

AMENDED IN SENATE MAY 5, 1997
AMENDED IN SENATE APRIL 7, 1997

SENATE BILL

No. 933

Introduced by Senator Thompson

February 27, 1997

An act to amend Sections ~~8201, 8203, 8206, 8206.8, 8208, 8220.2, 8250.5, 8263, and 8264.5~~ of, to add Sections ~~8201.5, 8206.1, 8206.2, 8206.3, and 8262.9~~ to, to repeal Sections ~~8205, 8206.5, 8206.7, 8207, 8208.5, 8212.3, 8220.1, 8351, 8352, 8356, 8357, 8499, and 8499.5~~ of, and to repeal Article ~~6~~ (commencing with Section ~~8230~~) of Chapter ~~2~~ of Part ~~6~~ of, the Education Code, to add Article 3.5 (commencing with Section 12545) to Chapter 6 of Division 3 of Title 2 of the Government Code, to add Article 4 (commencing with Section 3100) to Chapter 8 of Title 1 of Part 3 of the Penal Code, and to amend Sections 11274, 11320.3, 11320.6, 11321.6, 11322.8, ~~11323.2, 11323.6, 11323.8, 11324, 11500,~~ 14132.95, and 17000 of, to add Sections ~~10800.5,~~ 11155.3, 11155.4, 11268.5, 11325.26, 11479.1, 12305.6, 18925, and 18926 to, to add Article 7.5 (commencing with Section 12330) to Chapter 3 of Part 3 of Division 9 of, to add Chapter 5.05 (commencing with Section 12800) to Part 3 of Division 9 of, to add Part 5.5 (commencing with Section 17650) to Division 9 of, to add and repeal Chapter 3.85 (commencing with Section 10785) of Part 2 of Division 9 of, to repeal Sections ~~11450.6, 11451.6, 11451.7,~~ 17000.5, 17000.6, 17001, 17001.5, 17001.51, 17001.6, 17001.7, 17001.8, 17001.9, 17002, 17003, 17004, 17005, 17008, and 17020 of, *and* to repeal Chapter 3 (commencing with Section 17200) of Part 5 of

Division 9 of, ~~to repeal and add Section 11450.019 of,~~ the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 933, as amended, M. Thompson. Human services.

~~Under existing law, the State Department of Education is required to administer child care and development program provisions. These provisions include administration of funding derived from the federal Child Care and Development Block Grant.~~

~~This bill would make changes in these provisions relating to methods of state and local administration, services required or permitted to be provided by child care and development programs, and eligibility criteria for child care, including modifications in priorities to be followed in determining to whom services will be provided.~~

Existing law creates various public social services programs.

This bill would establish the Welfare Eligibility Simplification Commission, to be comprised as specified, that would be charged with making recommendations to the Legislature and the Governor, by December 31, 1997, on changes to be made in eligibility rules and application procedures.

This bill would make the provisions establishing the commission inoperative on July 1, 1998, and would repeal them as of January 1, 1999.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which each county provides cash assistance and other benefits to qualified low-income families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the AFDC program.

~~This bill would permit the county to contract for all or part of the administration of the AFDC program, or would permit counties to operate the AFDC program on a regional basis.~~

This bill would make changes in AFDC eligibility standards, including certain changes that would expand the number of



persons eligible to receive aid. Since state funds are continuously appropriated to pay a share of the cost of the AFDC program, by increasing the number of persons eligible to receive AFDC benefits, the bill would create an appropriation. In addition, since each county is required to administer the AFDC program, expanding eligibility under the program would impose additional duties upon each county, thereby imposing a state-mandated local program.

The bill would also modify provisions relating to ~~aid grants, the use of voucher payments, and eligibility for child care for both former and current AFDC recipients.~~

The bill would also require, under specified conditions, noncustodial parents of children receiving AFDC benefits in cases where a child support order is being established to be required to participate in county job search services, thus creating a state-mandated local program.

Existing law also creates the Greater Avenues for Independence (GAIN) program, under which each county, pursuant to an approved county plan, provides employment and training services to AFDC recipients.

This bill would increase county GAIN plan flexibility, modify program components, and impose certain requirements upon GAIN participants.

Existing law requires each county to provide aid and health care benefits to its indigent population not supported by other means.

This bill would eliminate the county's duty to provide aid, but would create, for this purpose, a State General Assistance Program, to be administered by each county in accordance with regulations developed by the department.

The bill would contain both aid grant and eligibility provisions.

Under existing law, a county may include general assistance recipients in its GAIN program.

This bill would, instead, provide that State General Assistance Program recipients would, subject to the exemptions contained in the GAIN program, be required to participate in that program.

The bill would, however, make certain modifications to the duty of participation in that program.



This bill would prohibit certain parolees from being eligible under the State General Assistance Program, but would require the parole authority to be responsible for the subsistence needs of an indigent parolee not eligible for the program.

The bill would appropriate an amount sufficient to pay for aid grant and administrative costs of the State General Assistance Program.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law includes the provision of various benefits, including personal care services, under the Medi-Cal program to eligible individuals.

Existing law also provides for the federal Supplemental Security Income (SSI) program and the State Supplementary Program for the Aged, Blind, and Disabled (SSP), under which, through a combination of federal and state funds, qualified low-income aged, blind, and disabled persons are provided with cash assistance. Persons eligible for SSI/SSP benefits are automatically eligible for the IHSS and Medi-Cal programs.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 makes qualified aliens, as defined, with certain exceptions, and certain children, ineligible for SSI/SSP benefits and also causes these persons to become ineligible for the IHSS program and for personal care services under the Medi-Cal program.

This bill would specify that persons who are ineligible for IHSS benefits due to the federal law, would be eligible for those benefits but for that federal law, and continue to meet eligibility and disability requirements, shall be eligible for benefits under the IHSS program. Because counties are



responsible for administration of the IHSS program and participate in the funding of that program, this bill, by requiring the provision of IHSS benefits to persons otherwise ineligible for IHSS benefits, would result in a state-mandated local program.

This bill would revise the eligibility requirement for personal care services under the Medi-Cal program to include any other category that would be eligible for the full scope of Medi-Cal benefits without a share of cost or any person eligible under the medicaid program but for the provisions of the federal law.

Counties are responsible for the administration of the Medi-Cal program through the determination of eligibility for benefits for the Medi-Cal program, and, therefore, by requiring counties to determine the eligibility of those persons for Medi-Cal benefits, this bill would result in a state-mandated local program.

This bill would also require the State Department of Social Services to establish a cash assistance program for those legal immigrants losing SSI/SSP eligibility due to Public Law 104-193, and would appropriate an unspecified amount from the General Fund for implementation of the program.

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

Under existing federal law, certain persons otherwise eligible for food stamp benefits must meet a specified work requirement in order to retain eligibility, except that a state may seek a waiver of this requirement for a geographic area that has insufficient jobs or that has an unemployment rate that exceeds 10%.

This bill would require the State Department of Social Services at the request of a county, or permit the department, in the absence of such a request, to seek a waiver, from the United States Department of Agriculture of this work requirement for any geographical area meeting the conditions for which a waiver may be provided.

Since each county is required to pay for the costs of distributing food stamps, and since through a waiver request made by the department, a county would be required to incur



additional administrative costs by distributing food stamps to persons who would otherwise be ineligible for benefits, without its consent, the bill would create a state-mandated local program.

The bill would also require the State Department of Social Services to establish a state-funded citizenship assistance program, and would appropriate an unspecified amount to cover the costs of implementing the program during the 1997–98 fiscal year.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of
- 2 the following:
- 3 (a) The enactment of federal welfare reform,
- 4 pursuant to Public Law 104-193, has provided the state
- 5 with an unprecedented opportunity to recast the state’s
- 6 welfare system, and in particular, to dramatically simplify
- 7 the standards and procedures for determining whether
- 8 applicants for assistance are eligible.
- 9 (b) A simplified eligibility process and alignment of
- 10 eligibility rules between various social and human
- 11 services programs, thereby allowing county welfare
- 12 department staff to focus on employment-related



1 activities, is critical to the success of a state
2 welfare-to-work system.

3 (c) An improved public social services system should
4 do all of the following:

5 (1) Foster personal responsibility and self-sufficiency.

6 (2) Ensure children will be cared for.

7 (3) Enable families to build the capacity to care for
8 themselves.

9 (4) Reinforce the message that welfare is temporary
10 assistance, and is intended to help families during
11 emergencies when they are unable to completely support
12 themselves.

13 (5) Include shared responsibility and accountability
14 among all levels of government and nongovernmental
15 sectors.

16 (6) Provide counties with adequate resources and
17 flexibility to operate integrated social services programs
18 in a manner that meets local needs and circumstances.

19 (7) Provide sufficient lead time for planning and
20 reengineering current resources and a phasein period
21 commensurate with available resources.

22 ~~SEC. 2. Section 8201 of the Education Code is~~
23 ~~amended to read:~~

24 ~~8201. The purposes of this chapter are as follows:~~

25 ~~(a) To provide child care services to enable families to~~
26 ~~become self-sufficient.~~

27 ~~(b) To provide a comprehensive, coordinated, and~~
28 ~~cost-effective system of child care and development~~
29 ~~services for children to age 14 and their parents, including~~
30 ~~a full range of supervision, health, and support services~~
31 ~~through full and part-time programs.~~

32 ~~(c) To encourage community-level coordination in~~
33 ~~support of child care and development services.~~

34 ~~(d) To provide an environment that is healthy and~~
35 ~~nurturing for all children in child care and development~~
36 ~~programs.~~

37 ~~(e) To provide the opportunity for positive parenting~~
38 ~~to take place through understanding of human growth~~
39 ~~and development.~~



1 ~~(f) To reduce strain between parent and child in order~~
2 ~~to prevent abuse, neglect, or exploitation.~~

3 ~~(g) To enhance the cognitive development of~~
4 ~~children, with particular emphasis upon those children~~
5 ~~who require special assistance, including bilingual~~
6 ~~capabilities to attain their full potential.~~

7 ~~(h) To establish a framework for the expansion of child~~
8 ~~care and development services.~~

9 ~~SEC. 3. Section 8201.5 is added to the Education~~
10 ~~Code, to read:~~

11 ~~8201.5. (a) It is the intent of the Legislature that the~~
12 ~~child care system include broad state-established policy~~
13 ~~parameters that provide communities with local~~
14 ~~flexibility and control to operate the programs.~~

15 ~~(b) It is further the intent of the Legislature that the~~
16 ~~system respect parental choice and maintain, support,~~
17 ~~and acknowledge the multiple roles of child care,~~
18 ~~including family self-sufficiency, child development, and~~
19 ~~child safety.~~

20 ~~(c) It is further the intent of the Legislature that~~
21 ~~universally available child care for low-income families~~
22 ~~working or seeking work is a critical component of family~~
23 ~~self-sufficiency.~~

24 ~~SEC. 4. Section 8203 of the Education Code is~~
25 ~~amended to read:~~

26 ~~8203. The Superintendent of Public Instruction, in~~
27 ~~conjunction with the State Department of Social Services,~~
28 ~~shall develop standards for the implementation of quality~~
29 ~~programs. Indicators of quality shall include, but not be~~
30 ~~limited to:~~

31 ~~(a) A physical environment that is safe and~~
32 ~~appropriate to the ages of the children and which meets~~
33 ~~applicable licensing standards.~~

34 ~~(b) Program activities and services that are age~~
35 ~~appropriate and developmentally meet the needs of each~~
36 ~~child.~~

37 ~~(c) Program activities and services that meet the~~
38 ~~cultural, linguistic, and other special needs of children~~
39 ~~and families being served.~~

40 ~~(d) Family and community involvement.~~



1 ~~(e) Parent education.~~
2 ~~(f) Efficient and effective local program~~
3 ~~administration.~~

4 ~~(g) Staff that possesses the appropriate and required~~
5 ~~qualifications or experience, or both.~~

6 ~~The appropriate staff qualifications shall reflect the~~
7 ~~diverse linguistic and cultural make-up of the children~~
8 ~~and families in the child care and development program.~~
9 ~~The use of intergenerational staff shall be encouraged.~~

10 ~~(h) Support services for children, families, and~~
11 ~~providers of care.~~

12 ~~(i) Resource and referral and other consumer~~
13 ~~education services.~~

14 ~~(j) Alternative payment services.~~

15 ~~(k) Provision for nutritional needs of children.~~

16 ~~(l) Social services that include, but are not limited to,~~
17 ~~identification of child and family needs and referral to~~
18 ~~appropriate agencies.~~

19 ~~(m) Health services that include referral of children to~~
20 ~~appropriate agencies for services.~~

21 ~~SEC. 5. Section 8205 of the Education Code is~~
22 ~~repealed.~~

23 ~~SEC. 6. Section 8206 of the Education Code is~~
24 ~~amended to read:~~

25 ~~8206. The State Department of Education is hereby~~
26 ~~designated as the single state agency responsible for the~~
27 ~~promotion, development, and provision of care of~~
28 ~~children receiving child protective services or, whose~~
29 ~~parents are absent during the workday or while engaged~~
30 ~~in other work-related activities, as defined in Section~~
31 ~~11322.8 of the Welfare and Institutions Code which~~
32 ~~require assistance of a third party or parties. The~~
33 ~~department shall do all of the following:~~

34 ~~(a) Administer all state and federal child care and~~
35 ~~development programs, including the federal Child Care~~
36 ~~and Development Block Grant Act of 1990 as amended by~~
37 ~~Title VI of the federal Personal Responsibility and Work~~
38 ~~Opportunity Reconciliation Act of 1996.~~

39 ~~(b) Coordinate the collection of standardized data~~
40 ~~from the local child care administrative services structure~~



1 and submit required reports to the United States
2 Department of Health and Human Services.

3 (e) In conjunction with the State Department of Social
4 Services, develop and maintain the state plan for child
5 care and development services.

6 (d) Coordinate the evaluation of federal and state
7 child care and development programs.

8 SEC. 7. Section 8206.1 is added to the Education
9 Code, to read:

10 8206.1. (a) Each county board of supervisors and
11 county superintendent of schools shall ensure that a single
12 contract is entered into with either a single agency or a
13 consortium of agencies in each county, through a
14 competitive bidding process, under which the contractor
15 shall serve as the county child care administrative
16 services structure and provide streamlined
17 administrative and support services for all subsidized
18 child care and development programs in the county.

19 (b) The county board of supervisors and the county
20 superintendent of schools shall have joint authority over
21 the contractor serving as the county child care
22 administrative structure.

23 (c) The department shall distribute all federal and
24 state child care and development program funds for local
25 assistance directly to the contractor, based on a specified
26 formula. The contractor shall administer these funds at
27 the local level. Included in this allocation shall be funding
28 for the contractor's administrative costs.

29 (d) The contractor shall be responsible for all of the
30 following:

31 (1) Support to parents and providers.

