

AMENDED IN SENATE JUNE 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 3047

**Introduced by Committee on Human Services (Aroner (Chair),
Dutra, Liu, and Simitian)**

March 14, 2002

An act to amend Section 1596.95 of the Health and Safety Code, and to amend Sections 4503, 13600, and 13601 of, and to repeal Sections 4402 and 4403 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 3047, as amended, Committee on Human Services. Human services.

Existing law requires that any person who desires issuance of a license for a day care center or a special permit for specialized services in a day care center shall submit an application that includes certain information, including evidence that the applicant has posted signs at the point of entry to the facility that includes a statement that children under the age of 4 years or weighing less than 40 pounds must be in an approved child passenger restraint system and that a person may be cited for a violation of the child passenger restraint system provisions and that the person's insurance rates may be adversely affected.

This bill would revise those requirements as to the contents of the posted sign.

Existing law defines "State Department of Health" and "Director of Health" for certain purposes.

This bill would delete these provisions.

Existing law establishes rights of persons committed to a community care facility, as defined.

This bill would make a technical correction to the reference in the definition of a community care facility.

Existing law authorizes the State Department of Social Services to grant state supplemental individual and family grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by any major disaster declared by the President of the United States in those cases where the individuals or families are unable to meet those expenses or needs through assistance under federal emergency provisions.

This bill would remove the requirement that grants may only be made in cases of major disasters, ~~would revise the standards under which the grants may be made,~~ and would make technical revisions.

Existing law establishes in the State Treasury the California Individual and Family Supplemental Grant Fund and specifies that money in the fund may be used to provide supplemental individual and family grant assistance to pay claims for individuals and families for losses or damages occurring during the incident period of a federal disaster declaration.

This bill would instead specify that the fund shall be used to provide supplemental individual and family grant assistance for unmet needs. This bill would also specify that the grants are for payment of claims for losses or damages occurring during the incident period of a presidential disaster declaration.

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 1596.95 of the Health and Safety Code
- 2 is amended to read:
- 3 1596.95. Any person desiring issuance of a license for a day
- 4 care center or a special permit for specialized services in a day care
- 5 center under this chapter shall file with the department pursuant to
- 6 regulations, an application on forms furnished by the department,
- 7 which shall include, but not be limited to, all of the following:
- 8 (a) Evidence satisfactory to the department of the ability of the
- 9 applicant to comply with this act and rules and regulations adopted
- 10 pursuant to this act by the department.



1 (b) Evidence satisfactory to the department that the applicant
2 is a reputable and responsible character. This evidence shall
3 include, but not be limited to, a criminal record clearance pursuant
4 to Section 1596.871, employment history, and character
5 references. If the applicant is a firm, association, organization,
6 partnership, business trust, corporation, or company, evidence of
7 reputable and responsible character shall be submitted as to the
8 members or shareholders thereof, and the person in charge of the
9 day care center for which application for issuance of license or
10 special permit is made.

11 (c) Evidence satisfactory to the department that the applicant
12 has sufficient financial resources to maintain the standards of
13 service required by regulations adopted pursuant to this act. The
14 information shall be required only upon initial application for
15 licensure, and when requested by the department, in writing,
16 explaining the need for the evidence as part of the department's
17 investigative function.

18 (d) Disclosure of the applicant's prior or present service as an
19 administrator, general partner, corporate officer, or director of, or
20 as a person who has held or holds a beneficial ownership of 10
21 percent or more in any child day care facility or in any facility
22 licensed pursuant to Chapter 1 (commencing with Section 1200),
23 2 (commencing with Section 1250), or 3 (commencing with
24 Section 1500).

25 (e) Disclosure of any revocation or other disciplinary action
26 taken, or in the process of being taken, against a license held or
27 previously held by the entities specified in subdivision (d).

28 (f) Evidence satisfactory to the department that there is a fire
29 escape and disaster plan for the facility and that fire drills and
30 disaster drills will be conducted at least once every six months. The
31 documentation of these drills shall be maintained at the facility on
32 a form prepared by the department and shall include the date and
33 time of the drills.

34 (g) Evidence satisfactory to the department that the applicant
35 has posted signs at the point of entry to the facility that provide the
36 telephone number of the local health department and state all of the
37 following:

38 (1) Protect your child—it is the law.



1 (2) All the information specified in Sections 27360 and
2 27360.5 of the Vehicle Code regarding child passenger restraint
3 systems.

4 (3) Call your local health department for more information.

5 (h) Any other information as may be required by the
6 department for the proper administration and enforcement of this
7 act.

8 (i) Failure of the applicant to cooperate with the licensing
9 agency in the completion of the application shall result in the
10 denial of the application. Failure to cooperate means that the
11 information described in this section and in regulations of the
12 department has not been provided, or not provided in the form
13 requested by the licensing agency, or both.

