

AMENDED IN SENATE MAY 7, 2013

SENATE BILL

No. 68

Introduced by Committee on Budget and Fiscal Review

January 10, 2013

An act ~~relating to the Budget Act of 2013~~ to amend the Budget Act of 2012 (Chapters 21 and 29 of the Statutes of 2012) by amending Items 4140-001-3085, 4140-101-3085, 4140-490, 4300-003-0001, 4300-101-0001, and 5180-111-0001 of, and by adding Item 0250-491 to, Section 2.00 of, and by amending Section 39.00 of, that act, relating to the State Budget, and making an appropriation therefor, to take effect immediately, Budget Bill.

LEGISLATIVE COUNSEL'S DIGEST

SB 68, as amended, Committee on Budget and Fiscal Review. Budget Act of ~~2013~~ 2012.

The Budget Act of 2012 made appropriations for the support of state government for the 2012–13 fiscal year.

This bill would amend the Budget Act of 2012 by revising items of appropriation and making other changes in the Budget Act of 2012.

This bill would declare that it is to take effect immediately as a Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Item 0250-491 is added to Section 2.00 of the
2 Budget Act of 2012, to read:

3
4 0250-491—Reappropriation, Capital Outlay, Judicial Branch. The appropria-
5 tion provided in the following citation is reappropriated for the purpose
6 of acquiring equity or other real property interests in the New East
7 County Courthouse in the County of Alameda and is subject to the limita-
8 tions, unless otherwise specified, provided for in the appropriation:

9 3138—Immediate and Critical Needs Account
10 (1) Item 0250-301-3138, Budget Act of 2010 (Ch. 712,
11 Statutes of 2010)
12 (1) 91.01.001 – Alameda County: New East County
13 Courthouse—Construction.

14 Provisions:
15 1. The Judicial Branch may enter into a lease-purchase
16 agreement with the County of Alameda for the New
17 East County Courthouse project that will provide lease
18 payments to the county subject to approval by the Di-
19 rector of Finance. At least 30 days prior to entering
20 into any agreement, the Judicial Council shall notify
21 the chairpersons of the committees in each house of
22 the Legislature that consider appropriations and the
23 Joint Legislative Budget Committee of the terms and
24 conditions of the agreement. If the Joint Legislative
25 Budget Committee does not express any opposition,
26 the Judicial Council may proceed with the agreement
27 after 30 days from when the Judicial Branch gave
28 notice to the chairpersons.

29
30 SEC. 2. Item 4140-001-3085 of Section 2.00 of the Budget Act
31 of 2012 is amended to read:

32
33 4140-001-3085—For support of Office of Statewide Health
34 Planning and Development, for payment to Item 4140-001-
35 0121, payable from the Mental Health Services Fund..... 10,924,000

36 Provisions:
37 1. Notwithstanding subdivision (a) of Section 1.80 or any
38 other provision of law, the funds appropriated in this

1 item for the purposes provided for in Sections 5820,
 2 5821, and 5822 of the Welfare and Institutions Code
 3 shall be available for expenditure and encumbrance
 4 until June 30, 2018.

5
 6 **SEC. 3. Item 4140-101-3085 of Section 2.00 of the Budget Act**
 7 **of 2012 is amended to read:**

8
 9 4140-101-3085—For local assistance, Office of Statewide Health
 10 Planning and Development, for payment to Item 4140-101-
 11 0001, payable from the Mental Health Services Fund..... 27,650,000

