

AMENDED IN ASSEMBLY JANUARY 16, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 41

Introduced by Assembly Member Daucher

(Coauthors: Assembly Members Benoit, Berg, Bogh, Cox, Garcia, Koretz, Longville, Nakanishi, Pacheco, Plescia, Strickland, and Wyland)

(Coauthor: Senator Margett)

December 2, 2002

~~An act to add Section 9400.5 to the Welfare and Institutions Code,~~
An act to add Section 16531.2 to the Government Code, relating to aging, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 41, as amended, Daucher. Area agencies on aging: funding.

Existing law designates area agencies on aging as local units on aging in California, which are financially supported by a variety of sources, including federal funding, state and local government assistance, the private sector, and individual contributions.

~~This bill would continuously appropriate from the Federal Trust Fund to the Department of Aging, in the absence of enactment of the annual Budget Act by July 1 of a fiscal year, the amount of federal funds contained in the Federal Trust Fund that is necessary for the administration of programs under the jurisdiction of the area agencies on aging, pending enactment of the Budget Act.~~

This bill would create in the State Treasury the Senior Citizens Services Interim Payment Fund, which would be continuously

appropriated to the California Department of Aging, into which a sum not to exceed \$22,000,000 would be transferred from the Federal Trust Fund during any year in which a budget is not enacted by June 30 of the year preceding the fiscal year to which the budget would apply. Moneys in this interim fund would be used to make payments to area agencies on aging and providers of specified services to the elderly, for services provided on or after July 1 of the fiscal year for which no budget has been enacted and before September 1 of that year.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 ~~SECTION 1. Section 9400.5 is added to the Welfare and~~
 2 SECTION 1. Section 16531.2 is added to the Government
 3 Code, to read:
 4 16531.2. (a) Notwithstanding any other provision of law and
 5 without regard to fiscal year, if the annual Budget Act is not
 6 enacted by June 30 of any fiscal year preceding the fiscal year to
 7 which the budget would apply, the Controller shall annually
 8 transfer from the Federal Trust Fund, in the form of one or more
 9 loans, an amount not to exceed a cumulative total of twenty-two
 10 million dollars (\$22,000,000) in any fiscal year, to the Senior
 11 Citizens Services Interim Payment Fund, which is hereby created
 12 in the State Treasury. Notwithstanding Section 13340, the Senior
 13 Citizens Services Interim Payment Fund is hereby continuously
 14 appropriated to the California Department of Aging for the
 15 purpose of making payments to area agencies on aging and
 16 providers of services under Division 8.5 (commencing with Section
 17 9000) of the Welfare and Institutions Code, for services provided
 18 on or after July 1 of the fiscal year for which no budget has been
 19 enacted and before September 1 of that year. Payments shall be
 20 made pursuant to this subdivision if both of the following
 21 conditions have been met:
 22 (1) An invoice has been submitted for the services.
 23 (2) Payment for the services is due and payable and the
 24 California Department of Aging determines that payment would
 25 be valid.



1 (b) Upon the enactment of the annual Budget Act in any fiscal
 2 year to which subdivision (a) applies, the Controller shall transfer
 3 unexpended funds in the Senior Citizens Services Interim Payment
 4 Fund to the Federal Trust Fund, and the amount of any payments
 5 made pursuant to subdivision (a) from the Senior Citizens Services
 6 Interim Payment Fund shall be debited from the appropriate
 7 Budget Act item in accordance with the procedure prescribed by
 8 the Department of Finance.

9 ~~Institutions Code, to read:~~

10 ~~9400.5. (a) Notwithstanding Section 13340 of the~~
 11 ~~Government Code, in any fiscal year in which the Budget Act is~~
 12 ~~not enacted by July 1 of that fiscal year, there is hereby~~
 13 ~~continuously appropriated from the Federal Trust Fund to the~~
 14 ~~department the amount of federal funds contained in the Federal~~
 15 ~~Trust Fund that is necessary to pay area agencies on aging for the~~
 16 ~~administration of programs under their jurisdiction. The~~
 17 ~~Department of Finance may, upon enactment of the Budget Act~~
 18 ~~and in the absence of this action being taken by the Legislature or~~
 19 ~~the Governor in that Budget Act, reduce the applicable Budget Act~~
 20 ~~allocations by the amount of any payments pursuant to this~~
 21 ~~subdivision.~~

22 (b) ~~If payments are made to area agencies on aging pursuant to~~
 23 ~~this section, the first payment shall be made on July 15, with~~
 24 ~~payments to be made on the 15th of each month thereafter, until~~
 25 ~~enactment of the annual Budget Act.~~

26 SEC. 2. This act is an urgency statute necessary for the
 27 immediate preservation of the public peace, health, or safety
 28 within the meaning of Article IV of the Constitution and shall go
 29 into immediate effect. The facts constituting the necessity are:

30 In order to ensure that area agencies on aging will be able to
 31 prevent interruptions in important services provided to elderly
 32 persons if the Budget Act of 2003 is not enacted in a timely
 33 manner, it is necessary that this act take effect immediately.