32 (2) Referrals to parents and providers.

33 (3) Parent and consumer education.

34 (4) Management of community waiting lists, when
35 appropriate.

36 (5) Eligibility determinations or compilation of
37 eligibility records.

38 (6) Compilation of computerized data on eligibility
39 recertifications.

40 (7) Calculation and recording of family fees.



1 ~~(8) Referrals to other social service providers to target~~
2 ~~emergency needs and nonroutine issues.~~

3 ~~(9) Staff development and training for providers,~~
4 ~~when funding is provided for this purpose.~~

5 ~~(10) Program management and administration.~~

6 ~~(11) Alternative payment program management,~~
7 ~~including case management and family support.~~

8 ~~(12) Award and manage contracts for direct general~~
9 ~~child care and state preschool services.~~

10 ~~(13) Provision of information and support services,~~
11 ~~including staff, to the local child care commission.~~

12 ~~(14) Data system development and implementation,~~
13 ~~as well as collection of required data and information for~~
14 ~~reports to state agencies.~~

15 ~~(e) The contractor shall not directly provide any child~~
16 ~~care and development services.~~

17 ~~(f) Each family eligible to receive child care and~~
18 ~~development services under this part shall be referred to~~
19 ~~the contractor to receive information on the family's~~
20 ~~options for obtaining these services and for placement in~~
21 ~~a child care and development program. It is the intent of~~
22 ~~the Legislature that the contractor place eligible families~~
23 ~~in child care and development programs as expeditiously~~
24 ~~as possible.~~

25 ~~SEC. 8. Section 8206.2 is added to the Education~~
26 ~~Code, to read:~~

27 ~~8206.2. (a) Each county board of supervisors and~~
28 ~~county superintendent of schools shall appoint a~~
29 ~~countywide child care and development commission.~~
30 ~~Each appointing power shall appoint an equal number of~~
31 ~~members to the commission.~~

32 ~~(b) Membership on the commission may include, but~~
33 ~~need not be limited to, representatives from the~~
34 ~~following:~~

35 ~~(1) County and city elected or appointed officials.~~

36 ~~(2) Child welfare services programs.~~

37 ~~(3) Welfare-to-work programs.~~

38 ~~(4) Local planning representatives.~~

39 ~~(5) Park and recreation programs.~~

40 ~~(6) Local government child care coordinators.~~



- 1 ~~(7) Staff of public social services agencies providing~~
2 ~~services for children and families.~~
- 3 ~~(8) The county office of education.~~
- 4 ~~(9) School and community college districts.~~
- 5 ~~(10) Child care providers.~~
- 6 ~~(11) Head Start providers.~~
- 7 ~~(12) Child development experts.~~
- 8 ~~(13) Parents who use subsidized child care services.~~
- 9 ~~(14) Parents who use nonsubsidized child care~~
10 ~~services.~~
- 11 ~~(15) Employers or labor organizations.~~
- 12 ~~(16) Community organizations knowledgeable about~~
13 ~~child care, including child care provided by sectarian~~
14 ~~organizations, in the community.~~
- 15 ~~(17) The native tribal council, if there is a native tribal~~
16 ~~council in the county.~~
- 17 ~~(e) Prior to the selection of commission members, the~~
18 ~~appointing powers shall publicize their intention to select~~
19 ~~the members, and shall invite local organizations to~~
20 ~~submit nominations.~~
- 21 ~~(d) Reasonable efforts shall be made to ensure that the~~
22 ~~ethnic and racial composition of the commission will~~
23 ~~reflect the racial and ethnic distribution of the persons~~
24 ~~and families in the community.~~
- 25 ~~(e) A commission member shall remove himself or~~
26 ~~herself from any decision in which he or she has a conflict~~
27 ~~of interest.~~
- 28 ~~SEC. 9. Section 8206.3 is added to the Education~~
29 ~~Code, to read:~~
- 30 ~~8206.3. (a) The local child care and development~~
31 ~~commission shall prepare a comprehensive countywide~~
32 ~~child care plan. The commissions are encouraged to~~
33 ~~endeavor to include all of the following provisions in the~~
34 ~~plan:~~
- 35 ~~(1) A description and analysis of the county's present~~
36 ~~and future child care needs, based on demographic~~
37 ~~information and supply and demand data.~~
- 38 ~~(2) A plan to meet the needs described in paragraph~~
39 ~~(1) and to develop a comprehensive county child care~~
40 ~~system by mobilizing public and private resources using,~~



1 to the extent feasible, expertise and existing data
2 developed by the contractor, and by complementing
3 existing resources.

4 (3) An update of the child care plan, at least every five
5 years, consistent with a schedule established by the
6 commission, and a review by the county at least once
7 biennially of the planning chosen by the county.

8 (4) The fostering of a child care system that maximizes
9 parental responsibility and parental choice.

10 (5) The consideration of financing alternatives to
11 implement the child care plan, including identification of
12 current and prospective local funding sources and
13 potential contributions to a community child care fund.

14 (6) The identification of priorities for expansion of
15 child care services, taking into consideration the age,
16 special needs, family income level, needs of adolescent
17 children or migrant workers during seasonal work
18 periods, and multilingual backgrounds and multicultural
19 backgrounds of the children requiring child care services.

20 (7) A description of the strategies and mechanisms of
21 assisting and upgrading the quality of child care in the
22 county.

23 (8) An explanation of how county and city land use and
24 transportation policies can be used to promote and foster
25 the availability of child care services.

26 (9) A description of the roles and responsibilities of all
27 relevant public and private agencies in meeting local
28 child care needs.

29 (10) The identification of the roles of community
30 programs that provide support services for child care and
31 development services.

32 (11) A description of the relationships of the local
33 Head Start programs, programs funded pursuant to the
34 federal Family Preservation and Support Act (42 U.S.C.
35 Sec. 629 et seq.) and the federal Job Training Partnership
36 Act (29 U.S.C. Sec. 1501 et seq.).

37 (b) If a county already has a preexisting, countywide
38 community child care plan that meets the requirements
39 of subdivision (a), the jurisdiction may use that plan. The



1 ~~local plan may include subplans developed by local~~
2 ~~jurisdictions within the county.~~

3 ~~(e) The commission shall consult and coordinate with~~
4 ~~county interagency children's services coordinating~~
5 ~~councils in the development of its child care plan.~~

6 ~~(d) Prior to the adoption of the plan, the commission~~
7 ~~shall make copies of the proposed plan available to the~~
8 ~~public, and shall hold at least one public hearing upon the~~
9 ~~proposed plan.~~

10 ~~(e) Utilizing information contained in the child care~~
11 ~~plan, the commission shall develop recommendations to~~
12 ~~be approved by the county board of supervisors and the~~
13 ~~county superintendent of schools for the distribution and~~
14 ~~allocation of federal and state child care and~~
15 ~~development funds, as they become available. In~~
16 ~~developing these recommendations, the commission~~
17 ~~shall do all of the following:~~

18 ~~(1) List the types of services and modes of care most~~
19 ~~needed by eligible families, the ages of the children~~
20 ~~needing care, and the specific geographic areas within~~
21 ~~the county where care is needed.~~

22 ~~(2) Consider the specific needs of all eligible families,~~
23 ~~including migrant and seasonal workers, community~~
24 ~~college students, teen parents, abused and neglected~~
25 ~~children, and others.~~

26 ~~(3) Document the recommendations by data on~~
27 ~~supply, demand, cost, and market rates for child care in~~
28 ~~the community.~~

29 ~~(4) List its priorities for state and local activities to~~
30 ~~improve the quality of child care.~~

31 ~~(5) Consult and coordinate with other county~~
32 ~~interagency children's services councils.~~

33 ~~(6) Publicize proposed recommendations and gather~~
34 ~~input prior to submitting the recommendations to the~~
35 ~~board of supervisors and the county superintendent of~~
36 ~~schools.~~

37 ~~(7) Review and update local recommendations every~~
38 ~~three years.~~

39 ~~SEC. 10. Section 8206.5 of the Education Code is~~
40 ~~repealed.~~



1 ~~SEC. 11. Section 8206.7 of the Education Code is~~
2 ~~repealed.~~

3 ~~SEC. 12. Section 8206.8 of the Education Code is~~
4 ~~amended to read:~~

5 ~~8206.8. The department shall make funds available to~~
6 ~~the contractors provided for pursuant to Section 8206.1~~
7 ~~for staff development for child care and development~~
8 ~~providers, including activities designed to improve~~
9 ~~services to children with exceptional needs. In addition,~~
10 ~~the department shall make funding available to the~~
11 ~~contractors provided for pursuant to Section 8206.1 to~~
12 ~~develop and conduct voluntary training for families in~~
13 ~~need of child care and for exempt providers.~~

14 ~~SEC. 13. Section 8207 of the Education Code is~~
15 ~~repealed.~~

16 ~~SEC. 14. Section 8208 of the Education Code is~~
17 ~~amended to read:~~

18 ~~8208. As used in this chapter:~~

19 ~~(a) “Alternative payments” includes payments that~~
20 ~~are made by one child care agency to another agency or~~
21 ~~child care provider for the provision of child care and~~
22 ~~development services, and payments that are made by an~~
23 ~~agency to a parent for the parent’s purchase of child care~~
24 ~~and development services.~~

25 ~~(b) “Applicant or contracting agency” means a school~~
26 ~~district, community college district, college or university,~~
27 ~~county superintendent of schools, county, city, public~~
28 ~~agency, private non-tax-exempt agency, private~~
29 ~~tax-exempt agency, or other entity that is authorized to~~
30 ~~establish, maintain, or operate services pursuant to this~~
31 ~~chapter. Private agencies and parent cooperatives, duly~~
32 ~~licensed by law, shall receive the same consideration as~~
33 ~~any other authorized entity with no loss of parental~~
34 ~~decisionmaking prerogatives as consistent with the~~
35 ~~provisions of this chapter.~~

36 ~~(c) “Assigned reimbursement rate” is that rate~~
37 ~~established by the contract with the agency and is derived~~
38 ~~by dividing the total dollar amount of the contract by the~~
39 ~~minimum child day of average daily enrollment level of~~
40 ~~service required.~~



1 ~~(d) “Attendance” means the number of children~~
2 ~~present at a child care and development facility.~~
3 ~~“Attendance,” for the purposes of reimbursement,~~
4 ~~includes excused absences by children because of illness,~~
5 ~~quarantine, illness or quarantine of their parent, family~~
6 ~~emergency, or to spend time with a parent or other~~
7 ~~relative as required by a court of law or that is clearly in~~
8 ~~the best interest of the child.~~

9 ~~(e) “Capital outlay” means the amount paid for the~~
10 ~~renovation and repair of child care and development~~
11 ~~facilities to comply with state and local health and safety~~
12 ~~standards, and the amount paid for the state purchase of~~
13 ~~relocatable child care and development facilities for lease~~
14 ~~to qualifying contracting agencies.~~

15 ~~(f) “Care giver” means a person who provides direct~~
16 ~~care, supervision, and guidance to children in a child care~~
17 ~~and development facility.~~

18 ~~(g) “Child care and development facility” means any~~
19 ~~residence or building or part thereof in which child care~~
20 ~~and development services are provided.~~

21 ~~(h) “Child care” means all child care and~~
22 ~~development services, including private for profit,~~
23 ~~nonprofit, and public programs, for all children, including~~
24 ~~children with special needs and those from multilingual~~
25 ~~and multicultural backgrounds.~~

26 ~~(i) “Child care and development programs” means~~
27 ~~those programs that offer a full range of services for~~
28 ~~children from infancy to 14 years of age, inclusive,~~
29 ~~excluding children with exceptional needs, for any part~~
30 ~~of a day, by a public or private agency, in centers and~~
31 ~~family child care homes. Types of child care include, but~~
32 ~~are not limited to, all of the following:~~

33 ~~(1) General child care and development.~~

34 ~~(2) State preschool programs.~~

35 ~~(3) Alternative payment programs.~~

36 ~~(j) “Child care and development services” means~~
37 ~~those services designed to meet a wide variety of needs~~
38 ~~of children and their families, while the child is receiving~~
39 ~~protective services or their parents or guardians are~~
40 ~~working, in training, seeking employment, incapacitated,~~



1 suffering a short-term crisis that is locally defined, or
2 transitioning from welfare to work. These services
3 include direct care and supervision, instructional
4 activities, resource and referral services and other
5 consumer services, and alternative payment
6 arrangements.

7 (k) “Children with exceptional needs” means
8 children who have been determined to be eligible for
9 special education and related services by an
10 individualized education program team according to the
11 special education requirements contained in Part 30
12 (commencing with Section 56000), and meeting
13 eligibility criteria described in Section 56026 and Sections
14 56333 to 56338, inclusive, and Sections 3030 and 3031 of
15 Title 5 of the California Code of Regulations. These
16 children have an active individualized education
17 program, and are receiving appropriate special
18 education and services, unless they are under three years
19 of age and permissive special education programs are
20 available. These children may be mentally retarded, hard
21 of hearing, deaf, speech impaired, visually handicapped,
22 seriously emotionally disturbed, orthopedically impaired,
23 other health impaired, deaf-blind, multihandicapped, or
24 children with specific learning disabilities, who require
25 the special attention of adults in a child care setting.

26 (l) “Children with special needs” includes infants and
27 toddlers under the age of three years;
28 limited-English-speaking-proficient children; children
29 with exceptional needs; limited-English-proficient
30 handicapped children; and children at risk of neglect,
31 abuse, or exploitation.