12 Provisions:

- 13 1. Notwithstanding subdivision (a) of Section 1.80 or
 14 any other provision of law, the funds appropriated in
 15 this item ~~for contracts with accredited physician assis-~~
 16 ~~tant programs, as well as contracts with hospitals or~~
 17 ~~other health care delivery systems located in Califor-~~
 18 ~~nia, in support of the Mental Health Services Act that~~
 19 ~~meet the standards of the California Healthcare~~
 20 ~~Workforce Policy Commission, established pursuant~~
 21 ~~to Article 1 (commencing with Section 128200) of~~
 22 ~~Chapter 4 of Part 3 of Division 107 of the Health and~~
 23 ~~Safety Code, shall continue to be available for the~~
 24 ~~2013-14, 2014-15, and 2015-16 fiscal years. for ex-~~
 25 ~~penditure and encumbrance until June 30, 2018.~~
- 26 2. The funds appropriated in this item are for the purposes
 27 of the workforce, education, and training (WET) pro-
 28 grams established pursuant to Sections 5820, 5821,
 29 and 5822 of the Welfare and Institutions Code. It is
 30 the intent of the Legislature that a total of \$6,000,000
 31 in WET funds be appropriated for purposes of Sections
 32 5820, 5821, and 5822 of the Welfare and Institutions
 33 Code in a manner subject to the requirements set forth
 34 in subdivisions (a) and (e) of Section 5820 of, and
 35 subdivision (a) of Section 5848 of, the Welfare and
 36 Institutions Code. It is further the intent of the Legis-
 37 lature that \$9,000,000 be appropriated for implemen-
 38 tation of the Regional Partnerships component of the
 39 WET programs in equal amounts over a three-year
 40 period beginning in the 2014-15 fiscal year. The funds

1 appropriated in this item are available for expenditure
2 without regard to fiscal year.

3
4 *SEC. 4. Item 4140-490 of Section 2.00 of the Budget Act of*
5 *2012 is amended to read:*

6
7 4140-490—Reappropriation, Office of Statewide Health Plan-
8 ning and Development. The balances of the appropriations
9 provided in the following citations are reappropriated for
10 the purposes provided for in those appropriations and shall
11 be available for encumbrance or expenditure until June 30,
12 ~~2013~~ 2018:

- 13 3085—Mental Health Services Fund
- 14 (1) Item 4140-001-3085, Budget Act of 2011 (Ch. 33,
- 15 Stats. 2011)
- 16 (2) *Item 4140-001-3085, Budget Act of 2009 (Ch. 1,*
- 17 *2009–10 3rd Ex. Sess., as revised by Ch. 1, 2009–10*
- 18 *4th Ex. Sess.), as reappropriated by Item 4140-490,*
- 19 *Budget Act of 2010 (Ch. 712, Stats. 2010)*
- 20 (3) *Item 4140-001-3085, Budget Act of 2010 (Ch. 712,*
- 21 *Stats. 2010), as reappropriated by Item 4140-490,*
- 22 *Budget Act of 2011 (Ch. 33, Stats. 2011)*

- 23 0890—Federal Trust Fund
- 24 (1) Item 4140-001-0890, Budget Act of 2011 (Ch. 33,
- 25 Stats. 2011)
- 26 (2) Item 4140-101-0890, Budget Act of 2011 (Ch. 33,
- 27 Stats. 2011)

28
29 *SEC. 5. Item 4300-003-0001 of Section 2.00 of the Budget Act*
30 *of 2012 is amended to read:*

31
32 4300-003-0001—For support of Department of Devel-
33 opmental Services, for Developmental Centers..... ~~272,603,000~~
34 ~~279,980,000~~

35 Schedule:

36 (1) 20-Developmental Centers Program....	534,015,000
37 (2) Reimbursements.....	260,908,000
38	253,531,000
39 (3) Amount payable from the Federal Trust	
40 Fund (Item 4300-003-0890).....	-504,000

