

AMENDED IN ASSEMBLY JUNE 3, 2015

AMENDED IN ASSEMBLY MAY 11, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1405

**Introduced by Assembly Member Grove
(Coauthors: Assembly Members Achadjian, Baker, Chávez, Lackey,
Mayes, Olsen, Mark Stone, Waldron, and Wilk)**

February 27, 2015

An act to add Section 14670.09 to the Government Code, and to add Section 4474.9 to the Welfare and Institutions Code, relating to developmental services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1405, as amended, Grove. Developmental centers: closure.

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to individuals with developmental disabilities. Existing law requires the State Department of Developmental Services to comply with procedural requirements when closing a developmental center, including submitting a detailed plan to the Legislature and holding at least one public hearing. Under existing law, the department allocates funds to private nonprofit entities known as regional centers, which are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities.

This bill would require the department to close ~~the Fairview Developmental Center and the Sonoma Developmental Center no later than July 1, 2018. December 31, 2018, and the Fairview Developmental Center no later than December 31, 2021.~~ The bill would create a task force to determine the use of the properties and develop a plan for benefiting individuals with developmental disabilities in community-based programs and settings, and would require the task force to consist of 15 members, as specified.

Existing law requires the Director of General Services to lease specified property located at the Sonoma Developmental Center only for an agricultural or open-space purpose consistent with specified requirements. Existing provisions of the California Constitution, approved by the voters at the November 4, 2014, statewide general election, establish the Budget Stabilization Account in the General Fund and require the Controller, commencing with the 2015–16 fiscal year and each fiscal year thereafter, to transfer from the General Fund to the account a specified percentage of estimated General Fund revenues.

The bill would additionally require the director, ~~on or after July 1, 2018,~~ to lease all or part of the parcels at the Sonoma Developmental Center and the Fairview Developmental ~~Center. Center, as specified.~~ The bill would require any use of these parcels to be ratified by a vote of the appropriate state and local government agencies with the authority over those local land use decisions, as specified. The bill would also require 50% of the net proceeds received by the state from the lease of these properties to go to the Budget Stabilization Account until the state's debts to which that fund is obligated are paid and, after that time, to the General Fund and the rest to be deposited in the Lanterman Act Community-Based Services Fund, created by the bill. The bill would require all moneys in the Lanterman Act Community-Based Services Fund to be continuously appropriated without regard to fiscal years to the State Department of Developmental Services to augment existing purchase of services funds used by regional centers to purchase services and supports for persons with developmental disabilities. By creating a continuously appropriated fund, the bill would make an appropriation.

This bill would also state the intent of the Legislature to transfer current funding for the operations of the Fairview Developmental Center and the Sonoma Developmental Center to fund purchase of services at regional centers.

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

Vote: $\frac{2}{3}$. 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 14670.09 is added to the Government
2 Code, to read:
3 14670.09. (a) Notwithstanding any other law, the Director of
4 General Services shall, ~~on or after July 1, 2018,~~ *upon closure*
5 *pursuant to Section 4474.9 of the Welfare and Institutions Code,*
6 lease, for current market value, all or part of the parcels at the
7 Sonoma Developmental Center, located at 15000 Arnold Drive,
8 in Eldridge, Sonoma County and the Fairview Developmental
9 Center, located at 2501 Harbor Boulevard, in Costa Mesa, Orange
10 County. Any use of these parcels shall be ratified by a vote of the
11 appropriate state and local government agencies with the authority
12 over those local land use decisions. If the state or local government
13 agencies choose to use all or part of these parcels for public use,
14 or designate them as open lands, those agencies shall be subject
15 to the requirements of this section and Section 4474.9 of the
16 Welfare and Institutions Code.
17 (b) Notwithstanding any other law, the net proceeds received
18 by the state from the lease of the property shall be deposited as
19 follows:
20 (1) Fifty percent to the Budget Stabilization Account established
21 in Section 20 of Article XVI of the California Constitution until
22 the state's debts to which that fund is obligated are paid and, after
23 that time, to the General Fund.
24 (2) (A) Fifty percent to the Lanterman Act Community-Based
25 Services Fund, hereby created in the State Treasury.
26 Notwithstanding Section 13340, all moneys in the fund are
27 continuously appropriated without regard to fiscal years to the
28 State Department of Developmental Services to augment existing
29 purchase of services funds used by regional centers to purchase
30 services and supports for persons with developmental disabilities.
31 (B) The moneys in the Lanterman Act Community-Based
32 Services Fund shall be used to supplement, and not supplant,
33 existing funds for purchase of services by regional centers.
34 (3) "Net proceeds" for the purposes of this subdivision means
35 gross proceeds less all costs necessary for the completion of the

1 transaction, including costs incurred by the Department of General
2 Services.

3 SEC. 2. Section 4474.9 is added to the Welfare and Institutions
4 Code, to read:

5 4474.9. ~~(a)~~ The department shall close the ~~Fairview~~
6 ~~Developmental Center~~ and the Sonoma Developmental Center no
7 later than ~~July 1, 2018~~. *December 18, 2018*, and shall close the
8 *Fairview Developmental Center no later than December 31, 2021*.

9 ~~(b) (1) A task force is hereby established to advise the~~
10 ~~department. The task force shall determine the use of the properties~~
11 ~~and develop a plan for benefiting individuals with developmental~~
12 ~~disabilities in community-based programs and settings.~~

13 ~~(2) The task force shall consist of 15 members as follows:~~

14 ~~(A) Eleven members appointed by the Governor, at least three~~
15 ~~of whom shall be family members of an individual residing at a~~
16 ~~state developmental center, at least three of whom shall be a~~
17 ~~director of a regional center, and at least three of whom shall be~~
18 ~~directors or chief executive officers of community-based nonprofit~~
19 ~~organizations that help individuals with developmental disabilities~~
20 ~~find housing, employment, day programs, and other services in~~
21 ~~the community.~~

22 ~~(B) Two members appointed by the Speaker of the Assembly.~~

23 ~~(C) Two members appointed by the President pro Tempore of~~
24 ~~the Senate.~~

25 SEC. 3. It is the intent of the Legislature to transfer current
26 funding for the operations of the Fairview Developmental Center
27 and the Sonoma Developmental Center to fund purchase of services
28 at regional centers.

29 SEC. 4. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the Constitution and shall go into
32 immediate effect. The facts constituting the necessity are:

33 In order to, at the earliest possible time, facilitate the orderly
34 closure of the developmental centers described in this act, it is
35 necessary that this act take effect immediately.