32 (m) “Cost” includes, but is not limited to,
33 expenditures that are related to the operation of child
34 development programs. “Cost” may include a reasonable
35 amount for state and local contributions to employee
36 benefits, including approved retirement programs,
37 agency administration, and any other reasonable
38 program operational costs. “Reasonable and necessary
39 costs” are costs that, in nature and amount, do not exceed



1 ~~what an ordinary prudent person would incur in the~~
2 ~~conduct of a competitive business.~~

3 ~~(n) “Elementary school,” as contained in Section 425~~
4 ~~of Title 20 of the United States Code (the National~~
5 ~~Defense Education Act of 1958, Public Law 85-864, as~~
6 ~~amended), includes early childhood education programs~~
7 ~~and all child development programs, for the purpose of~~
8 ~~the cancellation provisions of loans to students in~~
9 ~~institutions of higher learning.~~

10 ~~(o) “Health services” includes, but is not limited to, all~~
11 ~~of the following:~~

12 ~~(1) Referral, whenever possible, to appropriate health~~
13 ~~care providers able to provide continuity of medical care.~~

14 ~~(2) Health screening and health treatment, including~~
15 ~~a full range of immunization recorded on the appropriate~~
16 ~~state immunization form to the extent provided by the~~
17 ~~Medi-Cal Act (Chapter 7 (commencing with Section~~
18 ~~14000) of Part 3 of Division 9 of the Welfare and~~
19 ~~Institutions Code) and the Child Health and Disability~~
20 ~~Prevention Program (Article 3.4 (commencing with~~
21 ~~Section 320) of Chapter 2 of Part 1 of Division 1 of the~~
22 ~~Health and Safety Code), but only to the extent that~~
23 ~~ongoing care cannot be obtained utilizing community~~
24 ~~resources.~~

25 ~~(3) Health education and training for children,~~
26 ~~parents, staff, and providers.~~

27 ~~(4) Followup treatment through referral to~~
28 ~~appropriate health care agencies or individual health~~
29 ~~care professionals.~~

30 ~~(p) “Higher educational institutions” means the~~
31 ~~Regents of the University of California, the Trustees of~~
32 ~~the California State University, the Board of Governors of~~
33 ~~the California Community Colleges, and the governing~~
34 ~~bodies of any accredited private nonprofit institution of~~
35 ~~postsecondary education.~~

36 ~~(q) “Intergenerational staff” means persons of various~~
37 ~~generations.~~

38 ~~(r) “Limited English speaking proficient _____ and~~
39 ~~non-English speaking proficient _____ children” means~~
40 ~~children who are unable to benefit fully from an~~



1 ~~English-only child care and development program as a~~
2 ~~result of either of the following:~~

3 ~~(1) Having used a language other than English when~~
4 ~~they first began to speak.~~

5 ~~(2) Having a language other than English~~
6 ~~predominantly or exclusively spoken at home.~~

7 ~~(s) “Parent” means any person living with a child who~~
8 ~~has responsibility for the care and welfare of the child.~~

9 ~~(t) “Program director” means a person who, pursuant~~
10 ~~to Sections 8244 and 8360.1, is qualified to serve as a~~
11 ~~program director.~~

12 ~~(u) “Proprietary child care agency” means an~~
13 ~~organization or facility providing child care, which is~~
14 ~~operated for profit.~~

15 ~~(v) “Resource and referral services and other~~
16 ~~consumer services” means activities that provide~~
17 ~~information to parents, including referrals and~~
18 ~~coordination of community resources for parents and~~
19 ~~public or private providers of care. Services frequently~~
20 ~~include, but are not limited to: technical assistance for~~
21 ~~providers, toy-lending libraries, equipment-lending~~
22 ~~libraries, toy and equipment-lending libraries, staff~~
23 ~~development programs, health and nutrition education,~~
24 ~~and referrals to social services.~~

25 ~~(w) “Severely handicapped children” are children~~
26 ~~who require instruction and training in programs serving~~
27 ~~pupils with the following profound disabilities: autism;~~
28 ~~blindness, deafness, severe orthopedic impairments;~~
29 ~~serious emotional disturbance, or severe mental~~
30 ~~retardation. These children, ages birth to 21 years;~~
31 ~~inclusive, may be assessed by public school special~~
32 ~~education staff, regional center staff, or another~~
33 ~~appropriately licensed clinical professional.~~

34 ~~(x) (1) “Site supervisor” means a person who;~~
35 ~~regardless of his or her title, has operational program~~
36 ~~responsibility for a child care and development program~~
37 ~~at a single site. A site supervisor shall hold a permit issued~~
38 ~~by the Commission on Teacher Credentialing that~~
39 ~~authorizes supervision of a child care and development~~
40 ~~program operating in a single site. The Superintendent of~~



1 ~~Public Instruction may waive the requirements of this~~
2 ~~subdivision if the superintendent determines that the~~
3 ~~existence of compelling need is appropriately~~
4 ~~documented.~~

5 ~~(2) In respect to state preschool programs, a site~~
6 ~~supervisor may qualify under any of the provisions in this~~
7 ~~subdivision, or may qualify by holding an administrative~~
8 ~~credential or an administrative services credential. A~~
9 ~~person who meets the qualifications of a site supervisor~~
10 ~~under both Section 8244 and subdivision (e) of Section~~
11 ~~8360.1 is also qualified under this subdivision.~~

12 ~~(y) “Standard reimbursement rate” means that rate~~
13 ~~established by the Superintendent of Public Instruction~~
14 ~~pursuant to Section 8265.~~

15 ~~(z) “Startup costs” means those expenses an agency~~
16 ~~incurs in the process of opening a new or additional~~
17 ~~facility prior to the full enrollment of children.~~

18 ~~(aa) “State preschool services” means part-day~~
19 ~~educational programs for low-income or otherwise~~
20 ~~disadvantaged prekindergarten-age children.~~

21 ~~(ab) “Support services” means those services which,~~
22 ~~when combined with child care and development~~
23 ~~services, help promote the healthy physical, mental,~~
24 ~~social, and emotional growth of children. Support services~~
25 ~~include, but are not limited to: protective services, parent~~
26 ~~training, provider and staff training, transportation,~~
27 ~~parent and child counseling, child development resource~~
28 ~~and referral services, and child placement counseling.~~

29 ~~(ac) “Teacher” means a person with the appropriate~~
30 ~~permit issued by the Commission on Teacher~~
31 ~~Credentialing who provides program supervision and~~
32 ~~instruction which includes supervision of a number of~~
33 ~~aides, volunteers, and groups of children.~~

34 ~~(ad) “Workday” means the time that the parent~~
35 ~~requires temporary care for a child for any of the~~
36 ~~following reasons:~~

37 ~~(1) To undertake training in preparation for a job.~~

38 ~~(2) To undertake or retain a job.~~

39 ~~(3) To undertake other activities that are essential to~~
40 ~~maintaining or improving the social and economic~~



1 ~~function of the family, are beneficial to the community,~~
2 ~~or are required because of health problems in the family.~~

3 ~~(ac) “Conflict of interest” means _____.~~

4 ~~SEC. 15. Section 8208.5 of the Education Code is~~
5 ~~repealed.~~

6 ~~SEC. 16. Section 8212.3 of the Education Code is~~
7 ~~repealed.~~

8 ~~SEC. 17. Section 8220.1 of the Education Code is~~
9 ~~repealed.~~

10 ~~SEC. 18. Section 8220.2 of the Education Code is~~
11 ~~amended to read:~~

12 ~~8220.2. Alternative payment programs shall serve an~~
13 ~~identifiable geographic area approved by the county~~
14 ~~board of supervisors and the county superintendent of~~
15 ~~schools, and that is recommended by the contractor~~
16 ~~provided for pursuant to Section 8206.1. The service area~~
17 ~~may be delineated by jurisdictional city or county~~
18 ~~boundaries, by natural geographic barriers, streets, roads,~~
19 ~~census tract, or ZIP Codes.~~

20 ~~SEC. 19. Article 6 (commencing with Section 8230) of~~
21 ~~Chapter 2 of Part 6 of the Education Code is repealed.~~

22 ~~SEC. 20. Section 8250.5 of the Education Code is~~
23 ~~amended to read:~~

24 ~~8250.5. Any contractor providing child care and~~
25 ~~development services shall be subject to the~~
26 ~~requirements of the Americans with Disabilities Act (42~~
27 ~~U.S.C. Sec. 12101, et seq.).~~

28 ~~SEC. 21. Section 8262.9 is added to the Education~~
29 ~~Code, to read:~~

30 ~~8262.9. It is the intent of the Legislature that all~~
31 ~~low income families be eligible for child care and~~
32 ~~development services.~~

33 ~~SEC. 22. Section 8263 of the Education Code is~~
34 ~~amended to read:~~

35 ~~8263. (a) The Superintendent of Public Instruction,~~
36 ~~in conjunction with the State Department of Social~~
37 ~~Services, shall adopt rules and regulations on eligibility~~
38 ~~and enrollment needed to implement this chapter. In~~
39 ~~order to be eligible for federal and state subsidized child~~



~~1 care and development services, a family shall meet one
2 of the following criteria:~~

~~3 (1) The family is eligible for or receiving benefits
4 under Chapter 2 (commencing with Section 11200) of
5 Part 3 of Division 9 of the Welfare and Institutions Code
6 and a member of the family is otherwise operating within
7 an employability plan as described in Article 3.2
8 (commencing with Section 11320) of Chapter 2 of Part 3
9 of Division 9 of the Welfare and Institutions Code.~~

~~10 (2) The family is working and has income that does not
11 exceed 250 percent of the federal poverty level.~~

~~12 (3) One or more children in the family is a recipient
13 of child protective services through a county welfare
14 department.~~

~~15 (b) A physical examination and evaluation, including
16 age-appropriate immunization, shall be required prior to,
17 or within six weeks of, enrollment in a licensed program.
18 No standard, rule, or regulation shall require medical
19 examination or immunization for admission to a child
20 care and development program of a child whose parent
21 or guardian files a letter with the governing board of the
22 child care and development program stating that the
23 medical examination or immunization is contrary to his
24 or her religious beliefs, or provide for the exclusion of a
25 child from the program because of a parent or guardian
26 having filed the letter. However, whenever there is good
27 cause to believe that a child is suffering from a recognized
28 contagious or infectious disease, the child shall be
29 temporarily excluded from the program until the
30 governing board of the child care and development
31 program is satisfied that any contagious or infectious
32 disease does not exist.~~

~~33 (c) Regulations formulated and adopted pursuant to
34 this section shall include the recommendations of the
35 State Department of Health Services relative to health
36 care screening and the provision of health care services.
37 The superintendent shall seek the advice and assistance
38 of these health authorities in situations where service
39 under this chapter includes or requires care of ill or
40 disabled children.~~



1 ~~(d) (1) The superintendent, in conjunction with the~~
2 ~~State Department of Social Services, shall establish a~~
3 ~~sliding scale fee schedule for families, that shall be based~~
4 ~~on income and that shall be indexed by region, on a per~~
5 ~~child basis.~~

6 ~~(2) The superintendent, in conjunction with the State~~
7 ~~Department of Social Services, shall develop regulations~~
8 ~~on parental provision of diapers and on payment for field~~
9 ~~trips.~~

10 ~~(e) The superintendent shall establish guidelines for~~
11 ~~the collection of employer sponsored child care benefit~~
12 ~~payments from any parent whose child receives~~
13 ~~subsidized child care and development services. These~~
14 ~~guidelines shall provide for the collection of the full~~
15 ~~amount of the benefit payment, but not to exceed the~~
16 ~~actual cost of child care and development services~~
17 ~~provided, notwithstanding the applicable fee based on~~
18 ~~the fee schedule.~~

19 ~~(f) No public funds shall be paid directly or indirectly~~
20 ~~to any licensed agency that does not pay at least the~~
21 ~~minimum wage to each of its employees.~~

22 ~~SEC. 23. Section 8264.5 of the Education Code is~~
23 ~~amended to read:~~

24 ~~8264.5. The Superintendent of Public Instruction, in~~
25 ~~conjunction with the State Department of Social Services,~~
26 ~~may waive or modify child development requirements in~~
27 ~~order to enable child development programs to serve~~
28 ~~combinations of eligible children.~~

29 ~~SEC. 24. Section 8351 of the Education Code is~~
30 ~~repealed.~~

31 ~~SEC. 25. Section 8352 of the Education Code is~~
32 ~~repealed.~~

33 ~~SEC. 26. Section 8356 of the Education Code is~~
34 ~~repealed.~~

35 ~~SEC. 27. Section 8357 of the Education Code is~~
36 ~~repealed.~~

37 ~~SEC. 28. Section 8499 of the Education Code is~~
38 ~~repealed.~~

39 ~~SEC. 29. Section 8499.5 of the Education Code is~~
40 ~~repealed.~~



1 ~~SEC. 30.—~~

2 SEC. 2. Article 3.5 (commencing with Section 12545)
3 is added to Chapter 6 of Division 3 of Title 2 of the
4 Government Code, to read:

5

6 Article 3.5. Legal Immigrant Sponsorship
7 Enforcement Assistance

8

9 12545. (a) There is hereby established in the
10 Department of Justice the Legal Immigrant Sponsorship
11 Enforcement Assistance Section.

12 (b) For purposes of this article, “section” means the
13 Legal Immigrant Sponsorship Enforcement Assistance
14 Section in the department.

15 12546. The primary responsibility of the section shall
16 be to assist sponsored aliens, local governments, and state
17 agencies in the enforcement of affidavits of support
18 executed pursuant to Section 423 of Public Law 104-193.

19 ~~SEC. 31.—~~

20 SEC. 3. Article 4 (commencing with Section 3100) is
21 added to Chapter 8 of Title 1 of Part 3 of the Penal Code,
22 to read:

23

24 Article 4. Subsistence Needs Program for Parolees

25

26 3100. The parole authority shall be responsible for
27 meeting the needs of an indigent parolee during the
28 parolee’s first three years on parole.

29 ~~SEC. 32.—~~

30 SEC. 4. Chapter 3.85 (commencing with Section
31 10785) is added to Part 2 of Division 9 of the Welfare and
32 Institutions Code, to read:

33

34 CHAPTER 3.85. WELFARE ELIGIBILITY SIMPLIFICATION
35 COMMISSION

36

37 10785. (a) It is the intent of the Legislature, in
38 enacting this chapter, to dramatically simplify the
39 eligibility process for public assistance applicants.



1 (b) The Legislature, recognizing the depth of
2 expertise on public assistance issues among county
3 officials, calls upon the counties to play a leadership role
4 in recasting the current welfare system by making
5 recommendations to the Legislature and the Governor
6 on methods of simplifying the eligibility process.

7 (c) The Legislature finds and declares that, in
8 developing its recommendations, the Welfare Eligibility
9 Simplification Commission, as created by this chapter,
10 should make recommendations that simplify the
11 application process and the procedures for determining
12 eligibility through, among other things, eliminating
13 deprivation as a basis for benefits and creating a new
14 definition of need and family, in place of the deprivation
15 requirement, as well as ending the existing system of
16 retroactive budgeting and substituting a quarterly
17 prospective budgeting process.

18 10786. (a) There is hereby created in state
19 government the Welfare Eligibility Simplification
20 Commission.

21 (b) For purposes of this chapter, “commission” means
22 the Welfare Eligibility Simplification Commission.

23 (c) The commission shall be comprised of 11 members,
24 as follows:

25 (1) One member appointed by the President pro
26 Tempore of the Senate.

27 (2) One member appointed by the Speaker of the
28 Assembly.

29 (3) One member appointed jointly by the President
30 pro Tempore of the Senate and the Speaker of the
31 Assembly, who shall be from an organization that
32 represents public assistance recipients.

33 (4) Two members appointed by the Secretary of the
34 Health and Welfare Agency from the staff of that agency.

35 (5) Six members appointed by the Board of Directors
36 of the California State Association of Counties. At least
37 one of these members shall be a member of a county
38 board of supervisors, one shall be a county welfare
39 department director, and one shall be another county
40 official or employee.



1 (d) All appointments shall be made to the commission
2 by August 15, 1997.

