

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1094**

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**Introduced by Assembly Member Brown**  
*(Coauthors: Assembly Members Ammiano, Chávez, Chesbro, Grove, and Wilk)*

February 22, 2013

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An act to amend Section 11451.5 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1094, as amended, Brown. CalWORKs: eligibility.

(1) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which each county provides cash assistance and other benefits to qualified low-income families. *Existing law requires a county to redetermine the amount of a CalWORKs grant on a semiannual basis, as specified.* Under existing law, certain amounts are exempt from the calculation of income of the family for purposes of determining eligibility for benefits *the amount of a grant* under the CalWORKs program. ~~Certain exempt amounts are calculated based on the amount of, including disability-based unearned income and earned income, as specified.~~ Under existing law, disability-based unearned income means state disability insurance benefits, private disability insurance benefits, temporary workers' compensation benefits, and social security disability benefits.

This bill would expand the definition of disability-based unearned income to include veteran’s disability compensation. To the extent that this bill would ~~expand CalWORKs eligibility, and by increasing~~ *increase* county administrative duties, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 11451.5 of the Welfare and Institutions  
2 Code, as amended by Section 30 of Chapter 439 of the Statutes of  
3 2012, is amended to read:

4 11451.5. (a) The following income shall be exempt from the  
5 calculation of the income of the family for purposes of subdivision  
6 (a) of Section 11450:

7 (1) If disability-based unearned income does not exceed two  
8 hundred twenty-five dollars (\$225), both of the following amounts:

9 (A) All disability-based unearned income, plus any amount of  
10 not otherwise exempt earned income equal to the amount of the  
11 difference between the amount of disability-based unearned income  
12 and two hundred twenty-five dollars (\$225).

13 (B) Fifty percent of all not otherwise exempt earned income in  
14 excess of the amount applied to meet the differential applied in  
15 subparagraph (A).

16 (2) If disability-based unearned income exceeds two hundred  
17 twenty-five dollars (\$225), both of the following amounts:

18 (A) All of the first two hundred twenty-five dollars (\$225) in  
19 disability-based unearned income.

1 (B) Fifty percent of all earned income.

2 (b) For purposes of this section:

3 (1) Earned income means gross income received as wages,  
4 salary, employer-provided sick leave benefits, commissions, or  
5 profits from activities such as a business enterprise or farming in  
6 which the recipient is engaged as a self-employed individual or as  
7 an employee.

8 (2) Disability-based unearned income means state disability  
9 insurance benefits, private disability insurance benefits, temporary  
10 workers' compensation benefits, social security disability benefits,  
11 and *any* veteran's disability compensation.

12 (3) Unearned income means any income not described in  
13 paragraph (1) or (2).

14 (c) This section shall become operative on October 1, 2013.

15 SEC. 2. Notwithstanding the rulemaking provisions of the  
16 Administrative Procedure Act (Chapter 3.5 (commencing with  
17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
18 Code), the ~~department~~ *State Department of Social Services* shall  
19 implement the changes made to Section 11451.5 of the Welfare  
20 and Institutions Code by Section 1 of this act by means of an  
21 all-county letter or similar instruction without taking regulatory  
22 action. The all-county letter or similar instruction shall be issued  
23 on or before ~~January~~ *July* 1, 2014.

24 SEC. 3. No appropriation pursuant to Section 15200 of the  
25 Welfare and Institutions Code shall be made for purposes of this  
26 act.

27 SEC. 4. If the Commission on State Mandates determines that  
28 this act contains costs mandated by the state, reimbursement to  
29 local agencies and school districts for those costs shall be made  
30 pursuant to Part 7 (commencing with Section 17500) of Division  
31 4 of Title 2 of the Government Code.