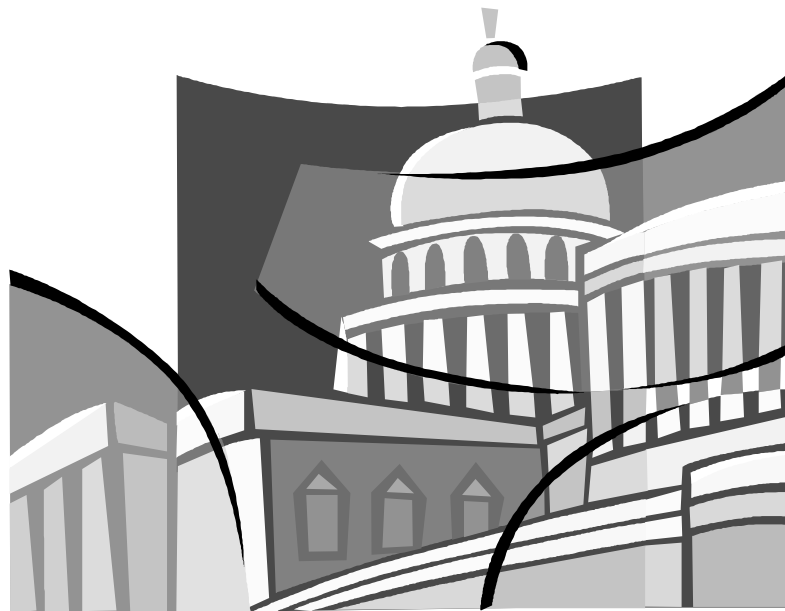




CWDA

County Welfare Directors Association Legislative Report

**Chaptered & Vetoed Legislation
2007 Legislative Session**



October 22, 2007

County Welfare Directors Association 2007 Chaptered & Vetoed Legislation Report

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Adult Services



AB 18 (Blakeslee)
Chapter 485

Signature stamps: Authorized users. Allows persons with disabilities who are unable to write to use a signature stamp, or authorize another person to use the stamp, as his or her signature for any purpose specified in the Elections Code.

AB 304 (Huff)
Chapter 18

Community care facilities and residential care facilities for the elderly: Disaster and mass casualty plans. Requires licensed community care facilities and residential care facilities for the elderly to provide a copy of their disaster and mass casualty plans to fire, police, and disaster authorities in the area upon request.

AB 836 (Bass)
Chapter 397

IHSS Providers: Tax Credit. Requires the State Controller, between January 1 and April 15 of each year, to include a notice on, and insert an informational flyer with, all payroll warrants issued to IHSS providers informing those providers that they may qualify for the federal Earned Income Tax Credit (EITC).

AB 910 (Karnette)
Chapter 617

Disabled persons: Support and health coverage. Expands the eligibility criteria under which health plans and insurers must continue coverage for dependents with disabilities who reach a limiting age, such as the typical age when a child is no longer considered a dependent for insurance purposes, and requires health plans and insurers to follow notice requirements regarding dependent coverage termination.

AB 949 (Krekorian)
Chapter 686

Residential care facilities for the elderly: Patient transfers. Establishes procedures and duties for a residential care facility for the elderly prior to transferring a resident to another facility or living arrangement as a result of forfeiture of a license or change of the use of the facility.

AB 1397 (Soto)
Chapter 545

Long-term health care facilities. Establishes the Federal Health Facilities Citation Penalty Account, where funds derived from violations of federal law will be deposited. The Department of Public Health will be required to post on its website information regarding the funds in both the state and federal penalty accounts, including the sources of the deposited funds, the amount of funding that has not been allocated, and a description of how the funds have been allocated and spent. Finally, the bill authorizes up to \$130,000 annually to be appropriated from the federal account to improve the quality of care and quality of life for long-term care residents.

AJR 11 (Swanson)
Chapter 108

IHSS Plus Waiver. Encourages state agencies and the federal government to ensure the renewal and protection of the In-home Supportive Services Plus Waiver program.

