ASSEMBLY BILL No. 885

Introduced by Assembly Member Nestande

February 26, 2009

An act to add Division 11 (commencing with Section 19900) to the Welfare and Institutions Code, relating to social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

AB 885, as introduced, Nestande. Area agencies on aging and independent living centers: 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.

Existing law also provides for independent living centers, for the purpose of assisting individuals with disabilities in their attempts to live fuller and freer lives outside institutions, and achieve social and economic independence.

This bill would continuously appropriate from the Federal Trust Fund, in the absence of enactment of the annual Budget Act by July 1 of a fiscal year, (1) to the California Department of Aging, the amount of federal funds contained in the Federal Trust Fund that is necessary to pay area agencies on aging for the administration of programs under their jurisdiction, and (2) to the Department of Rehabilitation, the amount of federal funds contained in the Federal Trust Fund that is necessary to pay independent living centers for the administration of programs under their jurisdiction, pending enactment of the Budget Act.

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:

SECTION 1. Division 11 (commencing with Section 19900) is added to the Welfare and Institutions Code, to read:

DIVISION 11. FUNDING FOR SERVICES FOR SENIORS AND PERSONS WITH DISABILITIES

19900. (a) Notwithstanding Section 13340 of the Government Code, in any fiscal year in which the Budget Act is not enacted by July 1 of that fiscal year, there is hereby continuously appropriated from the Federal Trust Fund the following sums:

(1) To the California Department of Aging the amount of federal funds contained in the Federal Trust Fund that is necessary to pay area agencies on aging for the administration of programs under their jurisdiction, as provided in Division 8.5 (commencing with Section 9000). The Department of Finance, upon enactment of the Budget Act and in the absence of this action being taken by the Legislature or the Governor in that Budget Act, may reduce the applicable Budget Act allocations by the amount of any payments made pursuant to this paragraph.

(2) To the Department of Rehabilitation the amount of federal funds contained in the Federal Trust Fund that is necessary to pay independent living centers for the administration of programs under their jurisdiction, as provided in Chapter 9 (commencing with Section 19800) of Division 10. The Department of Finance, upon enactment of the Budget Act and in the absence of this action being taken by the Legislature or the Governor in that Budget Act, may reduce the applicable Budget Act allocations by the amount of any payments made pursuant to this paragraph.

(b) If payments are made to area agencies on aging or independent living centers pursuant to this section, the first payment shall be made on July 15, with payments to be made on the 15th of each month thereafter, until the enactment of the Budget Act.

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

In order to ensure that area agencies on aging and independent living centers will be able to prevent interruptions in important services provided to elderly persons and persons with disabilities if the Budget Act of 2009 is not enacted in a timely manner, it is necessary that this act take effect immediately.

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