

## Assembly Bill No. 858

### CHAPTER 916

An act to amend Section 4497.38 of the Penal Code, to amend Section 2105 of, and to repeal Section 2105.1 of, the Streets and Highways Code, to amend Sections 912, 16990, 17000.5, 17000.6, 17001.5, and 17608.05 of, and to add Sections 912.5 and 17001.51 to, the Welfare and Institutions Code, relating to local government assistance, and making an appropriation therefor.

[Approved by Governor October 14, 1995. Filed  
with Secretary of State October 16, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 858, Aguiar. Local government.

(1) Existing law provides for the award of moneys to the counties from the General Fund for juvenile facilities, as specified, only if county matching funds are provided, as specified.

This bill would specify exceptions to the requirement.

(2) Existing law requires each county to pay the state \$25 per month for the time a person from that county is committed to the Department of the Youth Authority, as specified.

This bill would revise and recast this provision to require the county to pay the state \$150 per month for the time a person from that county is committed to the Department of the Youth Authority, effective July 1, 1996.

The bill would also require each county to pay the state for each person committed to the Department of the Youth Authority pursuant to a scale with regard to the offense on which the commitment is based.

(3) Existing law continuously appropriates special fund moneys for apportionments to cities and counties of a portion of the revenues derived from a per gallon tax on motor vehicle fuels in accordance with prescribed formulas. A city's or county's entitlement to the apportioned funds from the tax imposed at a rate of more than 9¢ per gallon is conditional upon its expenditure from its general fund for street and highway purposes of an amount not less than the annual average of its expenditures during the 1987-88, 1988-89, and 1989-90 fiscal years. Under existing law, this condition is not applicable for the 1992-93, 1993-94, 1994-95, 1995-96, and 1996-97 fiscal years.

This bill would delete that condition. Thus, this bill would make funds available to cities and counties that would not be eligible otherwise, thereby making an appropriation.

(4) Existing law requires any county receiving certain state allocations to maintain specified levels of financial support of county funds for health services.

This bill would revise county realignment financial responsibilities.

(5) Existing law authorizes the board of supervisors in any county to adopt a general assistance standard of aid, including the value of in-kind aid.

This bill would provide that the value of in-kind aid includes, but is not limited to, the value of specified amounts of medical aid and care.

(6) Existing law authorizes the board of supervisors of any county to adopt a standard of aid below a specified level if the Commission on State Mandates makes a finding that the prescribed level would result in significant financial distress to the county. The commission may make a finding of financial distress for a period of up to 12 months and is required to act on county applications within specified time periods.

This bill would authorize the commission to make a finding of financial distress for a period of up to 36 months and would extend the application periods.

(7) Existing law authorizes the board of supervisors of each county to adopt residency requirements for purposes of determining a person's eligibility for general assistance.

This bill would authorize counties to establish a standard of general assistance for applicants or recipients who share housing with unrelated persons who are not legally responsible for them, and would prohibit an employable individual from receiving aid for more than 3 months in any 12-month period whether or not the months are consecutive. The bill would also authorize a county to require adult applicants and recipients of benefits under the general assistance program to undergo screening for substance abuse.

(8) Existing law permits a reduction for the 1994-95 fiscal year of up to \$15,000,000 in the amount a county or a city is required to deposit into the health account each month.

This bill would permit a reduction of up to \$25,000,000 in that amount and would delete that fiscal year restriction.

(9) 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 no reimbursement is required by this act for a specified reason.

(10) The act would not become operative unless AB 1143 is enacted and becomes operative on or before January 1, 1996.

Appropriation: yes.



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

SECTION 1. Section 4497.38 of the Penal Code is amended to read:

4497.38. (a) Awards shall be made only if county matching funds of 25 percent are provided except as specified in subdivision (b).

(b) (1) A county or a consortium of counties may request the Director of the Department of the Youth Authority for a deferral of payment of the required matching funds for the construction of a juvenile detention facility. This request shall be approved if the county or consortium of counties meet all of the following criteria:

(A) The county or consortium of counties has plans for the construction of the facility approved by the Department of the Youth Authority.

(B) The facility to be built is located in Humboldt County.

(C) The county or consortium of counties submits to and receives approval by the Department of the Youth Authority, a plan and schedule for payment of the required match.

(2) Contribution of the county or consortium of counties matching requirement shall commence no later than three years from the date of occupation of any facility financed under this chapter.

(3) Under no circumstances shall the county match for any county juvenile project be less than 25 percent.