SB 611 (Steinberg)
Chapter 45

Financial abuse of elder and dependent adults. Permits the use of the Attachment Law, which authorizes a plaintiff to attach the defendant's property to secure the debt that the defendant owes the plaintiff, in cases involving financial abuse of an elder or dependent adult. This remedy is in addition to any other remedy available to the plaintiff.

SB 633 (Alquist)
Chapter 472

Persons with disabilities: Hospital discharge policies. Requires hospitals to provide every patient anticipated to be in need of long-term care at the time of discharge with contact information for at least one public or nonprofit agency or organization dedicated to providing information or referral services relating to community-based long-term care options in the patient's county of residence and appropriate to the needs and characteristics of the patient.

SB 868 (Ridley-Thomas)
Chapter 447

IHSS: Criminal background checks. Makes numerous statutory changes regarding the use of criminal background checks for IHSS providers who wish to be placed on a public authority or nonprofit consortium provider registry. The bill adds language allowing (but not requiring) public authorities and nonprofit consortia to use the Department of Justice background check system for potential registry providers, places prohibitions on listing certain providers in the registry depending on their criminal history, prohibits fees from being passed on to the providers or recipients of IHSS services, and provides for state funding of a portion of the cost of these checks once the public authority or nonprofit consortium certifies that at least 50 percent of its registry providers have been processed according to the criminal background check rules in the bill.

Budget & Appropriations

**AB 203 (Committee on Budget and Fiscal Review)**
Chapter 188

Budget Act of 2007: Omnibus Health Trailer Bill. Makes necessary statutory changes to health programs in order to implement the *2007 Budget Act*.

SB 77 (Committee on Budget and Fiscal Review)
Chapter 171

Budget Act of 2007 (Bill 1).

SB 78 (Committee on Budget and Fiscal Review)
Chapter 172

Budget Act of 2007 (Bill 2).

SB 84 (Committee on Budget and Fiscal Review)
Chapter 177

Budget Act of 2007: Omnibus Human Services Trailer Bill. Makes necessary statutory changes to human services programs in order to implement the *2007 Budget Act*.

CalWORKs and Food Stamps



AB 98 (Niello)
Chapter 589
CWDA Sponsored Legislation

CalWORKs: Work activities. Allows counties to increase subsidized employment for Welfare-to-Work participants by providing state funds for 50 percent of the cost of subsidized wages. Counties would continue to pay the other 50 percent and would also be responsible for other costs of administering the program.

AB 176 (Jones)
Chapter 488

CalWORKs: Child support. Implements child support program options and mandates contained in the federal Deficit Reduction Act of 2005. Specifically, the bill: (1) requires that Local Child Support Agencies review at least once every three years and, if appropriate, modify child support orders for families receiving CalWORKs benefits, and (2) specifies that an individual applying for CalWORKs will no longer be required to assign the rights to past due support that accrued while he or she was not in receipt of public assistance.

AB 335 (De Leon)
Chapter 726

CalWORKs aid: Homeless assistance. Allows a CalWORKs recipient who seeking a domestic violence exemption from the once-in-a-lifetime limit on homeless assistance to use a sworn statement that the domestic violence occurred, in lieu of third-party verification. Limits the use of sworn statements to no more than two instances of temporary assistance and two instances of permanent assistance. Finally, requires county welfare departments to inform recipients who verify domestic violence by a sworn statement of the availability of domestic violence counseling and services, and to refer those recipients to services upon request.

AB 650 (Lieu)
Chapter 606

Personal income taxes: Earned income tax credit: Notification. Requires employers, at the same time that they send out employees' annual W-2 or 1099 wage statements, to also provide information about applying for the Earned Income Tax Credit.

AB 1078 (Lieber)
Chapter 622

CalWORKs: Eligibility: Income and assets. Among other things, this bill (1) adds a new measure to the CalWORKs Pay-for-Performance program, related to maximizing EITC eligibility, that would take effect only when the department in consultation with CWDA and other stakeholders determines that it will not jeopardize the state's ability to meet federal welfare-to-work participation goals, and (2) aligns CalWORKs applicants' asset caps with Food Stamp applicants' asset caps, allowing them to keep certain retirement accounts that would otherwise have to be spent down.