1 Provisions:

- 2 1. A loan shall be available from the General Fund to the
3 State Department of Developmental Services not to
4 exceed a cumulative total of \$77,000,000. The loan
5 funds will be transferred to this item as needed to meet
6 cashflow needs due to delays in collecting reimburse-
7 ments from the Health Care Deposit Fund and are
8 subject to the repayment provisions of Section 16351
9 of the Government Code.
- 10 2. Upon order of the Department of Finance, the Con-
11 troller shall transfer such funds as are necessary be-
12 tween this item and Item 4300-001-0001 in order to
13 appropriately align General Fund and Medi-Cal reim-
14 bursements from the State Department of Health Care
15 Services with budgeted activities. Within 10 working
16 days after approval of a transfer as authorized by this
17 provision, the Department of Finance shall notify the
18 chairpersons of the fiscal committees of each house
19 of the Legislature and the Chairperson of the Joint
20 Legislative Budget Committee of the transfer, includ-
21 ing the amount transferred, how the amount was deter-
22 mined, and how the amount will be utilized.
- 23 3. Upon order of the Department of Finance, the Con-
24 troller shall transfer such funds as are necessary be-
25 tween this item and Item 4300-101-0001. Within 10
26 working days after approval of a transfer as authorized
27 by this provision, the Department of Finance shall
28 notify the chairpersons of the fiscal committees in each
29 house of the Legislature and the Chairperson of the
30 Joint Legislative Budget Committee of the transfer,
31 including the amount transferred, how the amount
32 transferred was determined, and how the amount
33 transferred will be utilized.
- 34 4. The State Department of Developmental Services
35 (DDS) shall notify the chairperson of each fiscal
36 committee and policy committee of each house of the
37 Legislature of specific outcomes resulting from cita-
38 tions and the results of annual surveys conducted by
39 the State Department of Public Health, as well as
40 findings of any other governmental agency authorized

1 to conduct investigations or surveys of state develop-
 2 mental centers. The DDS shall forward the notifica-
 3 tions, including a copy of the specific findings, to the
 4 chairpersons of the committees within 10 working
 5 days of its receipt of these findings. The DDS also
 6 shall forward these findings, within three working days
 7 of submission, to the appropriate investigating agency.
 8 In addition, the DDS shall provide notification to the
 9 chairpersons of the committees, within three working
 10 days, of its receipt of information concerning any in-
 11 vestigation initiated by the United States Department
 12 of Justice and the private nonprofit corporation desig-
 13 nated by the Governor pursuant to Division 4.7 (com-
 14 mencing with Section 4900) of the Welfare and Insti-
 15 tutions Code or concerning any findings or recommen-
 16 dations resulting from any of these investigations.

17
 18 *SEC. 6. Item 4300-101-0001 of Section 2.00 of the Budget Act*
 19 *of 2012 is amended to read:*

20
 21 4300-101-0001—For local assistance, Department of Devel-
 22 opmental Services, for Regional Centers..... 2,314,327,000
 23 2,339,327,000

24 Schedule:

25 (1) 10.10.010-Operations..... 532,942,000
 26 (2) 10.10.020-Purchase of Services..... 3,588,836,000
 27 (3) 10.10.060-Early Intervention Pro-
 28 gram..... 20,381,000
 29 (4) 10.10.080-Prevention Program..... 2,003,000
 30 (6) Reimbursements..... ~~1,768,156,000~~
 31 ~~1,743,156,000~~

32 (7) Amount payable from the Developmen-
 33 tal Disabilities Program Development
 34 Fund (Item 4300-101-0172)..... -9,523,000
 35 (8) Amount payable from the Federal Trust
 36 Fund (Item 4300-101-0890)..... -52,006,000
 37 (9) Amount payable from the Developmen-
 38 tal Disabilities Services Account (Item
 39 4300-101-0496)..... -150,000

