2, 15345.3, 15345.5, 16272.3, 16367.9, 19995.35, 19998.5, 30605, 51015.1, 53117, 68106, 68511.4, and 68515~~ of, to repeal Article 3.3 (commencing with Section ~~15339.25~~) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, to repeal ~~68511.4, and 68515~~ of, to repeal Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of, to repeal Chapter 5 (commencing with



Section 16285) of Part 1.5 of Division 4 of Title 2 of, and to repeal Part 14 (commencing with Section 16000) of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1275.3, 1522.4, 1596.955, 6982, 11756.7, 11758.10, 11772, 11798.1, 11831.5, 11998.2, 16109, 25159.19, 25503.2, 40410.5, 40452, 43013.5, 50519, 50524, 105140, 105175, 110795, 114820, 116360, 124150, 124160, 124195, 127360, 128195, and 129295 of, to repeal Sections 1205.1, 1519, 1520.65, 1522.6, 1527.9, 1529.3, 1557, 1569.545, 1597.01, 1598.3, 11756.5, 11757.62, 11758.33, ~~11758.40~~, 11782, 11963.5, 13143.7, 18944.34, 25159.13, 25244.3, 25299.80, 25928, 38045, 39663, 44245, 44247, 50837, 101535, 104595, 105335, 108865, 110540, 120865, 124135, 124140, 124145, 124235, and 127365 of, to repeal Article 5 (commencing with Section 25547) of Chapter 6.95 of Division 20 of, to repeal Article 5 (commencing with Section 100475) of Chapter 3 of Part 1 of Division 101 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, and to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Sections 11751.51, 12693.94, and 12696.25 of the Insurance Code, to amend ~~Sections 139.4 and~~ Section 139.43 of, and to repeal Section 6715 of, the Labor Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 653.1, 1247k, 2053, 3053.2, 5010, 5066, 7514, 13508, ~~13835.2, 13835.6~~, and 14210 of, and to repeal Sections 1174.6, 3424, 4497.40, 7009, 11108.7, 11110, 13013, 13828.2, and 13871 of, the Penal Code, to amend Sections 612.5, 4562.5, 42553, and 71064 of, and to repeal Sections 2802, 2804.6, 3488, 4473, 4563.5, ~~5097.96~~, 6226, 18017, 25689, 29777, 42552, and 42776 of, the Public Resources Code, to amend Sections 322, 701.6, 5371.4, 5385.6, and 99620 of, to repeal Sections 5388, 8303, and 99621 of, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405, 19264, and 23331 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, ~~amend Section 30919 of, and to repeal Sections 155.8 and 30921 of,~~ to repeal Section 155.8 of the Streets and Highways Code, to amend Section 11011 of, and to repeal Sections 1598 and 11005 of, the Unemployment Insurance Code, to amend Sections 4750.4, 5011.5, 14112, 40001, and 42007 of, and to repeal Sections 2575, 4750.2, 21370.1, 32005, and 34508.5 of, the Vehicle Code, to repeal Sections 1061, 12226.1, and 12228 of the Water Code, and to amend Sections 503, 1120, 4390, 4689.1, 5719.5, 11008,



11008.19, 11213, 11215, 11469, 11476.6, 14005.6, 14026.5, 14041.5, 14087.2, 14104.6, 14105.15, 14499.5, and 16576 of, and to repeal Sections 225.05, 398, 898.5, 1756.1, 1906, 1914, 4026, 4506, 4519.5, 4637, 4681.2, 4692, 4751, 4838, 4842, 5734, 5914, 10627, 11004.5, 11406, 12312, 14090.1, 14090.2, 14090.3, 14195.8, 14492, 16501.6, 18379, 18989.3, and 19856 of, the Welfare and Institutions Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

SB 111, as amended, Knight. State reporting requirements.

(1) Existing law requires various state agencies to prepare and submit reports to the Legislature and Governor on various topics throughout the year.

This bill would delete various reporting requirements.

(2) Existing law establishes, for specified time periods, pilot and demonstration projects regarding specified issues.

This bill would repeal these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 29 of the Business and Professions Code  
2 is amended to read:

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

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

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

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



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

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

5 (5) Recognizing and intervening with affected family  
6 members.

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

10 ~~SEC. 2. Section 2106 of the Business and Professions Code~~  
11 ~~is repealed.~~

12 ~~SEC. 3.—~~

13 ~~SEC. 2.~~ Section 2873.7 of the Business and Professions Code  
14 is repealed.

15 ~~SEC. 4.—~~

16 ~~SEC. 3.~~ Section 4866 of the Business and Professions Code is  
17 amended to read:

18 4866. (a) The board shall establish criteria for the  
19 acceptance, denial, or termination of veterinarians and animal  
20 health technicians in a diversion program. Only those  
21 veterinarians and animal health technicians who have voluntarily  
22 requested diversion treatment and supervision by a diversion  
23 evaluation committee shall participate in a program.

24 (b) The board shall establish criteria for the selection of  
25 administrative physicians who shall examine veterinarians and  
26 animal health technicians requesting diversion under a program.  
27 Any reports made under this article by the administrative  
28 physician shall constitute an exception to Sections 994 and 995 of  
29 the Evidence Code.

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

32 ~~SEC. 5.—~~

33 ~~SEC. 4.~~ Section 6086.12 of the Business and Professions  
34 Code is repealed.

35 ~~SEC. 6.—~~

36 ~~SEC. 5.~~ Section 6095 of the Business and Professions Code is  
37 amended to read:

38 6095. (a) The disciplinary agency shall annually hold at least  
39 two public hearings, one in southern California and one in northern



1 California, to hear proposals on bar disciplinary procedures,  
2 attorney competency, and admissions procedures.

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

8 ~~SEC. 7.—~~

9 *SEC. 6.* Section 6140.2 of the Business and Professions Code  
10 is amended to read:

11 6140.2. The State Bar shall set as a goal the improvement of  
12 its disciplinary system so that no more than six months will elapse  
13 from the receipt of complaints to the time of dismissal,  
14 admonishment of the attorney involved, or the filing of formal  
15 charges by the State Bar Office of Trial Counsel.

16 ~~SEC. 8.— Section 7340.5 of the Business and Professions Code~~  
17 ~~is repealed.~~

18 ~~SEC. 9.—~~

19 *SEC. 7.* Section 9889.60 of the Business and Professions  
20 Code is repealed.

21 ~~SEC. 10.—~~

22 *SEC. 8.* Section 9889.62 of the Business and Professions  
23 Code is repealed.

24 ~~SEC. 11.—~~

25 *SEC. 9.* Section 9889.64 of the Business and Professions  
26 Code is repealed.

27 ~~SEC. 12.—~~

28 *SEC. 10.* Chapter 3 (commencing with Section 1812.40) of  
29 Title 2 of Part 4 of Division 3 of the Civil Code is repealed.

30 ~~SEC. 13.—~~

31 *SEC. 11.* Section 529.1 of the Code of Civil Procedure is  
32 amended to read:

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



1 grounds that there is no reasonable possibility that the plaintiff will  
2 obtain a judgment against the moving defendant and that the  
3 plaintiff will not suffer undue economic hardship by filing the  
4 undertaking.

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

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

19 ~~SEC. 14.—Section 8805 of the Education Code is amended to~~  
20 ~~read:~~

21 ~~8805.—The Legislature finds that an evaluation of plan~~  
22 ~~effectiveness is both desirable and necessary, and accordingly~~  
23 ~~requires the following:~~

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

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

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

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

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

39 ~~(5) The potential impact of the program on the local~~  
40 ~~educational agency or the consortium, including any anticipated~~



1 increase in school retention and achievement rates of pupils who  
2 receive support services.

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

5 ~~(7) Client and practitioner satisfaction.~~

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

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

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

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

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

18 ~~SEC. 15.—Section 17912.1 of the Education Code is repealed.~~

19 ~~SEC. 16.—Section 45357 of the Education Code is repealed.~~

20 ~~SEC. 17.—Section 45358 of the Education Code is repealed.~~

21 ~~SEC. 18.—Section 51882 of the Education Code is repealed.~~

22 ~~SEC. 19.—~~

23 *SEC. 12.* Section 62000 of the Education Code is amended to  
24 read:

25 62000. “Sunset” and “sunset date,” as used in this part, mean  
26 the date on which specific categorical programs cease to be  
27 operative and Sections 62002, 62003, 62004, 62005, and 62005.5  
28 govern program funding.

29 The educational programs referred to in this part shall cease to  
30 be operative on the date specified, unless the Legislature enacts  
31 legislation to continue the program.

32 ~~SEC. 20.—Section 62006 of the Education Code is repealed.~~

33 ~~SEC. 21.—Section 62007 of the Education Code is repealed.~~

34 ~~SEC. 22.—Section 62008 of the Education Code is repealed.~~

35 ~~SEC. 23.—~~

36 *SEC. 13.* Section 71027 of the Education Code is amended to  
37 read:

38 71027. (a) The Board of Governors of the California  
39 Community Colleges shall develop, maintain, and disseminate a



1 general common course numbering system for use by the  
2 community college districts.

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

7 ~~SEC. 24.—~~

8 *SEC. 14.* Section 71051 of the Education Code is amended to  
9 read:

10 71051. (a) The board of governors shall develop a process for  
11 the approval and funding of new collaborative facilities projects  
12 that are proposed by community college districts.

13 (b) The board of governors shall not implement subdivision (a)  
14 without statutory authorization.

15 ~~SEC. 25.—~~

16 *SEC. 15.* Section 89343 of the Education Code is amended to  
17 read:

18 89343. The Trustees of the California State University and  
19 Board of Governors of the California Community Colleges shall  
20 evaluate the extent to which their current programs are meeting the  
21 needs of foster youth and how those outreach and retention  
22 services can be improved.

23 ~~SEC. 26.—~~

24 *SEC. 16.* Section 92640 of the Education Code is amended to  
25 read:

26 92640. The Regents of the University of California shall  
27 develop policies and procedures to ensure that each campus of the  
28 university, in administering any test or examination, permits any  
29 student who is eligible to undergo the test or examination to do so,  
30 without penalty, at a time when that activity would not violate the  
31 student's religious creed. This requirement shall not apply in the  
32 event that administering the test or examination at an alternate time  
33 would impose an undue hardship that could not reasonably have  
34 been avoided. In any court proceeding in which the existence of  
35 an undue hardship that could not reasonably have been avoided is  
36 an issue, the burden of proof shall be upon the institution.

37 ~~SEC. 27.—~~

38 *SEC. 17.* Section 3200 of the Family Code is amended to read:

39 3200. The Judicial Council shall develop standards for  
40 supervised visitation providers in accordance with the guidelines



1 set forth in this section. For the purposes of the development of  
2 these standards, the term “provider” shall include any individual  
3 who functions as a visitation monitor, as well as supervised  
4 visitation centers. Provisions shall be made within the standards to  
5 allow for the diversity of supervised visitation providers.

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

8 (1) The provider’s qualifications, experience, and education.

9 (2) Safety and security procedures, including ratios of children  
10 per supervisor.

11 (3) Any conflict of interest.

12 (4) Maintenance and disclosure of records, including  
13 confidentiality policies.

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

16 (6) Procedures for emergency or extenuating situations.

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

20 (8) The legal obligations and responsibilities of supervisors.

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

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

31 ~~SEC. 28.—~~

32 ~~SEC. 18.~~ Section 20025 of the Family Code is repealed.

33 ~~SEC. 29.—~~

34 ~~SEC. 19.~~ Section 20042 of the Family Code is repealed.

35 ~~SEC. 30.—~~

36 ~~SEC. 20.~~ Section 715 of the Fish and Game Code is repealed.

37 ~~SEC. 31.—~~ Section 853 of the Fish and Game Code is amended  
38 to read:

39 ~~853. The director may deputize any employee of the~~  
40 ~~department to check persons for licenses required under Section~~



1 ~~7145 and to enforce violation of that section. Before a person is~~  
2 ~~deputized pursuant to this section for the first time, the person shall~~  
3 ~~have satisfactorily completed a training course meeting the~~  
4 ~~minimum standards of, and comparable to, the training for “level~~  
5 ~~III reserve” as set forth in the regulations of the Commission on~~  
6 ~~Peace Officer Standards and Training. Any person, who is~~  
7 ~~deputized for this limited purpose pursuant to this section, may not~~  
8 ~~enforce any other provision of this code, and is not a peace officer~~  
9 ~~subject to Chapter 4.5 (commencing with Section 830) of Title 3~~  
10 ~~of Part 2 of the Penal Code.~~

11 ~~SEC. 32.~~ Section 7147 of the Fish and Game Code is amended  
12 to read:

13 ~~7147.~~ The owner or operator of a boat or vessel licensed  
14 pursuant to Section 7920 shall not permit any person to fish from  
15 that boat or vessel unless that person has, in his or her possession,  
16 a valid sportfishing license, sport ocean fishing license, or sport  
17 ocean fin fishing license and any required license stamp.

18 ~~SEC. 33.~~

19 ~~SEC. 21.~~ Section 15602 of the Fish and Game Code is  
20 repealed.

21 ~~SEC. 34.~~

22 ~~SEC. 22.~~ Section 15603 of the Fish and Game Code is  
23 repealed.

24 ~~SEC. 35.~~

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

27 15702. (a) The committee shall be advisory to the director on  
28 all matters pertaining to aquaculture and shall coordinate activities  
29 among public entities.

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

37 ~~SEC. 36.~~

38 ~~SEC. 24.~~ Section 5029 of the Food and Agricultural Code is  
39 amended to read:



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

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

12 ~~SEC. 37.—~~

13 *SEC. 25.* Section 13124 of the Food and Agricultural Code is  
14 repealed.

15 ~~SEC. 38.—~~

16 *SEC. 26.* Section 13125 of the Food and Agricultural Code is  
17 repealed.

18 ~~SEC. 39.—~~

19 *SEC. 27.* Section 13127 of the Food and Agricultural Code is  
20 amended to read:

21 13127. (a) Not later than December 31, 1985, the department  
22 shall identify 200 pesticide active ingredients which the  
23 department determines have the most significant data gaps and  
24 widespread use and which are suspected to be hazardous to people.  
25 Not later than 30 days after the report issued pursuant to Section  
26 13125, the department shall notify each registrant of a pesticide  
27 product containing any of the identified 200 pesticide active  
28 ingredients of the applicable data gap required to be filled pursuant  
29 to this section.

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

37 (c) (1) Not later than September 1, 1986, the department shall  
38 determine whether a test has been initiated to fill each of the data  
39 gaps for each pesticide active ingredient identified in subdivision  
40 (a). If no test has been initiated, the department shall fill data gaps



1 in accordance with procedures provided in subparagraph (B) of  
2 paragraph (2) of subsection (c) of Section 136a of Title 7 of the  
3 United States Code. In order to carry out this section, the director  
4 has the same authority to require information from registrants of  
5 active pesticide ingredients and to suspend registration that the  
6 Administrator of the Environmental Protection Agency has  
7 pursuant to subparagraph (B) of paragraph (2) of subsection (c) of  
8 Section 136a of Title 7 of the United States Code. If a hearing is  
9 requested regarding the proposed suspension of registration, it  
10 shall be conducted pursuant to Chapter 5 (commencing with  
11 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
12 Code. On or before July 1, 1986, the director shall, by regulation,  
13 prescribe procedures for resolving disputes or funding the filling  
14 of data gaps. The procedures may include mediation and  
15 arbitration. The arbitration procedures, insofar as practical, shall  
16 be consistent with the federal act, or otherwise shall be in  
17 accordance with the commercial arbitration rules established by  
18 the American Arbitration Association. The procedures shall be  
19 established so as to resolve any dispute within the timetable  
20 established in subdivision (a).

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

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

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

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



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

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

14 ~~SEC. 40.—~~

15 *SEC. 28.* Section 42814 of the Food and Agricultural Code is  
16 repealed.

17 ~~SEC. 41.—~~

18 *SEC. 29.* Section 58509 of the Food and Agricultural Code is  
19 amended to read:

20 58509. (a) The Secretary of the State and Consumer Services  
21 Agency shall consult with four food bank representatives, two  
22 from the northern portion of the state, all of whom have been active  
23 members of a nationwide network of food banks for a minimum  
24 of two years immediately prior to appointment, and two from the  
25 southern portion of the state, all of whom have been active  
26 members of a nationwide network of food banks for a minimum  
27 of two years immediately prior to appointment, and two food  
28 industry representatives, one wholesaler and one manufacturer, all  
29 of whom shall be selected by the Governor and referred to as the  
30 Food Bank Advisory Committee.

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

34 (c) The committee shall do all of the following:

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

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

39 ~~SEC. 42.—~~



1    *SEC. 30.* Section 6276.12 of the Government Code is  
2 amended to read:  
3    6276.12. Conservatee, confidentiality of the conservatee’s  
4 report, Section 1826, Probate Code.  
5    Conservatee, estate plan of, confidentiality of, Section 2586,  
6 Probate Code.  
7    Conservatee with disability, confidentiality of report, Section  
8 1827.5, Probate Code.  
9    Conservator, confidentiality of conservator’s birthdate and  
10 driver’s license number, Section 1834, Probate Code.  
11    Conservator, supplemental information, confidentiality of,  
12 Section 1821, Probate Code.  
13    Conservatorship, court review of, confidentiality of report,  
14 Section 1851, Probate Code.  
15    Consumer credit report information prohibited from being  
16 furnished for employment purposes, Section 1785.18, Civil Code.  
17    Consumer fraud investigations, access to complaints and  
18 investigations, Section 26509, Government Code.  
19    Consumption or utilization of mineral materials, disclosure of,  
20 Section 2207.1, Public Resources Code.  
21    Contractor, evaluations and contractor responses,  
22 confidentiality of, Section 10370, Public Contract Code.  
23    Contractor, license applicants, evidence of financial solvency,  
24 confidentiality of, Section 7067.5, Business and Professions  
25 Code.  
26    Controlled Substance Law violations, confidential information,  
27 Section 818.7, Government Code.  
28    Controlled substance offenders, confidentiality of registration  
29 information, Section 11594, Health and Safety Code.  
30    Cooperative Marketing Association, confidential information  
31 disclosed to conciliator, Sections 54453 and 54457, Food and  
32 Agricultural Code.  
33    Coroner, inquests, subpoena duces tecum, Sections 27491.8 and  
34 27498, Government Code.  
35    Corporations, commissioner, publication of information filed  
36 with commissioner, Section 25605, Corporations Code.  
37    County alcohol programs, confidential information and  
38 records, Section 11812, Health and Safety Code.  
39    County Employees’ Retirement, confidential statements and  
40 records, Section 31532, Government Code.



1 County mental health system, confidentiality of client  
2 information, Section 5610, Welfare and Institutions Code.  
3 County social services, investigation of applicant,  
4 confidentiality, Section 18491, Welfare and Institutions Code.  
5 County social services rendered by volunteers, confidentiality  
6 of records of recipients, Section 10810, Welfare and Institutions  
7 Code.  
8 Court files, access to, restricted for 60 days, Section 1161.2,  
9 Code of Civil Procedure.  
10 Court reporters, confidentiality of records and reporters,  
11 Section 68525, Government Code.  
12 Court-appointed special advocates, confidentiality of  
13 information acquired or reviewed, Section 105, Welfare and  
14 Institutions Code.  
15 Crane employers, previous business identities, confidentiality  
16 of, Section 7383, Labor Code.  
17 Credit unions, confidentiality of investigation and examination  
18 reports, Section 14257, Financial Code.  
19 Credit unions, confidentiality of employee criminal history  
20 information, Section 14409.2, Financial Code.  
21 Credit unions, confidentiality of financial reports, Section  
22 16120, Financial Code.  
23 Criminal defendant, indigent, confidentiality of request for  
24 funds for investigators and experts, Section 987.9, Penal Code.  
25 Criminal felon placed in diagnostic facility, confidentiality of  
26 report of diagnosis and recommendation, Sections 1203.3 and  
27 1543, Penal Code.  
28 Criminal offender record information, access to, Sections  
29 11076, 11077, 11081, 13201, and 13202, Penal Code.  
30 Criminal records information, disclosure by vendor, Section  
31 11149.4, Penal Code.  
32 Crop reports, confidential, subdivision (e), Section 6254,  
33 Government Code.  
34 Customer list of employment agency, trade secret, Section  
35 16607, Business and Professions Code.  
36 Customer list of telephone answering service, trade secret,  
37 Section 16606, Business and Professions Code.  
38 ~~SEC. 43.—~~  
39 *SEC. 31.* Section 6276.30 of the Government Code is  
40 amended to read:



- 1 6276.30. Major Risk Medical Insurance Program,  
2 negotiations with health plans, subdivisions (v) and (w) of Section  
3 6254, Government Code.
- 4 Mandated blood testing and confidentiality to protect public  
5 health, prohibition against compelling identification of test  
6 subjects, Section 120975, Health and Safety Code.
- 7 Mandated blood testing and confidentiality to protect public  
8 health, unauthorized disclosures of identification of test subjects,  
9 Section 120980, Health and Safety Code.
- 10 Mandated blood testing and confidentiality to protect public  
11 health, disclosure to patient's spouse, sexual partner, needle sharer,  
12 or county health officer, Section 121015, Health and Safety Code.
- 13 Manufactured home, mobilehome, floating home,  
14 confidentiality of home address of registered owner, Section  
15 18081, Health and Safety Code.
- 16 Marital confidential communications, Sections 980, 981, 982,  
17 983, 984, 985, 986, and 987, Evidence Code.
- 18 Market reports, confidential, subdivision (e), Section 6254,  
19 Government Code.
- 20 Marketing of commodities, confidentiality of financial  
21 information, Section 58781, Food and Agricultural Code.
- 22 Marketing orders, confidentiality of processors or distributors'  
23 information, Section 59202, Food and Agricultural Code.
- 24 Marriage, confidential, certificate, Section 511, Family Code.
- 25 Medi-Cal Benefits Program, confidentiality of information,  
26 Section 14100.2, Welfare and Institutions Code.
- 27 Medi-Cal Benefits Program, Evaluation Committee,  
28 confidentiality of information, Section 14132.6, Welfare and  
29 Institutions Code.
- 30 Medi-Cal Benefits Program, Request of Department for  
31 Records of Information, Section 14124.89, Welfare and  
32 Institutions Code.
- 33 Medi-Cal Fraud Bureau, confidentiality of complaints, Section  
34 12528, Government Code.
- 35 Medical information, disclosure by provider unless prohibited  
36 by patient in writing, Section 56.16, Civil Code.
- 37 Medical information, types of information not subject to patient  
38 prohibition of disclosure, Section 56.30, Civil Code.
- 39 Medical and other hospital committees and peer review bodies,  
40 confidentiality of records, Section 1157, Evidence Code.



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

4 Medical or dental licensee, disciplinary action, denial or  
5 termination of staff privileges, report, confidentiality of, Sections  
6 805, 805.1, and 805.5, Business and Professions Code.

7 Meetings of state agencies, disclosure of agenda, Section  
8 11125.1, Government Code.

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

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

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

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

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

22 Mentally disordered or mentally ill person, voluntarily or  
23 involuntarily detained and receiving services, confidentiality of  
24 records and information, Sections 5328, 5328.01, 5328.02,  
25 5328.05, 5328.1, 5328.15, 5328.2, 5328.3, 5328.4, 5328.5,  
26 5328.7, 5328.8, 5328.9, and 5330, Welfare and Institutions Code.

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

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

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

34 Milk, market milk, confidential records and reports, Section  
35 62243, Food and Agricultural Code.

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

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



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

4 Minor, criminal proceeding testimony closed to public, Section  
5 859.1, Penal Code.

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

9 Misdemeanor and felony reports by police chiefs and sheriffs to  
10 Department of Justice, confidentiality of, Sections 11107 and  
11 11107.5, Penal Code.

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

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

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

18 Motor vehicle accident reports, disclosure, Sections 16005,  
19 20012, and 20014, Vehicle Code.

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

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

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

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

29 ~~SEC. 44.—~~

30 *SEC. 32.* Section 6276.46 of the Government Code is  
31 amended to read:

32 6276.46. Unclaimed property, Controller records of,  
33 disclosure, Section 1582, Code of Civil Procedure.

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

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



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

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

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

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

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

12 Vehicle registration, confidentiality of information, Section  
13 4750.4, Vehicle Code.

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

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

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

21 Veterinarian or animal health technician, alcohol or dangerous  
22 drugs diversion and rehabilitation records, confidentiality of,  
23 Section 4871, Business and Professions Code.

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

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

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

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

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

33 Voting, secrecy, Section 1050, Evidence Code.

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

36 ~~SEC. 45.—~~

37 *SEC. 33.* Section 8293 of the Government Code is amended  
38 to read:

39 8293. The commission shall file a report at each regular  
40 session of the Legislature that shall contain a calendar of topics



1 selected by it for study, including a list of the studies in progress  
2 and a list of topics intended for future consideration. The  
3 commission shall confine its studies to those topics set forth in the  
4 calendar contained in its last preceding report that have been or are  
5 thereafter approved for its study by concurrent resolution of the  
6 Legislature. The commission shall also study any topic that the  
7 Legislature, by concurrent resolution or statute, refers to it for  
8 study.