AJR 4 (Beall)
Chapter 123

CalWORKs. Urges the United States Congress and President Bush to revise and repeal several elements of the Deficit Reduction Act of 2005 (DRA) affecting the California Work Opportunity and Responsibility to Kids (CalWORKs) and child support programs.



Child Care

AB 905 (Arambula)
Chapter 110

Child care: Eligibility. Authorizes the Superintendent of Public Instruction to extend the period of eligibility for subsidized child care by an additional 60 days for families whose basis of need for care is that they are seeking employment.

AB 1571 (DeSaulnier)
Chapter 415

Child care: Alternative Payment Programs: Reimbursement. Increases the amount of funding that an Alternative Payment Program may request in reimbursement from the California Department of Education for serving more children than are provided for in the child care funding contract, from 2% to 3% of the contract amount.

Childrens Services



AB 298 (Maze)
Chapter 565

Relative caregivers. Enables counties to forego the termination of parental rights for children who are placed with caring, committed relatives who wish to become guardians, essentially viewing guardianship as a permanent placement option on the same par as adoption, consistent with the federal Adoptions and Safe Families Act of 1997. Requires that a relative caregiver be given information regarding the options of guardianship and adoption, including the long-term benefits and consequences of each option, prior to establishing guardianship or pursuing adoption.

AB 340 (Hancock)
Chapter 464
CWDA Sponsored Legislation

Child welfare services: Resource family pilot program. Establishes pilot projects in up to five counties to implement a streamlined, family friendly process for approving relatives, foster parents and adoptive parents to care for foster children.

AB 369 (Solorio)
Chapter 160

Child abuse reporting. Allows a Court Appointed Special Advocate (CASA) program access to the Child Abuse Central Index (CACI) to conduct background checks on individuals applying for employment or volunteer positions with the agency.

AB 402 (Ma)
Chapter 450

Property taxation: Change in ownership. Extends change of ownership property tax exclusion rules to real estate transfers between foster parents and foster children, and enacts reporting requirements for residential cooperative housing.

- AB 673 (Hayashi)**
Chapter 393
- Child abuse or neglect: Mandated reports.** This bill (1) expressly includes the death of a child in the definition of child abuse or neglect for purposes of the Child Abuse and Neglect Reporting Act (CANRA), and (2) clarifies that mandated reporters who make a report under CANRA in their private capacity and not in their professional capacity or within the scope of their employment are covered under the Act.
- AB 714 (Maze)**
Chapter 108
- Adoption: Relatives: Release of information.** Permits county child welfare agencies to provide basic information to birth relatives of an adopted child whose adoption has been disrupted in order to help determine whether the relative is a potential caregiver for the child. Current law does not allow the county to provide any information about an adopted child to the birth family, even when it could expedite a placement for a former dependent child whose adoptive parents have died or otherwise become unable to care for them.
- AB 1331 (Evans)**
Chapter 465
CWDA Sponsored Legislation
- Foster youth: Federal benefits.** This companion bill to last session's AB 1633, also by Assemblywoman Evans, requires counties to screen foster youth when they reach 16.5 years of age to determine their potential eligibility for federal Supplemental Security Income disability benefits and to make applications for those who may be eligible.
- AB 1453 (Soto)**
Chapter 466
- Foster care: Residentially based services.** Directs the Department of Social Services to develop a plan to reconfigure the current statewide system of group homes into a system of residentially based services and authorizes counties to enter into agreements to transform individual group home programs.
- AB 1462 (Adams)**
Chapter 65
- Group homes for foster children with developmental disabilities.** Allows counties to receive federal funding for foster children with developmental disabilities placed in for-profit facilities, when the child has specified extraordinary and unusual behavioral or medical needs; no comparable non-profit or public facility exists that will meet the child's needs; and the county demonstrates that there is no alternative placement option.
- AB 1512 (Torrico)**
Chapter 467
- Medi-Cal: Foster children.** Requires expedited disenrollment of a foster child from a county organized health system, if appropriate, when that child has received out-of-county placement, in order to allow the child to receive health care services in the county where the child has been placed.
- AB 1514 (Maze)**
Chapter 120
- Juveniles: Psychotropic medication.** Enacts statute paralleling the existing juvenile dependency system requirements governing psychotropic medications for children who are wards of the court.