SEC. 2. Section 2105 of the Streets and Highways Code is amended to read:

2105. In addition to the apportionments prescribed by Sections 2104, 2106, and 2107, from the revenues derived from a per gallon tax imposed pursuant to Section 7351 of the Revenue and Taxation Code, and a per gallon tax imposed pursuant to Section 8651 of that code, the following apportionments shall be made:

(a) A sum equal to the net revenue from a tax of 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Section 7351 of the Revenue and Taxation Code, and 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Section 8651 of that code, shall be apportioned among the counties, including a city and county.

The amount of apportionment to each county, including a city and county, during a fiscal year shall be calculated as follows:

(1) One million dollars (\$1,000,000) for apportionment to all counties, including a city and county, in proportion to each county's receipts during the prior fiscal year under Sections 2104 and 2106.

(2) One million dollars (\$1,000,000) for apportionment to all counties, including a city and county, as follows:

(A) Seventy-five percent in the proportion that the number of fee-paid and exempt vehicles which are registered in the county



bears to the number of fee-paid and exempt vehicles registered in the state.

(B) Twenty-five percent in the proportion that the number of miles of maintained county roads in the county bears to the miles of maintained county roads in the state.

(3) For each county, determine its factor which is the higher amount calculated pursuant to paragraph (1) or (2) divided by the sum of the higher amounts for all of the counties.

(4) The amount to be apportioned to each county is equal to its factor multiplied by the amount available for apportionment.

(b) A sum equal to the net revenue from a tax of 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Section 7351 of the Revenue and Taxation Code, and 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Section 8651 of that code, shall be apportioned to cities, including a city and county, in the proportion that the total population of the city bears to the total population of all the cities in the state.

SEC. 3. Section 2105.1 of the Streets and Highways Code is repealed.

SEC. 4. Section 912 of the Welfare and Institutions Code is amended to read:

912. Effective January 1, 1996, for each person committed to the Department of the Youth Authority, the county from which he or she is committed shall pay the state one hundred fifty dollars (\$150) per month for the time that person remains in any institution under the direct supervision of the Department of the Youth Authority, or in any institution, boarding home, foster home, or other private or public institution in which he or she is placed by the Department of the Youth Authority, on parole or otherwise, and cared for and supported at the expense of the Department of the Youth Authority. This section applies to any person committed to the Department of the Youth Authority by a juvenile court, including persons committed to the Department of the Youth Authority prior to January 1, 1996, who on or after January 1, 1996, remain in or return to the facilities described in this section.

The Department of the Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section, which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 5. Section 912.5 is added to the Welfare and Institutions Code, to read:

912.5. (a) For each person committed to the Department of the Youth Authority by a juvenile court on or after January 1, 1996, the county from which he or she is committed shall pay the state the following rate:



(1) If the offense on which the commitment is based is listed in Section 4955 of Title 15 of the California Code of Regulations, the rate is 50 percent of the per capita institutional cost of the Department of the Youth Authority.

(2) If the offense on which the commitment is based is listed in Section 4956 of Title 15 of the California Code of Regulations, the rate is 75 percent of the per capita institutional cost of the Department of the Youth Authority.

(3) If the offense on which the commitment is based is listed in Section 4957 of Title 15 of the California Code of Regulations, the rate is 100 percent of the per capita institutional cost of the Department of the Youth Authority.

(b) For purposes of this section, “the offense on which the commitment is based” means any offense that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court pursuant to Section 731.

(c) For purposes of this section, the charge against the county shall not apply to periods of confinement that are solely pursuant to a revocation of parole by the Youthful Offender Parole Board.

(d) The charge against the county prescribed by this section shall be in lieu of the charge prescribed by Section 912 and not in addition to that charge.

(e) The Department of the Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section, which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(f) The Department of the Youth Authority shall adopt emergency regulations for implementation of this section.

SEC. 6. Section 16990 of the Welfare and Institutions Code is amended to read:

16990. (a) (1) Any county receiving an allocation pursuant to this chapter and Chapter 4 (commencing with Section 16930) shall, at a minimum, maintain a level of financial support of county funds for health services at least equal to the total of the amounts specified in this subdivision. The amounts specified in paragraph (1) shall be adjusted on July 1 of each year equal to the growth in the sales tax and vehicle license fees allocated to the trust fund accounts and the county general fund pursuant to Chapter 6 (commencing with Section 17600) of Part 5.

