

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1532

Introduced by Assembly Member Lieu

February 27, 2009

An act to amend Section 12306 of the Welfare and Institutions Code, relating to in-home supportive services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1532, as amended, Lieu. In-home supportive services.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.

~~This bill would declare the intent of the Legislature to enact legislation that would improve the In-Home Supportive Services program.~~

Under existing law, the state and counties are required to share the annual cost of providing services under the program. Existing law requires the state to pay 65% of these costs, from the General Fund and specified federal funds, and the county pays 35% of the cost of providing these services.

This bill would require specified additional funding made available to counties for in-home supportive services for the 2008–09 and 2009–10 fiscal years, to be used to supplement, and not to supplant, the level of county expenditures made for the 2007–08 fiscal year for the program, and would prohibit those funds from being used to fund any other program.

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

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

1 SECTION 1. Section 12306 of the Welfare and Institutions
2 Code is amended to read:
3 12306. (a) The state and counties shall share the annual cost
4 of providing services under this article as specified in this section.
5 (b) Except as provided in subdivisions (c) and (d), the state shall
6 pay to each county, from the General Fund and any federal funds
7 received under Title XX of the federal Social Security Act available
8 for that purpose, 65 percent of the cost of providing services under
9 this article, and each county shall pay 35 percent of the cost of
10 providing those services.
11 (c) For services eligible for federal funding pursuant to Title
12 XIX of the federal Social Security Act under the Medi-Cal program
13 and, except as provided in subdivisions (b) and (d) the state shall
14 pay to each county, from the General Fund and any funds available
15 for that purpose 65 percent of the nonfederal cost of providing
16 services under this article, and each county shall pay 35 percent
17 of the nonfederal cost of providing those services.
18 (d) (1) For the period of July 1, 1992, to June 30, 1994,
19 inclusive, the state’s share of the cost of providing services under
20 this article shall be limited to the amount appropriated for that
21 purpose in the annual Budget Act.
22 (2) The department shall restore the funding reductions required
23 by subdivision (c) of Section 12301, fully or in part, as soon as
24 administratively practicable, if the amount appropriated from the
25 General Fund for the 1992–93 fiscal year under this article is
26 projected to exceed the sum of the General Fund expenditures
27 under Section 14132.95 and the actual General Fund expenditures
28 under this article for the 1992–93 fiscal year. The entire amount
29 of the excess shall be applied to the restoration. Services shall not
30 be restored under this paragraph until the Department of Finance
31 has determined that the restoration of services would result in no
32 additional costs to the state or to the counties relative to the
33 combined state appropriation and county matching funds for
34 in-home supportive services under this article in the 1992–93 fiscal
35 year.

1 (e) *The additional funding made available to counties for*
2 *in-home supportive services from the federal American Recovery*
3 *and Reinvestment Act of 2009 (Public Law 111-5) for the 2008–09*
4 *and 2009–10 fiscal years, shall be used to supplement, and not to*
5 *supplant, the level of county expenditures made for the 2007–08*
6 *fiscal year for the In-Home Supportive Services program, and*
7 *shall not be used to fund any other program.*

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

12 *In order to ensure the timely and appropriate expenditure of*
13 *federal matching funds for the In-Home Supportive Services*
14 *program, it is necessary that this bill take effect immediately.*

15 ~~SECTION 1. It is the intent of the Legislature to enact~~
16 ~~legislation that would improve the In-Home Supportive Services~~
17 ~~program.~~