3 10787. The commission shall be charged with making
4 recommendations to the Legislature and the Governor
5 on all of the following:

6 (a) Methods for revising existing eligibility rules and
7 standards for the purpose of specifying the application
8 eligibility process within and between state-administered
9 human and social services programs, including, but not
10 limited to, all of the following:

11 (1) The Aid to Families with Dependent Children
12 program or any successor program.

13 (2) The Medi-Cal program.

14 (3) The Food Stamp Program.

15 (4) General assistance.

16 (5) Child care.

17 (b) A simple income and assets policy to determine
18 eligibility for all public assistance applicants.

19 (c) An aid grant policy that recognizes regional
20 differences in the cost of living, including the cost of
21 maintaining adequate housing.

22 (d) A simplified policy for disregarding some of the
23 income of public assistance recipients, in order to
24 encourage work and self-sufficiency.

25 (e) As a substitute for use of deprivation as a ground
26 for eligibility, a policy for providing assistance to
27 nonneedy relative caretakers, including an income
28 ceiling.

29 (f) Creating a single application form and process.

30 (g) Identifying all state and federal statutes and
31 regulations that require modification in order to
32 implement the commission's recommendations.

33 (h) At a minimum, eligibility rules and tests for the
34 commission to consider for simplifying and aligning shall
35 include all of the following:

36 (1) Definition of a family unit.

37 (2) Student income.

38 (3) Income limits and tests.

39 (4) Treatment of in-kind income.

40 (5) Asset limits.



- 1 (6) Vehicle exemptions and valuations.
- 2 (7) Income deductions.
- 3 (8) Transfer of resources.
- 4 (9) Unconditional income.
- 5 (10) Loans.
- 6 (i) At a minimum, eligibility processes for the
- 7 commission to consider for simplification and alignment
- 8 shall include all of the following:
- 9 (1) Emergency services.
- 10 (2) Processing and scheduling timeframes.
- 11 (3) Income reporting and verification.
- 12 (4) Intercounty transfers.
- 13 (5) Special needs.
- 14 (6) Reduced income supplemental payments.
- 15 (7) Certification periods.
- 16 (8) Notification policies and timeframes.
- 17 (9) Benefit issuance.
- 18 (10) Recoupment and payment of overpayments and
- 19 underpayments.

20 10788. The commission shall work as expeditiously as
 21 possible in developing its recommendations. The
 22 commission shall report its recommendations to the
 23 Legislature and the Governor by December 31, 1997.

24 10789. This chapter shall become inoperative on July
 25 1, 1998, and, as of January 1, 1999, is repealed, unless a later
 26 enacted statute, that becomes operative on or before
 27 January 1, 1999, deletes or extends the dates on which it
 28 becomes inoperative and is repealed.

29 ~~SEC. 33. Section 10800.5 is added to the Welfare and~~
 30 ~~Institutions Code, to read:~~

31 ~~10800.5. A county may contract with a public or~~
 32 ~~private entity to provide any or all of the functions or~~
 33 ~~duties required to be performed by the county pursuant~~
 34 ~~to this division. Notwithstanding any other provision of~~
 35 ~~law, the county board of supervisors may also designate~~
 36 ~~another county entity to perform any function required~~
 37 ~~to be performed under this division by the county welfare~~
 38 ~~department. In addition, one or more counties may form~~
 39 ~~regional entities for purposes of administering this~~



1 ~~division, or of performing any of the duties provided for~~
2 ~~under this division.~~

3 ~~SEC. 34.—~~

4 *SEC. 5.* Section 11155.3 is added to the Welfare and
5 Institutions Code, to read:

6 11155.3. (a) For purposes of computing the aid grant
7 under Chapter 2 (commencing with Section 11200), a
8 county shall deduct valid business-related expenses from
9 business income calculated in determining eligibility for
10 aid under Chapter 2 (commencing with Section 11200),
11 provided that the expenses were incurred within 12
12 months of the month the income was earned.

13 (b) The following shall be considered allowable
14 business expenses for the purpose of computing the aid
15 grant under Chapter 2 (commencing with Section
16 11200):

17 (1) The purchase cost of inventory items, including
18 raw materials, when the manufactured item is sold or
19 when the inventory items are purchased.

20 (2) Transportation costs, computed on a per-mile or
21 actual cost basis. Allowable transportation expenses shall
22 include those expenses necessary to conduct business.

23 (3) The purchase price of capital equipment up to
24 three thousand dollars (\$3,000).

25 (4) Principal payments on any business loan necessary
26 to purchase equipment, inventory, or services required to
27 conduct the self-employed person's business.

28 (5) Expenses related to securing housing.

29 (c) (1) The department shall seek all appropriate
30 federal waivers for the implementation of this section. If
31 federal financial participation is jeopardized by any of the
32 provisions of this section, that provision shall not be
33 implemented.

34 (2) The department shall implement this section
35 commencing on the date the Director of Social Services
36 executes a declaration, that shall be retained by the
37 director, stating that the administrative actions required
38 by paragraph (1) as a condition of implementation of
39 subdivision (a) have been taken and the waiver has been



1 granted by the United States Secretary of Health and
2 Human Services.

3 ~~SEC. 35.—~~

4 *SEC. 6.* Section 11155.4 is added to the Welfare and
5 Institutions Code, to read:

6 11155.4. The state shall provide workers'
7 compensation benefits for every individual employed in
8 a county welfare-to-work program as a condition of
9 eligibility for benefits under the Aid to Families with
10 Dependent Children program or any successor program,
11 food stamps, or the State General Assistance Program.

12 ~~SEC. 36.—~~

13 *SEC. 7.* Section 11268.5 is added to the Welfare and
14 Institutions Code, to read:

15 11268.5. (a) As a condition of eligibility under this
16 chapter, each county shall require an applicant for, or
17 recipient of, benefits who has a prior felony conviction for
18 possession or use of a controlled substance to do both of
19 the following:

20 (1) Certify that he or she is drug free.

21 (2) Provide verification of successful completion of a
22 drug treatment program or current participation in such
23 a program.

24 (b) A county may submit a request to the department
25 for reimbursement of costs incurred pursuant to
26 subdivision (a).

27 ~~SEC. 37.—~~

28 *SEC. 8.* Section 11274 of the Welfare and Institutions
29 Code is amended to read:

30 11274. (a) Notwithstanding Section 11271, for
31 purposes of this section, the following definitions shall
32 apply:

33 (1) "AFDC" benefits means benefits paid pursuant to
34 subdivision (a) of Section 11450.

35 (2) "Recipient" means a recipient of aid pursuant to
36 subdivision (a) of Section 11450.

37 (3) "Restricted payment" means payment of AFDC
38 benefits in the form of any of the following:

39 (A) A vendor payment to any or all of the following
40 providers:



1 (i) A provider of shelter.

2 (ii) A provider of utilities.

3 (iii) A provider of services to meet the needs of
4 children.

5 (B) A two-party payment for rent or utilities, or both.

6 (4) “Two-party payment” means a check that is drawn
7 jointly to the order of the recipient and the service
8 provider and is negotiable only upon the endorsement of
9 both parties.

10 (5) “Vendor payment” means a voucher or check
11 drawn to the order of the service provider.

12 (6) “Sanction” means an action taken against a
13 recipient for failure to cooperate with paternity
14 determinations, establishment of support orders, or
15 personal responsibility contracts.

16 (b) A county may, at its option, provide restricted
17 payments for aid on behalf of a recipient to the provider
18 of shelter, utilities, or services to meet the needs of
19 children, if the county determines any of the following:

20 (1) The recipient has demonstrated an inability to
21 manage funds so that payments to the relative have not
22 been or are not currently used in the best interest of the
23 child. A recipient shall be presumed to have mismanaged
24 funds when he or she has previously failed to pay rent
25 within the past 12 months, unless the failure was due to
26 a significant rent increase, a reasonable exercise of a
27 tenant’s right to withhold rent for repair and deduct, or
28 domestic violence by a spouse, partner, or roommate.

29 (2) The adult recipient in the assistance unit becomes
30 ineligible for assistance as the result of a durational limit
31 on assistance or a sanction.

32 (3) The recipient voluntarily requests the restricted
33 payment.

34 (c) If the county, at its option, elects to establish a
35 program to provide restricted payments, the county shall
36 do all of the following:

37 (1) Provide restricted payments on behalf of
38 recipients who request them, in addition to making
39 involuntary restricted payments to those persons to
40 whom subdivision (b) applies.



1 (2) Continue voluntary restricted payments for not
2 less than three months, unless the county determines that
3 exceptional circumstances exist that require that the
4 restricted payments be ended earlier.

5 (3) If a recipient notifies the county at least two weeks
6 prior to the issuance of the next regular rental payment
7 that he or she wishes to exercise his or her right to
8 withhold rent due to untenable conditions, issue a
9 two-party check to the recipient requiring endorsement
10 of both the landlord and the recipient.

11 (4) If a recipient notifies the county at least two weeks
12 prior to the issuance of the next regular rental payment
13 that he or she wishes to exercise his or her right to repair
14 and deduct the money pursuant to Section 1942 of the
15 Civil Code, and the amount the tenant wishes to deduct,
16 deduct that amount from the restricted payment to the
17 landlord and add the amount to the recipient's grant
18 check.

19 (5) If a recipient notifies the county at least two weeks
20 prior to the issuance of the next regular rental payment
21 that he or she intends to move, provide the next regular
22 rental payment to the new landlord. If the recipient
23 indicates his or her intent to move but does not provide
24 the name and address of the new landlord, the county
25 shall terminate restricted payments for rent until the
26 name and address of a new landlord is provided.

27 (d) A county may disclose information relating to the
28 status of a rental payment to a landlord who accepts a
29 restricted payment.

30 (e) Counties may provide restricted payments for rent
31 under this section retroactively or prospectively.

32 (f) (1) In no case is a landlord entitled to payment
33 under this section for days that the recipient was not
34 residing at the landlord's property.

35 (2) If a landlord does receive a restricted payment
36 pursuant to this section for days that the recipient did not
37 reside at the landlord's property, the landlord shall remit
38 to the county welfare department an amount that
39 represents the overpaid rent.



1 (3) The county may not assess an overpayment against
2 a recipient for payments made to a landlord for periods
3 in which the recipient was not residing at that location.

4 (4) A landlord may not base an eviction or late fee
5 upon failure to receive rent due to county administrative
6 error.

7 (5) If the notice from the recipient is given less than
8 two weeks prior to a move, the county shall pay the new
9 landlord as soon as practicable.

10 (6) Nothing in this subdivision shall be construed to
11 prevent a landlord accepting restricted payments from
12 pursuing existing remedies against a tenant or former
13 tenant for money that may be owed by the tenant to the
14 landlord.

15 (g) Restricted payments shall expire after a period of
16 12 months, unless the recipient requests a continuation of
17 that period or the county finds that the recipient
18 continues to experience money management problems.
19 The county shall provide timely notification to the
20 recipient of the termination of the restricted payment.

21 (h) When restricted payments are provided on behalf
22 of a recipient, the county welfare department shall do all
23 of the following:

24 (1) Either of the following:

25 (A) Mail or deliver the voucher or check to the
26 recipient for delivery to the service provider.

27 (B) Mail or deliver the voucher or check directly to
28 the service provider.

29 (2) Provide timely notification to the recipient that
30 the restricted payment has been made.

31 (3) Refer the family to appropriate money
32 management services, where those services exist.

33 (i) If the restricted payment involves a third party, the
34 third-party payee shall be an individual or organization
35 interested in, or concerned with, the recipient's welfare,
36 and shall not include any employees of the county welfare
37 department or parties who are vendors who stand to gain
38 financially from doing commercial business with the
39 recipient. To the extent possible, the selection of a



1 third-party payee shall be made by the recipient, or with
2 his or her participation and consent.

3 (j) Any landlord who accepts a restricted payment of
4 AFDC benefits shall not require his or her tenant to pay
5 the last month's rent in advance or retain any portion of
6 the tenant's security deposit as rent owing.

7 (k) (1) Nothing in this section shall be construed to
8 prevent a landlord who accepts a restricted payment of
9 rent pursuant to this section from charging a cleaning or
10 damage deposit, or a deposit for both cleaning and
11 damage, in an amount that does not exceed an amount
12 equal to rent for one month.

13 (2) Nothing in this section shall be construed to limit
14 the rights of tenants provided under Section 1942 of the
15 Civil Code.

16 (l) (1) The department shall seek all appropriate
17 federal waivers for the implementation of this section.

18 (2) The department shall implement this section
19 commencing on the date the Director of Social Services
20 executes a declaration, that shall be retained by the
21 director, stating that the administrative actions required
22 by paragraph (1) as a condition of implementation of
23 subdivisions (a) to (i), inclusive, have been taken by the
24 director and the waivers have been obtained from the
25 United States Secretary of Health and Human Services.

26 ~~SEC. 38.—~~

27 *SEC. 9.* Section 11320.3 of the Welfare and Institutions
28 Code is amended to read:

29 11320.3. (a) Except as provided in subdivision (b),
30 every individual, as a condition of eligibility for aid under
31 this chapter or Part 5.5 (commencing with Section
32 17550), shall register for participation under this article.

33 (b) The following individuals shall not be required to
34 register:

35 (1) An individual under 16 years of age, except as
36 provided in subdivision (b) of Section 11331.5, during the
37 time that provision is operative.

38 (2) Except as provided in subdivision (b) of Section
39 11331.5, during the time that provision is operative, a
40 child attending an elementary, secondary, vocational, or



1 technical school on a full-time basis. A person who is 16 or
2 17 years of age, or a person described in subdivision (d)
3 who loses this exemption, shall not requalify for the
4 exemption by attending school as a required activity
5 under this article. For purposes of this paragraph, school
6 shall not include postsecondary education.

7 (3) An individual who is ill, incapacitated, or of
8 advanced age.

9 (4) Except as provided in subdivision (b) of Section
10 11331.5, during the time that provision is operative, an
11 individual so remote from a program activity that his or
12 her effective participation is precluded.

13 (5) Except as provided in subdivision (b) of Section
14 11331.5, during the time that provision is operative, an
15 individual whose presence in the home is required
16 because of illness or incapacity of another member of the
17 household.

18 (6) Except as provided in subdivision (b) of Section
19 11331.5, during the time that provision is operative, a
20 parent or other relative who meets the criteria in
21 subparagraph (A) or (B).

22 (A) The parent or other relative has primary
23 responsibility for personally providing care to a child
24 under the age of three years. An individual may be
25 exempt only once for this reason during a period of
26 continuous eligibility for aid under this chapter. An
27 individual who has primary responsibility for personally
28 providing care to a child under three years of age, and
29 who has previously received this exemption, shall be
30 exempt for a period of four months, upon the birth or
31 adoption of a child. For purposes of this subparagraph, a
32 “period of continuous eligibility” ends only after a break
33 in eligibility for aid of six consecutive calendar months or
34 more. An individual meeting this criterion who
35 volunteers to register may not be required to participate
36 unless it is guaranteed that child care will be provided and
37 participation will not be required for more than 20 hours
38 per week.