9 ~~SEC. 46.—~~

10 *SEC. 34.* Section 8588.5 of the Government Code is amended  
11 to read:

12 8588.5. To promote an increase in the number of trained  
13 disaster search dog teams, the Office of Emergency Services shall  
14 do all of the following:

15 (a) Provide instruction to California disaster dog trainers in  
16 Swiss techniques.

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

21 (c) Engage in recruiting activities for the purpose of increasing  
22 the number of disaster search dog teams in southern California.

23 (d) Reimburse disaster search dog handlers and instructors for  
24 the costs of their travel and that of their dogs to training facilities  
25 within California.

26 ~~SEC. 47.—~~

27 *SEC. 35.* Section 8593.3 of the Government Code is repealed.

28 ~~SEC. 48.—~~

29 *SEC. 36.* Section 8599.1 of the Government Code is repealed.

30 ~~SEC. 49.—~~

31 *SEC. 37.* Section 8870.75 of the Government Code is  
32 repealed.

33 ~~SEC. 50.—~~

34 *SEC. 38.* Section 8875.1 of the Government Code is amended  
35 to read:

36 8875.1. A program is hereby established within all cities, both  
37 general law and chartered, and all counties and portions thereof  
38 located within seismic zone 4, as defined and illustrated in Chapter  
39 2-23 of Part 2 of Title 24 of the California Administrative Code,  
40 to identify all potentially hazardous buildings and to establish a



1 program for mitigation of identified potentially hazardous  
2 buildings.

3 ~~SEC. 51.—~~

4 *SEC. 39.* Section 8877.7 of the Government Code is repealed.

5 ~~SEC. 52.—~~

6 *SEC. 40.* Section 9116 of the Government Code is repealed.

7 ~~SEC. 53.—~~

8 *SEC. 41.* Section 9121 of the Government Code is amended  
9 to read:

10 9121. (a) This article shall be deemed and construed to be  
11 separate and complete authority for all of the actions authorized by  
12 this article, including, but not limited to, the development, design,  
13 construction, operation, maintenance, and financing of the project,  
14 and all acts related thereto, and the transfer and relocation of the  
15 present occupants of the buildings to new facilities. To the extent  
16 that this article is inconsistent with any other general statute or  
17 special act or parts thereof, or any local government laws, rules,  
18 and regulations, now or hereafter enacted, this article is  
19 controlling.

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

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

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

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

39 ~~SEC. 54.—~~



1     *SEC. 42.* Section 11011.15 of the Government Code is  
2 amended to read:

3     11011.15. (a) The Department of General Services shall  
4 maintain a complete and accurate statewide inventory of all real  
5 property held by the state and categorize that inventory by agency  
6 and geographical location. The inventory shall include all  
7 information furnished by agencies pursuant to subdivision (b) and  
8 the University of California pursuant to Section 11011.17. The  
9 inventory shall be updated annually.

10    (b) Each agency shall furnish the department, in the format  
11 specified by the department, a record of each parcel of real  
12 property that it possesses. Each agency shall update its real  
13 property holdings, reflecting any changes, by July 1 of each year.  
14 This record shall include, but is not limited to, all of the following  
15 information:

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

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

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

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

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

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

33    (c) The department shall prepare a separate report and shall  
34 update the report annually of all properties declared surplus or  
35 properties with no identified current or projected use. The report  
36 shall be made available upon request.

37     ~~SEC. 55.—~~

38     *SEC. 43.* Section 11011.19 of the Government Code is  
39 repealed.

40     ~~SEC. 56.—~~



1     *SEC. 44.* Section 12092 of the Government Code is amended  
2 to read:

3     12092. (a) This section shall be known, and may be cited, as  
4 the California Low Income Home Energy Assistance Program.  
5 The California Low Income Home Energy Assistance Program  
6 may be referred to as the California LIHEAP.

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

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

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

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

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

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

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

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

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

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

35     (2) In no area shall households whose income is greater than  
36 250 percent of the federal poverty level for the state be eligible.

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



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

- 6 (1) Elderly persons.
- 7 (2) Disabled persons.
- 8 (3) Limited-English-speaking persons.
- 9 (4) Migrant and seasonal farmworkers.
- 10 (5) Households with very young children.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

27 (m) The department shall limit administrative costs to not more  
28 than 2½ percent of the funds expended. For the purposes of this  
29 subdivision, “administrative costs” means personnel and  
30 overhead costs associated with the implementation of each  
31 measure or program. However, “administrative costs” does not  
32 include costs associated with the marketing or evaluation of a  
33 measure or program.

34 (n) This section shall remain in effect only until January 1,  
35 2005, and as of that date is repealed, unless a later enacted statute,  
36 that is enacted before January 1, 2005, deletes or extends that date.

37 ~~SEC. 57.—~~

38 *SEC. 45.* Section 12173 of the Government Code is amended  
39 to read:



1 12173. The Secretary of State's office shall develop a  
2 program to utilize modern communications and information  
3 processing technology to enhance the availability and accessibility  
4 of information on statewide candidates and ballot initiatives. This  
5 includes making information available online as well as through  
6 other information processing technology.

7 ~~SEC. 58.—~~

8 *SEC. 46.* Section 14036.6 of the Government Code is  
9 amended to read:

10 14036.6. (a) The Legislature finds and declares all of the  
11 following:

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

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

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

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

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

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

35 (3) Commuter rail services.

36 (4) Public transit services.

37 (5) Other transportation services.

38 (c) The department shall consider offering passes valid for  
39 travel over a specified consecutive number of days, as well as  
40 so-called "flexi-passes" valid for a specified number of days



1 within a longer period of time. In addition, the department shall  
2 develop a procedure for distributing pass revenues to each  
3 participating operating entity, and for marketing the pass to  
4 prospective users.

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

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

13 ~~SEC. 59.—~~

14 ~~SEC. 47. Section 14525.6 of the Government Code is~~  
15 ~~repealed.~~

16 ~~SEC. 60. Article 3.3 (commencing with Section 15339.25) of~~  
17 ~~Chapter 1 of Part 6.7 of Division 3 of Title 2 of the Government~~  
18 ~~Code is repealed.~~

19 ~~SEC. 61. Section 15345.1 of the Government Code is~~  
20 ~~repealed.~~

21 ~~SEC. 62. Section 15345.2 of the Government Code is~~  
22 ~~repealed.~~

23 ~~SEC. 63. Section 15345.3 of the Government Code is~~  
24 ~~repealed.~~

25 ~~SEC. 64. Section 15345.4 of the Government Code is~~  
26 ~~amended to read:~~

27 ~~15345.4. (a) Pursuant to recommendations contained in the~~  
28 ~~study prepared pursuant to former Section 15345.1, and~~  
29 ~~contingent upon an annual appropriation by the Legislature, the~~  
30 ~~secretary shall establish, not later than April 1, 1994, an~~  
31 ~~information network and database that would utilize regional data~~  
32 ~~collection resources to provide noneconfidential information that~~  
33 ~~may include, but shall not be limited to, the following components:~~

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

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

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

39 ~~(4) Business mix of domestic and international sales.~~



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

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

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

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

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

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

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

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

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

34 ~~SEC. 65. Section 15345.5 of the Government Code is~~  
35 ~~repealed.~~

36 ~~SEC. 66. Section 15399.51 of the Government Code is~~  
37 ~~amended to read:~~

38 ~~15399.51. (a) Every city, county, or city and county shall~~  
39 ~~provide for coordination of review and decisionmaking and the~~  
40 ~~provision of information regarding the status of all applications~~



1 ~~and permits for residential, commercial, and industrial~~  
2 ~~developments, as required by the city, county, or city and county,~~  
3 ~~by a single administrative entity. The city, county, or city and~~  
4 ~~county may charge fees to defray costs which are directly~~  
5 ~~attributable to the coordination of an application of a developer by~~  
6 ~~a single administrative entity.~~

7 ~~(b) For the purposes of this section, “administrative entity”~~  
8 ~~means a person or agency designated by the legislative body of the~~  
9 ~~city, county, or city and county to coordinate the review and~~  
10 ~~decisionmaking and provide information regarding the status of all~~  
11 ~~permits or applications required by the local agency.~~

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

15 ~~SEC. 67.—~~

16 *SEC. 48.* Section 15814.25 of the Government Code, as added  
17 by Section 4 of Chapter 1178 of the Statutes of 1993, is amended  
18 to read:

19 15814.25. Energy conservation measures eligible for  
20 financing by kindergarten through grade 12 schools shall be  
21 limited to those measures recommended pursuant to an energy  
22 audit provided by the State Energy Resources Conservation and  
23 Development Commission under its existing authority.

24 ~~SEC. 68.—~~

25 *SEC. 49.* Part 14 (commencing with Section 16000) of  
26 Division 3 of Title 2 of the Government Code is repealed.

27 ~~SEC. 69.—~~

28 *SEC. 50.* Section 16272.3 of the Government Code is  
29 repealed.

30 ~~SEC. 70.—~~

31 *SEC. 51.* Section 16272.5 of the Government Code is  
32 amended to read:

33 16272.5. The State Controller, shall total the amounts  
34 determined pursuant to former Section 16272.3, as amended by  
35 Chapter 332 of the Statutes of 1978, and shall determine the  
36 proportion which the amounts submitted by each governing body  
37 bears to the total amount of the property taxes reported by all such  
38 governing bodies. The percentage determined for each governing  
39 body shall be applied to the one hundred ~~and~~ twenty-five million  
40 dollars (\$125,000,000) to determine the dollar share of the surplus



1 allocation for each governing body. The Controller shall then  
2 notify in writing each fiscal officer of the allocation which will be  
3 made for the 1978–79 fiscal year, on or before July 20, 1978.

4 ~~SEC. 71.—~~

5 *SEC. 52.* Chapter 5 (commencing with Section 16285) of Part  
6 1.5 of Division 4 of Title 2 of the Government Code is repealed.

7 ~~SEC. 72.—~~

8 *SEC. 53.* Section 16367.9 of the Government Code is  
9 repealed.

10 ~~SEC. 73.—~~

11 *SEC. 54.* Section 19995.35 of the Government Code is  
12 repealed.

13 ~~SEC. 74.—~~

14 *SEC. 55.* Section 19998.5 of the Government Code is  
15 repealed.

16 ~~SEC. 75.—~~

17 *SEC. 56.* Section 30605 of the Government Code is repealed.

18 ~~SEC. 76.—~~

19 *SEC. 57.* Section 51015.05 of the Government Code is  
20 amended to read:

21 51015.05. (a) The State Fire Marshal shall establish and  
22 maintain a centralized database containing information and data  
23 regarding the following intrastate pipelines:

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

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

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

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

39 (d) Any state or local governmental agency that regulates,  
40 supervises, or exerts authority over any pipeline described in



1 subdivision (a) shall report any information or data specified in  
2 subdivision (b) in its possession to the State Fire Marshal. That  
3 information shall be submitted to the State Fire Marshal in a  
4 computer compatible format.

5 (e) The State Fire Marshal shall conduct a study of the fitness  
6 and safety of all pipelines described in subdivision (a), and  
7 investigate incentive options that would encourage pipeline  
8 replacement or improvements, including, but not limited to, a  
9 review of existing regulatory, permit, and environmental impact  
10 report requirements and other existing public policies, as may be  
11 identified by the Pipeline Safety Advisory Committee and adopted  
12 by the State Fire Marshal, that could act as barriers to the  
13 replacement or improvement of those pipelines.

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

20 ~~SEC. 77.—~~

21 *SEC. 58.* Section 51015.1 of the Government Code is  
22 repealed.

23 ~~SEC. 78.—~~

24 *SEC. 59.* Section 53117 of the Government Code is repealed.

25 ~~SEC. 79.—~~

26 *SEC. 60.* Article 6.5 (commencing with Section 53125) of  
27 Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code  
28 is repealed.

29 ~~SEC. 80.—~~

30 *SEC. 61.* Section 68106 of the Government Code is repealed.

31 ~~SEC. 81.—~~

32 *SEC. 62.* Section 68511.4 of the Government Code is  
33 repealed.

34 ~~SEC. 82.—~~

35 *SEC. 63.* Section 68515 of the Government Code is repealed.

36 ~~SEC. 83.—~~

37 *SEC. 64.* Section 1179.2 of the Health and Safety Code is  
38 amended to read:

39 1179.2. (a) The Health and Welfare Agency shall establish an  
40 interdepartmental Task Force on Rural Health to coordinate rural



1 health policy development and program operations and to develop  
2 a strategic plan for rural health.

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

5 (1) The Director of Health Services.

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

8 (3) The Director of Alcohol and Drug Programs.

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

11 (5) The Director of Mental Health.

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

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

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

23 ~~SEC. 84.—~~

24 *SEC. 65.* Section 1205.1 of the Health and Safety Code is  
25 repealed.

26 ~~SEC. 85.—~~

27 *SEC. 66.* Section 1275.3 of the Health and Safety Code is  
28 amended to read:

29 1275.3. (a) The State Department of Health Services and the  
30 State Department of Developmental Services shall jointly develop  
31 and implement licensing and Medi-Cal regulations appropriate for  
32 intermediate care facilities/developmentally disabled—nursing.  
33 The Director of Health Services shall adopt these regulations as  
34 emergency regulations and, notwithstanding any provision of law,  
35 shall transmit emergency regulations adopted pursuant to this  
36 subdivision directly to the Secretary of State for filing, and  
37 regulations shall become effective immediately upon filing.

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



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

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

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

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

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

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

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

28 (d) Nothing in this section supersedes the authority of the State  
29 Fire Marshal pursuant to Sections 13113, 13113.5, 13143, and  
30 13143.6 to the extent that these sections are applicable to  
31 community care facilities.

32 ~~SEC. 86.—~~

33 *SEC. 67.* Section 1519 of the Health and Safety Code is  
34 repealed.

35 ~~SEC. 87.—~~

36 *SEC. 68.* Section 1520.65 of the Health and Safety Code is  
37 repealed.

38 ~~SEC. 88.—~~

39 *SEC. 69.* Section 1522.4 of the Health and Safety Code is  
40 amended to read:



1 1522.4. (a) In addition to any other requirements of this  
2 chapter and except for foster family homes, small family homes,  
3 and certified family homes of foster family agencies, all of the  
4 following apply to any community care facility providing 24-hour  
5 care for children:

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

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

19 (3) A facility manager shall be at the facility at all times when  
20 one or more clients are present. To ensure adequate supervision of  
21 clients when clients are at the facility outside of their normal  
22 schedule, a current telephone number where the facility manager  
23 can be reached shall be provided to the clients, licensing agency,  
24 school, and any other agency or person as the department  
25 determines is necessary. The facility manager shall instruct these  
26 agencies and individuals to notify him or her when clients will be  
27 returning to the facility outside of the normal hours.

28 (4) The Legislature intends to upgrade the quality of care in  
29 licensed facilities. For the purposes of Sections 1533 and 1534, the  
30 licensed facility shall be inspected and evaluated for quality of care  
31 at least once each year, without advance notice and as often as  
32 necessary, without advance notice, to ensure the quality of care  
33 being provided.

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



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

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

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

14 (c) (1) No group home or foster family agency licensee, or  
15 employee, member of the board of directors, or officer of a group  
16 home or foster family agency licensee, shall offer gifts or other  
17 remuneration of any type to any employee of the State Department  
18 of Social Services or placement agency that exceeds the monetary  
19 limits for gifts to employees of the State of California pursuant to  
20 Title 9 (commencing with Section 81000) of the Government  
21 Code and regulations adopted thereunder by the Fair Political  
22 Practices Commission.

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

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

33 ~~SEC. 89.—~~

34 *SEC. 70.* Section 1522.6 of the Health and Safety Code is  
35 repealed.

36 ~~SEC. 90.—~~

37 *SEC. 71.* Section 1527.9 of the Health and Safety Code is  
38 repealed.

39 ~~SEC. 91.—~~



1     *SEC. 72.* Section 1529.3 of the Health and Safety Code is  
2 repealed.

3     ~~*SEC. 92.*~~

4     *SEC. 73.* Section 1557 of the Health and Safety Code is  
5 repealed.

6     ~~*SEC. 93.*~~

7     *SEC. 74.* Section 1569.545 of the Health and Safety Code is  
8 repealed.

9     ~~*SEC. 94.*~~

10    *SEC. 75.* Section 1596.955 of the Health and Safety Code is  
11 amended to read:

12    1596.955. (a) The department shall develop guidelines and  
13 procedures to permit licensed child day care centers serving  
14 preschool age children to create a special program component for  
15 children between the ages of 18 months and 30 months. This  
16 optional toddler program shall be subject to the following basic  
17 conditions:

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

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

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

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

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

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

35    (7) All other preschool regulations are complied with.

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

38    (c) The department shall immediately prepare proposed  
39 regulations for public hearing which would consider the foregoing



1 basic conditions as well as any additional health and safety  
2 safeguards deemed necessary for this age group.

3 (d) The guidelines in subdivision (a) shall remain in force and  
4 effect only until regulations implementing this section are adopted  
5 by the department.

6 ~~SEC. 95.—~~

7 *SEC. 76.* Section 1597.01 of the Health and Safety Code is  
8 repealed.

9 ~~SEC. 96.—~~

10 *SEC. 77.* Section 1598.3 of the Health and Safety Code is  
11 repealed.

12 ~~SEC. 97.—~~

13 *SEC. 78.* Section 6982 of the Health and Safety Code is  
14 amended to read:

15 6982. (a) Notwithstanding Section 6952, the West Bay  
16 Sanitary District may use the procedures in this chapter to provide  
17 alternative or innovative wastewater technologies in the district's  
18 jurisdiction.

19 (b) The determination of a public health officer pursuant to  
20 Section 6955.1 shall include written findings, adopted by the  
21 district board of directors, regarding the existing or potential  
22 public health hazard.

23 (c) "Alternative or innovative wastewater technologies"  
24 means either (1) an onsite wastewater disposal system, as defined  
25 in Section 6952, or (2) such a system in conjunction with  
26 communitywide sewer or sewage systems, if one or more of the  
27 components of the system is located on or in close proximity to the  
28 real property and employs innovative or alternative wastewater  
29 technologies, including, but not limited to, grinder pump pressure  
30 sewer systems, septic tank effluent pump pressure sewer systems,  
31 vacuum sewer systems, or small-diameter gravity septic tank  
32 systems.

33 ~~SEC. 98.—~~

34 *SEC. 79.* Section 11756.5 of the Health and Safety Code is  
35 repealed.

36 ~~SEC. 99.—~~

37 *SEC. 80.* Section 11756.7 of the Health and Safety Code is  
38 amended to read:

39 11756.7. (a) The department shall, in partnership with the  
40 County Alcohol and Drug Program Administrators' Association



1 of California, collaborate with providers, constituency groups,  
2 and other interested parties, to develop and test a comprehensive,  
3 client-centered system of care that is outcome-based and addresses  
4 the devastating costs of substance abuse to individuals, families,  
5 and communities.

6 (b) Key elements of the system of care may include:

7 (1) Definition of services.

8 (2) Automation of state, county, and provider data collection  
9 and capacity management system.

10 (3) Quality assurance standards.

11 (4) Assessment and outcome measures.

12 (c) Involvement in the testing of the various system of care  
13 components shall be voluntary for counties and their contract  
14 providers. Providers within the selected counties that volunteer  
15 and are approved by the county alcohol and drug program  
16 administrator shall meet the criteria for application and  
17 participation and coordinate services through their county alcohol  
18 and drug program administrator. The department shall establish  
19 criteria, in partnership with the County Alcohol and Drug Program  
20 Administrators' Association of California, and in consultation  
21 with providers, constituency groups, and other interested parties.

22 (d) The department, in consultation with the County Alcohol  
23 and Drug Program Administrators' Association of California,  
24 may establish terms and conditions, which may include, but need  
25 not be limited to, incentives for participation that establish  
26 alternate means to satisfy accountability, reporting, or other  
27 requirements otherwise required by this division.

28 (e) The department shall commence planning and  
29 implementing the tests on or after January 1, 1999, with the  
30 counties that have volunteered to participate in the system of care.  
31 The department, in partnership with the County Alcohol and Drug  
32 Program Administrators' Association of California, shall report  
33 annually to the Legislature during budget hearings as to the status  
34 of the tests.

35 (f) The outcome of the tests shall include automation linkages  
36 for the state, counties, and providers, and recommendations for  
37 service system improvements.

38 (g) The department shall seek federal funding to support the  
39 testing and evaluation of key system elements.



1 (h) By January 1, 2003, the department shall provide the  
2 appropriate committees of the Legislature with a written report on  
3 options on how to apply the pilot program developed under this  
4 section on a statewide basis. The report shall contain options for  
5 redesigning the operation of state and local alcohol and drug  
6 programs that reflect the definition of services, quality assurance  
7 standards, automation of data collection, capacity management  
8 and assessment, and outcome measures developed pursuant to this  
9 section.

10 (i) This section shall become inoperative on July 1, 2003, and  
11 shall be repealed on January 1, 2004, unless a later enacted statute,  
12 that is enacted before January 1, 2004, deletes or extends those  
13 dates.

14 ~~SEC. 100.—~~

15 *SEC. 81.* Section 11757.62 of the Health and Safety Code is  
16 repealed.

17 ~~SEC. 101.—~~

18 *SEC. 82.* Section 11758.10 of the Health and Safety Code is  
19 amended to read:

20 11758.10. (a) Notwithstanding any other provision of law,  
21 the department shall contract with any county that requests to  
22 participate in the pilot project for the 1993–94 fiscal year.

23 (b) The pilot project shall terminate on June 30, 1994. The  
24 department shall negotiate, on or before July 1, 1994, multiyear net  
25 amount contracts with every county. The department shall allocate  
26 funds to each county in accordance with Sections 11814 and  
27 11983. The department shall predicate its contract negotiations on  
28 the availability of a mutually agreeable dedicated capacity.

29 ~~SEC. 102.—~~

30 *SEC. 83.* Section 11758.33 of the Health and Safety Code is  
31 repealed.

32 ~~SEC. 103.— Section 11758.40 of the Health and Safety Code is~~  
33 ~~repealed.~~

34 ~~SEC. 104.—~~

35 *SEC. 84.* Chapter 3.5 (commencing with Section 11758.50)  
36 of Part 1 of Division 10.5 of the Health and Safety Code is  
37 repealed.

38 ~~SEC. 105.—~~

39 *SEC. 85.* Chapter 5 (commencing with Section 11759.10) of  
40 Part 1 of Division 10.5 of the Health and Safety Code is repealed.



1 ~~SEC. 106.~~—

2 *SEC. 86.* Section 11772 of the Health and Safety Code is  
3 amended to read:

4 11772. (a) The department may enter into contracts with  
5 public or private agencies or make grants necessary or incidental  
6 to the performance of its duties and the execution of its powers,  
7 including contracts with public or private agencies and  
8 individuals, to pay them in advance or reimburse them for services  
9 provided to problem drinkers and their families and communities.  
10 The Legislature finds and declares that many of the activities  
11 required of the department which are necessary to carry out its  
12 duties under this part are unique to alcohol services and programs.  
13 Therefore, the Legislature directs the department to contract with  
14 public or private agencies or individuals to perform its duties  
15 whenever that expertise is available and appropriate to utilize.

16 (b) Notwithstanding any other provision of this part, the  
17 department may not contract directly for the provision of alcohol  
18 services except as follows:

19 (1) To provide referral and monitoring services for recipients  
20 of Supplemental Security Income in those counties that choose not  
21 to provide these services.

22 (2) For demonstration programs of limited duration and scope  
23 which, wherever possible, shall be administered through the  
24 counties and which are specifically authorized and funded by the  
25 Budget Act or other statutes.

26 (3) To provide supportive services, such as technical  
27 assistance, on a statewide basis, or management and evaluation  
28 studies to help assure more effective implementation of this part.

29 (c) The Legislature strongly encourages all counties to apply  
30 for funds under this part because of the seriousness of alcohol  
31 problems in California and the necessity for affirmative  
32 governmental involvement to help alleviate alcohol problems.  
33 However, the Legislature has chosen not to mandate that counties  
34 provide those services and programs. In the absence of local  
35 community control of the services and programs, the state shall not  
36 intervene to operate directly or through contract services and  
37 programs which the elected county board of supervisors has  
38 chosen not to provide to its constituents.

39 ~~SEC. 107.~~—



1 *SEC. 87.* Section 11782 of the Health and Safety Code is  
2 repealed.

3 ~~*SEC. 108.*~~

4 *SEC. 88.* Section 11798.1 of the Health and Safety Code is  
5 amended to read:

6 11798.1. Notwithstanding any other requirement of this  
7 division, any county may, by resolution of its board of supervisors,  
8 develop and operate alcohol and drug abuse programs as one  
9 coordinated system. In establishing coordinated systems with  
10 combined alcohol and drug services, counties shall do all of the  
11 following:

12 (a) Submit a combined alcohol and drug plan, including, but  
13 not limited to, a budget of all funds allocated to the county by the  
14 department.