1 Provisions:

- 2 1. Upon order of the Director of Finance, the Controller
3 shall transfer such funds as are necessary between this
4 item and Item 4300-003-0001. Within 10 working
5 days after approval of a transfer as authorized by this
6 provision, the Department of Finance shall notify the
7 chairpersons of the fiscal committees in each house
8 of the Legislature and the Chairperson of the Joint
9 Legislative Budget Committee of the transfer, includ-
10 ing the amount transferred, how the amount transferred
11 was determined, and how the amount transferred will
12 be utilized.
- 13 2. A loan shall be made available from the General Fund
14 to the State Department of Developmental Services
15 not to exceed a cumulative total of \$210,000,000. The
16 loan funds shall be transferred to this item as needed
17 to meet cashflow needs due to delays in collecting re-
18 imbursements from the Health Care Deposit Fund and
19 are subject to the repayment provisions of Section
20 16351 of the Government Code.
- 21 3. Upon order of the Director of Finance, the Controller
22 shall transfer funds as are necessary between this item
23 and Item 5160-001-0001 to provide for the transporta-
24 tion costs to and from work activity programs of clients
25 who are receiving vocational rehabilitation services
26 through the Vocational Rehabilitation/Work Activity
27 Program (VR/WAP).
- 28 4. \$1,826,000 of the funds appropriated in this item may
29 be used to augment service provider rates for the work
30 needed to obtain information to secure federal partici-
31 pation under the Home and Community-Based Ser-
32 vices Waiver program. Eligible providers are those
33 service providers who are qualified providers under
34 Title XIX of the Social Security Act, are not currently
35 providing the required information, and are serving
36 individuals enrolled under the Home and Community-
37 Based Services Waiver program.
- 38 5. Notwithstanding Section 26.00, the Department of
39 Finance may authorize transfer of expenditure author-
40 ity between Schedules (1) and (2) in order to more

- 1 accurately reflect expenditures in the Early Intervention
 2 Program (Part C of the Individuals with Disabilities
 3 Education Act).
- 4 6. It is the intent of the Legislature for the State Department
 5 of Health Care Services and the State Department
 6 of Developmental Services to collaboratively work
 7 with stakeholders, including providers and diverse
 8 constituency groups as deemed appropriate, regarding
 9 the bundling of rates for the reimbursement of interme-
 10 diate care facilities for the developmentally disabled,
 11 including habilitative and nursing facilities. It is the
 12 intent of the Legislature that any changes made by the
 13 state shall be seamless to the providers of services af-
 14 fected by the changes, as well as to the consumers and
 15 their families that are provided services through the
 16 Regional Center system. The integrity of the individual
 17 program plan process described in the Lanterman De-
 18 velopmental Disabilities Services Act (Division 4.5
 19 (commencing with Section 4500) of the Welfare and
 20 Institutions Code) shall be maintained throughout this
 21 process and shall not be affected by any changes made
 22 to implement the bundled rates.
- 23 7. Notwithstanding Section 26.00, the Department of
 24 Finance may authorize transfer of expenditure author-
 25 ity from Schedule (4) 10.10.080-Prevention Program
 26 to Schedule (2) 10.10.020-Purchase of Services to
 27 more accurately reflect expenditures in the Prevention
 28 and Early Start Programs.

29
 30 *SEC. 7. Item 5180-111-0001 of Section 2.00 of the Budget Act*
 31 *of 2012 is amended to read:*
 32

33	5180-111-0001—For local assistance, Department of Social	
34	Services.....	4,438,530,000
35		4,439,035,000
36	Schedule:	
37	(1) 16.70-SSI/SSP.....	2,770,100,000
38	(2) 25.15-IHSS.....	6,234,906,000
39		6,235,916,000