39 (B) The parent or other relative has primary
40 responsibility for personally providing care to a child



1 aged three to five years, inclusive, unless it is guaranteed
2 that child care will be provided and, subject to
3 subparagraph (D), participation will not be required for
4 more than 20 hours per week.

5 (C) In a family eligible for aid under this chapter due
6 to the unemployment of the principal wage earner, the
7 exemption criteria contained in subparagraph (A) or (B)
8 shall be applied to only one parent.

9 (D) (i) The department shall seek a federal waiver of
10 the 20-hour weekly participation limit specified in
11 subparagraph (B).

12 (ii) The waiver sought pursuant to clause (i) may be
13 implemented only if the director executes a declaration,
14 which shall be retained by the director, specifying that
15 federal approval for the waiver of the 20-hour weekly
16 participation limit has been obtained, and only for the
17 duration of that approval.

18 (7) Except as provided in subdivision (b) of Section
19 11331.5, during the time that provision is operative, a
20 woman who is pregnant for whom it has been medically
21 verified that the anticipated delivery date is during the
22 month of required participation or is within the six-month
23 period immediately following the month of required
24 participation.

25 (8) Except as provided in subdivision (b) of Section
26 11331.5, during the time that provision is operative, an
27 individual who is earning at least the state or federal
28 minimum wage, whichever is higher, for working not less
29 than 30 hours per week in unsubsidized employment that
30 is expected to last a minimum of 30 days. The minimum
31 wage requirement shall apply to the net earnings of
32 self-employed individuals, and it shall not apply during
33 the first six months of self-employment or employment
34 that is compensated by commission. This exemption shall
35 continue to apply if there is a temporary break in full-time
36 employment that is expected to last no longer than 10
37 working days.

38 (9) An individual who is a full-time volunteer serving
39 under the Volunteers in Service to America (VISTA)



1 program, pursuant to Title 1 of the federal Domestic
2 Volunteer Service Act of 1973 (P.L. 93-113).

3 (c) Any individual not required to register may choose
4 to register voluntarily under this article, and may
5 withdraw that registration at any time without loss of
6 eligibility for aid under this chapter, if his or her status has
7 not changed in a way that would require registration.

8 (d) (1) Notwithstanding subdivision (a), a custodial
9 parent who is under 20 years of age and who has not
10 earned a high school diploma or its equivalent, and who
11 is not exempt or whose only basis for exemption is
12 subparagraph (A) of paragraph (6) of subdivision (b),
13 shall be required to register solely for the purpose of
14 earning a high school diploma or its equivalent. During
15 the time that Article 3.5 (commencing with Section
16 11331) is operative, this subdivision shall only apply to a
17 custodial parent who is 19 years of age.

18 (2) Notwithstanding subparagraph (B) of paragraph
19 (6) of subdivision (b), full-time participation shall be
20 required of the parent.

21 (3) Section 11325.25 shall apply to a custodial parent
22 who is 18 or 19 years of age and who is required to
23 participate under this article. Any referral pursuant to an
24 evaluation that results in an assignment to any training or
25 work activity shall be subject to subparagraph (B) of
26 paragraph (6) of subdivision (b).

27 (4) Custodial mothers under 20 years of age who have
28 not earned a high school diploma or its equivalent shall be
29 exempted due to incapacity as provided in paragraph (3)
30 of subdivision (b) after the birth of the child for a period
31 of postpartum recovery as prescribed by a physician.

32 (e) Notwithstanding paragraph (1) of subdivision (d),
33 the county may determine that participation in education
34 activities for the purpose of earning a high school diploma
35 or equivalent is inappropriate for an 18 or 19 year old
36 custodial parent only if that parent is reassigned pursuant
37 to an evaluation under Section 11325.25, or, at appraisal
38 is already in an educational or vocational training
39 program that is approvable as a self-initiated program as
40 specified in Section 11325.23. If that determination is



1 made, the parent shall be allowed to continue
2 participation in the self-initiated program subject to
3 Section 11325.23. During the time that Article 3.5
4 (commencing with Section 11331) is operative, this
5 subdivision shall only apply to a custodial parent who is 19
6 years of age.

7 ~~SEC. 39.—~~

8 *SEC. 10.* Section 11320.6 of the Welfare and
9 Institutions Code is amended to read:

10 11320.6. (a) County welfare departments shall
11 administer this article in a manner consistent with this
12 chapter and regulations adopted by the department in
13 order to implement this chapter.

14 (b) Each county welfare department, with the
15 cooperation of community college districts, county offices
16 of education, and local private industry councils
17 established under Chapter 4 (commencing with Section
18 15030) of Division 8 of the Unemployment Insurance
19 Code, shall maintain with the department a county plan
20 that describes a package of services to be provided to
21 participants receiving services under this article, and that
22 reflects available resources and local job market needs. A
23 joint plan may be maintained by two or more consenting
24 counties.

25 (c) Each county may design its case plan in a manner
26 that best meets the county's local needs and conditions.

27 (d) Each county plan shall include a participant and
28 labor market needs assessment that shall specify all of the
29 following:

30 (1) The full employment goal of the plan, which shall
31 be the provision of unsubsidized employment for all
32 county registrants subject to this article.

33 (2) An assessment of the county's current and
34 projected unsubsidized employment needs.

35 (3) An inventory of services, including those specified
36 in Section 11322.6, available to county residents.

37 (4) The amount and kind of services required to meet
38 the full employment goal for all registrants.

39 (5) The amount and kind of services that will be used
40 in the plan year.



1 (6) An assessment of what services are currently
2 unavailable and needed, including child care services, to
3 meet the full employment goal and a plan for developing
4 the availability of these services within a reasonable
5 period of time, including a proposed program budget.

6 (e) (1) Each county plan shall specify the county's
7 annual performance objectives, including goals for the
8 achievement of outcomes as required by the department.
9 A county that fails to meet these goals shall submit to the
10 department for approval, as part of the plan update,
11 proposed changes in program operation that will enable
12 the county to meet its performance objectives.

13 (2) The county plan for the first fiscal year following
14 the effective date of this paragraph shall include the
15 county's goals for the number of job placements, grant
16 reductions, and terminations that reflect increased
17 income from employment. Counties shall also report
18 information regarding the number of licenses,
19 certificates, and degrees obtained by participants, and
20 the number of participants obtaining employment as a
21 result thereof. By June 30, 1996, the department shall
22 develop additional performance objectives based on
23 outcome measures that include, but are not limited to,
24 recidivism, job retention, wage and benefit levels, and the
25 time base of job placements.

26 (f) If services are not available in the county, the
27 county plan may include provisions for the purchase of
28 services from other counties.

29 (g) The department shall develop regulations for the
30 revision and update of the county plan.

31 (h) Any county in which there is an Indian tribe which
32 operates a job opportunities and basic skills training
33 program approved by the federal Department of Health
34 and Human Services under the federal Family Support
35 Act of 1988 (P.L. 100-485) shall do all of the following:

36 (1) (A) Provide the tribe or tribes with information
37 on adult tribal AFDC recipients needed to determine the
38 eligible tribal population and to define the designated
39 service area.



1 (B) The confidentiality standards of Chapter 5
2 (commencing with Section 10850) shall apply to this
3 paragraph.

4 (2) Determine the eligibility of tribal members for
5 AFDC in accordance with Chapter 2 (commencing with
6 Section 11250).

7 (3) Refer all AFDC applicants and recipients who are
8 tribal members to the tribe's education, training, and
9 work program.

10 (4) Impose financial sanctions in accordance with
11 Section 11327.5.

12 (5) Provide child care referrals and payments,
13 including transitional child care, in accordance with
14 Chapter 2 (commencing with Section 11250).

15 (6) Enter into any agreements necessary to carry out
16 the activities specified in this subdivision.

17 ~~SEC. 40.—~~

18 *SEC. 11.* Section 11321.6 of the Welfare and
19 Institutions Code is amended to read:

20 11321.6. (a) A county plan may provide that the
21 program provided for in this article shall apply to
22 refugees receiving Refugee Cash Assistance.

23 (b) The county shall maintain separate accounting
24 records of expenditures related to applicants for, and
25 recipients of, aid under this chapter, and for the
26 individuals to whom the program applies pursuant to
27 subdivision (a). If a county elects to apply the program
28 provided for in this article to refugees receiving Refugee
29 Cash Assistance or to refugee recipients of aid under Part
30 5 (commencing with Section 17000), costs of applying the
31 program shall be funded from the county's federal social
32 services and targeted assistance allocation as provided for
33 under Chapter 5.5 (commencing with Section 13275).

34 (c) If, pursuant to subdivision (a), a county elects to
35 apply the program provided for in this article to refugees,
36 these individuals shall have the same rights, duties, and
37 responsibilities that a participant has who is an applicant
38 for, or a recipient of, aid under this chapter.

39 ~~SEC. 41.—~~



1 SEC. 12. Section 11322.8 of the Welfare and
2 Institutions Code is amended to read:

3 11322.8. As provided in the contract entered into
4 between the county welfare department and the
5 participant pursuant to this article, training and
6 education services include, but are not limited to, all of
7 the following:

8 (a) Job training, which shall include, but is not limited
9 to, training in employer-specific job skills in a classroom
10 or onsite setting, including training provided by local
11 private industry council programs and community
12 colleges.

13 (1) Payments to an employer for on-the-job training
14 shall not exceed an average of 50 percent of the wages
15 paid by the employer to the participant during the period
16 of on-the-job training.

17 (2) A participant in on-the-job training shall be
18 compensated by the employer at the same rates,
19 including benefits and periodic increases as similarly
20 situated employees or trainees, but not less than the
21 higher of federal or state minimum wages.

22 (b) (1) Preemployment preparation, which shall
23 include work for a public or nonprofit agency that shall
24 help to provide basic job skills; enhance existing job skills
25 in a position related to a participant's experience, training
26 or education; or provide a needed community service. A
27 preemployment preparation assignment shall not exceed
28 12 months.

29 (2) The participant shall continue to seek employment
30 during the preemployment preparation assignment and
31 may request job search services as described in Section
32 11322.6 subject to the limits specified in subdivision (f) of
33 Section 11322.6.

34 (3) Except for persons subject to paragraph (4), the
35 number of hours a person participates in a
36 preemployment preparation program shall be
37 determined by dividing his or her aid grant under this
38 chapter, less any child support paid to the county, by the
39 average hourly wage for all job openings received by the
40 Employment Development Department. The average



1 hourly wage shall be updated annually every July 1. No
2 preemployment preparation assignment shall exceed 32
3 hours per week.

4 (4) If a person participates in a preemployment
5 preparation assignment for nine months, the number of
6 hours that person is required to participate shall be
7 recomputed by the county welfare department.
8 Beginning in the 10th month, the number of hours of
9 preemployment preparation shall be determined by
10 dividing a person's aid grant under this chapter, less any
11 child support paid to the county, by the prevailing rate of
12 pay for the same or similar job at the site to which the
13 person is assigned. In no case shall the prevailing rate of
14 pay fall below the average hourly wage for job openings
15 received by the Employment Development
16 Department, as provided in paragraph (3). No
17 preemployment preparation assignment shall exceed 32
18 hours per week.

19 (5) The county shall review the assignment after six
20 months and make revisions as necessary to ensure that it
21 continues to be consistent with the participant's contract
22 and effective in preparing the participant to attain his or
23 her employment goal.

24 (6) (A) If provided in a county plan approved
25 pursuant to Sections 11321 and 11321.2, and to the extent
26 federal financial participation is available for this
27 purpose, the county may reimburse employers for the
28 costs of supervising participants in preemployment
29 preparation assignments.

30 (B) The cost to reimburse employers for supervision
31 shall not exceed 10 percent of the total costs for
32 preemployment preparation activities, including county,
33 contract, or interagency agreement costs.

34 (C) The department shall seek a waiver from the
35 United States Department of Health and Human Services
36 to obtain approval and federal financial participation for
37 purposes of this paragraph.

38 (D) This paragraph shall only be operative for the
39 duration of the waiver, as specified in the declaration that



1 federal approval for the waiver has been obtained, which
2 the director shall execute and retain.

3 (c) (1) Adult basic education, which shall include
4 reading, writing, arithmetic, high school proficiency or
5 general education development certificate instruction,
6 and English-as-a-second-language, including vocational
7 English-as-a-second-language, to the extent necessary to
8 attain the participant's employment goal. Vocational
9 English-as-a-second-language shall be intensive
10 instruction in English for non-English-speaking
11 participants, coordinated with specific job training.

12 (2) Participants who need adult basic education for job
13 training or employment shall be referred to appropriate
14 service providers that include, but are not limited to,
15 educational programs operated by school districts or
16 county offices of education that have contracted with the
17 Superintendent of Public Instruction to provide services
18 to participants pursuant to Section 33117.5 of the
19 Education Code.

20 (d) College and community college education, when
21 that education provides employment skills training that
22 can reasonably be expected to lead to employment.

23 (e) Grant diversion, which means public or private
24 sector employment or on-the-job training at comparable
25 wage rates, in which the recipient's cash grant, or a
26 portion thereof, or the welfare grant savings from
27 employment, is diverted to the employer as a wage
28 subsidy, subsequent to the payment of wages to the
29 participant.

30 (f) Supported work or transitional employment,
31 which mean forms of grant diversion in which the
32 recipient's cash grant, or a portion thereof, or the welfare
33 grant savings from employment, is diverted to an
34 intermediary service provider, subsequent to the
35 payment of wages to the participant.

36 (g) Grant diversion, supported work, and transitional
37 employment projects shall be administered so that:

38 (1) The recipient shall not receive less disposable
39 income than if he or she had not participated in the
40 project. "Disposable income" means the income



1 available to the recipient by adding the aid payment
2 acquired pursuant to this chapter and earnings from the
3 grant diversion project and subtracting the allowable
4 employment related expenses.

5 (2) The grant, a portion of the grant, or the estimated
6 savings due to the earnings from a grant diversion project
7 may be diverted into a special fund created by the county
8 welfare department for this purpose. An employer may
9 be reimbursed from the special fund pursuant to a
10 contract developed by the county welfare department or
11 the service delivery area with the employer.

12 (3) The county shall obtain agreements with
13 employers that participants will be employed upon
14 successful completion of the grant diversion, supported
15 work, or transitional employment period in any related
16 job openings, subject to the following provisions:

17 (A) Employers shall not discriminate against
18 participants on the basis of race, sex, national origin, age,
19 or disability.