15 (b) Report all of the following to the department:

16 (1) Utilization of all funds allocated by the department to the  
17 county in a combined annual expenditure report pursuant to state  
18 and federal requirements.

19 (2) All information necessary for the department to administer  
20 this section, including, but not limited to, information needed to  
21 meet federal reporting requirements. This information shall be  
22 reported on a form developed by the department in consultation  
23 with the County Alcohol and Drug Administrators Association.

24 (c) Combine drug and alcohol administrations in performance  
25 of alcohol and drug program administrative duties pursuant to  
26 Sections 11801 and 11963.

27 (d) In circumstances where any of the participating counties  
28 wish to combine treatment programs for persons with both alcohol  
29 and drug problems, the county shall first submit its plan and  
30 program standards for the treatment programs to the department  
31 for approval.

32 (e) Require combined programs, for planning and  
33 reimbursement purposes, to assess or categorize program  
34 participants at the time of admission and discharge with regard to  
35 whether their primary treatment needs are related to abuse of  
36 alcohol or of drugs.

37 (f) Ensure that combined programs comply with statewide  
38 program standards developed pursuant to regulations adopted by  
39 the department in consultation with the alcohol and drug  
40 administrators.



1 ~~SEC. 109.—~~

2 *SEC. 89.* Section 11831.5 of the Health and Safety Code is  
3 amended to read:

4 11831.5. (a) Certification shall be granted by the department  
5 pursuant to this section to any alcoholism or drug abuse recovery  
6 or treatment program wishing to receive, and requesting, the  
7 certification regardless of the source of the program’s funding.

8 (b) The purposes of certification under this section shall be all  
9 of the following:

10 (1) To identify programs that exceed minimal levels of service  
11 quality, are in substantial compliance with the department’s  
12 standards, and merit the confidence of the public, third-party  
13 payers, and county alcohol and drug programs.

14 (2) To encourage programs to meet their stated goals and  
15 objectives.

16 (3) To encourage programs to strive for increased quality of  
17 service through recognition by the state and by peer programs in  
18 the alcoholism and drug field.

19 (4) To assist programs to identify their needs for technical  
20 assistance, training, and program improvements.

21 (c) Certification may be granted under this section on the basis  
22 of evidence satisfactory to the department that the requesting  
23 alcoholism or drug abuse recovery or treatment program has an  
24 accreditation by a statewide or national alcohol or drug program  
25 accrediting body. The accrediting body shall be one whose  
26 accreditation meets or exceeds the department’s standards and  
27 which is recognized by the department.

28 (d) No fee shall be levied by the department for certification of  
29 nonprofit organizations or local governmental entities under this  
30 section.

31 (e) Certification, or the lack thereof, shall not convey any  
32 approval or disapproval by the department, but shall be for  
33 information purposes only.

34 (f) The standards developed pursuant to Section 11830 and the  
35 certification under this section shall satisfy the requirements of  
36 Section 1463.16 of the Penal Code.

37 (g) The department and the State Department of Social  
38 Services shall enter into an interagency agreement to establish a  
39 process by which the Department of Alcohol and Drug Programs  
40 can certify residential facilities or programs serving primarily



1 adolescents as defined in paragraph (1) of subdivision (a) of  
2 Section 1502 of the Health and Safety Code, and providing  
3 alcoholism and drug recovery or treatment services.

4 ~~SEC. 110.—~~

5 *SEC. 90.* Section 11963.5 of the Health and Safety Code is  
6 repealed.

7 ~~SEC. 111.—~~

8 *SEC. 91.* Section 11998.2 of the Health and Safety Code is  
9 amended to read:

10 11998.2. (a) “Department,” as used in this division, means  
11 the State Department of Alcohol and Drug Programs.

12 (b) The board of supervisors of each county is encouraged to  
13 prepare and adopt a county drug and alcohol abuse master plan,  
14 pursuant to paragraph (1) of subdivision (f) of Section 11998.1,  
15 that addresses as many of the long-range goals set forth in Section  
16 11998.1 as possible. It is the intent of the Legislature that every  
17 county master plan include quantitative outcome objectives that,  
18 at a minimum, measure progress in the areas of prevention,  
19 education, enforcement, and treatment. It is the intent of the  
20 Legislature that these objectives include measurements of:

21 (1) The reduction of arrests for driving under the influence of  
22 drugs or alcohol, or both.

23 (2) The reduction of alcohol and drug-related arrests.

24 (3) Increased public education on the dangers of substance  
25 abuse and the available prevention techniques including specific  
26 measurements of children, parents, and teachers who have  
27 received this education.

28 (4) The reduction of alcohol- and drug-related deaths and  
29 injuries.

30 (5) The increased number of persons successfully completing  
31 drug and alcohol abuse services.

32 If a county master plan is adopted, the board of supervisors or  
33 its designee shall, in conjunction with the county advisory boards  
34 as established pursuant to paragraph (2) of subdivision (f) of  
35 Section 11998.1, annually assess the progress of the county in  
36 reaching its long-range goals.

37 (c) Every county or public or private agency within a county  
38 that applies for state or local assistance funds for drug and alcohol  
39 abuse efforts in their program, may address, to the extent possible,  
40 any long-range goals set forth in a county drug and alcohol abuse



1 master plan established pursuant to subdivision (b), and funding  
2 priority may be given to those entities which address these goals  
3 within their respective programs.

4 (d) The Governor shall designate one state agency to act as the  
5 lead agency on all drug and alcohol abuse matters.

6 (e) Every state agency that contracts or grants money to local  
7 jurisdictions or programs for drug and alcohol abuse services shall  
8 require the submission and shall review the contents of an  
9 approved county drug and alcohol abuse master plan, to the extent  
10 a plan has been adopted pursuant to subdivision (b).

11 (f) Every state agency that offers drug and alcohol abuse  
12 services or financial assistance shall report annually to the  
13 Legislature on its efforts to achieve the master plan goals provided  
14 in Section 11998.1. Individual agencies may report separately or  
15 in combination with other state agencies.

16 (g) The department shall send copies of this division to all  
17 state-funded social service programs that provide drug and alcohol  
18 abuse services.

19 (h) The department shall maintain copies of every county drug  
20 and alcohol abuse master plan for review by other state agencies  
21 and the Legislature.

22 (i) The Governor shall designate one statewide resource center  
23 to coordinate efforts of other resource centers statewide and to  
24 coordinate with local government and assist in their preparation of  
25 drug and alcohol abuse master plans.

26 (j) The department shall maintain an annually updated listing  
27 of all drug and alcohol abuse programs provided or funded by the  
28 state. Every other state agency shall regularly provide the  
29 department with current information on programs they fund or  
30 provide.

31 (k) The Governor's Policy Council on Drug and Alcohol  
32 Abuse shall review and consider all of the goals contained in  
33 Section 11998.1.

34 ~~SEC. 112.—~~

35 *SEC. 92.* Section 13143.7 of the Health and Safety Code is  
36 repealed.

37 ~~SEC. 113.—~~

38 *SEC. 93.* Section 16109 of the Health and Safety Code is  
39 amended to read:



1 16109. In the event that a project involving buildings utilizing  
2 earthquake mitigation technologies and other new seismic  
3 resistant design technologies requires design review and plan  
4 approval by more than one public agency, the Coordinating  
5 Council of the Building Standards Commission shall, to the  
6 maximum extent feasible, consolidate the various hearings which  
7 may be required in order to minimize the time required for the  
8 hearings. This consolidation shall be for procedural purposes only  
9 and shall not be construed as consolidating the statutory  
10 responsibilities of the public agencies conducting the consolidated  
11 hearings.

12 ~~SEC. 114.—~~

13 *SEC. 94.* Section 18944.34 of the Health and Safety Code is  
14 repealed.

15 ~~SEC. 115.—~~

16 *SEC. 95.* Section 25159.13 of the Health and Safety Code is  
17 repealed.

18 ~~SEC. 116.—~~

19 *SEC. 96.* Section 25159.19 of the Health and Safety Code is  
20 amended to read:

21 25159.19. (a) On or before July 1, 1986, the department  
22 shall, by emergency regulation, adopt a fee schedule that assesses  
23 a fee upon any person discharging any hazardous wastes into an  
24 injection well. The department shall include in this fee schedule  
25 the fees charged for filing a hazardous waste injection statement  
26 specified in former Section 25159.13, as added by Chapter 1591  
27 of the Statutes of 1985, the report specified in Section 25159.18,  
28 and applications for, and renewals of, the exemptions specified in  
29 Section 25159.15. The department shall also include provisions in  
30 the fee schedule for assessing a penalty pursuant to subdivision (c).  
31 These fees shall be based on the reasonable anticipated costs that  
32 will be incurred by the department to implement and administer  
33 this article. The department may also request an appropriation to  
34 be used in combination with these fees to perform the monitoring,  
35 inspections, review of reports, or any other implementation and  
36 administrative actions required by this article.

37 (b) The emergency regulations that set the fee schedule shall be  
38 adopted by the department in accordance with Chapter 3.5  
39 (commencing with Section 11340) of Part 1 of Division 3 of Title  
40 2 of the Government Code, and for the purposes of that chapter,



1 including Section 11349.6 of the Government Code, the adoption  
2 of these regulations is an emergency and shall be considered by the  
3 Office of Administrative Law as necessary for the immediate  
4 preservation of the public peace, health, and safety, and general  
5 welfare. Notwithstanding Chapter 3.5 (commencing with Section  
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
7 any emergency regulations adopted by the department pursuant to  
8 this section shall be filed with, but not be repealed by, the Office  
9 of Administrative Law and shall remain in effect until revised by  
10 the department.

11 (c) The department shall send a notice to each person subject  
12 to the fee specified in subdivision (a). If a person fails to pay the  
13 fee within 60 days after receipt of this notice, the department shall  
14 require the person to pay an additional penalty fee. The department  
15 shall set the penalty fee at not more than 100 percent of the assessed  
16 fee, but in an amount sufficient to deter future noncompliance, as  
17 based upon that person's past history of compliance and ability to  
18 pay, and upon additional expenses incurred by this  
19 noncompliance.

20 (d) The department shall collect and deposit the fees and  
21 penalties collected pursuant to this section in the Hazardous Waste  
22 Injection Well Account, which is hereby created in the General  
23 Fund. The money within the Hazardous Waste Injection Well  
24 Account is available, upon appropriation by the Legislature, to the  
25 department for purposes of administering this article.

26 (e) This section applies only to injection wells into which  
27 hazardous waste is discharged.

28 ~~SEC. 117.—~~

29 *SEC. 97.* Section 25244.3 of the Health and Safety Code is  
30 repealed.

31 ~~SEC. 118.—~~

32 *SEC. 98.* Section 25299.80 of the Health and Safety Code is  
33 repealed.

34 ~~SEC. 119.—~~

35 *SEC. 99.* Section 25503.2 of the Health and Safety Code is  
36 amended to read:

37 25503.2. (a) The Environmental Affairs Agency, with the  
38 guidance of the Chemical Emergency Planning and Response  
39 Commission, as specified in Section 25503.1, shall develop a



1 hazardous materials compliance assistance manual, which shall  
2 include all of the following:

3 (1) A copy of each form required by federal and state agencies  
4 for the reporting of activities concerning hazardous materials and  
5 criteria as to who is required to file the form.

6 (2) The due date for each form specified in paragraph (1).

7 (3) The address, telephone number, and contact person of each  
8 federal and state agency which requires the reporting forms  
9 specified in paragraph (1).

10 (4) An insert that contains a copy of each form used for the  
11 reporting of activities concerning hazardous materials required by  
12 each local agency under whose jurisdiction the person requesting  
13 the manual conducts business, including the due date for each  
14 form, and the address, telephone number, and contact person of  
15 each local agency.

16 (5) Any other information that the Environmental Affairs  
17 Agency determines to be necessary.

18 (b) On or before July 1, 1991, the Environmental Affairs  
19 Agency, with the guidance of the Chemical Emergency Planning  
20 and Response Commission, shall make known to businesses and  
21 other interested parties, and distribute, upon request, the  
22 hazardous materials compliance assistance manual developed  
23 pursuant to subdivision (a). The Secretary of the Environmental  
24 Affairs Agency may impose a fee for the manual to pay for all costs  
25 related to the development, maintenance, reproduction, and  
26 distribution of the manual.

27 ~~SEC. 120.—~~

28 *SEC. 100.* Article 5 (commencing with Section 25547) of  
29 Chapter 6.95 of Division 20 of the Health and Safety Code is  
30 repealed.

31 ~~SEC. 121.—~~

32 *SEC. 101.* Section 25928 of the Health and Safety Code is  
33 repealed.

34 ~~SEC. 122.—~~

35 *SEC. 102.* Section 38045 of the Health and Safety Code is  
36 repealed.

37 ~~SEC. 123.—~~

38 *SEC. 103.* Section 39663 of the Health and Safety Code is  
39 repealed.

40 ~~SEC. 124.—~~



1     *SEC. 104.* Section 40410.5 of the Health and Safety Code is  
2 amended to read:

3     40410.5. (a) There is hereby established within the south  
4 coast district a sensitive zone, which shall include the general  
5 forecast areas known as the San Gabriel/Pomona Valleys and the  
6 Riverside/San Bernardino areas.

7     (b) In addition to every other requirement for the issuance of a  
8 permit, the following requirements shall be applicable to the  
9 issuance of a permit by the south coast district for the construction  
10 or operation of any stationary source within the sensitive zone:

11     (1) When emission offsets are required to mitigate the air  
12 quality impacts of a stationary source, the offsets shall be secured  
13 by the applicant so as to bring about ambient air quality  
14 improvements within the sensitive zone. The applicant shall be  
15 required to demonstrate, to the satisfaction of the south coast  
16 district, that any emissions reductions acquired from stationary  
17 sources operating within the South Coast Air Basin will result in  
18 a demonstrable net ambient air quality improvement within the  
19 sensitive zone.

20     (2) In considering an application for a permit to construct or  
21 operate a stationary source, the south coast district board shall, in  
22 addition to making a finding and determination that the impacts of  
23 the stationary source will be mitigated so as to result in a net  
24 improvement in ambient air quality within the South Coast Air  
25 Basin, also make a finding and determination that the impacts of  
26 the stationary source can be mitigated so as to result in a net  
27 improvement in ambient air quality within the sensitive zone.

28     (c) The south coast district board shall adopt rules and  
29 regulations to implement this section by January 1, 1991.

30     ~~SEC. 125.—~~

31     *SEC. 105.* Section 40452 of the Health and Safety Code is  
32 amended to read:

33     40452. The south coast district shall submit an annual report  
34 to the state board and the Legislature summarizing its regulatory  
35 activities for the preceding calendar year. The report shall include  
36 all of the following:

37     (a) A summary of each major rule and rule amendment adopted  
38 by the south coast district board. The summary shall include  
39 emission reductions to be accomplished by each rule or regulation;  
40 the cost per ton of emission reduction to be achieved from each rule



1 or regulation; other alternatives that were considered through the  
2 environmental assessment process; the cost per ton of comparable  
3 emission reductions that could have been achieved from each  
4 alternative; a statement of the reason why a given alternative was  
5 chosen; the conclusions and recommendations of the district's  
6 socioeconomic analysis, including any evaluations of  
7 employment impacts; and the source of funding for the rule or  
8 regulation. For the purposes of this subdivision, a major rule or  
9 rule amendment is one that is intended to significantly affect air  
10 quality or that imposes emission limitations.

11 (b) The number of permits to operate or to construct, by type  
12 of industry, that are issued and denied, and the number of permits  
13 to operate that are not renewed.

14 (c) Data on emission offset transactions and applications, by  
15 pollutant, during the previous fiscal year, including an accounting  
16 of the number of applications for permits for new or modified  
17 sources that were denied because of the unavailability of emission  
18 offsets.

19 (d) The district's forecast of budget and staff increases  
20 proposed for the following fiscal year, and projected for the next  
21 two fiscal years. Budget and staff increases shall be related to  
22 existing programs and rules, and to new programs or rules to be  
23 adopted during the following years. The budget forecast shall  
24 provide a workload justification for proposed budget and staff  
25 changes and shall identify any cost savings to be achieved by  
26 program or staff changes. The budget forecast shall include  
27 increases in permit fees and other fees proposed for the following  
28 fiscal year and projected for the next two fiscal years.

29 (e) An identification of the source of all revenues collected that  
30 are used, or proposed to be used, to finance activities related to  
31 either stationary or nonstationary sources.

32 (f) The results of the clean fuels program as specified in Section  
33 40448.5. This element of the report shall be submitted biennially.

34 ~~SEC. 126.—~~

35 *SEC. 106.* Section 43013.5 of the Health and Safety Code is  
36 amended to read:

37 43013.5. For purposes of implementing and enforcing  
38 Sections 43020 and 43021, the State Air Resources Board shall  
39 purchase and install a wavelength dispersive XRF spectrometer  
40 with the capability to analyze gasoline and diesel fuels and other



1 petroleum products for sulfur content according to ASTM  
2 procedures specified by regulation.

3 ~~SEC. 127.—~~

4 *SEC. 107.* Section 44245 of the Health and Safety Code is  
5 repealed.

6 ~~SEC. 128.—~~

7 *SEC. 108.* Section 44247 of the Health and Safety Code is  
8 repealed.

9 ~~SEC. 129.—~~

10 *SEC. 109.* Section 50519 of the Health and Safety Code is  
11 amended to read:

12 50519. (a) The Legislature finds and declares that the need  
13 for decent housing among individuals of very low and low income  
14 is great, and that residential hotels are often the only form of  
15 housing affordable to these individuals. Many residential hotels  
16 are in poor condition and in need of rehabilitation, and many are  
17 being demolished or converted to other uses. The state can play an  
18 important role in preserving the existence and improving the  
19 quality of this housing resource through sponsoring demonstration  
20 projects that will enable local sponsors to acquire, rehabilitate,  
21 maintain, or otherwise protect and improve residential hotels as a  
22 housing resource for persons of very low and low income. The  
23 demonstration projects should be undertaken and designed so as  
24 to demonstrate the feasibility of innovative methods of protecting  
25 and improving residential hotels and of improving their  
26 habitability while assuring their continued availability to persons  
27 of very low and low income.

28 (b) The following definitions govern the construction of this  
29 section:

30 (1) “Residential hotel” means any building containing six or  
31 more guestrooms or efficiency units, as defined by Section  
32 17958.1, intended or designed to be used, or which are used,  
33 rented, or hired out, to be occupied, or which are occupied, for  
34 sleeping purposes by guests, which is also the primary residence  
35 of those guests, but does not mean any building containing six or  
36 more guestrooms or efficiency units, as defined by Section  
37 17958.1, which is primarily used by transient guests who do not  
38 occupy that building as their primary residence.

39 (2) “Sponsor” means a local government or nonprofit housing  
40 sponsor.



1 (3) “Persons of low income” shall have the same meaning as  
2 persons of low income as defined in Section 50093 of the Health  
3 and Safety Code.

4 (c) The department, in conjunction with the State Fire Marshal,  
5 shall develop a model code for the rehabilitation of residential  
6 hotels. The department shall adopt the code on or before January  
7 1, 1981. The code need not be adopted by any city, county, or city  
8 and county. However, those entities may adopt all or part of the  
9 code as an alternative to the requirements of the State Housing  
10 Law, Part 1.5 (commencing with Section 17910) of Division 13,  
11 as that law applies to residential hotels.

12 The purpose of the standards shall be to protect the health,  
13 safety, and welfare of the occupants of those residential hotels, to  
14 allow the economically feasible rehabilitation of those residential  
15 hotels, and to assure to the extent possible the preservation of those  
16 residential hotels as housing for very low and low-income persons.

17 (d) The agency shall develop a program of financing and loan  
18 insurance for the purpose of assisting the rehabilitation and  
19 acquisition of residential hotels serving the housing needs of very  
20 low and low-income persons by appropriate sponsors, and shall  
21 implement that program on or before January 1, 1981.

22 In the event that the agency is unable to implement that  
23 program, it shall report to the Legislature on or before July 1, 1981,  
24 the reasons for its inability to implement that program, and  
25 recommend methods by which the agency could implement that  
26 program.

27 (e) The department shall contract, subject to the availability of  
28 federal funds, with selected sponsors to acquire, rehabilitate,  
29 maintain, or otherwise protect and improve residential hotels as  
30 housing for persons of low income. The contracts may provide for  
31 grants or loans at an interest rate which the department determines  
32 will facilitate the present and future use of residential hotels as  
33 housing for persons of very low and low income. Subject to the  
34 availability of funds, the department shall contract for the  
35 preservation and improvement of at least one residential hotel in  
36 a rural area. Subject to restrictions on funds received, the  
37 department shall give first priority to residential hotels financed or  
38 acquired with assistance from the agency pursuant to subdivision  
39 (d).



1 (f) In connection with contracts let pursuant to subdivision (e),  
2 the department shall fix, and may alter from time to time, a  
3 schedule of rents as may be necessary to assure affordable rents for  
4 persons of low income in residential hotels assisted by funds made  
5 available under subdivision (e), and to the extent consistent with  
6 the maintenance of the financial integrity of the sponsor of the  
7 project and with the requirements for repayment of any funds  
8 loaned as established by the department. No local government or  
9 nonprofit housing sponsor receiving funds through the provisions  
10 of subdivision (e) shall alter rents without the prior permission of  
11 the department, which permission shall be given only if the  
12 sponsor demonstrates that the alteration is necessary to defray  
13 necessary operating costs and to avoid jeopardizing the fiscal  
14 integrity of the sponsor or to maintain affordable rents to the  
15 residents in the project. If the department does not act upon a  
16 request for a rent increase within 60 days, the increase shall be  
17 deemed approved. In connection with contracts authorized by  
18 subdivision (e), the department may determine standards for the  
19 selection by sponsors of the tenants for units in projects funded by  
20 contracts pursuant to subdivision (e). The authority of the  
21 department to fix and alter rents pursuant to this subdivision shall  
22 apply only to units within residential hotels that receive assistance  
23 pursuant to subdivision (e).

24 ~~SEC. 130.—~~

25 *SEC. 110.* Section 50524 of the Health and Safety Code is  
26 amended to read:

27 50524. The department shall include in its statewide housing  
28 plan a review of housing assistance policies, goals, and objectives  
29 affecting the homeless.

30 ~~SEC. 131.—~~

31 *SEC. 111.* Section 50837 of the Health and Safety Code is  
32 repealed.

33 ~~SEC. 132.—~~

34 *SEC. 112.* Article 5 (commencing with Section 100475) of  
35 Chapter 3 of Part 1 of Division 101 of the Health and Safety Code  
36 is repealed.

37 ~~SEC. 133.—~~

38 *SEC. 113.* Section 101535 of the Health and Safety Code is  
39 repealed.

40 ~~SEC. 134.—~~



1 *SEC. 114.* Section 104595 of the Health and Safety Code is  
2 repealed.

3 ~~SEC. 135.—~~

4 *SEC. 115.* Section 105140 of the Health and Safety Code is  
5 amended to read:

6 105140. (a) In addition to the other programs provided under  
7 this chapter, it is the intent of the Legislature to encourage the  
8 Regents of the University of California to monitor existing  
9 physician licensing requirements, and any additional requirements  
10 developed in response to Section 105135. It is also the intent of the  
11 Legislature that the regents review programs and offerings in the  
12 schools of medicine to ensure that graduates of those schools are  
13 adequately prepared to meet the licensing requirements in geriatric  
14 medicine and any other educational requirements in geriatric  
15 medicine deemed appropriate by the regents.

16 (b) It is the intent of the Legislature that the regents request the  
17 medical and other health science schools of the University of  
18 California to consider the need for additional emphasis on  
19 geriatrics in their curricula.

20 ~~SEC. 136.—~~

21 *SEC. 116.* Section 105175 of the Health and Safety Code is  
22 amended to read:

23 105175. (a) The department shall maintain a program on  
24 occupational health and occupational disease prevention,  
25 including, but not limited to, the following:

26 (1) Investigations into the causes of morbidity and mortality  
27 from work-induced diseases.

28 (2) Development of recommendations for improved control of  
29 work-induced diseases.

30 (3) Maintenance of a thorough knowledge of the effects of  
31 industrial chemicals and work practices on the health of California  
32 workers.

33 (4) Provision of technical assistance in matters of occupational  
34 disease prevention and control to the Department of Industrial  
35 Relations and other governmental and nongovernmental agencies,  
36 organizations, and private individuals.

37 (5) Collection and summarization of statistics describing the  
38 causes and prevalence of work-induced diseases in California.

