

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 134**

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**Introduced by Senator Hueso**

January 28, 2013

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An act to amend Section 18926.5 of, and to add ~~Sections 18923.5 and~~ Section 18926.6 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 134, as amended, Hueso. CalFresh eligibility.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits, formerly referred to as food stamps, are allocated to each state by the federal government. That program, as administered in California, is known as CalFresh. Under existing state law, pursuant to CalFresh, California's federal allocation is distributed to eligible individuals by each county. Existing law establishes eligibility and benefit level requirements for receipt of CalFresh benefits.

~~This bill would require the State Department of Social Services to submit a request to the United States Department of Agriculture, on or before December 31, 2014, to waive a specified federal requirement in order to exclude the basic allowance for housing for members of a uniformed service from countable income in the calculation of CalFresh eligibility and benefit level and would require the waiver to be implemented within 6 months of being granted.~~

Existing law authorizes counties to participate in the CalFresh Employment and Training (*CalFresh E&T*) program (~~CalFresh E&T~~), established by federal law *with the purpose of assisting members of*

*CalFresh households to obtain regular employment*, and requires participating counties to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program. Existing law requires deferral for specified groups, including people under 16 ~~and years of age~~ or over 60 years of age.

This bill would require participating counties to defer from the CalFresh E&T program a person who is ~~currently serving in the United States Armed Forces or~~ is a veteran who has been honorably discharged from the United States Armed Forces. The bill would require, *in a county that elects to participate in the program*, that a veteran applying for CalFresh benefits who is required to register to work, but who is exempt from mandatory placement in the CalFresh E&T program, ~~to~~ be provided with a referral to local veterans' assistance and job training agencies and given the opportunity to participate as a volunteer in *the CalFresh E&T if the county participates*. ~~By requiring counties to offer referral services to veterans, this bill would impose a state-mandated local program.~~

~~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-no~~. State-mandated local program: ~~yes-no~~.

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

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 act to limit barriers to food assistance for low-income veterans and
- 3 their families and to increase referrals to veteran-oriented job
- 4 training programs. *It is further the intent of the Legislature to work*
- 5 *with the federal government to remove barriers to food assistance*
- 6 *for military families.*
- 7 ~~SEC. 2. Section 18923.5 is added to the Welfare and~~
- 8 ~~Institutions Code, to read:~~
- 9 ~~18923.5. The State Department of Social Services shall submit~~
- 10 ~~a request to the United States Department of Agriculture, on or~~
- 11 ~~before December 31, 2014, to waive the provisions of Section~~

1 ~~273.9(c)(1)(vii) of Title 7 of the Code of Federal Regulations in~~  
2 ~~order to exclude the basic allowance for housing for a member of~~  
3 ~~a uniformed service, per Section 403(a) of Title 37 of the United~~  
4 ~~States Code, from countable income in the calculation of eligibility~~  
5 ~~and benefit level for purposes of CalFresh. The waiver requested~~  
6 ~~under this section shall be implemented within six months from~~  
7 ~~the approval of the waiver.~~

8 ~~SEC. 3.~~

9 *SEC. 2.* Section 18926.5 of the Welfare and Institutions Code  
10 is amended to read:

11 18926.5. (a) For the purposes of this chapter, “CalFresh  
12 Employment and Training program” or “CalFresh E&T” means  
13 the program established under Section 6(d)(4)(B) of the federal  
14 Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section  
15 273.7 of Title 7 of the Code of Federal Regulations, and associated  
16 administrative notices published by the United States Department  
17 of Agriculture with the purpose of assisting members of CalFresh  
18 households in gaining skills, training, work, or experience that will  
19 increase their ability to obtain regular employment.

20 (b) (1) A county that elects to participate in the CalFresh  
21 Employment and Training (CalFresh E&T) program, as authorized  
22 by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015),  
23 shall screen CalFresh work registrants to determine whether they  
24 will participate in, or be deferred from, the CalFresh E&T program.  
25 If deferred, a CalFresh work registrant may request to enroll in the  
26 CalFresh E&T program as a voluntary participant. An individual  
27 shall be deferred from a mandatory placement in the CalFresh  
28 E&T program if he or she satisfies any of the criteria in Sections  
29 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, if  
30 he or she resides in a federally determined work surplus area, or  
31 if he or she is ~~currently serving in the United States Armed Forces~~  
32 ~~or~~ is a veteran who has been honorably discharged from the United  
33 States Armed Forces.

34 (2) For purposes of this section, “deferred” has the same  
35 meaning as exempt.

36 (c) (1) A county that elects to participate in the CalFresh E&T  
37 program shall be required to demonstrate in its CalFresh E&T plan  
38 how it is effectively using CalFresh E&T funds for each of the  
39 components that the county offers, including, but not limited to,  
40 any of the following:

- 1 (A) Self-initiated workfare.  
2 (B) Work experience or training.  
3 (C) Education.  
4 (D) Job search.  
5 (E) The support services or client reimbursements needed to  
6 participate in subparagraphs (A) to (D), inclusive, as allowed by  
7 federal law and guidance.
- 8 (2) Nothing in this section shall be construed to require a county  
9 to offer a particular component as a part of its CalFresh E&T plan.
- 10 (d) Nothing in this section shall limit a county's ability to  
11 condition the receipt of nonmedical benefits under Section 17000  
12 on an individual's participation in an employment and training or  
13 workfare program of the county's choice, even if that program is  
14 financed in whole or *in part* with CalFresh E&T funds or match  
15 funds.
- 16 (e) Nothing in this section shall restrict the use of federal funds  
17 for the financing of CalFresh E&T programs.
- 18 (f) Nothing in this section shall be construed to require a county  
19 to provide for workers' compensation coverage for a CalFresh  
20 E&T participant. Notwithstanding Division 4 (commencing with  
21 Section 3200) of the Labor Code, a CalFresh E&T participant shall  
22 not be an employee for the purposes of workers' compensation  
23 coverage and a county shall have no duty to provide workers'  
24 compensation coverage for a CalFresh E&T participant.
- 25 (g) Notwithstanding the rulemaking provisions of the  
26 Administrative Procedure Act (Chapter 3.5 (commencing with  
27 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
28 Code), the department may implement this section by all-county  
29 letters or similar instructions. Thereafter, the department shall  
30 adopt regulations to implement this section by October 1, 2013.

31 ~~SEC. 4.~~

32 *SEC. 3.* Section 18926.6 is added to the Welfare and Institutions  
33 Code, to read:

34 18926.6. ~~*In a county that elects to participate in the CalFresh*~~  
35 *E&T program, a veteran applying for CalFresh benefits who is*  
36 *required to register to work, but who is exempt from mandatory*  
37 *placement in the CalFresh E&T program pursuant to Section*  
38 *18926.5, shall be provided with a referral to local veterans'*  
39 *assistance and job training agencies and be given the opportunity*

1 to participate as a volunteer in *the* CalFresh E&T if the county  
2 administers that program.

3 ~~SEC. 5. If the Commission on State Mandates determines that~~  
4 ~~this act contains costs mandated by the state, reimbursement to~~  
5 ~~local agencies and school districts for those costs shall be made~~  
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
7 ~~4 of Title 2 of the Government Code.~~

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