20 (B) Except as provided in subdivisions (c) and (d) of
21 Section 11327.5, there shall be no interruption in receipt
22 of income, whether wages from the employer or aid
23 payments by the department, caused by an employer's
24 conduct.

25 (4) No grant diversion, supported work, or transitional
26 employment program shall be implemented under this
27 article until a plan for such a program is approved by the
28 department. No plan for grant diversion, supported work,
29 or transitional employment programs shall be approved
30 if the plan would jeopardize federal financial
31 participation. Standards established by the department
32 for purposes of these programs shall not preclude a
33 significant portion of recipients from participation.

34 (5) A plan submitted under paragraph (4) shall
35 include provisions for immediate reissuance to the
36 recipient of any grant or portion of a grant paid to an
37 employer or intermediary, which has been lost due to
38 fraud, malfeasance, or theft on the part of the employer
39 or intermediary. This plan shall also include provisions for
40 reissuance to the recipient of any grant or portion of a



1 grant paid to an employer or intermediary, when the
2 recipient is determined to have had good cause for
3 declining to participate pursuant to Section 11328. In the
4 event that funds are lost due to fraud, malfeasance, or
5 theft by an employer, the county shall initiate an action
6 to recover from the employer or intermediary any of
7 those funds.

8 (6) To the extent required by federal law, a participant
9 may not be assigned to fill any established unfilled
10 position as part of a grant diversion, supported work, or
11 transitional employment program.

12 (h) Community service employment.

13 ~~SEC. 42. Section 11323.2 of the Welfare and~~
14 ~~Institutions Code is amended to read:~~

15 ~~11323.2. (a) Necessary supportive services shall be~~
16 ~~available to every participant in order to participate in~~
17 ~~the program activity to which he or she is assigned or to~~
18 ~~accept employment, except as otherwise provided in~~
19 ~~Section 11500. As provided in the contract entered into~~
20 ~~between the county and participant pursuant to this~~
21 ~~article, supportive services may include all of the~~
22 ~~following:~~

23 ~~(1) Child care. Every participant with a dependent~~
24 ~~child in the assistance unit shall be eligible for paid child~~
25 ~~care. A child in foster care receiving benefits under Title~~
26 ~~IV-E of the federal Social Security Act (42 U.S.C.A. Sec.~~
27 ~~670 et seq.) or a child who would become a dependent~~
28 ~~child except for the receipt of federal Supplemental~~
29 ~~Security Income benefits pursuant to Title XVI of the~~
30 ~~federal Social Security Act (42 U.S.C.A. Sec. 1381 et seq.)~~
31 ~~shall be deemed to be a dependent child for the purposes~~
32 ~~of this paragraph. The Legislature finds and declares that~~
33 ~~all low income families working or seeking work should~~
34 ~~be eligible for subsidized child care and development~~
35 ~~services.~~

36 ~~(2) Transportation costs, which shall be governed by~~
37 ~~regional market rates as determined in accordance with~~
38 ~~regulations established by the department.~~

39 ~~(3) Ancillary expenses, which shall include the cost of~~
40 ~~books, tools, clothing, fees, and other necessary costs.~~



1 ~~(4) Personal counseling. A participant who has~~
2 ~~personal or family problems that would affect the~~
3 ~~outcome of the employment plan entered into pursuant~~
4 ~~to this article shall, to the extent available, receive~~
5 ~~necessary counseling or therapy to help him or her and~~
6 ~~his or her family adjust to his or her job or training~~
7 ~~assignment.~~

8 ~~(b) (1) If provided in a county plan approved~~
9 ~~pursuant to Sections 11321 and 11321.2, and to the extent~~
10 ~~federal financial participation for purposes of this~~
11 ~~subdivision is available, the county may continue to~~
12 ~~provide case management and supportive services under~~
13 ~~this section to former participants who become subject to~~
14 ~~paragraph (8) of subdivision (b) of Section 11320.3. The~~
15 ~~county may provide these services for up to the first 90~~
16 ~~days of employment to the extent they are not available~~
17 ~~from other sources and are needed for the individual to~~
18 ~~retain the employment.~~

19 ~~(2) The county shall not continue to apply this option~~
20 ~~if the number of participants it is able to serve decreases~~
21 ~~by 10 percent or more in any year after the option is~~
22 ~~implemented.~~

23 ~~(3) The department shall seek any waiver from the~~
24 ~~United States Department of Health and Human Services~~
25 ~~that is necessary to obtain approval and federal financial~~
26 ~~participation for the services under this subdivision. If a~~
27 ~~waiver is necessary, this subdivision shall only be~~
28 ~~operative for the duration of the waiver, as specified in~~
29 ~~the declaration that federal approval for the waiver has~~
30 ~~been obtained, which the director shall execute and~~
31 ~~retain.~~

32 ~~SEC. 43. Section 11323.6 of the Welfare and~~
33 ~~Institutions Code is amended to read:~~

34 ~~11323.6. (a) The cost of child care services provided~~
35 ~~under this article shall be governed by regional market~~
36 ~~rates. Participants shall be allowed to choose legal child~~
37 ~~care and the cost of that child care shall be reimbursed by~~
38 ~~counties if the cost is within the regional market rate. For~~
39 ~~purposes of this section, “regional market rate” means~~



~~1 care costing no more than 1.5 market standard deviations
2 above the mean cost of care for that region.~~

~~3 (b) Reimbursement to child care providers shall not
4 exceed the fee charged to private clients for the same
5 service. Reimbursement shall be made at a rate lower
6 than that charged to private clients for the same service
7 if the child care program agrees to charge a lower fee.~~

~~8 (c) Reimbursement shall be made on a per month, per
9 week, per day, or per hour basis depending upon the basis
10 used to charge private clients for the same service.~~

~~11 (d) (1) For purposes of this article, regional market
12 rates shall be determined in accordance with resource
13 and referral programs provided for under Article 2
14 (commencing with Section 8210) of Chapter 2 of Part 6
15 of the Education Code, and the Alternative Payment
16 Program provided for under Article 3 (commencing with
17 Section 8220) of Chapter 2 of Part 6 of the Education
18 Code. Participant plans shall include immediate referrals
19 to local resource and referral agencies, as appropriate.~~

~~20 (2) Counties shall not be bound by the child care rate
21 limits described in subdivision (a) when the care is
22 provided in a region where there are no more than two
23 child care providers of the type needed by the
24 participant.~~

~~25 (e) (1) Child care by family members shall be
26 encouraged, but the choice between licensed or exempt
27 child care arrangements shall be made by the recipient.~~

~~28 (2) Reimbursement shall not be made for child care
29 services when care is provided by parents, legal
30 guardians, or members of the assistance unit, including,
31 but not limited to, essential persons.~~

~~32 (f) A child care provider located on an Indian
33 reservation and exempted from state licensing
34 requirements shall meet the conditions specified in
35 Section 11324 and applicable tribal standards.~~

~~36 (g) The Superintendent of Public Instruction, in
37 conjunction with the department, shall establish a sliding
38 fee schedule for families that shall be based on income,
39 and indexed by region per child and pursuant to which
40 there shall be a copayment for a child being provided~~



1 ~~services by Child Protective Services who is residing with~~
2 ~~his or her parents.~~

3 ~~SEC. 44. Section 11323.8 of the Welfare and~~
4 ~~Institutions Code is amended to read:~~

5 ~~11323.8. (a) Each county may contract with public~~
6 ~~and private child care programs to provide any or all of~~
7 ~~the services specified in this section.~~

8 ~~(b) If the county elects to contract with any child care~~
9 ~~provider which is also under contract with the State~~
10 ~~Department of Education, these contracts shall be~~
11 ~~consistent with, and shall not supersede, all of the~~
12 ~~following:~~

13 ~~(1) Chapter 2 (commencing with Section 8200) of Part~~
14 ~~6 of the Education Code.~~

15 ~~(2) Applicable provisions of Title 5 and Title 22 of the~~
16 ~~California Code of Regulations.~~

17 ~~(3) Applicable State Department of Education~~
18 ~~contract provisions.~~

19 ~~(c) In order to provide maximum choice to parents,~~
20 ~~and to ensure the availability of child care, each county~~
21 ~~shall do all of the following:~~

22 ~~(1) Assist participants to locate child care during and~~
23 ~~after participation under this article.~~

24 ~~(2) Allow and promote parent choice by providing~~
25 ~~flexibility in child care arrangements and establishing~~
26 ~~payment arrangements, as necessary, to meet the cost of~~
27 ~~licensed or exempt child care settings.~~

28 ~~(3) Assist in the development of new child care~~
29 ~~capacity, where needed.~~

30 ~~(4) Provide for the continuity of child care during the~~
31 ~~participant's postprogram transition period consistent~~
32 ~~with Section 11500.~~

33 ~~(5) Provide services to meet the child care needs of all~~
34 ~~dependent children in the participant's family, pursuant~~
35 ~~to subdivision (a) of Section 11323.2.~~

36 ~~(6) Provide child care to participants whose program~~
37 ~~demand flexible hours of care including evening,~~
38 ~~weekends, and split shifts.~~

39 ~~(7) To the extent possible provide for transportation of~~
40 ~~children from school to care, if reasonable and necessary.~~



1 ~~(d) Resource and referral programs, as specified in~~
2 ~~subdivision (d) of Section 11323.6, shall assist the county~~
3 ~~welfare departments to determine the child care needs~~
4 ~~of program participants, provide them with a listing of~~
5 ~~available child care services in the service area, and~~
6 ~~facilitate the efforts of county welfare departments,~~
7 ~~school districts, local child care providers and parent~~
8 ~~groups for the expansion of child care services.~~

9 ~~SEC. 45. Section 11324 of the Welfare and Institutions~~
10 ~~Code is amended to read:~~

11 ~~11324. (a) If the county or a contractor pays for child~~
12 ~~care services which are exempt from licensure, all of the~~
13 ~~following information about the care giver shall be on file~~
14 ~~with the county or the contractor and shall be made~~
15 ~~available to the participant:~~

16 ~~(1) The name and address of the care provider.~~

17 ~~(2) The address where care is to be provided.~~

18 ~~(3) The hours care is to be provided and the charge for~~
19 ~~this care.~~

20 ~~(4) The names, addresses, and telephone numbers of~~
21 ~~two character references.~~

22 ~~(5) A copy of a valid California driver's license or other~~
23 ~~identification to establish that the care giver is at least 18~~
24 ~~years old.~~

25 ~~(6) A statement from the care giver as to his or her~~
26 ~~health education, experience or other qualification,~~
27 ~~criminal record, and names and ages of other persons in~~
28 ~~the home or providing care.~~

29 ~~(b) To the extent permitted by federal law, the county~~
30 ~~shall deny payment, or cause the contractor to deny~~
31 ~~payment, for child care services which are exempt from~~
32 ~~licensure if either of the following apply:~~

33 ~~(1) The provider has been convicted of a violent~~
34 ~~felony, as defined in subdivision (e) of Section 667.5 of the~~
35 ~~Penal Code.~~

36 ~~(2) The provider has been convicted of child abuse.~~

37 ~~(d) If the child care provider selected by the~~
38 ~~participant is denied payment, the participant may have~~
39 ~~good cause for not participating as specified in subdivision~~
40 ~~(i) of Section 11328.~~



1 ~~SEC. 46.—~~

2 *SEC. 13.* Section 11325.26 is added to the Welfare and
3 Institutions Code, to read:

4 11325.26. (a) If an individual not exempt from
5 participation under Section 11320.3 is unable to find
6 unsubsidized employment after participating under this
7 article for a period of 24 months, the recipient shall
8 participate in a combination of subsidized employment
9 and job search services, so that the participant is
10 participating a total of ~~40~~ 30 hours per week, except that
11 this 24-month period may be extended by the county for
12 an additional six months if it is determined that the
13 extension is likely to enable the recipient to obtain
14 unsubsidized employment.

15 (b) For purposes of this section, “subsidized
16 employment” means job training services, grant
17 diversion, preemployment preparation, supported work,
18 transitional employment, community service work,
19 public sector employment, and work in sheltered
20 workshops.

21 ~~SEC. 47. Section 11450.019 of the Welfare and
22 Institutions Code is repealed.~~

23 ~~SEC. 48. Section 11450.019 is added to the Welfare and
24 Institutions Code, to read:~~

25 ~~11450.019. In addition to the regional grant
26 differentials provided for in this chapter, the department
27 shall provide for an aid grant adjustment pursuant to this
28 chapter based on the cost of shelter throughout the state.~~

29 ~~SEC. 49. Section 11450.6 of the Welfare and
30 Institutions Code is repealed.~~

31 ~~SEC. 50. Section 11451.6 of the Welfare and
32 Institutions Code is repealed.~~

33 ~~SEC. 51. Section 11451.7 of the Welfare and
34 Institutions Code is repealed.~~

35 ~~SEC. 52.—~~

36 *SEC. 14.* Section 11479.1 is added to the Welfare and
37 Institutions Code, to read:

38 11479.1. (a) The Legislature finds and declares that
39 both parents must work to support their children, and
40 engage in activities to increase their employability.



1 (b) It is the intent of the Legislature to fund additional
2 job search slots for noncustodial parents from additional
3 child support collections produced by the requirements
4 of subdivision (c).

5 (c) In establishing child support orders in cases where
6 noncustodial parents report little or no income available
7 for child support of children receiving aid under this
8 chapter, the child support order shall require these
9 noncustodial parents to participate in a county job search
10 program, if the county welfare director certifies that a job
11 search slot is available.

12 ~~SEC. 53. Section 11500 of the Welfare and Institutions~~
13 ~~Code is amended to read:~~

14 ~~11500. (a) The Legislature finds and declares that~~
15 ~~transitional child care is crucial for working families who~~
16 ~~are undergoing the difficult transition from welfare to~~
17 ~~work. The cost of child care is known to be one of the most~~
18 ~~formidable barriers to permanent independence for~~
19 ~~low-income families with young children. Without~~
20 ~~adequate child care, many low-income families will be~~
21 ~~unable to remain independent even after finding~~
22 ~~employment. Therefore, it is in the state's financial best~~
23 ~~interest to increase the probability that all low-income~~
24 ~~families receive access to subsidized child care and that~~
25 ~~disruptions of child care aid be minimized.~~

26 ~~(b) The Legislature finds and declares that all~~
27 ~~low-income families working or seeking work should be~~
28 ~~eligible for subsidized child care and development~~
29 ~~services.~~

30 ~~(c) If adequate funding is not provided for subsidized~~
31 ~~child care and development services, priority for services~~
32 ~~shall be as follows:~~

33 ~~(1) First priority for state and federally subsidized~~
34 ~~child care and development services shall be given to~~
35 ~~neglected or abused children who are recipients of child~~
36 ~~protective services.~~

37 ~~(2) Priority for the remaining families shall be~~
38 ~~determined by the local child care commission~~
39 ~~established pursuant to the Education Code. Eligible~~
40 ~~families include low-income families whose parents,~~



1 caretaker, or legal guardian are working or seeking work,
 2 teen parents, low income families whose parents,
 3 caretaker, or legal guardian are engaged in approved
 4 activities leading to employment, and families that are
 5 experiencing short-term crisis that is locally defined.

