AMENDED IN SENATE FEBRUARY 14, 2007

SENATE BILL No. 58

Introduced by ~~Senator Hollingsworth~~ *Senators Hollingsworth and Ashburn*

January 11, 2007

An act to amend Sections 11320.15 and 11327.5 of, and to add Section 11454.2 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as amended, Hollingsworth. CalWORKs program.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families.

Existing law, with certain exceptions, requires removal of a participant after he or she has received aid for a total of 60 months and, thereafter, does not require participation in the welfare-to-work program but requires participation in community service if the county continues to provide ~~assistance~~ *welfare-to-work services*.

This bill would, instead, require, after an adult has received aid for the 60-month period, that he or she be removed from the assistance unit, but would permit children in the assistance unit to continue to receive assistance after the 60-month benefit limit has been reached only if certain conditions are met. *It would, however, permit the county* *to provide these former recipients with additional welfare-to-work services.*

This bill would prohibit eligibility for aid for an assistance unit if the assistance unit has received aid for a cumulative total of 60 months during which time no adult was part of the assistance unit for prescribed reasons, including, that the adult or adults were not lawfully present in the United States or were convicted of certain crimes.

Existing law requires the imposition of sanctions, as specified, if an individual has failed or refused to comply with CalWORKs program requirements. Existing law requires that a family's grant be reduced by removal of the noncompliant family member from the assistance unit. Existing law requires a sanction to terminate at any point if the noncomplying participant performs the activity or activities the individual previously refused to perform.

This bill would require removal of the noncompliant member *from the assistance unit* for up to 90 days and discontinuance of the family's aid if the individual has not resumed full participation during that 90-day period.

Existing law requires that, for families that qualify due to unemployment of the family's primary wage earner, the sanctioned parent, and the spouse or second parent under certain circumstances, be removed from the assistance unit.

This bill would, instead, prohibit consideration of the needs of the noncompliant parent, spouse, or second parent, in those cases, when considering the assistance needs of the family unit, and would make conforming changes.

To the extent that this bill would increase county administrative duties with respect to the CalWORKs program, this bill would impose a state-mandated local program.

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

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

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

SECTION 1. Section 11320.15 of the Welfare and Institutions Code is amended to read:

11320.15. (a) After an adult recipient has received aid for a total of 60 months, pursuant to Section 11454, he or she shall be removed from the assistance unit. Children in the assistance unit may continue to receive aid under Section 11450 only when the former recipients meet the federal work participation requirements under Section 607 of Title 42 of the United States Code.

(b) After the 60-month benefit limit has been reached pursuant to Section 11454, additional welfare-to-work services may be provided to the former recipient, at the option of the county.

SEC. 2. Section 11327.5 of the Welfare and Institutions Code is amended to read:

11327.5. (a) Sanctions shall be imposed in accordance with subdivision (b) or (c), as appropriate, if an individual has failed or refused to comply with program requirements without good cause and conciliation efforts, as described in Section 11327.4, have failed.

(b) The sanctions provided for in subdivisions (c) and (d) shall not apply to an individual who is exempt from the requirements of this article but is voluntarily participating in the program. If such an individual engages in conduct that would bring about the actions provided for in subdivisions (c) and (d), except for his or her status as a voluntary program participant, the individual shall not be given priority so long as other individuals are actively seeking to participate.

(c) Financial sanctions for failing or refusing to comply with program requirements without good cause shall cause a reduction in the family's grant for up to 90 days by not considering the noncompliant individual's needs in determining the family's need for assistance and the amount of the assistance payment under Section 11450. If the individual has not resumed full participation in the activities assigned by the county within the 90-day period of aid reduction, the family's aid under this chapter shall be discontinued.

(1) For families that qualify for aid due to *the* unemployment of the family's primary wage earner, the needs of the noncompliant parent shall not be considered in determining the family's needs

for assistance and the amount of the assistance payment under Section 11450. Unless the spouse or the family's second parent meets the provisions of subparagraph (A) of paragraph (2), if the sanctioned parent's spouse or the family's second parent is not participating in the program, neither the sanctioned parent nor the spouse or second parent shall have their needs considered in calculating the family's need for assistance and the amount of the assistance payment under Section 11450. If neither party is engaged in full participation in the activities assigned by the county within the 90-day period of aid retention, the family's aid under this chapter shall be discontinued. The county shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of conciliation of his or her own opportunity to participate and the impact on sanctions of that participation.

(2) (A) Except as provided in subparagraph (B), exemption criteria specified in Section 11320.3, conciliation specified in Section 11327.4, and good cause criteria specified in Section 11320.31 and subdivision (f) of Section 11320.3 shall apply to the sanctioned parent's spouse or the family's second parent.

(B) Exemption criteria specified in paragraphs (5) and (6) of subdivision (b) of Section 11320.3 do not apply to a spouse or second parent who is participating to avoid the sanction of the noncomplying parent.

(C) If the sanctioned parent's spouse or the family's second parent chooses to participate to avoid the noncomplying parent's sanction, subsequently fails or refuses to participate without good cause, and does not conciliate, he or she shall be sanctioned in accordance with this subdivision.

(D) If the sanctioned parent's spouse or the family's second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent has performed the activities he or she failed or refused to perform.

(3) For families that qualify due to the absence or incapacity of a parent, only the needs of the noncomplying parent shall not be considered in calculating the family's need for assistance and the amount of the assistance payment under Section 11450.

(d) An instance of noncompliance without good cause shall result in a financial sanction. This sanction shall terminate at any point if the noncomplying participant performs the activity or activities he or she previously refused to perform.

(e) Sanctions shall become effective on the first day of the first payment-month that the sanctioned individual's needs are not considered in calculating the family's aid under Section 11450.

(f) In the event this section conflicts with federal law, the department shall adopt regulations to conform to federal law.

SEC. 3. Section 11454.2 is added to the Welfare and Institutions Code, to read:

11454.2. (a) An assistance unit shall not be eligible for aid under this chapter when the assistance unit has received aid under this chapter for a cumulative total of 60 months during which time no adult was part of the assistance unit because the adults who would otherwise have been members of the assistance unit were any of the following:

(1) Not lawfully present in the United States.

(2) Persons described by subparagraph (A) of paragraph (9) of subsection (a) of Section 608 of Title 42 of the United States Code.

(3) Convicted of any offense classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance, as defined in Section 802(6) of Title 21 of the United States Code.

(b) No month in which aid has been received prior to January 1, 1998, shall be taken into consideration in computing the 60-month limitation provided for in subdivision (a).

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

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the provisions of this act to be applicable as soon as possible, and thereby permit the greatest possible fiscal benefit in the current fiscal year, it is necessary that this act take effect immediately.

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