- AB 1687 (Brownley)**
Chapter 552
- Confidential information.** Amends the Confidentiality of Medical Information Act to permit county child welfare and juvenile justice staff to receive medical information relating to a minor who has been taken into temporary custody or for whom a petition has been filed with the court seeking a judgment that he or she is a dependent child or ward of the juvenile court.
- SB 39 (Migden)**
Chapter 468
- County welfare agencies: Child abuse and neglect: Files.** This bill: (1) provides for the release of specified information regarding a deceased child where the death is reasonably suspected to be the result of abuse or neglect, within five days of the child's death, (2) where a child's death is due to substantiated abuse or neglect, establishes a process for the release of specified documents in a county welfare agency's juvenile case file without court review and allows for the release of other documents in the case file after a petition is filed and opportunity is given for interested parties to object to the release of those other documents, (3) clarifies existing law relating to the release of a juvenile case file when a child has died due to abuse or neglect, including the presumption of disclosure unless statutory grounds for non- or partial-disclosure or redaction of information exist, and (4) clarifies information that may be provided by the child welfare agency in the case of a child death due to abuse or neglect.
- SB 104 (Machado)**
Chapter 288
- Crisis nurseries.** Extends the sunset date on the law establishing licensed crisis nurseries to January 1, 2011, and requires crisis nurseries to submit annual data reports to the Department of Social Services.
- SB 198 (Battin)**
Chapter 168
- Age discrimination: Homeless youth.** Expands the definition of "homeless youth" to allow unemancipated minors to stay at emergency, transitional or permanent housing facilities. The bill defines a "homeless youth" as a person who is younger than 24 and is homeless or at risk of homelessness, no longer eligible for foster care or has run away from home.
- SB 241 (Kuehl)**
Chapter 719
- Minors: Legal representation: Probate proceedings.** Requires counties to pay all or a portion of the cost of counsel for minors in guardianship proceedings under the Probate Court, where the court has appointed counsel for the minor and determines that the parent or parents are financially unable to pay all or a portion of the cost. The bill also requires the Judicial Council to adopt financial eligibility guidelines for county payment of the court-appointed counsel for the minor.
- SB 313 (Scott)**
Chapter 47
- Adoption.** Makes changes to various sections of the Family Code, pertaining primarily to private adoption.

- SB 518 (Migden)**
Chapter 649
- Juveniles: Youth bill of rights.** Enacts a Bill of Rights for incarcerated youth similar to the existing Bill of Rights for youth in foster care, requires the rights to be posted in all facilities overseen by the Division of Juvenile Justice, and requires the DJJ Ombudsperson to design and disseminate informational materials regarding the Bill of Rights.
- SB 703 (Ducheny)**
Chapter 583
- Placement of children.** Conforms California child welfare and adoption laws to several recently enacted federal statutes.
- SB 720 (Kuehl)**
Chapter 475
CWDA Sponsored Legislation
- Foster children.** Clean-up legislation to SB 500 (Kuehl, Statutes of 2005), which created “whole family” placements to enable pregnant and parenting foster youth to live together with their children in specially recruited and trained homes with adult mentors. Among other things, this bill clarifies that existing foster parents and non-related legal guardians established through the Dependency Court may become whole family placements, that youth in whole family placements may exit to KinGAP, and that dependent babies placed with their parents in group homes are to receive the infant supplement payment rather than the monthly group home rate.
- SB 776 (Vincent)**
Chapter 580
CWDA Sponsored Legislation
- Community care facilities: Criminal history clearance.** Allows an approved relative who moves from one county to another to transfer their criminal background clearance to the new county, in order to avoid placement disruptions and duplicative background checks.
- SB 785 (Steinberg)**
Chapter 469
CWDA Sponsored Legislation
- Foster children: Mental health services.** Clarifies the responsibility and timeframes for authorizing and providing mental health services for children who have been adopted or entered into guardianships from the juvenile dependency system and subsequently move out of the original county of jurisdiction. Requires the Department of Mental Health and Department of Social Services to develop informational materials regarding mental health treatment access for use by caregivers and social workers.
- SCR 50 (Harman)**
Chapter 105
- Child abuse and neglect.** Strongly encourages the State Board of Education to include instruction on preventing child abuse and neglect in the next set of health education content standards it adopts.
- SCR 65 (Steinberg)**
Chapter 131
- Adoption.** Designates November 2007, as Court Adoption and Permanency Month and encourages courts and communities to join in activities to expedite permanency for children who have been abused or neglected.