14 SEC. 2. Section 4402 of the Welfare and Institutions Code is
15 repealed.

16 SEC. 3. Section 4403 of the Welfare and Institutions Code is
17 repealed.

18 SEC. 4. Section 4503 of the Welfare and Institutions Code is
19 amended to read:

20 4503. Each person with developmental disabilities who has
21 been admitted or committed to a state hospital, community care
22 facility as defined in Section 1502 of the Health and Safety Code,
23 or a health facility as defined in Section 1250 of the Health and
24 Safety Code shall have the following rights, a list of which shall
25 be prominently posted in English, Spanish, and other appropriate
26 languages, in all facilities providing ~~such~~ *those* services and
27 otherwise brought to his or her attention by ~~such~~ *any* additional
28 means as the Director of Developmental Services may designate
29 by regulation:

30 (a) To wear his or her own clothes, to keep and use his or her
31 own personal possessions including his or her toilet articles, and
32 to keep and be allowed to spend a reasonable sum of his or her own
33 money for canteen expenses and small purchases.

34 (b) To have access to individual storage space for his or her
35 private use.

36 (c) To see visitors each day.

37 (d) To have reasonable access to telephones, both to make and
38 receive confidential calls.

39 (e) To have ready access to letterwriting materials, including
40 stamps, and to mail and receive unopened correspondence.



- 1 (f) To refuse electroconvulsive therapy.
- 2 (g) To refuse behavior modification techniques which cause
- 3 pain or trauma.
- 4 (h) To refuse psychosurgery notwithstanding the provisions of
- 5 Section 5325, 5326, and 5326.3. Psychosurgery means those
- 6 operations currently referred to as lobotomy, psychiatric surgery,
- 7 and behavioral surgery and all other forms of brain surgery if the
- 8 surgery is performed for any of the following purposes:
- 9 (1) Modification or control of thoughts, feelings, actions, or
- 10 behavior rather than the treatment of a known and diagnosed
- 11 physical disease of the brain.
- 12 (2) Modification of normal brain function or normal brain
- 13 tissue in order to control thoughts, feelings, action, or behavior.
- 14 (3) Treatment of abnormal brain function or abnormal brain
- 15 tissue in order to modify thoughts, feelings, actions, or behavior
- 16 when the abnormality is not an established cause for those
- 17 thoughts, feelings, action, or behavior.
- 18 (i) To make choices in areas including, but not limited to, his
- 19 or her daily living routines, choice of companions, leisure and
- 20 social activities, and program planning and implementation.
- 21 (j) Other rights, as specified by regulation.

22 SEC. 5. Section 13600 of the Welfare and Institutions Code
23 is amended to read:

24 13600. (a) The State Department of Social Services may
25 provide state supplemental grants to meet disaster-related
26 necessary expenses or serious needs of individuals ~~or families and~~
27 ~~households~~ adversely affected by any disaster declared by the
28 President of the United States in those cases where individuals ~~or~~
29 ~~families and households~~ are unable to meet those expenses or
30 needs through assistance under *Section 408 of the Robert T.*
31 *Stafford Disaster Relief and Emergency Assistance Act (P.L.*
32 *93-288, as amended by P.L. ~~100-707~~ 106-390 (42 U.S.C. Sec.*
33 *5174)), or from other sources.*

34 (b) Grants shall only be made to individuals and ~~families~~
35 ~~households~~ determined to be eligible for ~~federal individual and~~
36 ~~family disaster assistance and still have unmet serious needs. the~~
37 ~~federal assistance to individuals and households program under~~
38 ~~Section 5174 of Title 42 of the United States Code and who still~~
39 ~~have unmet serious needs and have suffered losses reimbursable~~



1 *under that program in excess of the maximum federal grant*
2 *amount.*

3 (c) The State Department of Social Services may make a grant
4 to those individuals and ~~families~~ *households equal to the*
5 *difference between the federal grant awarded and federally*
6 *eligible appraised loss, not to exceed ten thousand dollars*
7 *(\$10,000) per individual or ~~family~~ household.*

8 (d) Application procedures established for the administration
9 of this chapter shall conform to the procedures required in the
10 Robert T. Stafford Disaster Relief and Emergency Assistance Act
11 (P.L. 93-288, as amended by P.L. ~~100-707~~ *106-390*). The State
12 Department of Social Services shall ensure that applicants for
13 relief under this chapter have exhausted all other available means
14 of seeking relief for disaster damage prior to receiving any grants
15 pursuant to this chapter.

16 (e) Application procedures utilized in the administration of this
17 chapter shall be subject to the following criteria:

18 (1) All applications, forms, and other written materials
19 presented to persons seeking assistance shall be available in
20 English and in the same language as that used by the major
21 non-English-speaking group within the disaster area.

22 (2) Bilingual staff who reflect the demographics of the disaster
23 area shall be available to applicants.

24 SEC. 6. Section 13601 of the Welfare and Institutions Code
25 is amended to read:

26 13601. There is hereby created in the State Treasury the
27 California Individual and Family Supplemental Grant Fund.
28 Moneys in the fund shall be available to pay claims from
29 individuals and families for losses or damages occurring during
30 the incident period of a Presidential disaster declaration for
31 individual assistance. Any moneys appropriated to the fund by the
32 Legislature shall be allocated to the State Department of Social
33 Services to provide supplemental individual and family grant
34 assistance for unmet needs. The funds shall not be used to fulfill
35 matching fund requirements for federal disaster assistance, *but*
36 *shall be used to supplement the federal assistance to individuals*
37 *and households program under Section 5174 of Title 42 of the*
38 *United States Code.* Notwithstanding Section 13340 of the
39 Government Code, moneys in this fund are continuously



- 1 appropriated, without regard to fiscal years, for the purpose of
- 2 making grants pursuant to this chapter.

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