

AMENDED IN ASSEMBLY JANUARY 4, 2010

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. An act to add Chapter 4.2 (commencing with Section 829.5) to Title 3 of Part 2 of the Penal Code, relating to code enforcement officers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1532, as amended, Lieu. ~~In-home supportive services. Code enforcement officers.~~

Existing law defines the term "code enforcement officer" for purposes of determining the punishment for an assault or battery committed against a code enforcement officer as a person who is not a peace officer, has enforcement authority in specified areas, and is authorized to issue citations or file formal complaints.

This bill would define the term "code enforcement officer" in the Penal Code as described above without limiting the definition to the context of assault and battery committed against a code enforcement officer.

~~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.~~

~~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: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

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

1 SECTION 1. Chapter 4.2 (commencing with Section 829.5) is
2 added to Title 3 of Part 2 of the Penal Code, to read:

3
4 CHAPTER 4.2. CODE ENFORCEMENT OFFICERS

5
6 829.5. (a) “Code enforcement officer” means any person who
7 is not described in Chapter 4.5 (commencing with Section 830) of
8 Title 3 of Part 2 and who is employed by any governmental
9 subdivision, public or quasi-public corporation, public agency,
10 public service corporation, any town, city, county, or municipal
11 corporation, whether incorporated or chartered, who has
12 enforcement authority for health, safety, and welfare requirements,
13 and whose duties include enforcement of any statute, rules,
14 regulations, or standards, and who is authorized to issue citations,
15 or file formal complaints.

16 (b) “Code enforcement officer” also includes any person who
17 is employed by the Department of Housing and Community
18 Development who has enforcement authority for health, safety,
19 and welfare requirements pursuant to the Employee Housing Act
20 (Part 1 (commencing with Section 17000) of Division 13 of the
21 Health and Safety Code); the State Housing Law (Part 1.5
22 (commencing with Section 17910) of Division 13 of the Health

1 *and Safety Code*); the *Mobilehomes-Manufactured Housing Act*
2 *(Part 2 (commencing with Section 18000) of Division 13 of the*
3 *Health and Safety Code)*; the *Mobilehome Parks Act (Part 2.1*
4 *(commencing with Section 18200) of Division 13 of the Health*
5 *and Safety Code)*; and the *Special Occupancy Parks Act (Part 2.3*
6 *(commencing with Section 18860) of Division 13 of the Health*
7 *and Safety Code)*.

8 SECTION 1. ~~Section 12306 of the Welfare and Institutions~~
9 ~~Code is amended to read:~~

10 ~~12306. (a) The state and counties shall share the annual cost~~
11 ~~of providing services under this article as specified in this section.~~

12 ~~(b) Except as provided in subdivisions (c) and (d), the state shall~~
13 ~~pay to each county, from the General Fund and any federal funds~~
14 ~~received under Title XX of the federal Social Security Act available~~
15 ~~for that purpose, 65 percent of the cost of providing services under~~
16 ~~this article, and each county shall pay 35 percent of the cost of~~
17 ~~providing those services.~~

18 ~~(c) For services eligible for federal funding pursuant to Title~~
19 ~~XIX of the federal Social Security Act under the Medi-Cal program~~
20 ~~and, except as provided in subdivisions (b) and (d) the state shall~~
21 ~~pay to each county, from the General Fund and any funds available~~
22 ~~for that purpose 65 percent of the nonfederal cost of providing~~
23 ~~services under this article, and each county shall pay 35 percent~~
24 ~~of the nonfederal cost of providing those services.~~

25 ~~(d) (1) For the period of July 1, 1992, to June 30, 1994,~~
26 ~~inclusive, the state's share of the cost of providing services under~~
27 ~~this article shall be limited to the amount appropriated for that~~
28 ~~purpose in the annual Budget Act.~~

29 ~~(2) The department shall restore the funding reductions required~~
30 ~~by subdivision (c) of Section 12301, fully or in part, as soon as~~
31 ~~administratively practicable, if the amount appropriated from the~~
32 ~~General Fund for the 1992-93 fiscal year under this article is~~
33 ~~projected to exceed the sum of the General Fund expenditures~~
34 ~~under Section 14132.95 and the actual General Fund expenditures~~
35 ~~under this article for the 1992-93 fiscal year. The entire amount~~
36 ~~of the excess shall be applied to the restoration. Services shall not~~
37 ~~be restored under this paragraph until the Department of Finance~~
38 ~~has determined that the restoration of services would result in no~~
39 ~~additional costs to the state or to the counties relative to the~~
40 ~~combined state appropriation and county matching funds for~~

1 in-home supportive services under this article in the 1992–93 fiscal
2 year.

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

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

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