39 (b) The functions provided for in subdivision (a) are intended  
40 to implement within the department a continuing research and



1 development capability and a repository of hazardous substances  
2 capability which will reinforce and strengthen the administration  
3 of the California Occupational Safety and Health Act of 1973, Part  
4 1 (commencing with Section 6300) of Division 5 of the Labor  
5 Code, including the capability to recommend occupational health  
6 standards to the California Occupational Safety and Health  
7 Standards Board. Whenever the repository identifies data gaps for  
8 any chemical regulated by the California Occupational Safety and  
9 Health Act of 1973, the department shall notify the Division of  
10 Occupational Safety and Health of the Department of Industrial  
11 Relations of its finding.

12 (c) Upon the request of the department, and in furtherance of  
13 the goals of the occupational disease prevention program,  
14 employers shall provide to the department the results of  
15 monitoring data, both exposure and medical, which has been  
16 collected pursuant to Cal-OSHA standards and regulations.

17 (d) The state department shall have access without delay to any  
18 place of employment during regular working hours and at other  
19 reasonable times to conduct investigations necessary to carry out  
20 the purposes of this article and Article 2 (commencing with  
21 Section 105185), including, but not limited to, research, health  
22 hazard evaluation, and epidemiological surveillance. In  
23 connection with the investigation, the department may question  
24 privately any employer, owner, operator, agent, or employee and  
25 review and copy records collected pursuant to Cal-OSHA  
26 standards and regulations, and other related records.

27 (e) The repository maintained pursuant to this section and  
28 Section 147.2 of the Labor Code shall contain the report issued  
29 pursuant to *former* Sections 13124 and 13125 of the Food and  
30 Agricultural Code. Whenever a request for toxicity information is  
31 received concerning a chemical discussed in that report, the  
32 department shall notify the requestor of the nature and extent of  
33 any data gaps identified in the report with respect to that chemical.  
34 Whenever the repository receives a request about toxicity  
35 information on any other chemical, in addition to providing  
36 available information about the known toxic effects of exposure  
37 to the chemical, the repository shall also notify the requester of a  
38 determination by any state agency or federal agency that the  
39 chronic health effects testing data on the chemical is inadequate or  
40 incomplete. State agencies that maintain information on the toxic



1 effects of chemicals shall provide the repository with access to that  
2 information.

3 ~~SEC. 137.—~~

4 *SEC. 117.* Section 105335 of the Health and Safety Code is  
5 repealed.

6 ~~SEC. 138.—~~

7 *SEC. 118.* Section 108865 of the Health and Safety Code is  
8 repealed.

9 ~~SEC. 139.—~~

10 *SEC. 119.* Section 110540 of the Health and Safety Code is  
11 repealed.

12 ~~SEC. 140.—~~

13 *SEC. 120.* Section 110795 of the Health and Safety Code is  
14 amended to read:

15 110795. (a) The department may adopt regulations that name  
16 and describe the characteristics of salmon and any other fish or  
17 other seafood it considers appropriate. The department shall  
18 consult with the Department of Fish and Game, the Joint  
19 Committee on Fisheries and Aquaculture, consumers, commercial  
20 fishermen, aquaculturists, and seafood processors, wholesalers,  
21 restaurateurs, and other retailers before adopting these  
22 regulations. The department shall not adopt any regulation that  
23 conflicts with the common name of any fish designated by the  
24 Department of Fish and Game pursuant to Section 8023 of the Fish  
25 and Game Code.

26 (b) In addition to the consultations required by subdivision (a),  
27 the department shall consult and seek the recommendations of the  
28 groups named in that subdivision concerning the possible need for,  
29 or desirability of, any further legislation or regulations affecting  
30 seafood labeling.

31 (c) No regulation adopted pursuant to this section shall deviate  
32 from a pertinent United States standard where the fish or seafood  
33 product specified is packed or processed as a standardized product  
34 under a United States standard.

35 (d) Nothing in this section or in regulations adopted pursuant  
36 to this section shall be construed to require the use of more than the  
37 common family name of any fish or seafood by any restaurant in  
38 menus or advertisements.

39 ~~SEC. 141.—~~



1     *SEC. 121.* Section 114820 of the Health and Safety Code is  
2 amended to read:

3     114820. (a) The department, with the assistance of the Office  
4 of Emergency Services, the State Energy Resources Conservation  
5 and Development Commission, and the Department of the  
6 California Highway Patrol shall, with respect to any fissile  
7 radioactive material coming within the definition of “fissile class  
8 II,” “fissile class III,” “large quantity radioactive materials,” or  
9 “low-level radioactive waste” provided by the regulations of the  
10 United States Department of Transportation (49 C.F.R. 173.389),  
11 do all of the following:

12     (1) Study the adequacy of current packaging requirements for  
13 radioactive materials.

14     (2) Study the effectiveness of special routing and timing of  
15 radioactive materials shipments for the protection of the public  
16 health.

17     (3) Study the advantages of establishing a tracking system for  
18 shipments of most hazardous radioactive materials.

19     (b) The department, with the assistance of the Office of  
20 Emergency Services, the State Energy Resources Conservation  
21 and Development Commission, and the Department of the  
22 California Highway Patrol, shall extend the nuclear threat  
23 emergency response plan to include radioactive materials in transit  
24 and provide training for law enforcement officers in dealing with  
25 those threats.

26     (c) Subject to Section 114765, the department, in cooperation  
27 with the Department of the California Highway Patrol, shall adopt,  
28 in accordance with Chapter 3.5 (commencing with Section 11340)  
29 of Part 1 of Division 3 of Title 2 of the Government Code,  
30 reasonable regulations that, in the judgment of the department,  
31 promote the safe transportation of radioactive materials. The  
32 regulations shall (1) prescribe the use of signs designating  
33 radioactive material cargo; shall designate, in accordance with the  
34 results of the studies done pursuant to subdivision (a), the manner  
35 in which the shipper shall give notice of the shipment to  
36 appropriate authorities; (2) prescribe the packing, marking,  
37 loading, and handling of radioactive materials, and the precautions  
38 necessary to determine whether the material when offered is in  
39 proper condition to transport, but shall not include the equipment  
40 and operation of the carrier vehicle; and (3) be reviewed and



1 amended, as required, pursuant to Section 114765. The regulations  
2 shall be compatible with those established by the federal agency  
3 or agencies required or permitted by federal law to establish the  
4 regulations.

5 (d) Subject to Section 114765, the Department of the  
6 California Highway Patrol, after consulting with the department,  
7 shall adopt regulations specifying the time at which shipments  
8 may occur and the routes that are to be used in the transportation  
9 of cargoes of hazardous radioactive materials, as those materials  
10 are defined in regulations of the department.

11 ~~SEC. 142.—~~

12 *SEC. 122.* Section 116360 of the Health and Safety Code is  
13 amended to read:

14 116360. (a) The department shall take all reasonable  
15 measures it determines necessary to reduce the risk to public health  
16 from waterborne illnesses in drinking water caused by  
17 cryptosporidium and giardia, to the extent those micro-organisms  
18 are not yet able to be adequately controlled through existing  
19 drinking water treatment and other management practices.

20 (b) The department shall directly conduct, or order the state's  
21 public water systems to conduct, comprehensive sanitary surveys,  
22 as present resources permit, to identify risks to public health from  
23 cryptosporidium and giardia.

24 (c) To thoroughly address the public health risks currently  
25 posed by cryptosporidium, in particular, the department shall  
26 ensure that its initial cryptosporidium action plan, that has been  
27 circulated to public water systems serving more than 1,000 service  
28 connections, is comprehensively implemented and shall devise  
29 and implement necessary strategies for protecting the health of  
30 individuals served by smaller public water systems from  
31 cryptosporidium exposure.

32 ~~SEC. 143.—~~

33 *SEC. 123.* Section 120865 of the Health and Safety Code is  
34 repealed.

35 ~~SEC. 144.—~~

36 *SEC. 124.* Section 124135 of the Health and Safety Code is  
37 repealed.

38 ~~SEC. 145.—~~

39 *SEC. 125.* Section 124140 of the Health and Safety Code is  
40 repealed.



1 ~~SEC. 146.~~—

2 *SEC. 126.* Section 124145 of the Health and Safety Code is  
3 repealed.

4 ~~SEC. 147.~~—

5 *SEC. 127.* Section 124150 of the Health and Safety Code is  
6 amended to read:

7 124150. The Legislature hereby finds and declares that the  
8 activities conducted by the department pursuant to Section 124130  
9 have confirmed and supported the findings specified in Section  
10 124125 and, in addition, have resulted in the following findings:

11 (a) Very few children are currently tested for elevated blood  
12 lead levels in California. The lead registry established pursuant to  
13 Section 124130 has been effective at identifying incidents of  
14 occupational lead poisoning; however, because childhood lead  
15 screening is not now required in California, the registry is unable  
16 to serve as the exclusive mechanism to identify children with  
17 elevated blood lead levels. Additional blood lead screening needs  
18 to be done to identify children at high risk of lead poisoning.

19 (b) Based on emerging information about the severe  
20 deleterious effects of low levels of lead on children’s health, the  
21 lead danger level is expected to be lowered from 25 to 15  
22 micrograms of lead per deciliter of human blood.

23 (c) Lead poisoning poses a serious health threat for significant  
24 numbers of California children. Based on lead registry reports and  
25 targeted screening results, the department has estimated that tens  
26 of thousands of California children may be suffering from blood  
27 lead levels greater than the danger level.

28 (d) The implications of lead exposure to children and pregnant  
29 women from lead brought home on the clothing of workers is  
30 unknown, but may be significant.

31 (e) Levels of lead found in soil and paint around and on housing  
32 constitute a health hazard to children living in the housing. No  
33 regulations currently exist to limit allowable levels of lead in paint  
34 surfaces in California housing.

35 ~~SEC. 148.~~—

36 *SEC. 128.* Section 124160 of the Health and Safety Code is  
37 amended to read:

38 124160. The department shall continue to direct the  
39 Childhood Lead Poisoning Prevention Program to implement a  
40 program to identify and conduct medical followup of high-risk



1 children, and to establish procedures for environmental abatement  
2 and followup designed to reduce the incidence of excessive  
3 childhood lead exposures in California. In implementing this  
4 program, the department shall utilize its own studies, as well as  
5 relevant information from the scientific literature and childhood  
6 lead poisoning programs from outside California. The particular  
7 activities specified in this section shall be initiated by January 1,  
8 1990, and completed on or before January 1, 1993. The program  
9 shall include at least all of the following components:

10 (a) Lead screening. The department shall:

11 (1) Design and implement at least one pilot blood lead  
12 screening project targeting children at high risk of elevated blood  
13 lead levels. In designing any pilot projects, the department shall  
14 give special consideration to conducting screening through the  
15 Child Health Disability and Prevention Program.

16 (2) Conduct a pilot screening project to evaluate blood lead  
17 levels among children of workers exposed to lead in their  
18 occupations.

19 (3) Develop and issue health advisories urging health care  
20 providers to conduct routine annual screening of high-risk  
21 children between the ages of one and five years of age.

22 (4) Develop a program to assist local health departments in  
23 identifying and following up cases of elevated blood lead levels.

24 (5) Develop and conduct programs to educate health care  
25 providers regarding the magnitude and severity of, and the  
26 necessary responses to, the childhood lead poisoning problem in  
27 California.

28 (b) The department, in consultation with the Department of  
29 Housing and Community Development, shall adopt regulations  
30 governing the abatement of lead paint in and on housing,  
31 including, but not limited to, standards for enforcement, testing,  
32 abatement, and disposal.

33 (c) The department shall conduct a study to evaluate whether  
34 abatement of lead in soil is effective at reducing blood lead levels  
35 in children.

36 ~~SEC. 149.—~~

37 *SEC. 129.* Section 124195 of the Health and Safety Code is  
38 amended to read:

39 124195. The department shall require reports to be prepared  
40 by all programs funded pursuant to this article.



1 ~~SEC. 150.—~~

2 *SEC. 130.* Section 124235 of the Health and Safety Code is  
3 repealed.

4 ~~SEC. 151.—~~

5 *SEC. 131.* Section 127360 of the Health and Safety Code is  
6 amended to read:

7 127360. Nothing in this article shall be construed to authorize  
8 or require specific formats for hospital needs assessments,  
9 community benefit plans, or reports until recommendations  
10 pursuant to former Section 127365, as added by Chapter 1023 of  
11 the Statutes of 1996, are considered and enacted by the  
12 Legislature.

13 Nothing in this article shall be used to justify the tax-exempt  
14 status of a hospital under state law. Nothing in this article shall  
15 preclude the office from requiring hospitals to directly report their  
16 charity activities.

17 ~~SEC. 152.—~~

18 *SEC. 132.* Section 127365 of the Health and Safety Code is  
19 repealed.

20 ~~SEC. 153.—~~

21 *SEC. 133.* Section 128195 of the Health and Safety Code is  
22 amended to read:

23 128195. (a) The office shall issue followup reports on  
24 geriatric technician pilot projects approved by the office following  
25 24 months of implementation of the employment utilization phase  
26 of each project. The reports shall contain all of the following  
27 information:

28 (1) A description of the persons trained, including, but not  
29 limited to, the following:

- 30 (A) The total number of persons who entered training.
- 31 (B) The total number of persons who completed training.
- 32 (C) The selection method, including descriptions of any  
33 nonquantitative criteria used by employers to refer persons to  
34 training.
- 35 (D) The education and experience of the trainees prior to  
36 training.
- 37 (E) Demographic characteristics of the trainees, as available.

38 (2) An analysis of the training completed, including, but not  
39 limited to, the following:

- 40 (A) Curriculum and core competencies.



- 1 (B) Qualifications of the instructor.
- 2 (C) Changes in the curriculum during the pilot project or
- 3 recommended for the future.
- 4 (D) The nature of clinical and didactic training, including the
- 5 ratio of students to instructors.
- 6 (3) A summary of the specific services provided by geriatric
- 7 technicians.
- 8 (4) The new health skills taught or the extent to which existing
- 9 skills have been reallocated.
- 10 (5) Implications of the project for existing licensure laws with
- 11 suggestions for changes in the law where appropriate.
- 12 (6) Implications of the project for health services curricula and
- 13 for health care delivery systems.
- 14 (7) Teaching methods used in the project.
- 15 (8) The quality of care, including pertinent medication errors,
- 16 incident reports, and patient acceptance in the project.
- 17 (9) The extent to which persons with new skills could find
- 18 employment in the health care system, assuming laws were
- 19 changed to incorporate their skills.
- 20 (10) The cost of care provided in the project, the likely cost of
- 21 this care if performed by the trainees subsequent to the project, and
- 22 the cost for provision of this care by current providers thereof.
- 23 (b) Notwithstanding any other provision of law, issuance of the
- 24 reports described in subdivision (a) shall not require that the office
- 25 terminate the geriatric technician pilot projects authorized by the
- 26 office.
- 27 ~~SEC. 154.—~~
- 28 *SEC. 134.* Section 129295 of the Health and Safety Code is
- 29 amended to read:
- 30 129295. The office shall establish a pilot program under this
- 31 article of insuring loans to nonprofit borrowers that are not
- 32 licensed to operate the facilities for which the loans are insured.
- 33 The number of facilities for which loans are insured under this
- 34 section shall not exceed 30 and the aggregate amount of loans
- 35 insured under this section shall not exceed six million dollars
- 36 (\$6,000,000), that may be in addition to the maximum loan
- 37 insurance amount otherwise authorized by subdivision (b) of
- 38 Section 129285. Construction of all projects assisted under this
- 39 section shall be commenced on or before January 1, 1990.



1 The office may delay processing or decline acceptance of loan  
2 guarantee applications under this section if the volume of  
3 applications becomes too large for existing staff to process in a  
4 timely manner or if risks associated with the pilot program are  
5 determined by the office to be unreasonable.

6 ~~SEC. 155.—~~

7 *SEC. 135.* Section 11751.51 of the Insurance Code is  
8 repealed.

9 ~~SEC. 156.—~~

10 *SEC. 136.* Section 12693.94 of the Insurance Code is  
11 repealed.

12 ~~SEC. 157.—~~

13 *SEC. 137.* Section 12696.25 of the Insurance Code is  
14 repealed.

15 ~~SEC. 158.—~~ Section 139.4 of the Labor Code is amended to  
16 read:

17 ~~139.4. (a) The Industrial Medical Council may review~~  
18 ~~advertising copy to ensure compliance with Section 651 of the~~  
19 ~~Business and Professions Code and may require qualified medical~~  
20 ~~evaluators to maintain a file of all advertising copy for a period of~~  
21 ~~90 days from the date of its use. Any file so required to be~~  
22 ~~maintained shall be available to the council upon the council's~~  
23 ~~request for review.~~

24 ~~(b) No advertising copy shall be used after its use has been~~  
25 ~~disapproved by the Industrial Medical Council and the qualified~~  
26 ~~medical evaluator has been notified in writing of the disapproval.~~

27 ~~(c) A qualified medical evaluator who is found by the Industrial~~  
28 ~~Medical Council to have violated any provision of this section may~~  
29 ~~be terminated, suspended, or placed on probation by the council.~~

30 ~~(d) Proceedings to determine whether a violation of this section~~  
31 ~~has occurred shall be conducted pursuant to Chapter 4~~  
32 ~~(commencing with Section 11370) of Part 1 of Division 3 of Title~~  
33 ~~2 of the Government Code.~~

34 ~~(e) As soon as reasonably possible, but not later than January~~  
35 ~~1, 1993, the Industrial Medical Council shall adopt regulations~~  
36 ~~governing advertising by physicians with respect to industrial~~  
37 ~~injuries or illnesses. In promulgating regulations pursuant to this~~  
38 ~~subdivision, the council shall review existing regulations,~~  
39 ~~including regulations adopted by the State Bar, to identify those~~



1 ~~existing regulatory approaches that may serve as a model for~~  
2 ~~regulations required by this subdivision.~~

3 ~~(f) Subdivision (a) shall not be construed to alter the~~  
4 ~~application of Section 651 of the Business and Professions Code.~~  
5 ~~SEC. 159.—~~

6 *SEC. 138.* Section 139.43 of the Labor Code is amended to  
7 read:

8 139.43. (a) No person or entity shall advertise, print, display,  
9 publish, distribute, or broadcast, or cause or permit to be  
10 advertised, printed, displayed, published, distributed, or broadcast  
11 in any manner, any statement concerning services or benefits to be  
12 provided to an injured worker, that is paid for directly or indirectly  
13 by that person or entity and is false, misleading, or deceptive, or  
14 that omits material information necessary to make the statement  
15 therein not false, misleading, or deceptive.

16 (b) As soon as reasonably possible, but not later than January  
17 1, 1994, the administrative director shall adopt regulations  
18 governing advertising by persons or entities other than physicians  
19 and attorneys with respect to services or benefits for injured  
20 workers. In promulgating regulations pursuant to this subdivision,  
21 the administrative director shall review existing regulations,  
22 including those adopted by the State Bar, to identify those  
23 regulatory approaches that may serve as a model for regulations  
24 required by this subdivision.

25 (c) A violation of subdivision (a) is a misdemeanor, punishable  
26 by incarceration in the county jail for not more than one year, or  
27 by a fine not exceeding ten thousand dollars (\$10,000), or both.

28 (d) This section shall not apply to physicians or attorneys. It is  
29 the intent of the Legislature to exempt physicians and attorneys  
30 from this section because the conduct regulated by this section,  
31 with respect to physicians and attorneys, is governed by other  
32 provisions of law.

33 ~~SEC. 160.—~~

34 *SEC. 139.* Section 6715 of the Labor Code is repealed.

35 ~~SEC. 161.—~~

36 *SEC. 140.* Section 1012.5 of the Military and Veterans Code  
37 is repealed.

38 ~~SEC. 162.—~~

39 *SEC. 141.* Section 653.1 of the Penal Code is amended to  
40 read:



1 653.1. (a) No person shall sell or distribute any balloon that  
2 is constructed of electrically conductive material, and filled with  
3 a gas lighter than air without:

4 (1) Affixing an object of sufficient weight to the balloon or its  
5 appurtenance to counter the lift capability of the balloon.

6 (2) Affixing a statement on the balloon, or ensuring that a  
7 statement is so affixed, that warns the consumer about the risk if  
8 the balloon comes in contact with electrical power lines.

9 (3) A printed identification of the manufacturer of the balloon.

10 (b) No person shall sell or distribute any balloon filled with a  
11 gas lighter than air that is attached to an electrically conductive  
12 string, tether, streamer, or other electrically conductive  
13 appurtenance.

14 (c) No person shall sell or distribute any balloon that is  
15 constructed of electrically conductive material and filled with a  
16 gas lighter than air and that is attached to another balloon  
17 constructed of electrically conductive material and filled with a  
18 gas lighter than air.

19 (d) No person or group shall release, outdoors, balloons made  
20 of electrically conductive material and filled with a gas lighter than  
21 air, as part of a public or civic event, promotional activity, or  
22 product advertisement.

23 (e) Any person who violates subdivision (a), (b), (c), or (d)  
24 shall be guilty of an infraction punishable by a fine not exceeding  
25 one hundred dollars (\$100). Any person who violates subdivision  
26 (a), (b), (c), or (d) who has been previously convicted twice of  
27 violating subdivision (a), (b), (c), or (d) shall be guilty of a  
28 misdemeanor.

29 (f) This section shall not apply to manned hot air balloons, or  
30 to balloons used in governmental or scientific research projects.

31 ~~SEC. 163.~~—

32 *SEC. 142.* Section 1174.6 of the Penal Code is repealed.

33 ~~SEC. 164.~~—

34 *SEC. 143.* Section 1247k of the Penal Code is amended to  
35 read:

36 1247k. The Judicial Council shall have the power to prescribe  
37 by rules for the practice and procedure on appeal, and for the time  
38 and manner in which the records on such appeals shall be made up  
39 and filed, in all criminal cases in all courts of this state.



1 The rules shall take effect on July 1, 1943, and thereafter all laws  
2 in conflict therewith shall be of no further force or effect.

3 ~~SEC. 165.—~~

4 *SEC. 144.* Section 2053 of the Penal Code is amended to read:

5 2053. (a) The Legislature finds and declares that there is a  
6 correlation between prisoners who are functionally literate and  
7 those who successfully reintegrate into society upon release. It is  
8 therefore the intent of the Legislature, in enacting “The Prisoner  
9 Literacy Act,” to raise the percentage of prisoners who are  
10 functionally literate, in order to provide for a corresponding  
11 reduction in the recidivism rate.

12 (b) The Department of Corrections shall determine the reading  
13 level of each prisoner upon commitment.

14 ~~SEC. 166.—~~

15 *SEC. 145.* Section 3053.2 of the Penal Code is amended to  
16 read:

17 3053.2. (a) Upon the request of the victim, or the victim’s  
18 parent or legal guardian if the victim is a minor, the parole  
19 authority shall impose the following condition on the parole of a  
20 person released from prison for an offense involving threatening,  
21 stalking, sexually abusing, harassing, or violent acts in which the  
22 victim is a person specified in Section 6211 of the Family Code:

23 Compliance with a protective order enjoining the parolee from  
24 threatening, stalking, sexually abusing, harassing, or taking  
25 further violent acts against the victim and, if appropriate,  
26 compliance with any or all of the following:

27 (1) An order prohibiting the parolee from having personal,  
28 telephonic, electronic, media, or written contact with the victim.

29 (2) An order prohibiting the parolee from coming within at  
30 least 100 yards of the victim or the victim’s residence or  
31 workplace.

32 (3) An order excluding the parolee from the victim’s residence.

33 (b) The parole authority may impose the following condition  
34 on the parole of a person released from prison for an offense  
35 involving threatening, stalking, sexually abusing, harassing, or  
36 violent acts in which the victim is a person specified in Section  
37 6211 of the Family Code:

38 For persons who committed the offense prior to January 1, 1997,  
39 participation in a batterer’s program, as specified in this section,  
40 for the entire period of parole. For persons who committed the



1 offense after January 1, 1997, successful completion of a batterer's  
2 program, which shall be a condition of release from parole. If no  
3 batterer's program is available, another appropriate counseling  
4 program designated by the parole agent or officer, for a period of  
5 not less than one year, with weekly sessions of a minimum of two  
6 hours of classroom time. The program director shall give periodic  
7 progress reports to the parole agent or officer at least every three  
8 months.

9 (c) The parole agent or officer shall refer the parolee only to a  
10 batterer's program that follows the standards outlined in Section  
11 1203.097 and immediately following sections.

12 (d) The parolee shall file proof of enrollment in a batterer's  
13 program with the parole agent or officer within 30 days after the  
14 first meeting with his or her parole agent or officer, if he or she  
15 committed the offense after January 1, 1997, or within 30 days of  
16 receiving notice of this parole condition, if he or she committed the  
17 offense prior to January 1, 1997.

18 (e) The parole agent or officer shall conduct an initial  
19 assessment of the parolee, which information shall be provided to  
20 the batterer's program. The assessment shall include, but not be  
21 limited to, all of the following:

22 (1) Social, economic, and family background.

23 (2) Education.