6 ~~SEC. 54.—~~

7 *SEC. 15.* Section 12305.6 is added to the Welfare and
 8 Institutions Code, to read:

9 12305.6. (a) Notwithstanding any other provision of
 10 law, any person specified in subdivision (b) shall be
 11 eligible for in-home supportive services under this
 12 chapter.

13 (b) Subdivision (a) shall apply to any person who
 14 meets all of the following requirements:

15 (1) He or she is not eligible for benefits under this
 16 chapter because of the provisions of federal Public Law
 17 104-193 affecting eligibility under Title XVI of the Social
 18 Security Act (Subchapter 19 (commencing with Section
 19 1396) of Chapter 7 of Title 42 of the United States Code).

20 (2) He or she would be eligible for benefits under this
 21 chapter but for the provisions of federal Public Law
 22 104-193 affecting eligibility under Title XVI of the Social
 23 Security Act.

24 (3) He or she continues to meet all other applicable
 25 eligibility and disability criteria for receiving benefits
 26 under this chapter.

27 ~~SEC. 55.—~~

28 *SEC. 16.* Article 7.5 (commencing with Section
 29 12330) is added to Chapter 3 of Part 3 of Division 9 of the
 30 Welfare and Institutions Code, to read:

31

32 Article 7.5. Citizenship Assistance to Needy Legal
 33 Immigrants

34

35 12330. The Legislature finds and declares all of the
 36 following:

37 (a) It is in the best interest of the state to help its legal
 38 immigrant residents in becoming United States citizens.

39 (b) The United States was founded by immigrants
 40 seeking a better life for themselves and their families.



1 (c) These new residents have enriched our state with
2 their labor, new ideas, inventions, and cultural traditions.

3 (d) Citizenship is the cornerstone of full participation
4 in our democracy.

5 (e) To become a United States citizen through
6 naturalization represents a pledge to undertake the
7 responsibilities of being a full member of our national
8 community.

9 (f) Naturalization is the best example of our nation's
10 legal immigration system at work.

11 (g) It reflects our society's recognition of those who
12 came to this country to work hard, play by the rules, and
13 pursue ideals of freedom, opportunity, and responsibility.

14 (h) Title IV of the federal Personal Responsibility and
15 Work Opportunity Reconciliation Act of 1996 (Public
16 Law 104-193), makes legal noncitizens, with limited
17 exceptions, ineligible for federal Supplemental Security
18 Income and State Supplementary Program for the Aged,
19 Blind, and Disabled (SSI/SSP) benefits and for food
20 stamp benefits.

21 (i) Legal noncitizens can regain eligibility for all
22 federally funded benefits by becoming naturalized
23 United States citizens.

24 (j) In California, it is estimated that nearly 250,000
25 aged, blind, and disabled noncitizens will lose SSI/SSP
26 benefits and an even greater number of other noncitizens
27 will lose food stamp benefits, unless they become United
28 States citizens.

29 (k) The loss of SSI/SSP and food stamp benefits will
30 endanger the health and well-being of indigent legal
31 noncitizens.

32 (l) Based on Congressional Budget Office estimates
33 that assume that naturalization rates will increase, the
34 new prohibition on SSI and food stamp benefits to legal
35 noncitizens will result in a total loss of approximately
36 \$7,000,000,000 in federal payments to noncitizens in
37 California over a six-year period.

38 (m) The loss of federal dollars to California of this
39 magnitude would have a detrimental effect upon
40 California's economy and state and local tax revenues.



1 (n) Legal noncitizens who are aged, blind, and
2 disabled are in special need of assistance in becoming
3 citizens.

4 12331. The department shall establish the California
5 Citizenship Assistance Program for the purpose of
6 providing outreach and assistance to needy legal
7 noncitizens in becoming United States citizens.

8 12332. (a) The department shall allocate funds to
9 counties for services authorized by this article.

10 (b) Each county may contract with other public or
11 private agencies for the administration of the program
12 and for the provision of services.

13 12333. Services for which funds may be used under
14 this article shall include, but not be limited to, all of the
15 following:

16 (a) Identification of needy noncitizens who are
17 potentially eligible for naturalization.

18 (b) Outreach to these noncitizens.

19 (c) Information and referral services.

20 (d) Training of noncitizenship assistance center staff.

21 (e) Coordination of countywide citizenship assistance
22 activities.

23 (f) Assistance to individuals in completing the
24 naturalization process.

25 (g) Administrative costs.

26 12334. Counties, local education agencies, and other
27 providers of citizenship training shall collaborate in
28 implementing this article.

29 12335. (a) There is hereby appropriated from the
30 General Fund the sum of ___ dollars (\$____) to
31 the department in order to implement this article during
32 the 1997–98 fiscal year.

33 (b) Funding for implementation of this article for
34 subsequent fiscal years shall be provided pursuant to the
35 annual Budget Act.

36 ~~SEC. 56.~~

37 *SEC. 17.* Chapter 5.05 (commencing with Section
38 12800) is added to Part 3 of Division 9 of the Welfare and
39 Institutions Code, to read:

40



1 CHAPTER 5.05. CASH ASSISTANCE FOR LEGAL IMMIGRANTS

2

3 12800. The Legislature finds and declares all of the
4 following:

5 (a) Title IV of the federal Personal Responsibility and
6 Work Opportunity Reconciliation Act of 1996 (Public
7 Law 104-193), makes legal noncitizens, with limited
8 exceptions, ineligible for federal Supplemental Security
9 Income and State Supplementary Program for the Aged,
10 Blind, and Disabled (SSI/SSP) benefits.

11 (b) The State Department of Social Services estimates
12 that roughly two-thirds of all noncitizen SSI/SSP
13 recipients who are subject to the new benefit prohibition
14 will become naturalized citizens, leaving approximately
15 87,000 legal noncitizens who will lose SSI/SSP benefits
16 during the 1997–98 fiscal year as a result of the enactment
17 of P.L. 104-193.

18 (c) According to estimates by the department, the loss
19 of SSP benefits by these noncitizens will result in
20 \$153,388,000 in General Fund savings in the 1997–98 fiscal
21 year.

22 (d) Immigration has enriched California, and it would
23 be a gross inequity to deny essential safety net services to
24 immigrants who lawfully entered our country and who
25 pay taxes and contribute to the state's economy.

26 (e) Few, if any, aged, blind, or disabled legal
27 noncitizens who lose SSI/SSP benefits can become
28 self-supporting through employment, so that the loss of
29 these benefits will endanger their basic subsistence and
30 health.

31 (f) The state should fund basic subsistence services to
32 aged, blind, or disabled legal noncitizens who have no
33 other financial means of support, and who have not yet
34 been able to become naturalized citizens.

35 12801. Any needy aged, blind, or disabled noncitizen
36 who would be eligible for benefits under Chapter 2
37 (commencing with Section 12000) of Part 3, except for
38 Title IV of Public Law 104-193, shall be eligible for a
39 state-only program of subsistence benefits, as provided
40 for in this chapter.



1 12802. The department shall administer this chapter,
2 except that the department shall seek to enter into a
3 contract with the federal Social Security Administration
4 to administer and make subsistence payments on behalf
5 of the state under this chapter.

6 12803. There is hereby appropriated from the
7 General Fund to the department, in each fiscal year, an
8 amount equal to 100 percent of the aid grant and
9 administrative costs incurred pursuant to this chapter.

10 ~~SEC. 57.~~

11 *SEC. 18.* Section 14132.95 of the Welfare and
12 Institutions Code is amended to read:

13 14132.95. (a) Personal care services, when provided
14 to a categorically needy person as defined in Section
15 14050.1 and any other category of person that would be
16 eligible for the full scope of Medi-Cal benefits without a
17 share of cost, or to any person for whom coverage would
18 be mandatory under Title XIX of the Social Security Act
19 (Subchapter 19 (commencing with Section 1396) of
20 Chapter 7 of Title 42 of the United States Code), but for
21 the provisions of Public Law 104-193 affecting eligibility
22 under Title XVI of the Social Security Act (Subchapter 16
23 (commencing with Section 1381) of Chapter 7 of Title 42
24 of the United States Code), is a covered benefit to the
25 extent federal financial participation is available if these
26 services are:

27 (1) Provided in the beneficiary's home and other
28 locations as may be authorized by the director subject to
29 federal approval.

30 (2) Authorized by county social services staff in
31 accordance with a plan of treatment.

32 (3) Provided by a qualified person.

33 (4) Provided to a beneficiary who has a chronic,
34 disabling condition that causes functional impairment
35 that is expected to last at least 12 consecutive months or
36 that is expected to result in death within 12 months and
37 who is unable to remain safely at home without the
38 services described in this section.

39 (b) The department shall seek federal approval of a
40 state plan amendment necessary to include personal care



1 as a medicaid service pursuant to subdivision (f) of
2 Section 440.170 of Title 42 of the Code of Federal
3 Regulations.

4 (c) Subdivision (a) shall not be implemented unless
5 the department has obtained federal approval of the state
6 plan amendment described in subdivision (b), and the
7 Department of Finance has determined, and has
8 informed the department in writing, that the
9 implementation of this section will not result in additional
10 costs to the state relative to state appropriation for
11 in-home supportive services under Article 7
12 (commencing with Section 12300) of Chapter 3, in the
13 1992–93 fiscal year.

14 (d) (1) For purposes of this section, personal care
15 services shall mean all of the following:

- 16 (A) Assistance with ambulation.
- 17 (B) Bathing, oral hygiene, and grooming.
- 18 (C) Dressing.
- 19 (D) Care and assistance with prosthetic devices.
- 20 (E) Bowel, bladder, and menstrual care.
- 21 (F) Skin care.
- 22 (G) Repositioning, range of motion exercises, and
23 transfers.
- 24 (H) Feeding and assurance of adequate fluid intake.
- 25 (I) Respiration.
- 26 (J) Paramedical services.
- 27 (K) Assistance with self-administration of
28 medications.

29 (2) Ancillary services including meal preparation and
30 cleanup, routine laundry, shopping for food and other
31 necessities, and domestic services may also be provided
32 as long as these ancillary services are subordinate to
33 personal care services. Ancillary services may not be
34 provided separately from the basic personal care services.

35 (e) (1) (A) After consulting with the State
36 Department of Social Services, the department shall
37 adopt emergency regulations to establish the amount,
38 scope, and duration of personal care services available to
39 persons described in subdivision (a) in the fiscal year
40 whenever the department determines that General



1 Fund expenditures for personal care services provided
2 under this section and expenditures of both General
3 Fund moneys and federal funds received under Title XX
4 of the federal Social Security Act for services pursuant to
5 Article 7 (commencing with Section 12300) of Chapter 3,
6 are expected to exceed the General Fund appropriation
7 and the federal appropriation under Title XX of the
8 federal Social Security Act provided for the 1992–93 fiscal
9 year pursuant to Article 7 (commencing with Section
10 12300) of Chapter 3, as it read on June 30, 1992, as adjusted
11 for caseload growth or as increased in the Budget Act or
12 appropriated by statute. At least 30 days prior to filing
13 these regulations with the Secretary of State, the
14 department shall give notice of the expected content of
15 these regulations to the fiscal committees of both houses
16 of the Legislature.

17 (B) In establishing the amount, scope, and duration of
18 personal care services, the department shall ensure that
19 General Fund expenditures for personal care services
20 provided for under this section and expenditures of both
21 General Fund moneys and federal funds received under
22 Title XX of the federal Social Security Act for services
23 pursuant to Article 7 (commencing with Section 12300)
24 of Chapter 3, do not exceed the General Fund
25 appropriation and the federal appropriation under Title
26 XX of the federal Social Security Act provided for the
27 1992–93 fiscal year pursuant to Article 7 (commencing
28 with Section 12300) of Chapter 3, as it read on June 30,
29 1992, as adjusted for caseload growth or as increased in the
30 Budget Act or appropriated by statute.

31 (C) For purposes of this subdivision, “caseload
32 growth” means an adjustment factor determined by the
33 department based on (1) growth in the number of
34 persons eligible for benefits under Chapter 3
35 (commencing with Section 12000) on the basis of their
36 disability, (2) the average increase in the number of
37 hours in the program established pursuant to Article 7
38 (commencing with Section 12300) of Chapter 3 in the
39 1988–89 to 1992–93 fiscal years, inclusive, due to the level
40 of impairment, and (3) any increase in program costs that



1 is required by an increase in the mandatory minimum
2 wage.

3 (2) In establishing the amount, scope, and duration of
4 personal care services pursuant to this subdivision, the
5 department may define and take into account, among
6 other things:

7 (A) The extent to which the particular personal care
8 services are essential or nonessential.

9 (B) Standards establishing the medical necessity of the
10 services to be provided.

11 (C) Utilization controls.

12 (D) A minimum number of hours of personal care
13 services that must first be assessed as needed as a
14 condition of receiving personal care services pursuant to
15 this section.

16 The level of personal care services shall be established
17 so as to avoid, to the extent feasible within budgetary
18 constraints, medical out-of-home placements.

19 (3) To the extent that General Fund expenditures for
20 services provided under this section and expenditures of
21 both General Fund moneys and federal funds received
22 under Title XX of the federal Social Security Act for
23 services pursuant to Article 7 (commencing with Section
24 12300) of Chapter 3 in the 1992–93 fiscal year, adjusted for
25 caseload growth, exceed General Fund expenditures for
26 services provided under this section and expenditures of
27 both General Fund moneys and federal funds received
28 under Title XX of the federal Social Security Act for
29 services pursuant to Article 7 (commencing with Section
30 12300) of Chapter 3 in any fiscal year, the excess of these
31 funds shall be expended for any purpose as directed in the
32 Budget Act or as otherwise statutorily disbursed by the
33 Legislature.

34 (f) Services pursuant to this section shall be rendered,
35 under the administrative direction of the State
36 Department of Social Services, in the manner authorized
37 in Article 7 (commencing with Section 12300) of Chapter
38 3, for the In-Home Supportive Services program. A
39 provider of personal care services shall be qualified to
40 provide the service and shall be a person other than a



1 member of the family. For purposes of this section, a
2 family member means a parent of a minor child or a
3 spouse.

4 (g) A beneficiary who is eligible for assistance under
5 this section shall receive services that do not exceed 283
6 hours per month of personal care services.

7 (h) Personal care services shall not be provided to
8 residents of facilities licensed by the department, and
9 shall not be provided to residents of a community care
10 facility or a residential care facility for the elderly licensed
11 by the Community Care Licensing Division of the State
12 Department of Social Services.