Each of the following counties shall maintain a realignment financial maintenance of effort according to the following schedule:

Jurisdiction	Amount
Alameda .....	\$ 62,950,138



Alpine .....	150,781
Amador .....	1,702,152
Butte .....	8,378,036
Calaveras .....	1,286,374
Colusa .....	1,362,787
Contra Costa .....	31,188,063
Del Norte .....	1,305,412
El Dorado .....	5,626,036
Fresno .....	32,555,212
Glenn .....	1,368,045
Humboldt .....	8,995,114
Imperial .....	8,526,220
Inyo .....	2,320,718
Kern .....	23,025,845
Kings .....	4,310,952
Lake .....	1,767,837
Lassen .....	1,555,628
Los Angeles .....	510,082,064
Madera .....	3,523,697
Marin .....	11,349,537
Mariposa .....	766,751
Mendocino .....	2,782,024
Merced .....	4,711,969
Modoc .....	939,453
Mono .....	1,673,165
Monterey .....	11,816,218
Napa .....	4,751,422
Nevada .....	2,669,976
Orange .....	66,846,735
Placer .....	3,009,967
Plumas .....	1,143,704
Riverside .....	33,598,282
Sacramento .....	33,012,993
San Benito .....	1,601,614
San Bernardino .....	27,576,793
San Diego .....	49,373,333
San Francisco .....	106,622,954
San Joaquin .....	12,646,288
San Luis Obispo .....	5,888,487



San Mateo .....	21,788,027
Santa Barbara .....	12,659,559
Santa Clara .....	47,316,403
Santa Cruz .....	8,373,710
Shasta .....	6,521,122
Sierra .....	327,339
Siskiyou .....	2,401,825
Solano .....	8,942,768
Sonoma .....	16,146,306
Stanislaus .....	13,403,954
Sutter .....	4,872,252
Tehama .....	3,257,915
Trinity .....	1,599,409
Tulare .....	8,593,714
Tuolumne .....	2,525,076
Ventura .....	17,042,243
Yolo .....	4,396,875
Yuba .....	3,083,423
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Total .....	\$1,278,014,696

(2) A county may, upon notifying the department of the transfers authorized by this paragraph, reduce the level of financial maintenance of effort required of the county by paragraph (1) by the amount of the funds transferred from the Health Account pursuant to Section 17600.20.

(b) For purposes of this section, if a county desires to use any of its allocation pursuant to this chapter or Chapter 4 (commencing with Section 16930) for programs and costs not reported as part of the plan and budget required by Section 16800, the county, as a condition of using its allocation for these purposes, must maintain an amount of county funding for those programs and costs at least equal to the 1988–89 fiscal year levels.

(c) Moneys received by a county under this chapter shall be accounted for as revenue in the plan and budget which is required pursuant to Section 16800 and shall not be used as county matching funds for any other program requiring a county match.

(d) If a county fails to maintain financial maintenance of effort at least equal to the total of the amounts specified in paragraph (1) of subdivision (a), the department shall recover funds allocated to the county under this part sufficient to bring the county into compliance with the financial maintenance of effort provisions. Funds shall be



recovered proportionately from the Hospital Services Account, the Physician Services Account, and the Unallocated Account.

(e) The participation fee specified in Section 16809.3 shall not be included in determining a county's compliance with the maintenance of effort provisions of this section.

(f) For the purposes of determining the level of financial support required for the 1991–92 fiscal year, the amounts specified in paragraph (1) of subdivision (a) shall be reduced to reflect shortfalls in revenue to local health and welfare trust fund health accounts due to shortfalls in receipts of sales tax revenue and county deposits required pursuant to subdivision (b) of Section 17608.10, compared to the amounts of these funds originally anticipated, as determined by the Director of Health Services.

(g) For the purposes of determining the level of financial support required in the 1992–93 fiscal year, the amounts specified in paragraph (1) of subdivision (a) shall be reduced by 7 percent.

(h) For the purposes of determining the level of financial support required in the 1993–94 fiscal year and subsequent fiscal years, the amounts specified in paragraph (1) of subdivision (a) shall be reduced to reflect shortfalls in revenue to local health and welfare trust fund health accounts due to shortfalls in receipts of sales tax revenue and county deposits required pursuant to subdivision (b) of Section 17608.10, compared to the amounts of these funds originally anticipated for the 1991–92 fiscal year, as determined by the Director of Health Services.

SEC. 7. Section 17000.5 of the Welfare and Institutions Code is amended to read:

17000.5. (a) The board of supervisors in any county may adopt a general assistance standard of aid, including the value of in-kind aid which includes, but is not limited to, the monthly actuarial value of up to forty dollars (\$40) per month of medical care, that is 62 percent of a guideline that is equal to the 1991 federal official poverty line and may annually adjust that guideline in an amount equal to any adjustment provided under Chapter 2 (commencing with Section 11200) of Part 3 for establishing a maximum aid level in the county. This subdivision is not intended to either limit or expand the extent of the duty of counties to provide health care.