24 (3) Vocational achievements.

25 (4) Criminal history, prior incidents of violence, and arrest  
26 reports.

27 (5) Medical history.

28 (6) Substance abuse history.

29 (7) Consultation with the probation officer.

30 (8) Verbal consultation with the victim, only if the victim  
31 desires to participate.

32 (f) Upon request of the victim, the victim shall be notified of  
33 the release of the parolee and the parolee's location and parole  
34 agent or officer. If the victim requests notification, he or she shall  
35 also be informed that attendance in any program does not  
36 guarantee that an abuser will not be violent.

37 (g) The parole agent or officer shall advise the parolee that the  
38 failure to enroll in a specified program, as directed, may be  
39 considered a parole violation that would result in possible further  
40 incarceration.



1 (h) The director of the batterer’s program shall immediately  
2 report any violation of the terms of the protective order issued  
3 pursuant to paragraph (3) of subdivision (a), including any new  
4 acts of violence or failure to comply with the program  
5 requirements, to the parolee’s parole agent or officer.

6 (i) Upon recommendation of the director of the batterer’s  
7 program, a parole agent or officer may require a parolee to  
8 participate in additional sessions throughout the parole period,  
9 unless he or she finds that it is not in the interests of justice to do  
10 so. In deciding whether the parolee would benefit from more  
11 sessions, the parole agent or officer shall consider whether any of  
12 the following conditions exist:

13 (1) The parolee has been violence-free for a minimum of six  
14 months.

15 (2) The parolee has cooperated and participated in the  
16 batterer’s program.

17 (3) The parolee demonstrates an understanding of, and  
18 practices, positive conflict resolution skills.

19 (4) The parolee blames, degrades, or has committed acts that  
20 dehumanize the victim or puts the victim’s safety at risk, including,  
21 but not limited to, molesting, stalking, striking, attacking,  
22 threatening, sexually assaulting, or battering the victim.

23 (5) The parolee demonstrates an understanding that the use of  
24 coercion or violent behavior to maintain dominance is  
25 unacceptable in an intimate relationship.

26 (6) The parolee has made threats to harm another person in any  
27 manner.

28 (7) The parolee demonstrates acceptance of responsibility for  
29 the abusive behavior perpetrated against the victim.

30 ~~SEC. 167.—~~

31 *SEC. 146.* Section 3424 of the Penal Code is repealed.

32 ~~SEC. 168.—~~

33 *SEC. 147.* Section 4497.40 of the Penal Code is repealed.

34 ~~SEC. 169.—~~

35 *SEC. 148.* Section 5010 of the Penal Code is amended to read:

36 5010. (a) The Legislature hereby finds and declares that the  
37 predominant purpose of exercise in correctional facilities should  
38 be for the maintenance of the general health and welfare of inmates  
39 and that exercise equipment and programs in correctional facilities  
40 should be consistent with this purpose.



1 The Legislature further finds and declares that in some cases it  
2 may be beneficial to provide access to weights for therapeutic or  
3 rehabilitative reasons under a doctor's order or for certain  
4 vocational activities such as firefighting.

5 (b) It is the intent of the Legislature that both the Department  
6 of Corrections and the Department of the Youth Authority  
7 eliminate or restrict access to weights and weight lifting equipment  
8 where it is determined that the particular type of equipment  
9 involved or the particular prison population or inmate involved  
10 poses a safety concern both in the correctional facility and to the  
11 public upon release. In those instances where inmates are allowed  
12 access to weights and weight lifting equipment, access shall be a  
13 privilege.

14 As a condition of inmate access to weights and weight lifting  
15 equipment, the departments may require inmates to participate in  
16 training in the proper use of weights and weight lifting equipment  
17 that emphasizes departmental rules and safety practices that must  
18 be observed when using weights and weight lifting equipment.

19 The directors of the departments, or their respective designees,  
20 may restrict individual or group access to weights and weight  
21 lifting equipment as deemed necessary for the orderly operation of  
22 the correctional facility.

23 (c) On or before July 1, 1995, both the Department of  
24 Corrections and the Department of the Youth Authority shall adopt  
25 regulations governing inmate access to weight lifting and weight  
26 training equipment in state prison and California Youth Authority  
27 facilities, respectively. In developing these regulations, the  
28 departments shall consider each of the following:

29 (1) Some prisoners may utilize weight equipment to develop  
30 strength and increase body mass and size rather than for the  
31 maintenance of general health. This use of weight equipment may  
32 create a risk of harm to other inmates, correctional officers, and  
33 staff and, upon release, to law enforcement officers and the general  
34 public.

35 (2) The improper use of weights and weight lifting equipment  
36 may result in injuries that require costly medical attention.

37 (3) Access to weights and weight lifting equipment by inmates  
38 may result in the use of the equipment by inmates to attack other  
39 inmates or correctional officers.

40 ~~SEC. 170.~~—



1     *SEC. 149.* Section 5066 of the Penal Code is amended to read:  
2     5066. The Director of Corrections shall expand the existing  
3 prison ombudsman program to ensure the comprehensive  
4 deployment of ombudsmen throughout the state prison system  
5 with specific focus on the maximum security institutions.

6     ~~SEC. 171.—~~

7     *SEC. 150.* Section 7009 of the Penal Code is repealed.

8     ~~SEC. 172.—~~

9     *SEC. 151.* Section 7514 of the Penal Code is amended to read:

10    7514. (a) It shall be the chief medical officer's responsibility  
11 to see that personal counseling is provided to a law enforcement  
12 employee filing a report pursuant to Section 7510, an inmate filing  
13 a request pursuant to Section 7512, and any potential test subject,  
14 at the time the initial report or request for tests is made, at the time  
15 when tests are ordered, and at the time when test results are  
16 provided to the employee, inmate, or test subject.

17    The chief medical officer may provide additional counseling to  
18 any of these individuals, upon his or her request, or whenever the  
19 chief medical officer deems advisable, and may arrange for the  
20 counseling to be provided in other jurisdictions. The chief medical  
21 officer shall encourage the subject of the report or request, the law  
22 enforcement employee who filed the report, the person who filed  
23 the request pursuant to Section 7512, or in the case of a minor, the  
24 minor on whose behalf the request was filed, to undergo voluntary  
25 HIV testing if the chief medical officer deems it medically  
26 advisable. All testing required by this title or any voluntary testing  
27 resulting from the provisions of this title, shall be at the expense  
28 of the appropriate correctional institution.

29    (b) Notwithstanding the repeal of this section in accordance  
30 with Section 7555, the duties imposed by this subdivision shall  
31 continue in effect until they have been complied with.

32    ~~SEC. 173.—~~

33    *SEC. 152.* Section 11108.7 of the Penal Code is repealed.

34    ~~SEC. 174.—~~

35    *SEC. 153.* Section 11110 of the Penal Code is repealed.

36    ~~SEC. 175.—~~

37    *SEC. 154.* Section 13013 of the Penal Code is repealed.

38    ~~SEC. 176.—~~

39    *SEC. 155.* Section 13508 of the Penal Code is amended to  
40 read:



1 13508. (a) The commission shall do each of the following:

2 (1) Establish a learning technology laboratory that would  
3 conduct pilot projects with regard to needed facilities and  
4 otherwise implement modern instructional technology to improve  
5 the effectiveness of law enforcement training.

6 (2) Develop an implementation plan for the acquisition of law  
7 enforcement facilities and technology. In developing this plan, the  
8 commission shall consult with appropriate law enforcement and  
9 training organizations. The implementation plan shall include  
10 each of the following items:

11 (A) An evaluation of pilot and demonstration projects.

12 (B) Recommendations for the establishment of regional skills  
13 training centers, training conference centers, and the use of  
14 modern instructional technology.

15 (C) A recommended financing structure.

16 (b) The commission may enter into joint powers agreements  
17 with other governmental agencies for the purpose of developing  
18 and deploying needed technology and facilities.

19 (c) Any pilot project conducted pursuant to this section shall  
20 terminate on or before January 1, 1995, unless funding is provided  
21 for the project continuation.

22 ~~SEC. 177.—~~

23 *SEC. 156.* Section 13828.2 of the Penal Code is repealed.

24 ~~SEC. 178.—~~Section 13835.2 of the Penal Code is amended to  
25 read:

26 ~~13835.2.—(a) Funds appropriated from the Victim Witness~~  
27 ~~Assistance Fund shall be made available through the Office of~~  
28 ~~Criminal Justice Planning to any public or private nonprofit~~  
29 ~~agency for the assistance of victims and witnesses that meets all of~~  
30 ~~the following requirements:~~

31 ~~(1) It provides comprehensive services to victims and~~  
32 ~~witnesses of all types of crime. It is the intent of the Legislature to~~  
33 ~~make funds available only to programs that do not restrict services~~  
34 ~~to victims and witnesses of a particular type of crime, and that do~~  
35 ~~not restrict services to victims of crime where there is a suspect in~~  
36 ~~the case.~~

37 ~~(2) It is recognized by the board of supervisors as the major~~  
38 ~~provider of comprehensive services to victims and witnesses in the~~  
39 ~~county.~~



1 ~~(3) It is selected by the board of supervisors as the agency to~~  
2 ~~receive funds pursuant to this article.~~

3 ~~(4) It assists victims of crime in the preparation, verification,~~  
4 ~~and presentation of their claims to the State Board of Control for~~  
5 ~~indemnification pursuant to Article 1 (commencing with Section~~  
6 ~~13959) of Part 4 of Division 3 of Title 2 of the Government Code.~~

7 ~~(5) It cooperates with the State Board of Control in verifying~~  
8 ~~the data required by Article 1 (commencing with Section 13959)~~  
9 ~~of Part 4 of Division 3 of Title 2 of the Government Code.~~

10 ~~(b) The Office of Criminal Justice Planning shall consider the~~  
11 ~~following factors, together with any other circumstances it deems~~  
12 ~~appropriate, in awarding funds to public or private nonprofit~~  
13 ~~agencies designated as victim and witness assistance centers:~~

14 ~~(1) The capability of the agency to provide comprehensive~~  
15 ~~services as defined in this article.~~

16 ~~(2) The stated goals and objectives of the center.~~

17 ~~(3) The number of people to be served and the needs of the~~  
18 ~~community.~~

19 ~~(4) Evidence of community support.~~

20 ~~(5) The organizational structure of the agency that will operate~~  
21 ~~the center.~~

22 ~~(6) The capability of the agency to provide confidentiality of~~  
23 ~~records.~~

24 ~~SEC. 179.~~ Section 13835.6 of the Penal Code is amended to  
25 ~~read:~~

26 ~~13835.6. (a) The Office of Criminal Justice Planning, in~~  
27 ~~cooperation with representatives from local victim and witness~~  
28 ~~assistance centers, shall develop standards defining the activities~~  
29 ~~and services enumerated in this article.~~

30 ~~(b) The Office of Criminal Justice Planning in cooperation with~~  
31 ~~representatives from local victim and witness assistance centers,~~  
32 ~~shall develop a method of evaluating the activities and~~  
33 ~~performance of centers established pursuant to this article.~~

34 ~~SEC. 180.—~~

35 ~~SEC. 157.~~ Section 13871 of the Penal Code is repealed.

36 ~~SEC. 181.—~~

37 ~~SEC. 158.~~ Section 14210 of the Penal Code is amended to  
38 ~~read:~~

39 14210. (a) The Legislature finds and declares that it is the  
40 duty of all law enforcement agencies to immediately assist any



1 person who is attempting to make a report of a missing person or  
2 runaway.

3 (b) The Department of the California Highway Patrol shall  
4 continue to implement the written policy, required to be developed  
5 and adopted pursuant to former Section 11114.3, for the  
6 coordination of each of its divisions with the police and sheriffs'  
7 departments located within each division in taking, transmitting,  
8 and investigating reports of missing persons, including runaways.

9 ~~SEC. 182.—~~

10 *SEC. 159.* Section 612.5 of the Public Resources Code is  
11 amended to read:

12 612.5. (a) The Legislature hereby finds and declares all of the  
13 following:

14 (1) It is in the state's public interest to have an accurate  
15 inventory of the state's soil resources.

16 (2) In California, the United States Soil Conservation Service  
17 has been responsible for undertaking soil surveys and soils  
18 information for many of California's agricultural counties is  
19 outdated or unavailable.

20 (3) Information on soils is needed for agricultural  
21 management, water and soil conservation activities, engineering  
22 and land use planning, and state and local policy decisions.  
23 Completion of the California Farmland Mapping and Monitoring  
24 Program is contingent upon availability of accurate, modern soil  
25 surveys.

26 (4) State funding of soil surveys has been limited to soil  
27 vegetation surveys on wildlands and no state contributions have  
28 been made toward the completion of modern soil surveys in  
29 California on cropland. In recent years, every state with  
30 incomplete soil surveys on farmland, except California, has  
31 cost-shared with the United States Soil Conservation Service to  
32 complete those surveys.

33 (5) Federal funding for the soil survey program of the United  
34 States Soil Conservation Service has been declining in real dollars  
35 in the past several years and is projected to be further reduced  
36 under the requirements of the Gramm-Rudman-Hollings Deficit  
37 Reduction Act.

38 (6) Therefore, it is in California's interest to authorize the  
39 department to assist the United States Soil Conservation Service  
40 with the completion of soil surveys.



1 (b) The department shall provide financial assistance to the  
2 United States Soil Conservation Service to undertake or complete  
3 soil surveys in areas of this state where the surveys have not been  
4 completed, including, but not limited to, portions of the Counties  
5 of San Joaquin, Yuba, Colusa, Butte, Fresno, Kern, Tulare,  
6 Stanislaus, and Lassen. Financial assistance shall be applied to  
7 field work that includes onsite soils mapping, report writing,  
8 manuscript preparation, and final correlation of soils data.

9 (c) In allocating funds for completion of soil surveys in the  
10 United States Soil Conservation Service soil survey areas in  
11 California, the department shall consider criteria that include, but  
12 are not limited to, all of the following:

- 13 (1) Voids in important farmland maps.
- 14 (2) Rate and type of land use changes.
- 15 (3) Extent of erosion, alkalinity, and other soil resource  
16 problems.
- 17 (4) Farm-gate value of agricultural production.
- 18 (5) Specific soil-related problems.
- 19 (6) Status of ongoing soil surveys.
- 20 (7) Extent of cropland in each county.
- 21 (8) Availability of local funding or other support.

22 ~~SEC. 183.—~~

23 *SEC. 160.* Section 2802 of the Public Resources Code is  
24 repealed.

25 ~~SEC. 184.—~~

26 *SEC. 161.* Section 2804.6 of the Public Resources Code is  
27 repealed.

28 ~~SEC. 185.—~~

29 *SEC. 162.* Section 3488 of the Public Resources Code is  
30 repealed.

31 ~~SEC. 186.—~~

32 *SEC. 163.* Section 4473 of the Public Resources Code is  
33 repealed.

34 ~~SEC. 187.—~~

35 *SEC. 164.* Section 4562.5 of the Public Resources Code is  
36 amended to read:

37 4562.5. It is the purpose of this section to insure that soil  
38 erosion associated with timber operations is adequately controlled  
39 to protect soil resources, forest productivity, and water quality.  
40 The prevention, retardation, and control of accelerated erosion are



1 the principal goals of this section. The board shall promulgate  
2 regulations for each district to govern timber operations that may  
3 cause significant soil disturbance.

4 ~~SEC. 188.—~~

5 *SEC. 165.* Section 4563.5 of the Public Resources Code is  
6 repealed.

7 ~~SEC. 189.— Section 5097.96 of the Public Resources Code is~~  
8 ~~repealed.~~

9 ~~SEC. 190.—~~

10 *SEC. 166.* Section 6226 of the Public Resources Code is  
11 repealed.

12 ~~SEC. 191.—~~

13 *SEC. 167.* Section 18017 of the Public Resources Code is  
14 repealed.

15 ~~SEC. 192.—~~

16 *SEC. 168.* Section 25689 of the Public Resources Code is  
17 repealed.

18 ~~SEC. 193.—~~

19 *SEC. 169.* Section 29777 of the Public Resources Code is  
20 repealed.

21 ~~SEC. 194.—~~

22 *SEC. 170.* Section 42552 of the Public Resources Code is  
23 repealed.

24 ~~SEC. 195.—~~

25 *SEC. 171.* Section 42553 of the Public Resources Code is  
26 amended to read:

27 42553. Article 2 (commencing with Section 42557) shall  
28 become operative only if the report required in former Section  
29 42552, as added by Chapter 1066 of the Statutes of 1991, contains  
30 an affirmative finding regarding the feasibility of producing  
31 recyclable telephone directories without significantly reducing the  
32 durability of the directories nor significantly increasing  
33 production costs.

34 ~~SEC. 196.—~~

35 *SEC. 172.* Section 42776 of the Public Resources Code is  
36 repealed.

37 ~~SEC. 197.—~~

38 *SEC. 173.* Section 71064 of the Public Resources Code is  
39 amended to read:



1 71064. (a) There is in the agency the Environmental Data  
2 Management Advisory Committee. The advisory committee shall  
3 consist of not more than seven members appointed by the  
4 secretary. The secretary shall select members who represent  
5 business, government, and environmental groups, and who have  
6 proven expertise and current knowledge in the field of electronic  
7 data exchange.

8 (b) The advisory committee shall advise the secretary on the  
9 quickest, most effective, and least expensive alternative systems  
10 of electronic standards for formatting data.

11 (c) The meetings of the advisory committee shall be open to the  
12 public and shall provide an opportunity for the public to be heard  
13 on matters considered by the advisory committee.

14 ~~SEC. 198.—~~

15 *SEC. 174.* Section 322 of the Public Utilities Code is amended  
16 to read:

17 322. (a) The commission shall periodically, at least once each  
18 year, compile its rules of procedure together with every order and  
19 decision of the commission relating to the conduct of the  
20 commission's hearings and proceedings.

21 (b) The compilation shall include, but not be limited to, matters  
22 relating to all of the following:

23 (1) Pleadings.

24 (2) Public notice.

25 (3) Public attendance.

26 (4) Specification of issues.

27 (5) Prehearing procedures.

28 (6) Discovery.

29 (7) Evidence.

30 (8) Supporting documentation.

31 (9) Submission of briefs and arguments.

32 (10) Meetings of the commission.

33 (11) All other rules of procedure governing participation in  
34 hearings and proceedings of the commission by public utilities,  
35 commission staff, and other persons.

36 ~~SEC. 199.—~~

37 *SEC. 175.* Article 4 (commencing with Section 442) of  
38 Chapter 2.5 of Part 1 of Division 1 of the Public Utilities Code is  
39 repealed.

40 ~~SEC. 200.—~~



1     *SEC. 176.* Section 701.6 of the Public Utilities Code is  
2 amended to read:

3     701.6. (a) The commission may authorize gas and electrical  
4 corporations to include in ratepayer-supported research and  
5 development programs, activities that relate to improving the  
6 energy efficiency of manufactured housing and mobilehomes if  
7 those programs are evaluated in accordance with the guidelines  
8 established by Section 740.1. The commission may develop a  
9 program involving utilities, representatives of the manufactured  
10 housing and mobilehome industries, and organizations  
11 representing senior citizens and consumers to increase the  
12 construction and marketing of energy efficiency measures for  
13 mobilehomes and manufactured housing.

14     (b) The commission may authorize gas and electrical  
15 corporations to provide incentives to seniors, low-income  
16 households, and others who buy new manufactured homes, or  
17 mobilehomes, which incorporate energy efficient measures.

18     (c) The commission may authorize gas and electrical  
19 corporations to recover through rates the reasonable costs  
20 associated with the programs specified in subdivisions (a) and (b).

21     ~~SEC. 201.~~—

22     *SEC. 177.* Section 5371.4 of the Public Utilities Code is  
23 amended to read:

24     5371.4. (a) The governing body of any city, county, or city  
25 and county may not impose a fee on charter-party carriers  
26 operating limousines. However, the governing body of any city,  
27 county, or city and county may impose a business license fee on,  
28 and may adopt and enforce any reasonable rules and regulations  
29 pertaining to operations within its boundaries for, any  
30 charter-party carrier domiciled or maintaining a business office  
31 within that city, county, or city and county.

32     (b) The governing body of any airport may not impose vehicle  
33 safety, vehicle licensing, or insurance requirements on  
34 charter-party carriers operating limousines that are more  
35 burdensome than those imposed by the commission. However, the  
36 governing board of any airport may require a charter-party carrier  
37 operating limousines to obtain an airport permit for operating  
38 authority at the airport.

39     (c) Notwithstanding subdivisions (a) and (b), the governing  
40 body of any airport may adopt and enforce reasonable and



1 nondiscriminatory local airport rules, regulations, and ordinances  
2 pertaining to access, use of streets and roads, parking, traffic  
3 control, passenger transfers, trip fees, and occupancy, and the use  
4 of buildings and facilities, that are applicable to charter-party  
5 carriers operating limousines on airport property.

6 (d) This section does not apply to any agreement entered into  
7 pursuant to Sections 21690.5 to 21690.9, inclusive, between the  
8 governing body of an airport and charter-party carriers operating  
9 limousines.

10 (e) The governing body of any airport shall not impose a fee  
11 based on gross receipts of charter-party carriers operating  
12 limousines.

13 (f) Notwithstanding subdivisions (a) to (e), inclusive, nothing  
14 in this section prohibits a city, county, city and county, or the  
15 governing body of any airport, from adopting and enforcing  
16 reasonable permit requirements, fees, rules, and regulations  
17 applicable to charter-party carriers of passengers other than those  
18 operating limousines.

19 (g) For the purposes of this section, “limousine” includes any  
20 luxury sedan, of either standard or extended length, with a seating  
21 capacity of not more than nine passengers including the driver,  
22 used in the transportation of passengers for hire on a prearranged  
23 basis within this state.

24 ~~SEC. 202.—~~

25 *SEC. 178.* Section 5385.6 of the Public Utilities Code is  
26 amended to read:

27 5385.6. (a) No charter-party carrier shall operate a limousine  
28 as defined by Section 5371.4 unless the limousine is equipped with  
29 the special license plates issued and distributed by the Department  
30 of Motor Vehicles pursuant to Section 5011.5 of the Vehicle Code.

31 (b) The commission shall issue to each charter-party carrier  
32 operating limousines a permit or certificate for the number of  
33 vehicles verified by the carrier as employed in providing  
34 limousine service. The permit or certificate shall be submitted to  
35 the Department of Motor Vehicles, which will issue to each  
36 verified vehicle a set of unique, identifying license plates. The  
37 department shall maintain a record of each set of plates it issues  
38 and provide a copy of each record to the commission.



1 (c) The commission shall recover from any carrier whose  
2 permit or certificate is cancelled, suspended, or revoked any and  
3 all plates issued pursuant to this section.

4 (d) The special license plate shall be in lieu of the decal  
5 required to be issued and displayed pursuant to Section 5385.5.

6 (e) This section shall become operative on July 1, 1995.

7 ~~SEC. 203.—~~

8 *SEC. 179.* Section 5388 of the Public Utilities Code is  
9 repealed.

10 ~~SEC. 204.—~~

11 *SEC. 180.* Section 8303 of the Public Utilities Code is  
12 repealed.

13 ~~SEC. 205.—~~

14 *SEC. 181.* Section 99620 of the Public Utilities Code is  
15 amended to read:

16 99620. This chapter sets forth the purposes and the amounts  
17 for which allocations shall be made from the fund. Money from the  
18 fund shall be awarded as grants by the commission pursuant to  
19 Sections 99622 to 99651, inclusive, for the purposes specified in  
20 those sections. The amount of a grant awarded pursuant to any of  
21 those sections shall not exceed the amount specified therein. The  
22 department and local agencies may implement service funded  
23 pursuant to this chapter on an incremental basis. Partial grants may  
24 be made for preliminary engineering and design purposes.

25 ~~SEC. 206.—~~

26 *SEC. 182.* Section 99621 of the Public Utilities Code is  
27 repealed.

28 ~~SEC. 207.—~~

29 *SEC. 183.* Section 2237.3 of the Revenue and Taxation Code  
30 is repealed.

31 ~~SEC. 208.—~~

32 *SEC. 184.* Section 2327 of the Revenue and Taxation Code is  
33 repealed.

34 ~~SEC. 209.—~~

35 *SEC. 185.* Section 18405 of the Revenue and Taxation Code  
36 is amended to read:

37 18405. (a) In the case of a new statutory provision in Part 7.5  
38 (commencing with Section 13201), Part 10 (commencing with  
39 Section 17001), Part 10.2 (commencing with Section 18401), or  
40 Part 11 (commencing with Section 23001), or the addition of a new



1 part, the Franchise Tax Board itself is authorized to grant relief as  
2 set forth in subdivision (b) from the requirements of the new  
3 statutory provision in a manner as provided in subdivision (c).