13 (i) Subject to any limitations that may be imposed
14 pursuant to subdivision (e), determination of need and
15 authorization for services shall be performed in
16 accordance with Article 7 (commencing with Section
17 12300) of Chapter 3.

18 (j) (1) To the extent permitted by federal law,
19 reimbursement rates for personal care services shall be
20 equal to the rates in each county for the same mode of
21 services in the In-Home Supportive Services program
22 pursuant to Article 7 (commencing with Section 12300)
23 of Chapter 3, plus any increase provided in the annual
24 Budget Act for personal care services rates or included in
25 a county budget pursuant to paragraph (2).

26 (2) (A) The department shall establish a provider
27 reimbursement rate methodology to determine payment
28 rates for the individual provider mode of service that does
29 all of the following:

30 (i) Is consistent with the functions and duties of
31 entities created pursuant to Section 12301.6.

32 (ii) Makes any additional expenditure of state general
33 funds subject to appropriation in the annual Budget Act.

34 (iii) Permits county-only funds to draw down federal
35 financial participation consistent with federal law.

36 (B) This ratesetting method shall be in effect in time
37 for any rate increases to be included in the annual Budget
38 Act.



1 (C) The department may, in establishing the
2 ratesetting method required by subparagraph (A), do
3 both of the following:

4 (i) Deem the market rate for like work in each county,
5 as determined by the Employment Development
6 Department, to be the cap for increases in payment rates
7 for individual practitioner services.

8 (ii) Provide for consideration of county input
9 concerning the rate necessary to ensure access to services
10 in that county.

11 (D) If an increase in individual practitioner rates is
12 included in the annual Budget Act, the state-county
13 sharing ratio shall be as established in Section 12306. If the
14 annual Budget Act does not include an increase in
15 individual practitioner rates, a county may use
16 county-only funds to meet federal financial participation
17 requirements consistent with federal law.

18 (3) (A) By November 1, 1993, the department shall
19 submit a state plan amendment to the federal Health
20 Care Financing Administration to implement this
21 subdivision. To the extent that any element or
22 requirement of this subdivision is not approved, the
23 department shall submit a request to the federal Health
24 Care Financing Administration for such waivers as would
25 be necessary to implement this subdivision.

26 (B) The provider reimbursement ratesetting
27 methodology authorized by the amendments to this
28 subdivision in the 1993-94 Regular Session of the
29 Legislature shall not be operative until all necessary
30 federal approvals have been obtained.

31 (k) (1) The State Department of Social Services shall,
32 by September 1, 1993, notify the following persons that
33 they are eligible to participate in the personal care
34 services program:

35 (A) Persons eligible for services pursuant to the Pickle
36 Amendment, as adopted October 28, 1976.

37 (B) Persons eligible for services pursuant to subsection
38 (c) of Section 1383c of Title 42 of the United States Code.

39 (2) The State Department of Social Services shall, by
40 September 1, 1993, notify persons to whom paragraph (1)



1 applies and who receive advance payment for in-home
2 supportive services that they will qualify for services
3 under this section without a share of cost if they elect to
4 accept payment for services on an arrears rather than an
5 advance payment basis.

6 (3) Upon request by the board of supervisors, of the
7 funds in the subaccount created pursuant to Section
8 17600.110, the Controller shall allocate the following
9 amounts for the establishment of an entity specified in
10 Section 12301.6:

11 (A) Two hundred fifty thousand dollars (\$250,000)
12 each to a county of the fourth, sixth, and tenth class.

13 (B) Two million dollars (\$2,000,000) to a county of the
14 first class.

15 (C) Five hundred fifty thousand dollars (\$550,000)
16 shall be allocated to counties, in the order of application
17 by counties for these funds, as follows:

18 (i) Not more than one hundred thousand dollars
19 (\$100,000) may be allocated to a county with a total of
20 fewer than 3,000 recipients of services under this section
21 and Article 7 (commencing with Section 12300) of
22 Chapter 3.

23 (ii) Not more than two hundred thousand dollars
24 (\$200,000) may be allocated to a county with a total of
25 more than 3,000 recipients of services under this section
26 and Article 7 (commencing with Section 12300) of
27 Chapter 3.

28 (iii) A county to whom either subparagraph (A) or
29 (B) applies shall not be eligible for funds under this
30 subparagraph.

31 (l) An individual who is eligible for services subject to
32 the maximum amount specified in subdivision (b) of
33 Section 12303.4 shall be given the option of hiring his or
34 her own provider.

35 (m) The county welfare department shall inform in
36 writing any individual who is potentially eligible for
37 services under this section of his or her right to the
38 services.

39 (n) It is the intent of the Legislature that this entire
40 section be an inseparable whole and that no part of it be



1 severable. If any portion of this section is found to be
2 invalid, as determined by a final judgment of a court of
3 competent jurisdiction, this section shall become
4 inoperative.

5 (o) Paragraphs (2) and (3) of subdivision (a) shall be
6 implemented so as to conform to federal law authorizing
7 their implementation.

8 (p) This section shall become inoperative on July 1,
9 1998, and, as of January 1, 1999, is repealed, unless a later
10 enacted statute, which becomes effective on or before
11 January 1, 1999, deletes or extends the dates on which it
12 becomes inoperative and is repealed.

13 ~~SEC. 58.—~~

14 *SEC. 19.* Section 17000 of the Welfare and Institutions
15 Code is amended to read:

16 17000. Every county and every city and county shall
17 ~~provide emergency medical services and those medical~~
18 ~~services necessary to alleviate severe pain to all~~ *provide*
19 *medical services to all* incompetent, poor, indigent
20 persons, and those incapacitated by age, disease, or
21 accident, lawfully resident therein, when those persons
22 are not supported ~~or~~ *and* relieved by their relatives or
23 friends, by their own means, or by state hospitals or other
24 state or private institutions, ~~by federal or state funded~~
25 ~~public medical or social services programs, or by private~~
26 ~~hospitals pursuant to Section 1317 of the Health and~~
27 ~~Safety Code.~~

28 ~~SEC. 59.—~~

29 *SEC. 20.* *The amendment of Section 17000 of the*
30 *Welfare and Institutions Code by Section 19 of this act is*
31 *intended to reconfirm and to be declarative of existing*
32 *law on health care.*

33 *SEC. 21.* Section 17000.5 of the Welfare and
34 Institutions Code is repealed.

35 ~~SEC. 60.—{C}~~

36 *SEC. 22.* Section 17000.6 of the Welfare and
37 Institutions Code is repealed.

38 ~~SEC. 61.—~~

39 *SEC. 23.* Section 17001 of the Welfare and Institutions
40 Code is repealed.



1 ~~SEC. 62.—~~

2 *SEC. 24.* Section 17001.5 of the Welfare and
3 Institutions Code is repealed.

4 ~~SEC. 63.—~~

5 *SEC. 25.* Section 17001.51 of the Welfare and
6 Institutions Code is repealed.

7 ~~SEC. 64.—~~

8 *SEC. 26.* Section 17001.6 of the Welfare and
9 Institutions Code is repealed.

10 ~~SEC. 65.—~~

11 *SEC. 27.* Section 17001.7 of the Welfare and
12 Institutions Code is repealed.

13 ~~SEC. 66.—~~

14 *SEC. 28.* Section 17001.8 of the Welfare and
15 Institutions Code is repealed.

16 ~~SEC. 67.—~~

17 *SEC. 29.* Section 17001.9 of the Welfare and
18 Institutions Code is repealed.

19 ~~SEC. 68.—~~

20 *SEC. 30.* Section 17002 of the Welfare and Institutions
21 Code is repealed.

22 ~~SEC. 69.—~~

23 *SEC. 31.* Section 17003 of the Welfare and Institutions
24 Code is repealed.

25 ~~SEC. 70.—~~

26 *SEC. 32.* Section 17004 of the Welfare and Institutions
27 Code is repealed.

28 ~~SEC. 71.—~~

29 *SEC. 33.* Section 17005 of the Welfare and Institutions
30 Code is repealed.

31 ~~SEC. 72.—~~

32 *SEC. 34.* Section 17008 of the Welfare and Institutions
33 Code is repealed.

34 ~~SEC. 73.—~~

35 *SEC. 35.* Section 17020 of the Welfare and Institutions
36 Code is repealed.

37 ~~SEC. 74.—~~

38 *SEC. 36.* Chapter 3 (commencing with Section 17200)
39 of Part 5 of Division 9 of the Welfare and Institutions Code
40 is repealed.



1 ~~SEC. 75.—~~

2 *SEC. 37.* Part 5.5 (commencing with Section 17650) is
3 added to Division 9 of the Welfare and Institutions Code,
4 to read:

5

6 PART 5.5. STATE GENERAL ASSISTANCE
7 PROGRAM

8

9 17650. (a) There is hereby established the State
10 General Assistance Program, to be administered by the
11 department and each county in accordance with this
12 chapter and regulations that shall be adopted by the
13 department.

14 (b) The State General Assistance Program shall
15 provide basic subsistence for needy adults lawfully
16 residing in this state who have no dependent children and
17 who are not eligible for federally funded means-tested
18 public assistance programs.

19 17651. The department, in consultation with counties,
20 shall adopt statewide eligibility standards for benefits
21 under this part. Eligibility requirements, including an
22 application and intake process, shall, except where
23 otherwise provided in this part, be consistent with the
24 requirements of Chapter 2 (commencing with Section
25 11200) of Part 3.

26 17652. The department, in consultation with counties,
27 shall adopt an aid grant structure, in conformance with
28 the requirements of Chapter 2 (commencing with
29 Section 11200) of Part 3, including regional grants, in
30 accordance with the regions defined in Section 11450.018,
31 except that aid grant reductions may also be permitted
32 due to shared housing arrangements.

33 17653. (a) The department, in consultation with the
34 counties, shall adopt work requirements and time limits
35 for all recipients not excluded from participation, as well
36 as a sanction policy for noncooperation with program
37 requirements.

38 (b) A recipient found by the county to be abusing
39 alcohol or drugs, to the extent that the abuse creates a
40 barrier to employment, shall be required, as a condition



1 of eligibility for benefits under this part, to participate in
2 appropriate substance abuse treatment programs.

3 17654. (a) (1) An applicant who is disabled or 65
4 years of age or older, if a citizen or an alien eligible for
5 benefits under Chapter 3 (commencing with Section
6 12000) of Part 3, shall be immediately referred for
7 application for benefits under Chapter 3 (commencing
8 with Section 12000) of Part 3.

9 (2) An applicant who is disabled or 65 years of age or
10 older, but who is not a citizen or an alien eligible for
11 benefits under Chapter 3 (commencing with Section
12 12000) shall be referred to the program provided for in
13 Chapter 5.05 (commencing with Section 12800) of Part 3.

14 (b) An applicant to whom paragraph (1) of
15 subdivision (a) applies shall, if otherwise eligible under
16 this part, be eligible for an aid payment to cover
17 immediate needs in the month in which the applicant
18 applies for benefits under Chapter 3 (commencing with
19 Section 12000) of Part 3, as well as payments in the form
20 of a loan for subsequent months until reimbursement is
21 obtained from the Supplemental Security Income
22 program. An applicant to whom paragraph (2) of
23 subdivision (a) applies, if otherwise eligible, shall be
24 eligible under this part until he or she commences
25 receiving benefits under Chapter 5.05 (commencing
26 with Section 12800) of Part 3.

27 17655. Any individual who has been on parole for
28 three years or less shall be ineligible for benefits under
29 this part.

30 17656. There is hereby appropriated from the
31 General Fund to the department, in each fiscal year, an
32 amount necessary to pay for the aid grant and
33 administrative costs incurred pursuant to this part.

34 ~~SEC. 76.—~~

35 *SEC. 38.* Section 18925 is added to the Welfare and
36 Institutions Code, to read:

37 18925. (a) The department shall, upon submission of
38 a complete written request, as described in subdivision
39 (b), by a county, city, or city and county, seek a waiver
40 from the United States Department of Agriculture, of the



1 work requirement provided for in Section 824 of Public
2 Law 104-193 with respect to households in the geographic
3 area covered by the request.

4 (b) A local entity's request submitted pursuant to
5 subdivision (a) shall include all of the following
6 information:

7 (1) The name of the county, city, or city and county
8 submitting the request.

9 (2) The geographic area covered by the request.

10 (3) The category under which the waiver is being
11 requested, either unemployment rate higher than 10
12 percent or lack of sufficient jobs, and the basis for the
13 request.

14 (4) Any evidence or data that supports the request.

15 (5) Any other information required by the United
16 States Department of Agriculture, and if applicable, a
17 statement that the request to the United States
18 Department of Agriculture be expedited.

19 (c) The department shall submit a waiver request on
20 behalf of the county to the United States Department of
21 Agriculture, in the required format.

22 (d) This section shall not preclude the department
23 from submitting a work requirement waiver request to
24 the United States Department of Agriculture, pursuant to
25 Section 824 of Public Law 104-193, in the absence of a
26 request by a local entity. If the department requests a
27 waiver for any area that is not sought by any county, city,
28 or city and county, and the waiver is granted, the county
29 responsible for administering the Food Stamp Program
30 for that area shall provide food stamp benefits to all
31 individuals affected by the waiver if the individuals are
32 otherwise eligible for food stamp benefits.

33 ~~SEC. 77.—~~

34 *SEC. 39.* Section 18926 is added to the Welfare and
35 Institutions Code, to read:

36 18926. (a) The state shall provide funds to any
37 county, when all or part of the county is not covered by
38 a waiver obtained pursuant to Section 18925, for the
39 establishment of employment programs for persons who



1 would otherwise lose food stamp benefits due to Section
2 824 of P.L. 104-193.

3 (b) This section shall not be implemented if a
4 statewide waiver is obtained by the department pursuant
5 to Section 18925.

6 ~~SEC. 78.—~~

7 *SEC. 40.* The amendments made to Section 17000 of
8 the Welfare and Institutions Code by this act are intended
9 to restate the existing county obligation to provide
10 medical services to general assistance recipients, and not
11 to either increase or reduce this obligation.

12 ~~SEC. 79.—~~

13 *SEC. 41.* Notwithstanding Section 17610 of the
14 Government Code, if the Commission on State Mandates
15 determines that this act contains costs mandated by the
16 state, reimbursement to local agencies and school
17 districts for those costs shall be made pursuant to Part 7
18 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million
21 dollars (\$1,000,000), reimbursement shall be made from
22 the State Mandates Claims Fund.

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

27 ~~SEC. 80.—~~

28 *SEC. 42.* This act is an urgency statute necessary for
29 the immediate preservation of the public peace, health,
30 or safety within the meaning of Article IV of the
31 Constitution and shall go into immediate effect. The facts
32 constituting the necessity are:

33 In order to ensure that essential changes can be made
34 to public social services programs at the earliest possible
35 time, it is necessary that this act go into immediate effect.