(b) The adoption of a standard of aid pursuant to this section shall constitute a sufficient standard of aid.

(c) For purposes of this section, "federal official poverty line" means the same as it is defined in subsection (2) of Section 9902 of Title 42 of the United States Code.

(d) For purposes of this section, "any adjustment" includes, and, prior to the addition of this subdivision, included statutory increases, decreases, or reductions in the maximum aid level in the county under the Aid to Families with Dependent Children program contained in Chapter 2 (commencing with Section 11200) of Part 3.



(e) In the event that adjustments pursuant to Section 11450.02 are not made, the amounts established pursuant to subdivision (a) may be adjusted to reflect the relative cost of housing in various counties as follows:

(1) Reduced by 1.5 percent in the Counties of Alameda, Contra Costa, Los Angeles, San Diego, Santa Barbara, Sonoma, and Ventura.

(2) Reduced by 3 percent in the Counties of San Luis Obispo, Nevada, Sierra, Monterey, Napa, Solano, Riverside, San Bernardino, Alpine, Amador, Calaveras, Inyo, Kern, Mariposa, Mono, and Tuolumne.

(3) Reduced by 4.5 percent in the Counties of Stanislaus, Imperial, El Dorado, Placer, Sacramento, Yolo, Humboldt, San Benito, Del Norte, Fresno, Lake, Mendocino, Shasta, Trinity, Butte, Merced, Tulare, San Joaquin, Lassen, Modoc, Plumas, Siskiyou, Tehama, Kings, Madera, Colusa, Glenn, Sutter, and Yuba.

SEC. 8. Section 17000.6 of the Welfare and Institutions Code is amended to read:

17000.6. (a) The board of supervisors of any county may adopt a standard of aid below the level established in Section 17000.5 if the Commission on State Mandates makes a finding that meeting the standards in Section 17000.5 would result in a significant financial distress to the county. When the commission makes a finding of significant financial distress concerning a county, the board of supervisors may establish a level of aid which is not less than 40 percent of the 1991 federal official poverty level, which may be further reduced pursuant to Section 17001.5 for shared housing. The commission shall not make a finding of significant financial distress unless the county has made a compelling case that, absent the finding, basic county services, including public safety, cannot be maintained.

(b) Upon receipt of a written application from a county board of supervisors, the commission may make a finding of financial distress for a period of up to 36 months pursuant to regulations that the commission shall adopt, that are necessary to implement this section. The period of reduction may be renewed annually by the commission upon reapplication by the county. Any county that filed an application prior to July 1, 1995, that was approved by the commission on or before August 31, 1995, shall be deemed to have had that application approved for a period of 36 months.

(c) As part of the decision making process, the commission shall notice and hold a public hearing on the county's application or reapplication in the county of application. The commission shall provide a 30-day notice of the hearing in the county of application or reapplication. The commission shall notify the applicant county of its preliminary decision within 60 days after receiving the application and final decision within 90 days after receiving the application. If a county files an application while another county's application is



pending, the commission may extend both the preliminary decision period up to 120 days and the final decision period up to 150 days from the date of the application.

(d) This section shall not be construed to eliminate the requirement that a county provide aid pursuant to Section 17000.

(e) Any standard of aid adopted pursuant to this section shall constitute a sufficient standard of aid.

(f) The commission may adopt emergency regulations for the implementation of this section.

SEC. 9. Section 17001.5 of the Welfare and Institutions Code is amended to read:

17001.5. (a) Notwithstanding any other provision of law, including, but not limited to, Section 17000.5, the board of supervisors of each county, or the agency authorized by the county charter, may do any of the following:

(1) (A) Adopt residency requirements for purposes of determining a persons' eligibility for general assistance. Any residence requirement under this paragraph shall not exceed 15 days.

(B) Nothing in this paragraph shall be construed to authorize the adoption of a requirement that an applicant or recipient have an address or to require a homeless person to acquire an address.

(2) (A) Establish a standard of general assistance for applicants and recipients who share housing with one or more unrelated persons or with one or more persons who are not legally responsible for the applicant or recipient. The standard of general assistance aid established pursuant to Section 17000.5 for a single adult applicant or recipient may be reduced pursuant to this paragraph by not more than the following percentages, as appropriate:

(i) Fifteen percent if the applicant or recipient shares housing with one other person described in this subparagraph.

(ii) Twenty percent if the applicant or recipient shares housing with two other persons described in this subparagraph.

(iii) Twenty-five percent if the applicant or recipient shares housing with three or more other persons described in this paragraph.

(B) Any standard of aid adopted pursuant to this paragraph shall constitute a sufficient standard of aid for any recipient who shares housing.