Health Care



AB 12 (Beall)
Chapter 677

Adult health coverage expansion program: Santa Clara County. Establishes the Adult Health Coverage Expansion Program (program), a pilot project administered by the local initiative in Santa Clara County to provide health care coverage to 5,000 or more low-income adults who reside in Santa Clara County and who are employed in specified small Santa Clara County businesses.

AJR 19 (Ma)
Chapter 75

Healthy Families Program. Urges the California congressional delegation to ensure that Congress reauthorizes the State Children's Health Insurance Program (SCHIP), and urges the Governor to use his best efforts to work with the congressional delegation and provide meaningful assistance to help identify and enroll children who qualify for Medi-Cal or Healthy Families.

Miscellaneous

AB 315 (Berg)
Chapter 264

Integrated Health and Human Services Programs. Repeals the sunset date for specified county programs that fund and deliver services and benefits through integrated county health and human services systems.

AB 921 (Krekorian)
Chapter 502

Public social services: Hearings. For social services recipients seeking reconsideration of a county decision, would allow a judge to find good cause for missing the deadline for filing a request. The good cause criteria are to be developed by the Department of Social Services in consultation with counties and other stakeholders. The bill also requires the Department of Social Services to grant or deny a rehearing request within specified timeframes.

Vetoed Legislation

- AB 8 (Nunez)** **Health care.** Would have provided health care coverage to uninsured working and low-income Californians through a purchasing pool system administered by the Managed Risk Medical Insurance Board and funded primarily through employer fees and federal Medicaid and State Children's Health Insurance Program funds. In his veto message, the Governor indicated that he would support a more comprehensive bill that did not "place the majority of the financial burden on any one segment of our economy."
- AB 81 (Torrico)** **Child protection: Safe Surrender.** Would have expanded the existing safely surrendered baby law to allow for the surrender of infants up to 7 days old at designated safe-surrender sites. Current law provides for the surrender of infants up to 72 hours old. In his veto message, the Governor indicated his belief that current law balances the creation of a safe surrender option while preserving the rights of children and is supported by research, and noted concerns that increasing the time that a baby may be surrendered will put newborns at greater risk of harm.
- AB 149 (Bass)** **Dependent Children: Caregivers.** Would have required the Department of Social Services to enter into a master contract for statewide use of family-finding technology for children brought into foster care. In vetoing the bill, the Governor cited current efforts and the ability of CDSS to enter into a contract of this nature administratively.
- AB 182 (Ma)** **IHSS: Training for Providers and Recipients.** Would have required public authorities and nonprofit consortiums, in consultation with their advisory committees and stakeholders, to develop training standards and core topics provided to In-Home Supportive Services providers and recipients. In his veto message, the Governor stated his belief that consistent training standards can be more effectively developed at the state level. He also directed the Department of Social Services, in consultation with consumers, counties and other key stakeholders, to establish training standards for IHSS providers administratively, to the extent resources are available to accomplish this task.
- AB 238 (Beall)** **IHSS: Reading services for blind/visually impaired recipients.** Would have added reading assistance to the required services available to blind or visually impaired IHSS recipients. In his veto message, the Governor expressed concern over increasing program costs during a time of budget shortfalls.
- AB 277 (Soto)** **Foster care: Family home licensing.** Would have increased the requirements for foster parent training and specified additional information to be provided to foster parents and relative caregivers. In his veto message, the Governor expressed concern over adopting a "one size fits all" model of training and of increasing program costs during a time of budget shortfalls.