4 (b) The relief provided in subdivision (a) may be granted only  
5 for the first taxable year for which the new statutory provision is  
6 operative and only when substantial unintentional noncompliance  
7 with the new provision has occurred by a class of affected  
8 taxpayers. The relief is limited to waiving penalties or perfecting  
9 elections and may be granted only to taxpayers who timely paid  
10 taxes and other required amounts shown on the return consistent  
11 with the election and who timely filed their return (with regard to  
12 extension).

13 (c) The relief granted in this section shall, upon the  
14 recommendation of the Executive Officer of the Franchise Tax  
15 Board, be made by resolution of the Franchise Tax Board that sets  
16 forth the conditions, time, and manner as the Franchise Tax Board  
17 determines are necessary. The resolution shall be adopted only by  
18 an affirmative vote of each of the three members of the Franchise  
19 Tax Board.

20 (d) For purposes of this section:

21 (1) “New statutory provision” means a complete, newly  
22 established tax program, tax credit, exemption, deduction,  
23 exclusion, penalty, or reporting or payment requirement and does  
24 not mean amendments made to existing tax provisions that make  
25 minor modifications or technical changes.

26 (2) “Perfecting elections” includes correcting omissions or  
27 errors only when substantial evidence is present with the filed  
28 return that the taxpayer intended to make the election and does not  
29 include making an election where one was not previously  
30 attempted to be made.

31 (3) “Substantial unintentional noncompliance,” for purposes  
32 of Part 11 (commencing with Section 23001), includes any case in  
33 which the taxpayer filed a water’s-edge contract with a timely filed  
34 original return and timely paid all taxes and other required  
35 amounts shown on the return consistent with the water’s-edge  
36 election, but where the taxpayer’s election is or might be  
37 invalidated by reason of the act or omission of an affiliated  
38 corporation that is not the parent or a subsidiary of the taxpayer.  
39 In that case, notwithstanding anything to the contrary in this  
40 section, relief shall be deemed granted to validate the taxpayer’s



1 water's-edge election, conditioned only upon an agreement by the  
2 affiliated corporation to either (A) file a water's-edge contract and  
3 pay all taxes and other required amounts consistent with that  
4 election, or (B) waive any right, with respect to any taxable year  
5 for which the corporation did not make a water's-edge election on  
6 its own timely filed return, to determine its income derived from  
7 or attributable to sources within this state pursuant to that election,  
8 whichever measure produces the greater amount of tax.

9 (e) This section shall apply to any Franchise Tax Board  
10 resolution adopted after the effective date of this section with  
11 respect to any taxable year that is subject to an open statute of  
12 limitations on the date of the resolution.

13 ~~SEC. 210.—~~

14 *SEC. 186.* Section 19264 of the Revenue and Taxation Code  
15 is amended to read:

16 19264. (a) Notwithstanding Sections 706.071 and 706.080  
17 of the Code of Civil Procedure, the Franchise Tax Board shall  
18 establish a pilot program to issue earnings withholding orders for  
19 taxes and any other notice or document required to be served or  
20 provided in connection with an earnings withholding order,  
21 pursuant to Article 4 (commencing with Section 706.070) of  
22 Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil  
23 Procedure, to government and private employers by magnetic  
24 media, electronic transmission, or other electronic technology.  
25 The purpose of the pilot program is to study the feasibility and  
26 cost-effectiveness of the Franchise Tax Board issuing earnings  
27 withholding orders to employers using magnetic media, electronic  
28 transmission, or other electronic technology.

29 (b) The pilot program shall apply to any earnings withholding  
30 order for taxes and any other notice or document required to be  
31 served or provided in accordance with subdivision (a) on or after  
32 January 1, 1997, and before January 1, 1999, to an employer who  
33 agrees to participate in the pilot program.

34 (c) For purposes of the pilot program, the Franchise Tax Board  
35 shall identify and work with employers who agree to be served as  
36 authorized by subdivision (a).

37 (d) The pilot program shall be successful if the Franchise Tax  
38 Board can demonstrate all of the following:

39 (1) The Franchise Tax Board's time to prepare and serve  
40 earnings withholding orders by magnetic media, electronic



1 transmission, or other electronic technology, as authorized by  
2 subdivision (a), will be reduced by at least two days when  
3 compared to orders that would otherwise be prepared and served  
4 under Article 4 (commencing with Section 706.070) of Chapter 5  
5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

6 (2) The Franchise Tax Board's administrative cost to prepare  
7 and serve earnings withholding orders by magnetic media,  
8 electronic transmission, or other electronic technology, as  
9 authorized by subdivision (a), will be less than the cost to prepare  
10 and serve orders as specified under Article 4 (commencing with  
11 Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of  
12 the Code of Civil Procedure.

13 (3) The employer's time and administrative costs to receive  
14 and comply with orders served in accordance with subdivision (a)  
15 do not exceed the time and administrative costs when compared to  
16 receiving and complying with orders served in accordance with  
17 Article 4 (commencing with Section 706.070) of Chapter 5 of  
18 Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

19 (e) If the Franchise Tax Board determines that the pilot  
20 program is successful based on the criteria stated in subdivision  
21 (d), the Franchise Tax Board may continue to issue earnings  
22 withholding orders for taxes and any other notice or document  
23 required to be served or provided in connection with an earnings  
24 withholding order, pursuant to Article 4 (commencing with  
25 Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of  
26 the Code of Civil Procedure, to government and private employers  
27 who agree to accept service by magnetic media, electronic  
28 transmission, or other electronic technology.

29 (f) This section shall apply in the same manner and with the  
30 same force and effect and to the full extent as if this section had  
31 been incorporated in full into Article 4 (commencing with Section  
32 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code  
33 of Civil Procedure.

34 ~~SEC. 211.~~

35 *SEC. 187.* Section 23331 of the Revenue and Taxation Code  
36 is amended to read:

37 23331. (a) For the purposes of this article, the effective date  
38 of dissolution of a corporation is the date on which the certified  
39 copy of the court decree, judgment, or order declaring the  
40 corporation duly wound up and dissolved is filed in the office of



1 the Secretary of State or the date on which the certificate of  
2 winding up, if necessary, and the certificate of dissolution are filed  
3 in the office of the Secretary of State. For the purposes of this  
4 article, the effective date of withdrawal of a foreign corporation is  
5 the date on which the certificate of withdrawal is filed in the office  
6 of the Secretary of State.

7 (b) The Secretary of State shall, through an information  
8 program and by forms and instructions provided to taxpayers,  
9 recommend that all documents required by this article to be filed  
10 with the Secretary of State be sent, if mailed, by certified mail with  
11 return receipt requested. The Secretary of State shall also notify  
12 taxpayers that receipt of documents by the Secretary of State  
13 pursuant to this article will be acknowledged within 21 days of  
14 receipt.

15 (c) On or before 21 days after their receipt, the Secretary of  
16 State shall provide a taxpayer with acknowledgment of the receipt  
17 of documents submitted by a taxpayer pursuant to this article.

18 ~~SEC. 212.—~~

19 ~~SEC. 188.~~ Section 155.8 of the Streets and Highways Code is  
20 repealed.

21 ~~SEC. 213.—~~ Section 30919 of the Streets and Highways Code  
22 is amended to read:

23 ~~30919. (a) Consistent with its adopted regional~~  
24 ~~transportation plan, after the requirements for debt service on the~~  
25 ~~outstanding revenue bonds have been met, the Metropolitan~~  
26 ~~Transportation Commission shall allocate the revenues identified~~  
27 ~~in subdivision (b) of Sections 30913 and 30914 to eligible public~~  
28 ~~entities and to the department.~~

29 ~~(b) The revenues expended pursuant to paragraph (4) of~~  
30 ~~subdivision (a) of Section 30914 shall be expended on rail~~  
31 ~~extension and improvement projects designed to reduce vehicular~~  
32 ~~traffic congestion on the San Francisco-Oakland Bay Bridge.~~  
33 ~~Seventy percent of the revenues shall be expended on rail~~  
34 ~~extensions and improvement projects in the Counties of Alameda~~  
35 ~~and Contra Costa, including, but not limited to, extending the~~  
36 ~~regional rail system in the Concord-Antioch, Fremont-San Jose,~~  
37 ~~and the Bayfair-Livermore rail transit corridors. The remaining 30~~  
38 ~~percent shall be expended on rail extensions and improvement~~  
39 ~~projects in the City and County of San Francisco and the Counties~~  
40 ~~of San Mateo and Santa Clara.~~



1 ~~SEC. 214.~~ Section 30921 of the Streets and Highways Code  
2 is repealed.

3 ~~SEC. 215.~~

4 *SEC. 189.* Section 1598 of the Unemployment Insurance  
5 Code is repealed.

6 ~~SEC. 216.~~

7 *SEC. 190.* Section 11005 of the Unemployment Insurance  
8 Code is repealed.

9 ~~SEC. 217.~~

10 *SEC. 191.* Section 11011 of the Unemployment Insurance  
11 Code is amended to read:

12 11011. (a) On or before April 1, 1998, the Secretary of the  
13 Health and Welfare Agency, the Secretary of the Trade and  
14 Commerce Agency, the Chancellor of the California Community  
15 Colleges with the consent of the Board of Governors, and the  
16 Superintendent of Public Instruction, with the consent of the State  
17 Board of Education, shall enter into a memorandum of  
18 understanding to develop and maintain a plan including a schedule  
19 to do the following:

20 (1) (A) Develop a state workforce development plan to create  
21 an integrated, high-quality workforce development system out of  
22 the current array of job training and vocational education  
23 programs in order to prepare emerging, transitional, and current  
24 workers to be employed in the state's global economy. The plan  
25 shall serve as a framework for the development of public policy,  
26 fiscal investment, and operation of all state workforce education  
27 and training programs.

28 (B) The plan, which shall be updated every five years, shall, at  
29 a minimum, include all of the following:

30 (i) Long-term goals for the state's workforce development  
31 system.

32 (ii) Short-term objectives and benchmarks that the state will  
33 use to measure its progress towards meeting the state's goals for  
34 the state workforce development system and its programs.

35 (iii) Identification of the role each institution and program  
36 plays in the statewide system and mechanism of articulation  
37 among programs.

38 (iv) A strategy for assessing unmet workforce preparation  
39 needs and areas of duplicative services and a description of  
40 measures to assure coordination, eliminate duplication, and



1 maximize or redirect funding to more effectively deliver services  
2 to meet the state's workforce development needs.

3 (v) A strategy for consolidating multiple planning processes.

4 (vi) A strategy with benchmarks for implementing a system of  
5 universal access to workforce development services ensuring  
6 access to comprehensive services in all rural and urban areas of the  
7 state.

8 (C) The plan shall be developed through a collaborative  
9 process that shall include review and input by state, regional, and  
10 local workforce education and training providers, private industry  
11 councils, and representatives of business and labor.

12 (2) Initiate a competitive process to select a minimum of five  
13 regional education, workforce preparation, and economic  
14 development collaboratives, known as regional collaboratives,  
15 that will receive financial and program incentives to develop local  
16 partnerships to maximize the delivery of employment, training,  
17 and education services. These partnerships shall collaborate in the  
18 development of shared systems to improve their efficiency and  
19 effectiveness in delivering workforce development services.

20 (3) Identify new and redirected resources, federal and state  
21 waivers, and legislative changes necessary to enhance the  
22 effectiveness of regional collaboratives.

23 (b) Regional collaboratives shall have representation from the  
24 following public and private entities:

25 (1) The Employment Development Department.

26 (2) The local Job Training Partnership Act administrative  
27 entity.

28 (3) Community college districts.

29 (4) Local school districts, including those that provide adult  
30 education and regional occupational centers or programs.

31 (5) Regional occupational centers serving adults.

32 (6) Entities administering local public assistance  
33 welfare-to-work programs.

34 (7) Local economic development organizations.

35 (8) The private sector, including both business and labor.

36 In addition, the competitive selection process shall emphasize  
37 the expectation that these regional collaboratives will have broad  
38 representation of all public, private, and nonprofit agencies that  
39 have an interest in education, economic development,  
40 welfare-to-work, and workforce development.



1 (c) Regional collaboratives shall be selected and shall receive  
2 financial and program incentives effective July 1, 1998.

3 (d) From existing state and federal funds available for  
4 expenditure for the purposes of this section, the state partners shall  
5 identify five million dollars (\$5,000,000) per year for each of three  
6 years for distribution to a minimum of five regional collaboratives,  
7 in order to create systemic change that results in increased  
8 collaboration and service delivery within each region.

9 ~~SEC. 218.—~~

10 *SEC. 192.* Section 2575 of the Vehicle Code is repealed.

11 ~~SEC. 219.—~~

12 *SEC. 193.* Section 4750.2 of the Vehicle Code is repealed.

13 ~~SEC. 220.—~~

14 *SEC. 194.* Section 4750.4 of the Vehicle Code is amended to  
15 read:

16 4750.4. Information provided by an insurer to the department  
17 pursuant to Section 11580.10 of the Insurance Code and former  
18 Section 4750.2, as added by Chapter 946 of the Statutes of 1991,  
19 shall be made available only to law enforcement agencies for law  
20 enforcement purposes.

21 ~~SEC. 221.—~~

22 *SEC. 195.* Section 5011.5 of the Vehicle Code is amended to  
23 read:

24 5011.5. Every limousine operated by a charter-party carrier,  
25 as defined by Section 5371.4 of the Public Utilities Code, shall  
26 display a special identification license plate issued pursuant to  
27 Section 5385.6 of that code.

28 This section shall become operative on July 1, 1995.

29 ~~SEC. 222.—~~

30 *SEC. 196.* Section 14112 of the Vehicle Code is amended to  
31 read:

32 14112. (a) All matters in a hearing not covered by this  
33 chapter shall be governed, as far as applicable, by Chapter 5  
34 (commencing with Section 11500) of Part 1 of Division 3 of Title  
35 2 of the Government Code.

36 (b) Subdivision (a) of Section 11425.30 of the Government  
37 Code does not apply to a proceeding for issuance, denial,  
38 revocation, or suspension of a driver's license pursuant to this  
39 division.

40 ~~SEC. 223.—~~



1     *SEC. 197.* Section 21370.1 of the Vehicle Code is repealed.

2     ~~*SEC. 224.*~~

3     *SEC. 198.* Section 32005 of the Vehicle Code is repealed.

4     ~~*SEC. 225.*~~

5     *SEC. 199.* Section 34508.5 of the Vehicle Code is repealed.

6     ~~*SEC. 226.*~~

7     *SEC. 200.* Section 40001 of the Vehicle Code is amended to  
8 read:

9     40001. (a) It is unlawful for the owner, or any other person,  
10 employing or otherwise directing the driver of any vehicle to cause  
11 the operation of the vehicle upon a highway in any manner  
12 contrary to law.

13     (b) It is unlawful for an owner to request, cause, or permit the  
14 operation of any vehicle that is any of the following:

15     (1) Not registered or for which any fee has not been paid under  
16 this code.

17     (2) Not equipped as required in this code.

18     (3) Not in compliance with the size, weight, or load provisions  
19 of this code.

20     (4) Not in compliance with the regulations promulgated  
21 pursuant to this code, or with applicable city or county ordinances  
22 adopted pursuant to this code.

23     (5) Not in compliance with the provisions of Part 5  
24 (commencing with Section 43000) of Division 26 of the Health  
25 and Safety Code and the rules and regulations of the State Air  
26 Resources Board.

27     (c) Any employer who violates an out-of-service order, that  
28 complies with Section 396.9 of Title 49 of the Code of Federal  
29 Regulations, or who knowingly requires or permits a driver to  
30 violate or fail to comply with that out-of-service order, is guilty of  
31 a misdemeanor.

32     (d) An employer who is convicted of allowing, permitting,  
33 requiring, or authorizing a driver to operate a commercial motor  
34 vehicle in violation of any statute or regulation pertaining to a  
35 railroad-highway grade crossing is subject to a fine of not more  
36 than ten thousand dollars (\$10,000).

37     (e) Whenever a violation is chargeable to the owner or lessee  
38 of a vehicle pursuant to subdivision (a) or (b), the driver shall not  
39 be arrested or cited for the violation unless the vehicle is registered  
40 in a state or country other than California, or unless the violation



1 is for an offense that is clearly within the responsibility of the  
2 driver.

3 (f) Whenever the owner, or lessee, or any other person is  
4 prosecuted for a violation pursuant to this section, the court may,  
5 on the request of the defendant, take appropriate steps to make the  
6 driver of the vehicle, or any other person who directs the loading,  
7 maintenance, or operation of the vehicle, a codefendant. However,  
8 the court may make the driver a codefendant only if the driver is  
9 the owner or lessee of the vehicle, or the driver is an employee or  
10 a contractor of the defendant who requested the court to make the  
11 driver a codefendant. If the codefendant is held solely responsible  
12 and found guilty, the court may dismiss the charge against the  
13 defendant.

14 (g) In any prosecution under this section, it is a rebuttable  
15 presumption that any person who gives false or erroneous  
16 information in a written certification of actual gross cargo weight  
17 has directed, requested, caused, or permitted the operation of a  
18 vehicle in a manner contrary to law in violation of subdivision (a)  
19 or (b), or both.

20 ~~SEC. 227.—Section 42007 of the Vehicle Code is amended to~~  
21 ~~read:~~

22 ~~42007.—(a) The clerk of the court shall collect a fee from every~~  
23 ~~person who is ordered or permitted to attend a traffic violator~~  
24 ~~school pursuant to Section 42005 or who attends any other~~  
25 ~~court-supervised program of traffic safety instruction. The fee~~  
26 ~~shall be in an amount equal to the total bail set forth for the eligible~~  
27 ~~offense on the uniform countywide bail schedule. As used in this~~  
28 ~~subdivision, “total bail” means the amount established pursuant~~  
29 ~~to Section 1269b of the Penal Code in accordance with the~~  
30 ~~Uniform Statewide Bail Schedule adopted by the Judicial Council,~~  
31 ~~including all assessments, surcharges, and penalty amounts.~~  
32 ~~Where multiple offenses are charged in a single notice to appear,~~  
33 ~~the “total bail” is the amount applicable for the greater of the~~  
34 ~~qualifying offenses. However, the court may determine a lesser fee~~  
35 ~~under this subdivision upon a showing that the defendant is unable~~  
36 ~~to pay the full amount.~~

37 ~~The fee shall not include the cost, or any part thereof, of traffic~~  
38 ~~safety instruction offered by the school or other program.~~

39 ~~(b) Revenues derived from the fee collected under this section~~  
40 ~~shall be deposited in accordance with Section 68084 of the~~



1 Government Code in the general fund of the county and, as may  
2 be applicable, distributed as follows:

3 (1) In any county in which a fund is established pursuant to  
4 Section 76100 or 76101 of the Government Code, the sum of one  
5 dollar (\$1) for each fund so established shall be deposited with the  
6 county treasurer and placed in that fund.

7 (2) In any county that has established a Maddy Emergency  
8 Medical Services Fund pursuant to Section 1797.98a of the Health  
9 and Safety Code, an amount equal to the sum of each two dollars  
10 (\$2) for every seven dollars (\$7) that would have been collected  
11 pursuant to Section 76000 of the Government Code shall be  
12 deposited in that fund. Nothing in the act that added this paragraph  
13 shall be interpreted in a manner that would result in either of the  
14 following:

15 (A) The utilization of penalty assessment funds that had been  
16 set aside, on or before January 1, 2000, to finance debt service on  
17 a capital facility that existed before January 1, 2000.

18 (B) The reduction of the availability of penalty assessment  
19 revenues that had been pledged, on or before January 1, 2000, as  
20 a means of financing a facility which was approved by a county  
21 board of supervisors, but on January 1, 2000, is not under  
22 construction.

23 (c) For fees resulting from city arrests, an amount equal to the  
24 amount of base fines that would have been deposited in the  
25 treasury of the appropriate city pursuant to paragraph (3) of  
26 subdivision (b) of Section 1463.001 of the Penal Code shall be  
27 deposited in the treasury of the appropriate city.

28 (d) As used in this section, "court supervised program"  
29 includes, but is not limited to, any program of traffic safety  
30 instruction the successful completion of which is accepted by the  
31 court in lieu of adjudicating a violation of this code.

32 (e) The clerk of the court, in a county that offers traffic school  
33 shall include in any courtesy notice mailed to a defendant for an  
34 offense that qualifies for traffic school attendance the following  
35 statement:

36  
37 NOTICE: If you are eligible and decide not to attend traffic  
38 school your automobile insurance may be adversely affected.

39  
40 SEC. 228.—



1     *SEC. 201. Section 42007 of the Vehicle Code is amended to*  
2     *read:*

3     42007. (a) The clerk of the court shall collect a fee from every  
4     person who is ordered or permitted to attend a traffic violator  
5     school pursuant to Section 42005 or who attends any other  
6     court-supervised program of traffic safety instruction. The fee  
7     shall be in an amount equal to the total bail set forth for the eligible  
8     offense on the uniform countywide bail schedule. As used in this  
9     subdivision, “total bail” means the amount established pursuant  
10    to Section 1269b of the Penal Code in accordance with the  
11    Uniform Statewide Bail Schedule adopted by the Judicial Council,  
12    including all assessments, surcharges, and penalty amounts.  
13    Where multiple offenses are charged in a single notice to appear,  
14    the “total bail” is the amount applicable for the greater of the  
15    qualifying offenses. However, the court may determine a lesser fee  
16    under this subdivision upon a showing that the defendant is unable  
17    to pay the full amount.

18    The fee shall not include the cost, or any part thereof, of traffic  
19    safety instruction offered by the school or other program.

20    (b) Revenues derived from the fee collected under this section  
21    shall be deposited in accordance with Section 68084 of the  
22    Government Code in the general fund of the county and, as may  
23    be applicable, distributed as follows:

24    (1) In any county in which a fund is established pursuant to  
25    Section 76100 or 76101 of the Government Code, the sum of one  
26    dollar (\$1) for each fund so established shall be deposited with the  
27    county treasurer and placed in that fund.

28    (2) In any county that has established a Maddy Emergency  
29    Medical Services Fund pursuant to Section 1797.98a of the Health  
30    and Safety Code, an amount equal to the sum of each two dollars  
31    (\$2) for every seven dollars (\$7) that would have been collected  
32    pursuant to Section 76000 of the Government Code shall be  
33    deposited in that fund. Nothing in the act that added this paragraph  
34    shall be interpreted in a manner that would result in either of the  
35    following:

36    (A) The utilization of penalty assessment funds that had been  
37    set aside, on or before January 1, 2000, to finance debt service on  
38    a capital facility that existed before January 1, 2000.

39    (B) The reduction of the availability of penalty assessment  
40    revenues that had been pledged, on or before January 1, 2000, as



1 a means of financing a facility which was approved by a county  
2 board of supervisors, but on January 1, 2000, is not under  
3 construction.

4 (3) The amount of the fee that is attributable to Section 70372  
5 of the Government Code shall be transferred pursuant to  
6 subdivision (f) of that section.

7 (c) For fees resulting from city arrests, an amount equal to the  
8 amount of base fines that would have been deposited in the  
9 treasury of the appropriate city pursuant to paragraph (3) of  
10 subdivision (b) of Section 1463.001 of the Penal Code shall be  
11 deposited in the treasury of the appropriate city.

12 (d) As used in this section, "court-supervised program"  
13 includes, but is not limited to, any program of traffic safety  
14 instruction the successful completion of which is accepted by the  
15 court in lieu of adjudicating a violation of this code.

16 (e) ~~The Judicial Council shall study the minimum eligibility~~  
17 ~~criteria governing drivers seeking to attend traffic violator's~~  
18 ~~school, and report to the Legislature on the advisability of uniform~~  
19 ~~statewide criteria on or before January 1, 1993.~~

20 (f) ~~The clerk of the court, in a county that offers traffic school~~  
21 ~~shall include in any courtesy notice mailed to a defendant for an~~  
22 ~~offense that qualifies for traffic school attendance the following~~  
23 ~~statement:~~

24  
25 NOTICE: If you are eligible and decide not to attend traffic  
26 school your automobile insurance may be adversely affected.

- 27
- 28 *SEC. 202.* Section 1061 of the Water Code is repealed.
- 29 ~~SEC. 229.—~~
- 30 *SEC. 203.* Section 12226.1 of the Water Code is repealed.
- 31 ~~SEC. 230.—~~
- 32 *SEC. 204.* Section 12228 of the Water Code is repealed.
- 33 ~~SEC. 231.—~~
- 34 *SEC. 205.* Section 225.05 of the Welfare and Institutions
- 35 Code is repealed.
- 36 ~~SEC. 232.—~~
- 37 *SEC. 206.* Section 398 of the Welfare and Institutions Code is
- 38 repealed.
- 39 ~~SEC. 233.—~~



1 SEC. 207. Section 503 of the Welfare and Institutions Code is  
2 amended to read:

3 503. Programs funded under this article shall adopt and  
4 pursue the following policies:

5 (a) Each participating law enforcement agency shall do all of  
6 the following:

7 (1) Gather data on identified serious habitual offenders.