(C) Counties with shared housing reductions larger than the amounts specified in subparagraph (A) as of August 19, 1992, may continue to apply those adjustments.

(3) Discontinue aid under this part for a period of not more than 180 days with respect to any recipient who is employable and has received aid under this part for three months if the recipient engages in any of the following conduct:



(A) Fails, or refuses, without good cause, to participate in a qualified job training program, participation of which is a condition of receipt of assistance.

(B) After completion of a job training program, fails, or refuses, without good cause, to accept an offer of appropriate employment.

(C) Persistently fails, or refuses, without good cause, to cooperate with the county in its efforts to do any of the following:

(i) Enroll the recipient in a job training program.

(ii) After completion of a job training program, locate and secure appropriate employment for the recipient.

(D) For purposes of this paragraph, lack of good cause may be demonstrated by a showing of any of the following:

(i) The willful failure, or refusal, of the recipient to participate in a job training program, accept appropriate employment, or cooperate in enrolling in a training program or locating employment.

(ii) Not less than three separate acts of negligent failure of the recipient to engage in any of the activities described in clause (i).

(4) Prohibit an employable individual from receiving aid under this part for more than three months in any 12-month period, whether or not the months are consecutive. This paragraph shall apply to aid received on or after the effective date of this paragraph. This paragraph shall apply only to those individuals who have been offered an opportunity to attend job skills or job training sessions.

(5) Notwithstanding paragraph (3), discontinue aid to, or sanction, recipients for failure or refusal without good cause to follow program requirements. For purposes of this subdivision, lack of good cause may be demonstrated by a showing of either (A) willful failure or refusal of the recipient to follow program requirements, or (B) not less than three separate acts of negligent failure of the recipient to follow program requirements.

(b) (1) The Legislative Analyst shall conduct an evaluation of the impact of this section on general assistance recipients and applicants.

(2) The evaluation required by paragraph (1) shall include, but need not be limited to, all of the following:

(A) The impact on the extent of homelessness among applicants and recipients of general assistance.

(B) The rate at which recipients of general assistance are sanctioned by county welfare departments.

(C) The impact of the 15-day residency requirement on applicants or recipients of general assistance, including how often the requirement is invoked.

(3) The Legislative Analyst shall, in the conduct of the study required by this section, consult with the State Department of Social Services, the County Welfare Directors Association, and organizations that advocate on behalf of recipients of general assistance.



(c) A county may provide aid pursuant to Section 17000.5 either by cash assistance, in-kind aid, a two-party payment, voucher payment, or check drawn to the order of a third-party provider of services to the recipient. Nothing shall restrict a county from providing more than one method of aid to an individual recipient.

(d) Paragraphs (1), (3), and (5) of subdivision (a) and all of subdivision (b) of this section shall remain in effect until January 1, 1997, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 1997, deletes or extends that date.

SEC. 10. Section 17001.51 is added to the Welfare and Institutions Code, to read:

17001.51. (a) A county may require adult applicants and recipients of benefits under the general assistance program to undergo screening for substance abuse when it is determined by the county that there is reasonable suspicion to believe that an individual is dependent upon illegal drugs or alcohol. The county shall maintain documentation of this finding.

(b) A county may require as a condition of aid reasonable participation in substance abuse or alcohol treatment programs for persons screened pursuant to subdivision (a) and professionally evaluated to be in need of treatment, if the services are actually available at no charge to the applicant or recipient.

SEC. 11. Section 17608.05 of the Welfare and Institutions Code is amended to read:

17608.05. (a) As a condition of deposit of funds from the Sales Tax Account of the Local Revenue Fund into a county's local health and welfare trust fund mental health account, the county or city shall deposit each month local matching funds in accordance with a schedule developed by the State Department of Mental Health based on county or city standard matching obligations for the 1990-91 fiscal year for mental health programs.

(b) A county, city or city and county may limit its deposit of matching funds to the amount necessary to meet minimum federal maintenance of effort requirements, as calculated by the State Department of Mental Health, subject to the approval of the Department of Finance. However, the amount of the reduction permitted by the limitation provided for by this subdivision shall not exceed twenty-five million dollars (\$25,000,000) per fiscal year on a statewide basis.

(c) Any county, city, or city and county that elects not to apply maintenance of effort funds for community mental health programs shall not use the loss of these expenditures from local mental health programs for realignment purposes, including any calculation for poverty-population shortfall for clause (iv) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 17606.05.



SEC. 12. Sections 1 to 11, inclusive, of this act shall not become operative unless Assembly Bill 1143 is enacted and becomes operative on or before January 1, 1996.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