- AB 314 (Soto)** **CalWORKs: Welfare to work activities.** Would have allowed structured and monitored study time related to vocational education to count as a core activity for CalWORKs Welfare-to-Work participants. In his veto message, the Governor indicated that he believes comprehensive changes to the program are needed and it would be premature to consider this proposal in the context of all other options to increase California's work participation rate.
- AB 508 (Swanson)** **Food stamps: Eligibility: Drug felonies.** Would have entirely opted California out of the lifetime ban on food stamp benefits for persons convicted of drug-related felonies. The bill would have extended the partial restoration of benefits adopted in AB 1796 (Leno, Statutes of 2004), which applied only to convictions for use or possession, by adding in felonies based on drug sales. The bill would also have eliminated requirements regarding drug treatment completion. In vetoing the bill, the Governor indicated his belief that the current structure as enacted in 2004 is a viable option.
- AB 979 (Price)** **IHSS: Pilot project: Provider selection.** Would have required the Department of Social Services to seek federal funding for all aspects of the IHSS program, including training for providers, and submit an annual report regarding federal funding sources that were identified. In his veto message, the Governor indicated that the bill was unnecessary because the department can already identify and apply for any federal funds that are available to support or enhance the IHSS program.
- AB 1113 (Brownley)** **Medi-Cal eligibility.** Would have repealed the sunset date for the California 250 Percent Working Disabled Medi-Cal Program and made changes to the eligibility requirements for the program. The Governor indicated that he supports the program and wishes for it to continue, but could not sign the bill due to a drafting error. He directed the Department of Health Care Services to pursue legislation to extend the sunset date in the next legislative session.
- AB 1164 (De Leon)** **Child care: Provider Organization: Representation.** Would have allowed family child care home providers to form provider organizations for the purpose of negotiating reimbursements and other items with state agencies and for performing other specified duties. The Governor indicated that he vetoed the bill due to potential cost pressures it could create.
- AB 1192 (Evans)** **Developmental services: Consumer abuse registry.** Would have created a registry for abuse and neglect of persons with developmental disabilities who receive services through the Regional Center system. The Governor indicated that while he felt the bill was well-intended, it would not provide adequate protections for consumers and would increase costs during a time of fiscal shortfalls.

- AB 1382 (Leno)** **Public social services: CalWORKs and Food Stamp programs.** Would have eliminated the requirement that applicants for and recipients of food stamps who are not also receiving General Assistance benefits be fingerprint-imaged as a condition of receiving benefits. In his veto message, the Governor stated his belief that the current system deters fraud and should be maintained in order to preserve program integrity.
- AB 1494 (DeSaulnier)** **Foster care: Group homes.** Would have allowed the county of Contra Costa to operate a licensed group home facility, mirroring existing statute that allows San Mateo County to operate a group home. In vetoing the bill, the Governor cited cost concerns and concerns about a county-by-county approach to the state's group home licensing and rate-setting rules. He also directed the Department of Social Services to work with stakeholders to address these issues in more comprehensively.
- SB 945 (Padilla)** **IHSS: Notices of Action.** Would have allowed IHSS recipients to designate a person to receive copies of all notices of action issued for the case and would have restated current rules regarding individuals who can file requests for fair hearings on behalf of recipients. In his veto message, the Governor noted that the bill was unnecessary, because current regulations already allow others to receive copies of these notices and/or file hearings on behalf of a client.