8 (2) Compile data into a usable format for law enforcement,  
9 prosecutors, probation ~~officer~~ officers, schools, and courts  
10 pursuant to interagency agreement.

11 (3) Regularly update data and disseminate data to juvenile  
12 justice system agencies, as needed.

13 (4) Establish local policies in cooperation with the prosecutor,  
14 the probation officer, schools, and the juvenile court regarding  
15 data collection, arrest, and detention of serious habitual offenders.

16 (5) Provide support and assistance to other agencies engaged in  
17 the program.

18 (b) Each participating district attorney's office shall do all of  
19 the following:

20 (1) File petitions based on the most serious provable offenses  
21 of each arrest of a serious habitual offender.

22 (2) Use all reasonable prosecutorial efforts to resist the release,  
23 where appropriate, of the serious habitual offender at all stages of  
24 the prosecution.

25 (3) Seek an admission of guilt on all offenses charged in the  
26 petition against the offender. The only cases in which the  
27 prosecutor may request the court to reduce or dismiss the charges  
28 shall be cases in which the prosecutor decides there is insufficient  
29 evidence to prove the people's case, the testimony of a material  
30 witness cannot be obtained or a reduction or dismissal will not  
31 result in a substantial change in sentence. In those cases, the  
32 prosecutor shall file a written declaration with the court stating the  
33 specific factual and legal basis for such a reduction or dismissal  
34 and the court shall make specific findings on the record of its ruling  
35 and the reasons therefor.

36 (4) Vertically prosecute all cases involving serious habitual  
37 offenders, whereby the prosecutor who makes the initial filing  
38 decision or appearance on such a case shall perform all subsequent  
39 court appearances on that case through its conclusion, including  
40 the disposition phase.



1 (5) Make all reasonable prosecutorial efforts to persuade the  
2 court to impose the most appropriate sentence upon such an  
3 offender at the time of disposition. As used in this paragraph,  
4 “most appropriate sentence” means any disposition available to  
5 the juvenile court.

6 (6) Make all reasonable prosecutorial efforts to reduce the time  
7 between arrest and disposition of the charge.

8 (7) Act as liaison with the court and other criminal justice  
9 agencies to establish local policies regarding the program and to  
10 ensure interagency cooperation in the planning and  
11 implementation of the program.

12 (8) Provide support and assistance to other agencies engaged in  
13 the program.

14 (c) Each participating probation department shall do all of the  
15 following:

16 (1) Cooperate in gathering data for use by all participating  
17 agencies pursuant to interagency agreement.

18 (2) Detain minors in custody who meet the detention criteria set  
19 forth in Section 628.

20 (3) Consider the data relating to serious habitual offenders  
21 when making all decisions regarding the identified individual and  
22 include relevant data in written reports to the court.

23 (4) Use all reasonable efforts to file violations of probation  
24 pursuant to Section 777 in a timely manner.

25 (5) Establish local policies in cooperation with law  
26 enforcement, the district attorney, schools, and the juvenile court  
27 regarding the program and provide support and assistance to other  
28 agencies engaged in the program.

29 (d) Each participating school district shall do all of the  
30 following:

31 (1) Cooperate in gathering data for use by all participating  
32 agencies pursuant to interagency agreement. School district access  
33 to records and data shall be limited to that information that is  
34 otherwise authorized by law.

35 (2) Report all crimes that are committed on campus by serious  
36 habitual offenders to law enforcement.

37 (3) Report all violations of probation committed on campus by  
38 serious habitual offenders to the probation officer or his or her  
39 designee.



1 (4) Provide educational supervision and services appropriate to  
2 serious habitual offenders attending schools.

3 (5) Establish local policies in cooperation with law  
4 enforcement, the district attorney, probation and the juvenile court  
5 regarding the program and provide support and assistance to other  
6 agencies engaged in the program.

7 ~~SEC. 234.—~~

8 *SEC. 208.* Section 898.5 of the Welfare and Institutions Code  
9 is repealed.

10 ~~SEC. 235.—~~

11 *SEC. 209.* Section 1120 of the Welfare and Institutions Code  
12 is amended to read:

13 1120. (a) It is the intent of the Legislature to insure an  
14 appropriate educational program for wards committed to the  
15 Department of the Youth Authority. The objective of ~~such the~~  
16 program shall be to improve the academic, vocational, and life  
17 survival skills of each ward so as to enable~~such these~~ wards to  
18 return to the community as productive citizens.

19 (b) The department shall assess the educational needs of each  
20 ward upon commitment and at least annually thereafter until  
21 released on parole. The initial assessment shall include a  
22 projection of the academic, vocational, and psychological needs of  
23 the ward and shall be used both in making a determination as to the  
24 appropriate educational program for the ward and as a measure of  
25 progress in subsequent assessments of the educational  
26 development of the ward.

27 The educational program of the department shall be responsive  
28 to the needs of all wards, including those who are educationally  
29 handicapped or limited-English-speaking wards.

30 (c) The statewide educational program of the department shall  
31 include, but shall not be limited to, all of the following courses of  
32 instruction:

33 (1) Academic preparation in the areas of verbal communication  
34 skills, reading, writing, and arithmetic.

35 (2) Vocational preparation including vocational counseling,  
36 training in marketable skills, and job placement assistance.

37 (3) Life survival skills, including preparation in the areas of  
38 consumer economics, family life, and personal and social  
39 adjustment.



1 All of the aforementioned courses of instruction shall be offered  
2 at each institution within the jurisdiction of the department except  
3 camps and those institutions whose primary function is the initial  
4 reception and classification of wards. At such camps and  
5 institutions the educational program shall take into consideration  
6 the purpose and function of the camp and institutional program.

7 ~~SEC. 236.—~~

8 *SEC. 210.* Section 1756.1 of the Welfare and Institutions  
9 Code is repealed.

10 ~~SEC. 237.—~~

11 *SEC. 211.* Section 1906 of the Welfare and Institutions Code  
12 is repealed.

13 ~~SEC. 238.—~~

14 *SEC. 212.* Section 1914 of the Welfare and Institutions Code  
15 is repealed.

16 ~~SEC. 239.—~~

17 *SEC. 213.* Section 4026 of the Welfare and Institutions Code  
18 is repealed.

19 ~~SEC. 240.—~~

20 *SEC. 214.* Section 4390 of the Welfare and Institutions Code  
21 is amended to read:

22 4390. The Legislature finds that an evaluation of program  
23 effectiveness is both desirable and necessary and accordingly  
24 requires the following:

25 No later than June 30, 1993, and each year thereafter through the  
26 term of the grant award, each local education agency that receives  
27 a matching grant under this part shall submit a report to the director  
28 that shall include the following:

29 (a) An evaluation of the effectiveness of the local educational  
30 agency in achieving stated goals.

31 (b) A description of the problems encountered in the design and  
32 operation of the school-based early mental health intervention and  
33 prevention services program, including, but not limited to,  
34 identification of any federal, state, or local regulations that  
35 impeded program implementation.

36 (c) The number of eligible pupils served by the program.

37 (d) The number of additional eligible pupils who have not been  
38 served.

39 (e) An evaluation of the impact of the school-based early  
40 mental health intervention and prevention services program on the



1 local educational agency and the children completing the program.  
2 The program shall be deemed successful if at least 75 percent of  
3 the children who complete the program show an improvement in  
4 at least one of the four following areas:

- 5 (1) Learning behaviors.
- 6 (2) Attendance.
- 7 (3) School adjustment.
- 8 (4) School-related competencies. Improvement shall be  
9 compared with comparable children in that school district that do  
10 not complete or participate in the program.

11 (f) An accounting of local budget savings, if any, resulting from  
12 the implementation of the school-based early mental health  
13 intervention and prevention services program.

14 (g) A revised plan of how the proposed school-based early  
15 mental health intervention and prevention services program will  
16 be continued after the state matching grant has expired, including  
17 a list of cooperative entities that will assist in providing the  
18 necessary funds and services. Beginning in 1993, this shall, to the  
19 extent information is provided by the local mental health  
20 department, include a description of the availability of federal  
21 financial participation under Title XIX of the federal Social  
22 Security Act (42 U.S.C. 1396 and following) through a  
23 cooperative agreement or contract with the local mental health  
24 department. The county office of education may submit the report  
25 on the availability of federal financial participation on behalf of  
26 the participating local education agencies with the county. In any  
27 county in which there is an interagency children's services  
28 coordination council established pursuant to Section 18986.10, a  
29 report submitted pursuant to this paragraph shall be submitted to  
30 the council for its review and approval.

31 ~~SEC. 241.—~~

32 *SEC. 215.* Section 4506 of the Welfare and Institutions Code  
33 is repealed.

34 ~~SEC. 242.—~~

35 *SEC. 216.* Section 4519.5 of the Welfare and Institutions  
36 Code is repealed.

37 ~~SEC. 243.—~~

38 *SEC. 217.* Section 4637 of the Welfare and Institutions Code  
39 is repealed.

40 ~~SEC. 244.—~~



1     *SEC. 218.* Section 4681.2 of the Welfare and Institutions  
2 Code is repealed.

3     ~~*SEC. 245.*~~

4     *SEC. 219.* Section 4689.1 of the Welfare and Institutions  
5 Code is amended to read:

6     4689.1. (a) The Legislature declares that it places a high  
7 priority on providing opportunities for adults with developmental  
8 disabilities to live with families approved by family home agencies  
9 and to receive services and supports in those settings as determined  
10 by the individual program plan.

11     (b) For purposes of this section, “family home” means a home  
12 that is owned, leased, or rented by, and is the family residence of,  
13 the family home provider or providers, and in which services and  
14 supports are provided to a maximum of two adults with  
15 developmental disabilities regardless of their degree of disability,  
16 and who do not require continuous skilled nursing care.

17     (c) For purposes of this section, “family home agency” means  
18 a private not-for-profit agency that is vendored to do all of the  
19 following:

20     (1) Recruit, approve, train, and monitor family home  
21 providers.

22     (2) Provide social services and in-home support to family home  
23 providers.

24     (3) Assist adults with developmental disabilities in moving into  
25 approved family homes.

26     (d) For purposes of ensuring that regional centers may secure  
27 high quality services that provide supports in natural settings and  
28 promote inclusion and meaningful participation in community life  
29 for adults with developmental disabilities, the department shall  
30 promulgate regulations for family home agencies and family  
31 homes that shall include, but not be limited to, standards and  
32 requirements related to all of the following:

33     (1) Selection criteria for regional centers to apply in vendoring  
34 family home agencies, including, but not limited to, all of the  
35 following:

36     (A) The need for service.

37     (B) The experience of the agency or key personnel in providing  
38 the same or comparable services.

39     (C) The reasonableness of the agency’s overhead.



- 1 (D) The capability of the regional center to monitor and  
2 evaluate the vendor.
- 3 (2) Vendorization.
- 4 (3) Operation of family home agencies, including, but not  
5 limited to, all of the following:
- 6 (A) Recruitment.
- 7 (B) Approval of family homes.
- 8 (C) Qualifications, training, and monitoring of family home  
9 providers.
- 10 (D) Assistance to consumers in moving into approved family  
11 homes.
- 12 (E) The range of services and supports to be provided.
- 13 (F) Family home agency staffing levels, qualifications, and  
14 training.
- 15 (4) Program design.
- 16 (5) Program and consumer records.
- 17 (6) Family homes.
- 18 (7) (A) Rates of payment for family home agencies and  
19 approved family home providers. In developing the rates pursuant  
20 to regulation, the department may require family home agencies  
21 and family homes to submit program cost or other information, as  
22 determined by the department.
- 23 (B) Regional center reimbursement to family home agencies  
24 shall not exceed rates for similar individuals when residing in other  
25 types of out-of-home care established pursuant to Section 4681.1.
- 26 (8) The department and regional center's monitoring and  
27 evaluation of the family home agency and approved homes, which  
28 shall be designed to ensure that services do all of the following:
- 29 (A) Conform to applicable laws and regulations and provide  
30 for the consumer's health and well-being.
- 31 (B) Assist the consumer in understanding and exercising his or  
32 her individual rights.
- 33 (C) Are consistent with the family home agency's program  
34 design and the consumer's individual program plan.
- 35 (D) Maximize the consumer's opportunities to have choices in  
36 where he or she lives, works, and socializes.
- 37 (E) Provide a supportive family home environment, available  
38 to the consumer 24 hours a day, that is clean, comfortable, and  
39 accommodating to the consumer's cultural preferences, values,  
40 and lifestyle.



1 (F) Are satisfactory to the consumer, as indicated by the  
2 consumer’s quality of life as assessed by the consumer, his or her  
3 family, and if appointed, conservator, or significant others, or all  
4 of these, as well as by evaluation of outcomes relative to individual  
5 program plan objectives.

6 (9) Monthly monitoring visits by family home agency social  
7 service staff to approved family homes.

8 (10) Procedures whereby the regional center and the  
9 department may enforce applicable provisions of law and  
10 regulation, investigate allegations of abuse or neglect, and impose  
11 sanctions on family home agencies and approved family homes,  
12 including, but not limited to, all of the following:

13 (A) Requiring movement of a consumer from a family home  
14 under specified circumstances.

15 (B) Termination of approval of a family home.

16 (C) Termination of the family home agency’s vendorization.

17 (11) Appeal procedures.

18 ~~(f)~~

19 (e) Each adult with developmental disabilities placed in a  
20 family home shall have the rights specified in this division,  
21 including, but not limited to, the rights specified in Section 4503.

22 ~~(g)~~

23 (f) Prior to placement in a family home of an adult with  
24 developmental disabilities who has a conservator, consent of the  
25 conservator shall be obtained.

26 ~~(h)~~

27 (g) The adoption of any emergency regulations to implement  
28 this section that are filed with the Office of Administrative Law  
29 within one year of the date on which the act that added this section  
30 took effect shall be deemed to be an emergency and necessary for  
31 the immediate preservation of the public peace, health and safety,  
32 or general welfare.

33 ~~SEC. 246.—~~

34 *SEC. 220.* Section 4692 of the Welfare and Institutions Code  
35 is repealed.

36 ~~SEC. 247.—~~

37 *SEC. 221.* Section 4751 of the Welfare and Institutions Code  
38 is repealed.

39 ~~SEC. 248.—~~



1     *SEC. 222.* Section 4838 of the Welfare and Institutions Code  
2 is repealed.

3     ~~*SEC. 249.*~~

4     *SEC. 223.* Section 4842 of the Welfare and Institutions Code  
5 is repealed.

6     ~~*SEC. 250.*~~

7     *SEC. 224.* Section 5719.5 of the Welfare and Institutions  
8 Code is amended to read:

9     5719.5. (a) Notwithstanding any other provision of state law,  
10 and to the extent permitted by federal law, the State Department  
11 of Mental Health may, in consultation with the State Department  
12 of Health Services, field test major components of a capitated,  
13 integrated service system of Medi-Cal mental health managed care  
14 in not less than two, and not more than five participating counties.

15     (b) County participation in the field test shall be at the counties'  
16 option.

17     (c) Counties eligible to participate in the field test described in  
18 subdivision (a) shall include either of the following:

19     (1) Any county with an existing county organized health  
20 system.

21     (2) Any county that has been designated for the development  
22 of a new county organized health system.

23     (d) The State Department of Mental Health, in consultation  
24 with the State Department of Health Services, the counties  
25 selected for field testing, and groups representing mental health  
26 clients, their families and advocates, county mental health  
27 directors, and public and private mental health professionals and  
28 providers, shall develop, for the purpose of the field test, major  
29 components for an integrated, capitated service system of  
30 Medi-Cal mental health managed care, including, but not limited  
31 to, all of the following:

32     (1) (A) A definition of medical necessity.

33     (B) The preliminary definition developed pursuant to this  
34 paragraph shall be submitted to the Legislature no later than  
35 February 1, 1994.

36     (2) Protocols for facilitating access and coordination of mental  
37 health, physical health, educational, vocational, and other  
38 supportive services for persons receiving services through the  
39 field test.



1 (3) Procedures for promoting quality assurance, performance  
2 monitoring measures and outcome evaluation, including measures  
3 of client satisfaction, and procedures for addressing beneficiary  
4 grievances concerning service denials, changes, or terminations.

5 (e) Counties participating in the field test shall report to the  
6 State Department of Mental Health as the department deems  
7 necessary.

8 (f) Counties participating in the field test shall do both of the  
9 following:

10 (1) (A) Explore, in consultation with the State Department of  
11 Mental Health, the State Department of Health Services, and the  
12 California Mental Health Directors Association, rates for  
13 capitated, integrated Medi-Cal mental health managed care  
14 systems, using an actuarially sound ratesetting methodology.

15 (B) These rates shall be evaluated by the State Department of  
16 Mental Health and the State Department of Health Services to  
17 determine their fiscal impact, and shall result in no increase in cost  
18 to the General Fund, compared with the cost that would occur  
19 under the existing organization of Medi-Cal funded mental health  
20 services, except for caseload growth and price increases as  
21 included in the Medi-Cal estimates prepared by the State  
22 Department of Health Services and approved by the Department  
23 of Finance. In evaluating the fiscal impact of these rates, the  
24 departments shall take into account any shift in clients between  
25 Medi-Cal programs in which the nonfederal match is funded by  
26 state funds and those in which the match is funded by local funds.

27 (2) Demonstrate the appropriate fiscal relationship between  
28 county organized health systems for the federal medicaid program  
29 and integrated, capitated Medi-Cal mental health managed care  
30 programs.

31 ~~SEC. 251.—~~

32 *SEC. 225.* Section 5734 of the Welfare and Institutions Code  
33 is repealed.

34 ~~SEC. 252.—~~

35 *SEC. 226.* Section 5914 of the Welfare and Institutions Code  
36 is repealed.

37 ~~SEC. 253.—~~

38 *SEC. 227.* Section 10627 of the Welfare and Institutions Code  
39 is repealed.

40 ~~SEC. 254.—~~



1 *SEC. 228.* Section 11004.5 of the Welfare and Institutions  
2 Code is repealed.

3 ~~*SEC. 255.*~~

4 *SEC. 229.* Section 11008 of the Welfare and Institutions Code  
5 is amended to read:

6 11008. (a) In order that recipients of public assistance may  
7 become self-supporting and productive members of their  
8 communities, it is essential that they be permitted to earn money  
9 without a proportionate deduction in their aid grants. It is the  
10 intention of the Legislature to promote this objective and the  
11 department, in implementing public assistance laws, is directed to  
12 do so in the light of this objective.

13 (b) To the extent required by federal law, earned income of a  
14 recipient of aid under any public assistance program for which  
15 federal funds are available shall not be considered income or  
16 resources of the recipient, and shall not be deducted from the  
17 amount of aid to which the recipient would otherwise be entitled.  
18 In computing the amount of income determined to be available to  
19 support a recipient, the value of currently used resources shall be  
20 included, except as provided in Section 11018.

21 (c) This section does not apply to recipients under Chapter 3  
22 (commencing with Section 12000) of this part.

23 ~~*SEC. 256.*~~

24 *SEC. 230.* Section 11008.19 of the Welfare and Institutions  
25 Code is amended to read:

26 11008.19. (a) (1) To the degree child care and development  
27 services administered by the State Department of Education  
28 pursuant to Chapter 2 (commencing with Section 8200) of Part 6  
29 of the Education Code are used to serve families receiving aid to  
30 families with dependent children that are eligible for child care  
31 under the AFDC program, the department and the State  
32 Department of Education, in consultation with the county welfare  
33 departments, shall establish a system for documenting child care  
34 usage by this population so the state can claim the maximum  
35 amount to which it is entitled under Title IV-A of the Social  
36 Security Act, contained in Part A (commencing with Section 601)  
37 of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

38 (2) To the extent permitted by federal law, the department and  
39 the State Department of Education shall coordinate their efforts



1 and claim federal financial participation pursuant to Title IV-A of  
2 the Social Security Act.

3 (3) Upon the approval of the Superintendent of Public  
4 Instruction, the department, and the State Department of  
5 Education shall enter into an interagency agreement to transfer  
6 Title IV-A funds from the department to the State Department of  
7 Education and to ensure that all federal requirements are met in  
8 carrying out the program made possible by the receipt of Title  
9 IV-A funds.

10 (4) The system established pursuant to paragraph (1) shall be  
11 implemented only to the extent that its implementation does not  
12 result in an overall increase in expenditures from the General  
13 Fund.

14 (b) (1) Title IV-A funds received pursuant to paragraph (1) of  
15 subdivision (a) shall be used to expand child care and development  
16 services in accordance with the interagency agreement required by  
17 paragraph (3) of subdivision (a).

18 (2) In no case shall Title IV-A funds received pursuant to this  
19 section be used to supplant existing state funds and cause the state  
20 to violate the maintenance of effort requirements for the federal  
21 Child Care and Development Block Grant and the Title IV-A  
22 “at-risk” programs. Funds made available pursuant to subdivision  
23 (a) shall be expended by the departments to support the following:

24 (A) Any additional administrative costs associated with  
25 documenting and claiming federal reimbursement incurred by the  
26 department, the State Department of Education, county welfare  
27 offices, and child care and development services contractors.

28 (B) Expanded child care and development services to families  
29 receiving AFDC benefits, in the following order of priority:

30 (i) AFDC families in approved education and training  
31 programs, except those receiving services under Article 3.2  
32 (commencing with Section 11320) of Chapter 2.

33 (ii) AFDC applicants or recipients who choose the Alternative  
34 Assistance Program pursuant to Section 11280.

35 (iii) All other AFDC recipients who meet the eligibility criteria  
36 for federally funded Title IV-A child care pursuant to this section.

37 (c) (1) Notwithstanding Section 8278 of the Education Code  
38 and Item 6110-196-001 of the Budget Act of 1991 (Chapter 118  
39 of the Statutes of 1991), the Superintendent of Public Instruction  
40 may authorize the expenditure of not more than one million dollars



1 (\$1,000,000) in child care carryover funds by the State  
2 Department of Education and the State Department of Social  
3 Services, through an interagency agreement, for the purposes of  
4 implementing the program specified in this section in the 1991–92  
5 and 1992–93 fiscal years.

6 (2) Prior to making the authorization under paragraph (1), the  
7 Superintendent of Public Instruction shall notify the appropriate  
8 policy and fiscal committees of the Legislature of the amounts to  
9 be expended pursuant to this subdivision.

10 (3) Funds that may be expended pursuant to this subdivision  
11 shall be expended for the purpose of supporting administrative  
12 costs associated with claiming federal reimbursement for families  
13 with dependent children receiving services pursuant to Chapter 2  
14 (commencing with Section 8200) of Part 6 of the Education Code.  
15 In the 1993–94 fiscal year and subsequent fiscal years, state  
16 administrative funds for both departments shall be appropriated in  
17 the annual Budget Act pursuant to subdivision (b).

18 (d) For purposes of this section, “Title IV-A funds” means  
19 federal money received pursuant to Part A (commencing with  
20 Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United  
21 States Code.

22 ~~SEC. 257.—~~

23 *SEC. 231.* Section 11213 of the Welfare and Institutions Code  
24 is amended to read:

25 11213. For the purpose of developing a more efficient,  
26 effective, and equitable Aid to Families With Dependent  
27 Children-Foster Care program, the department shall develop:

28 (a) A management information database providing  
29 expenditure and caseload characteristics information, such as  
30 method of entry into AFDC-FC, average cost of placement, type  
31 of facility used for placement, and average length of stay in  
32 placement.

33 (b) A quality control system for AFDC-FC, and  
34 recommendations to the Legislature regarding resources required  
35 for implementation of ~~such~~ *the* system by October 1, 1980.

36 (c) Recommendations to the Legislature regarding the  
37 following:

38 (1) A system or systems for establishing payment levels for  
39 children eligible to the AFDC-FC program.



1 (2) Plans and resources required for implementation of the  
2 selected system or systems by July 1, 1981.

3 (d) Recommendations to the Legislature regarding defining  
4 that segment of the population to be served by the AFDC-FC  
5 program, and impact of such definition on the current AFDC-FC  
6 population.

7 ~~SEC. 258.—~~

8 *SEC. 232.* Section 11215 of the Welfare and Institutions Code  
9 is amended to read:

10 11215. (a) The department, with the advice and assistance of  
11 the County Welfare Directors' Association, the Chief Probation  
12 Officers' Association, the California Conference of Local Mental  
13 Health Directors, and foster care providers, shall develop  
14 performance standards and outcome measures for determining the  
15 appropriateness of out-of-home care placements made under the  
16 AFDC-Foster Care program and for the effective and efficient  
17 administration of the AFDC-Foster Care program. These  
18 performance standards shall link county administration of the  
19 AFDC-Foster Care program to the state funding of the  
20 AFDC-Foster Care program as specified in subdivision (c) of  
21 Section 15200.