1 (3) Reimbursements..... -4,566,476,000
 2 -4,566,981,000

3 Provisions:

- 4 1. Provisions 1 and 4 of Item 5180-101-0001 also apply
 5 to this item.
 6 2. Notwithstanding Chapter 1 (commencing with Section
 7 18000) of Part 6 of Division 9 of the Welfare and In-
 8 stitutions Code, a loan not to exceed \$364,000,000
 9 shall be made available from the General Fund from
 10 funds not otherwise appropriated, to cover the federal
 11 share or reimbursable share, or both, of costs of a
 12 program or programs when the federal funds or reim-
 13 bursements (from the Health Care Deposit Fund or
 14 counties) have not been received by this state prior to
 15 the usual time for transmitting payments for the federal
 16 or reimbursable share of costs for this state. That loan
 17 from the General Fund shall be repaid when the federal
 18 share of costs for the program or programs becomes
 19 available, or in the case of reimbursements, subject to
 20 Section 16351 of the Government Code. County reim-
 21 bursements also shall be subject to Section 16314 of
 22 the Government Code, which specifies the rate of in-
 23 terest. The State Department of Social Services may
 24 offset a county’s share of cost of the In-Home Support-
 25 ive Services (IHSS) program against local assistance
 26 payments made to the county if the county fails to re-
 27 imburse its share of cost of the IHSS program to the
 28 state.
 29 3. The State Department of Social Services shall provide
 30 technical assistance to counties to ensure that they
 31 maximize the receipt of federal funds for the IHSS
 32 program, without compromising the quality of the
 33 services provided to IHSS recipients.
 34 4. The Director of Finance may authorize the transfer of
 35 amounts from this item to Item 5180-001-0001 in order
 36 to fund increased costs due to workload associated
 37 with the retroactive reimbursement of Medi-Cal ser-
 38 vices for the IHSS program to comply with Conlan v.
 39 Shewry (2005) 131 Cal.App.4th 1354. The Department
 40 of Finance shall report to the Legislature the amount

1 to be transferred pursuant to this provision and the
 2 number of positions to be established by the State
 3 Department of Social Services. The transfer shall be
 4 authorized at the time the report is made. The State
 5 Department of Social Services shall review the work-
 6 load associated with the Conlan v. Shewry decision
 7 during the 2012–13 fiscal year and may administrative-
 8 ly establish positions as the workload requires.

9 5. The Director of Finance may authorize the transfer of
 10 amounts from this item to Item 5180-001-0001 in order
 11 to fund the cost of the administrative hearing process
 12 associated with changes in aid or service payments in
 13 the IHSS program. The Department of Finance shall
 14 report to the Legislature the amount to be transferred
 15 pursuant to this provision. The transfer shall be autho-
 16 rized at the time the report is made.

17
 18 *SEC. 8. Section 39.00 of the Budget Act of 2012 is amended*
 19 *to read:*

20 SEC. 39.00. The Legislature hereby finds and declares that the
 21 following bills are other bills providing for appropriations related
 22 to the Budget Bill within the meaning of subdivision (e) of Section
 23 12 of Article IV of the California Constitution: AB 1465, AB 1466,
 24 AB 1467, AB 1468, AB 1469, AB 1470, AB 1471, AB 1472, AB
 25 1473, AB 1474, AB 1475, AB 1476, AB 1477, AB 1478, AB 1479,
 26 AB 1480, AB 1481, ~~AB 1482~~, AB 1482, AB 1483, AB 1484, AB
 27 1485, AB 1486, AB 1487, AB 1488, AB 1489, AB 1490, AB 1491,
 28 AB 1492, AB 1493, AB 1494, AB 1495, AB 1496, AB 1497, AB
 29 1498, AB 1499, AB 1502, AB 1503, SB 1005, SB 1006, SB 1007,
 30 SB 1008, SB 1009, SB 1010, SB 1011, SB 1012, SB 1013, SB
 31 1014, SB 1015, SB 1016, SB 1017, SB 1018, SB 1019, SB 1020,
 32 SB 1021, SB 1022, SB 1023, SB 1024, SB 1025, SB 1026, SB
 33 1027, SB 1028, SB 1029, SB 1030, SB 1031, SB 1032, SB 1033,
 34 SB 1034, SB 1035, SB 1036, SB 1037, SB 1038, SB 1039, SB
 35 1040, SB 1041, SB 1042, and SB 1043 *of the 2011–12 Regular*
 36 *Session, and AB 112 and SB 67 of the 2013–14 Regular Session.*

37 *SEC. 9. This act is a Budget Bill within the meaning of*
 38 *subdivision (e) of Section 12 of Article IV of the California*
 39 *Constitution and shall take effect immediately.*

1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
2 ~~changes relating to the Budget Act of 2013.~~

O