22 (b) (1) The performance standards required by this section  
23 shall be developed by July 1, 1993, and shall use the Child Welfare  
24 Services Case Management System as the database by which to  
25 collect county specific information. The performance standards  
26 shall be designed to measure each county's performance in all of  
27 the areas over which the county has some degree of influence and  
28 other areas of measurable program performance that the  
29 department can demonstrate as areas over which county welfare  
30 and probation departments have adequate resources and can  
31 demonstrate meaningful managerial or administrative influence.  
32 These areas may include accuracy of eligibility determination,  
33 stability of foster care placement, appropriateness of level of care  
34 provided, compliance with statutory timeliness, and compliance  
35 with data reporting requirements. The performance standards  
36 system shall include, but not be limited to, outcome measures  
37 reflective of county placing agencies' use of the Level of Care  
38 Assessment Instrument specified in Section 11467.

39 (2) The performance standards system shall be implemented in  
40 conjunction with the implementation of the Child Welfare



1 Services Case Management System. If the Child Welfare Services  
2 Case Management System is not implemented by July 1, 1993, as  
3 specified in Section 16501.5, the implementation of the  
4 performance standards system, as specified in paragraphs (4) and  
5 (5), shall be moved to a date two years after the date of  
6 implementation of the Child Welfare Services Case Management  
7 System.

8 (3) Regulations regarding the implementation of the  
9 performance standards system shall be adopted no later than July  
10 1, 1994. These regulations shall specify both the performance  
11 standards system and the manner by which the percentage of state  
12 reimbursement to each county for the AFDC-Foster Care program  
13 shall be determined.

14 (4) Effective July 1, 1995, any county that does not meet the  
15 performance standards shall be liable for a decrease in the  
16 percentage of state reimbursement for the AFDC-Foster Care  
17 program to the amounts specified in paragraph (2) of subdivision  
18 (c) of Section 15200. This amount will be determined by the  
19 department at the start of each fiscal year, beginning with fiscal  
20 year 1995–96, pursuant to regulations developed as specified in  
21 paragraph (4).

22 ~~SEC. 259.—~~

23 *SEC. 233.* Section 11406 of the Welfare and Institutions Code  
24 is repealed.

25 ~~SEC. 260.—~~

26 *SEC. 234.* Section 11469 of the Welfare and Institutions Code  
27 is amended to read:

28 11469. (a) By July 1, 1993, the department, in consultation  
29 with group home providers, the County Welfare Directors'  
30 Association, the Chief Probation Officers' Association, the  
31 California Conference of Local Mental Health Director and the  
32 State Department of Mental Health, shall develop performance  
33 standards and outcome measures for determining the effectiveness  
34 of the care and supervision, as defined in subdivision (b) of Section  
35 11460, provided by group homes under the AFDC-FC program  
36 pursuant to Sections 11460 and 11462. These standards shall be  
37 designed to measure group home program performance for the  
38 client group that the group home program is designed to serve.

39 (1) The performance standards and outcome measures shall  
40 be designed to measure the performance of group home programs



1 in areas over which the programs have some degree of influence,  
2 and in other areas of measurable program performance that the  
3 department can demonstrate are areas over which group home  
4 programs have meaningful managerial or administrative  
5 influence.

6 (2) These standards and outcome measures shall include, but  
7 are not limited to, the effectiveness of services provided by each  
8 group home program, and the extent to which the services  
9 provided by the group home assist in obtaining the child welfare  
10 case plan objectives for the child.

11 (3) In addition, when the group home provider has identified as  
12 part of its program for licensing, ratesetting, or county placement  
13 purposes, or has included as a part of a child's case plan by mutual  
14 agreement between the group home and the placing agency,  
15 specific mental health, education, medical, and other child-related  
16 services, the performance standards and outcome measures may  
17 also measure the effectiveness of those services.

18 (b) Regulations regarding the implementation of the group  
19 home performance standards system required by this section shall  
20 be adopted no later than one year prior to implementation. The  
21 regulations shall specify both the performance standards system  
22 and the manner by which the AFDC-FC rate of a group home  
23 program shall be adjusted if performance standards are not met.

24 (c) Except as provided in subdivision (e), effective July 1,  
25 1995, group home performance standards shall be implemented.  
26 Any group home program not meeting the performance standards  
27 shall have its AFDC-FC rate, set pursuant to Section 11462,  
28 adjusted according to the regulations required by this section.

29 (d) Effective July 1, 1995, group home programs shall be  
30 classified at rate classification level 13 or 14 only if all of the  
31 following are met:

32 (1) The program generates the requisite number of points for  
33 rate classification level 13 or 14.

34 (2) The program only accepts children with special treatment  
35 needs as determined through the assessment process pursuant to  
36 subdivision (b) of Section 11467.

37 (3) The program meets the performance standards designed  
38 pursuant to this section.

39 (e) Notwithstanding subdivision (d), the group home program  
40 performance standards system shall not be implemented prior to



1 the implementation of the AFDC-FC performance standards  
2 system specified in Section 11215.

3 ~~SEC. 261.—~~

4 *SEC. 235.* Section 11476.6 of the Welfare and Institutions  
5 Code is amended to read:

6 11476.6. Each local child support agency shall submit to the  
7 department data revealing the range and median time periods by  
8 which notification of the receipt of child support payments  
9 collected on behalf of a family receiving aid under this chapter is  
10 made to the local welfare department. The data shall contain the  
11 number and percentage of cases in which the payments described  
12 herein are conveyed within the time period prescribed by federal  
13 law.

14 ~~SEC. 262.—~~

15 *SEC. 236.* Section 12312 of the Welfare and Institutions Code  
16 is repealed.

17 ~~SEC. 263.—~~

18 *SEC. 237.* Section 14005.6 of the Welfare and Institutions  
19 Code is amended to read:

20 14005.6. (a) The Legislature finds and declares as follows:

21 (1) Under federal law, minors living at home with their families  
22 may not be eligible for the SSI and Medicaid programs.

23 (2) Under the Federal Budget Reconciliation Act of 1981,  
24 however, states may apply for a Section 1915(c) waiver to allow  
25 a person to be eligible for SSI and Medicaid when medical and  
26 social services provided in the home can be shown to be less costly  
27 than services provided in an institution.

28 (3) Whenever possible, medical and social services should be  
29 provided in the least restrictive setting and at the lowest cost to the  
30 programs involved.

31 (4) The State Department of Health Services has already  
32 successfully applied for the Section 1915(c) waiver as applied to  
33 certain defined populations of developmentally disabled, elderly,  
34 and medically acute clients.

35 (b) The State Director of Health Services shall apply for  
36 additional waivers when appropriate to expand the number and  
37 types of persons who will be eligible for in-home services.

38 ~~SEC. 264.—~~

39 *SEC. 238.* Section 14026.5 of the Welfare and Institutions  
40 Code is amended to read:



1 14026.5. (a) The State Director of Health Services may issue  
2 Medi-Cal cards to Medi-Cal fraud investigators for the purpose of  
3 conducting investigations of Medi-Cal fraud, or a violation of the  
4 Medical Practice Act as set forth ~~at~~*in* Chapter 5 (commencing with  
5 Section 2000) of Division 2 of the Business and Professions Code  
6 upon written request to the State Director of Health Services, or his  
7 or her designee, from the head of the requesting agency stating the  
8 purpose of the investigation. The request shall be based upon a  
9 specific complaint or information alleging Medi-Cal fraud. The  
10 request shall be based upon a specific complaint or information  
11 from an outside agency pursuant to its standard procedure for  
12 referring cases to another agency where there is suspicion of  
13 Medi-Cal fraud.

14 (b) (1) Upon a complaint by any individual alleging  
15 information creating a reasonable suspicion that any person is  
16 engaging in Medi-Cal fraud, the State Director of Health Services  
17 shall issue Medi-Cal cards for the purpose of conducting  
18 investigations of Medi-Cal fraud, or a violation of the Medical  
19 Practice Act as set forth in Chapter 5 (commencing with Section  
20 2000) of Division 2 of the Business and Professions Code, upon  
21 an order of a magistrate issued upon a showing of reasonable  
22 suspicion that the person being investigated has committed or is  
23 committing Medi-Cal fraud or a violation of the Medical Practice  
24 Act as set forth in Chapter 5 (commencing with Section 2000) of  
25 Division 2 of the Business and Professions Code.

26 (2) For purposes of this section, “reasonable suspicion” means  
27 that a peace officer subjectively entertains such a suspicion and  
28 that it is objectively reasonable for him or her to do so. The facts  
29 shall be those that would cause any reasonable peace officer in a  
30 like position drawing when appropriate on his or her training and  
31 experience, to suspect the same criminal activity and the same  
32 involvement by the person in question. A showing of reasonable  
33 suspicion may be made either by written statement under penalty  
34 of perjury or by oral statement taken under oath, recorded and  
35 transcribed.

36 (c) Nothing in this section shall be construed to mean that it is  
37 the exclusive method for conducting investigations for Medi-Cal  
38 fraud or for violations of the Medical Practice Act as set forth ~~at~~  
39 *in* Chapter 5 (commencing with Section 2000) of Division 2 of the  
40 Business and Professions Code.



1 (d) The State Department of Health Services shall report to the  
2 Legislature every six months commencing June 1, 1981, on the  
3 utilization of Medi-Cal cards issued pursuant to this section. The  
4 report shall include, among other matters, a description of the  
5 types of criminal investigations conducted pursuant thereto.

6 ~~SEC. 265.—~~

7 *SEC. 239.* Section 14041.5 of the Welfare and Institutions  
8 Code is amended to read:

9 14041.5. (a) The department shall develop, disseminate, and  
10 update, on a periodic basis, claims preparation and processing  
11 software programs that may be used on computers at individual  
12 provider or billing service sites. The software shall be made  
13 available, to the extent feasible, for the most common computers  
14 used in the provider community for use, on an optional basis, by  
15 clerical or billing personnel to facilitate the preparation and  
16 submission of Medi-Cal claims for services rendered.

17 (b) The software programs specified in subdivision (a) shall, to  
18 the extent possible:

19 (1) Contain all necessary validity edits utilized by the fiscal  
20 intermediary.

21 (2) Be designed to reasonably reduce common submission and  
22 billing errors.

23 (3) Contain features that provide options for the provider to use  
24 provider-developed files to reduce data entry requirements and  
25 improve reporting accuracy.

26 (4) Provide, at the provider's discretion, for the electronic or  
27 paper transmission of claims to the Medi-Cal fiscal intermediary.

28 (c) The department shall consult with affected provider groups  
29 prior to developing, disseminating, and updating claims  
30 preparation and processing software pursuant to this section.

31 (d) The department shall report to the Chairpersons of the  
32 Senate Health and Human Services Committee and Assembly  
33 Health Committee by April 1, 1990, on a plan and timetable for  
34 implementing this section. The plan and timetable shall identify  
35 provider groups for which the department plans to develop,  
36 disseminate, and update claims preparation and processing  
37 software.

38 (e) Notwithstanding the plan and timetable required by  
39 subdivision (d), the department shall develop and begin



1 disseminating claims processing software programs to physician  
2 providers no later than January 1, 1991.

3 (f) The department shall, as part of implementing this section,  
4 provide technical assistance to providers, including, but not  
5 limited to, a user hotline and appropriate training materials. These  
6 materials shall cover the installation of the programs, use of the  
7 software to enter Medi-Cal claims data, and submission  
8 procedures.

9 (g) The software programs for the submission of Medi-Cal  
10 claims shall be made available to all interested parties for a  
11 reasonable initial fee, plus an annual subscription fee for updates,  
12 maintenance, and support provided to users. Fees shall be set so as  
13 to recover, as nearly as possible, the development, distribution,  
14 and ongoing support costs of software programs, instructional  
15 materials, or subsequent updates.

16 (h) Third-party vendors may obtain and enhance these  
17 programs for resale and provisions of value-added services to  
18 Medi-Cal providers. However, the state or any of its officials,  
19 employees, or agents shall bear no liability for software provided  
20 through any third party that has been altered or misused by any  
21 third party.

22 (i) Neither the state nor any of its officials, employees, or  
23 agents shall be responsible for any of the following:

24 (1) A provider's failure to meet Medi-Cal documentation and  
25 billing requirements, including timely billing pursuant to Section  
26 14115.

27 (2) Alteration or misuse of the software in the submission of  
28 claims to the Medi-Cal program.

29 (3) Use of the software for any purpose other than the  
30 submission of claims to the Medi-Cal program.

31 (4) This subdivision shall not apply to any failure to meet  
32 Medi-Cal documentation and billing requirements that is  
33 substantiated as resulting from the use of software that is directly  
34 provided by the department and that contains proven flaws or  
35 defects that significantly contribute to the failure to meet those  
36 requirements.

37 (j) A provider or third party's eligibility to bill claims  
38 electronically by using software programs made available  
39 pursuant to this section shall be governed by Section 14040 and



1 Section 14040.5, and any rules and regulations adopted by the  
2 director pursuant to these sections.

3 ~~SEC. 266.—~~

4 *SEC. 240.* Section 14087.2 of the Welfare and Institutions  
5 Code is amended to read:

6 14087.2. It is the intent of the Legislature that children's  
7 hospitals need not contract under the provisions of this article until  
8 October 31, 1984. Services provided by these hospitals prior to  
9 November 1, 1984, shall be reimbursed according to the state plan  
10 in effect on January 1, 1984. Children's hospitals are defined as  
11 those hospitals where 30 percent of the infants and children served  
12 by the single institution qualify for Medi-Cal payment systems and  
13 the institution serves primarily children.

14 If a children's hospital elects to contract pursuant to this article  
15 in the 1982–83 or 1983–84 fiscal year, the negotiator shall give  
16 consideration to the special services provided in this hospital,  
17 including those services provided to children. The California  
18 Medical Assistance Commission shall continue to extend this  
19 consideration to these hospitals following the 1983–84 fiscal year.

20 ~~SEC. 267.—~~

21 *SEC. 241.* Section 14090.1 of the Welfare and Institutions  
22 Code is repealed.

23 ~~SEC. 268.—~~

24 *SEC. 242.* Section 14090.2 of the Welfare and Institutions  
25 Code is repealed.

26 ~~SEC. 269.—~~

27 *SEC. 243.* Section 14090.3 of the Welfare and Institutions  
28 Code is repealed.

29 ~~SEC. 270.—~~

30 *SEC. 244.* Section 14104.6 of the Welfare and Institutions  
31 Code is amended to read:

32 14104.6. No Medi-Cal fiscal intermediary contract shall be  
33 approved, renewed or continued if a state employee is employed  
34 in a management, consultant or technical position by the  
35 contractor or a subcontractor to the contractor within one year after  
36 the state employee terminated state employment.

37 For purposes of this section, "state employee" means any  
38 appointive or civil service employee of the Governor's office, the  
39 Health and Welfare Agency, the State Department of Health  
40 Services, the Controller's office, the Attorney General, or the



1 Legislature who, within two years prior to leaving state  
2 employment, had responsibilities related to development,  
3 negotiation, contract management, supervision, technical  
4 assistance or audit of a Medi-Cal fiscal intermediary.

5 The requirements of this section shall not apply to any state  
6 employee who terminated state employment prior to the operative  
7 date of this section.

8 ~~SEC. 271.—~~

9 *SEC. 245.* Section 14105.15 of the Welfare and Institutions  
10 Code is amended to read:

11 14105.15. (a) (1) In determining rates of reimbursement for  
12 inpatient hospital services the department shall use the  
13 reimbursement policy existing on June 29, 1982. The director shall  
14 have authority to modify this reimbursement policy. The director  
15 shall implement a new reimbursement policy of peer grouping of  
16 hospitals through the promulgation of emergency regulations after  
17 required federal approvals are obtained. The department may  
18 adjust interim payment percentages to hospitals in order to  
19 approximate final settlement and may control or freeze charges in  
20 order to carry out this section.

21 (2) This section shall cease to apply to a hospital when the  
22 department enters into a contract, pursuant to Article 2.6  
23 (commencing with Section 14081), either with that hospital or  
24 with other hospitals to the exclusion of that hospital for services  
25 covered under the contracts.

26 (b) Notwithstanding any other provision of law, the department  
27 may make interim rate adjustments and also implement collection  
28 procedures to recover overpayments to hospitals, at tentative and  
29 final settlement. These recoveries shall be based on audits or  
30 examinations made by or on behalf of the department pursuant to  
31 Sections 10722 and 14170, including the application of Sections  
32 51536, 51537, and 51539 of Title 22 of the California  
33 Administrative Code at tentative and final settlement. Recovery  
34 may be made whether or not appeals by the hospitals are pending.  
35 Collection of overpayments shall be made in accordance with  
36 Section 14172.5.

37 (c) The amendment of this section made at the 1985 portion of  
38 the 1985–86 Regular Session of the Legislature does not constitute  
39 a change in, but is declaratory of, the existing law. This declaration  
40 shall not apply to any lawsuits filed on or before July 9, 1985.



1 (d) No new payment system may be implemented without  
2 specific authorization from the Legislature.

3 (e) Notwithstanding any other provision of law,  
4 reimbursement for out-of-state acute inpatient hospital services  
5 provided to Medi-Cal beneficiaries shall not exceed the current  
6 statewide average of contract rates for acute inpatient hospital  
7 services negotiated by the California Medical Assistance  
8 Commission or the actual billed charges, whichever is less.

9 ~~SEC. 272.~~

10 *SEC. 246.* Section 14195.8 of the Welfare and Institutions  
11 Code is repealed.

12 ~~SEC. 273.~~

13 *SEC. 247.* Section 14492 of the Welfare and Institutions Code  
14 is repealed.

15 ~~SEC. 274.~~

16 *SEC. 248.* Section 14499.5 of the Welfare and Institutions  
17 Code is amended to read:

18 14499.5. (a) (1) In carrying out the intent of this article, the  
19 director shall contract for the operation of one local pilot program.  
20 Special consideration shall be given to approving a program  
21 contracted through county government in Santa Barbara County.

22 (2) Notwithstanding the limitations contained in Section  
23 14490, the director may enter into, or extend, contracts with the  
24 local pilot program in Santa Barbara County pursuant to paragraph  
25 (1) for periods that do not exceed three years.

26 (b) The establishment of a pilot program pursuant to this  
27 section shall be contingent upon the availability of state and  
28 federal funding. The program shall include the following  
29 components:

30 (1) Local authority for administration, fiscal management, and  
31 delivery of services, but not including eligibility determination.

32 (2) Physician case management.

33 (3) Cost containment through provider incentives and other  
34 means.

35 (c) The program for the pilot project shall include a plan and  
36 budget for delivery of services, administration, and evaluation.  
37 During the first year of the pilot program, the amount of the state  
38 contract shall equal 95 percent of total projected Medi-Cal  
39 expenditures for delivery of services and for administration based  
40 on fee-for-service conditions in the program county. During the



1 remaining years of the pilot project Medi-Cal expenditures in the  
2 program county shall be no more than 100 percent of total  
3 projected expenditures for delivery of services and for  
4 administration based on any combination of the following  
5 paragraphs:

6 (1) Relevant prior fee-for-service Medi-Cal experience in the  
7 program county.

8 (2) The fee-for-service Medi-Cal experience in comparable  
9 counties or groups of counties.

10 (3) Medi-Cal experience of the pilot project in the program  
11 county if, as determined by the department, the scope, level, and  
12 duration of, and expenditures for, any services used in setting the  
13 rates under this paragraph would be comparable to fee-for-service  
14 conditions were they to exist in the program county and would be  
15 more actuarially reliable for use in ratesetting than data available  
16 for use in applying paragraph (1) or (2).

17 The projected total expenditure shall be determined annually  
18 according to an acceptable actuarial process. The data elements  
19 used by the department shall be shared with the proposed  
20 contractor.

21 (d) The director shall accept or reject the proposal within 30  
22 days after the date of receipt. If a decision is made to reject the  
23 proposal, the director shall set forth the reasons for this decision  
24 in writing. Upon approval of the proposal, a contract shall be  
25 written within 60 days. After signature by the local contractor, the  
26 State Department of Health Services and the Department of  
27 General Services shall execute the contract within 60 days.

28 (e) The director shall seek the necessary state and federal  
29 waivers to enable operation of the program. If the federal waivers  
30 for delivery of services under this plan are not granted, the  
31 department is under no obligation to contract for implementation  
32 of the program.

33 (f) For purposes of Section 1343 of the Health and Safety Code,  
34 the Santa Barbara Regional Health Authority shall be considered  
35 to be a county-operated pilot program contracting with the State  
36 Department of Health Services pursuant to this article, and  
37 notwithstanding any other provision of law, during the period that  
38 this contract is in effect, the contractor shall be exempt from the  
39 provisions of the Knox-Keene Health Care Service Plan Act of  
40 1975, Chapter 2.2 (commencing with Section 1340) of Division



1 2 of the Health and Safety Code, relative to the services provided  
2 to Medi-Cal beneficiaries under the terms and provisions of the  
3 pilot program.

4 (g) Dental services may be included within the services  
5 provided in this pilot program.

6 (h) Any federal demonstration funding for this pilot program  
7 shall be made available to the county within 60 days upon  
8 notification of the award without the state retaining any portion not  
9 previously specified in the grant application as submitted.

10 (i) (1) (A) The California Medical Assistance Commission  
11 may negotiate exclusive contracts and rates on behalf of the  
12 department with the Santa Barbara Regional Health Authority in  
13 the implementation of this section.

14 (B) Contracts entered into under this article may be on a  
15 noncompetitive bid basis and shall be exempt from Chapter 2  
16 (commencing with Section 10290) of Part 2 of Division 2 of the  
17 Public Contract Code. These contracts shall have no force or effect  
18 unless approved by the Department of Finance.

19 (C) The department shall enter into contracts pursuant to this  
20 article, and shall be bound by the terms and conditions related to  
21 the rates negotiated by the negotiator.

22 (2) The department shall implement this subdivision to the  
23 extent that the following apply:

24 (A) Its implementation does not revise the status of the pilot  
25 program as a federal demonstration project.

26 (B) Existing federal waivers apply to the pilot program as  
27 revised by this subdivision, or the federal government extends the  
28 applicability of the existing federal waivers or authorizes  
29 additional federal waivers for the implementation of the program.

30 (3) The implementation of this subdivision shall not affect the  
31 pilot program's having met any of the requirements of Part 3.5  
32 (commencing with Section 1175) of Division 1 of the Health and  
33 Safety Code and this division applicable to the pilot program with  
34 respect to the negotiations of contracts and rates by the department.

35 ~~SEC. 275.—~~

36 *SEC. 249.* Section 16501.6 of the Welfare and Institutions  
37 Code is repealed.

38 ~~SEC. 276.—~~

39 *SEC. 250.* Section 16576 of the Welfare and Institutions Code  
40 is amended to read:



1 16576. (a) The department shall develop an implementation  
2 plan for the Statewide Child Support Registry. The Statewide  
3 Child Support Registry shall be operated by the agency  
4 responsible for operation of the Statewide Automated Child  
5 Support System (SACSS) or its replacement. The Statewide Child  
6 Support Registry shall include storage and data retrieval of the data  
7 elements specified in Section 16577 for all California child  
8 support orders. The plan shall be developed in consultation with  
9 clerks of the court, district attorneys, and child support advocates.  
10 The plan shall be submitted to the Legislature by January 31, 1998.  
11 The implementation plan shall explain in general terms, among  
12 other things, how the Statewide Child Support Registry will  
13 operate to ensure that all data in the Statewide Child Support  
14 Registry can be accessed and how data shall be integrated for  
15 statistical analysis and reporting purposes with all child support  
16 order data contained in the Statewide Automated Child Support  
17 System or its replacement and the Los Angeles Automated Child  
18 Support Enforcement System (ACSES) Replacement System.

19 (b) Each clerk of the court shall provide the information  
20 specified in Section 16577 within 20 days to the department or the  
21 Statewide Child Support Registry from each new or modified  
22 child support order, including child support arrearage orders.

23 (c) The department shall maintain a system for compiling the  
24 child support data received from the clerks of the court, ensure that  
25 all child support data received from the clerks of the court are  
26 entered into the Statewide Child Support Registry within 10 days  
27 of receipt in the Statewide Child Support Registry, and ensure that  
28 the Statewide Child Support Registry is fully implemented  
29 statewide.

30 (d) The department shall provide aggregate data on a periodic  
31 basis on the data maintained by the Statewide Child Support  
32 Registry to the Judicial Council, the appropriate agencies of the  
33 executive branch, and the Legislature for statistical analysis and  
34 review. The data shall not include individual identifying  
35 information for specific cases.

36 (e) Any information maintained by the Statewide Child  
37 Support Registry received from clerks of the ~~courts~~ court shall be  
38 provided to county district attorneys, the Franchise Tax Board, the  
39 courts, and others as provided by law.

40 ~~SEC. 277.—~~



1     *SEC. 251.* Section 18379 of the Welfare and Institutions Code  
2 is repealed.

3     ~~*SEC. 278.*~~

4     *SEC. 252.* Section 18989.3 of the Welfare and Institutions  
5 Code is repealed.

6     ~~*SEC. 279.*~~

7     *SEC. 253.* Section 19856 of the Welfare and Institutions Code  
8 is repealed.

