

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1322

Introduced by Senator Liu

February 19, 2010

An act to amend Section 18926 of, and to add ~~Section 18926.5~~ *Sections 18926.5 and 18926.7* to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1322, as amended, Liu. Food Stamp Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law requires all food stamp recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

Existing law requires the State Department of Social Services, to the extent permitted by federal law, to annually seek a federal waiver of the existing SNAP limitation that stipulates that an able-bodied adult without dependents (ABAWD) participant is limited to three months of food stamps in a 3-year period unless that participant has met the work participation requirement. Under existing law, a county is required to be included in the waiver unless the county declines to participate, as specified.

This bill would require a county to screen work registrants to determine whether they will participate in, or be deferred from, the FSET program, and would describe the criteria for deferral. The bill would authorize a work registrant who is deferred from mandatory participation in FSET to request to enroll in the program as a voluntary participant. *The bill would require a county that participates in the FSET program to screen work registrants to determine whether they will participate in, or be deferred from, the FSET program, and would authorize a deferred work registrant to request to enroll in the FSET program as a voluntary participant. The bill would defer an individual from mandatory placement in the FSET program under designated circumstances.*

~~This bill, to the extent permitted by federal law, would require that when an individual is sanctioned for failing to comply with the work requirements of the CalWORKs program, or certain other public social services programs, that the individual would not receive a food stamp sanction.~~

This bill, *commencing July 1, 2011*, would require a county that implements the federal time limits for ABAWDs to receive food stamps to offer self-initiated workfare, as defined by existing federal regulations, in addition to any other methods the county provides. The bill would impose specified requirements on counties with respect to the use of FSET and other federal funds and the implementation of FSET and other workfare programs.

This bill would impose various requirements on the department with respect to the funding and implementation of workfare and other training programs, including requiring the department to convene a stakeholder task force to develop a plan to improve and expand the FSET program, in addition to other specified duties. The bill would require the task force to report on its progress to the Legislature, as specified.

This bill would authorize the department to retain FSET funds in an amount not to exceed the amount necessary to administer these provisions, and to annually report to the Legislature the annual amount expended for this purpose.

This bill would require the department to adopt implementing regulations by July 1, 2012.

By increasing the duties of counties administering the Food Stamp 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.

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

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

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to increase meaningful opportunities for employment and
3 training in the Food Stamp Employment and Training (FSET)
4 program.

5 SEC. 2. Section 18926 of the Welfare and Institutions Code is
6 amended to read:

7 18926. (a) To the extent permitted by federal law, the
8 department shall annually seek a federal waiver of the existing
9 Food Stamp Program limitation that stipulates that an able-bodied
10 adult without dependents (ABAWD) participant is limited to three
11 months of food stamps in a three-year period unless that participant
12 has met the work participation requirement.

13 (b) All eligible counties shall be included in and bound by this
14 waiver unless a county declines to participate in the waiver request.
15 If a county declines, the county shall submit documentation from
16 the board of supervisors of that county to that effect.

17 ~~(c) The county shall screen work registrants to determine~~
18 ~~whether they will participate in, or be deferred from, the Food~~
19 ~~Stamp Employment and Training (FSET) program.~~

20 (c) Commencing July 1, 2011, a county that implements the
21 federal time limits for able-bodied adults without dependents
22 (ABAWD) to receive food stamps shall allow self-initiated workfare
23 as a means to satisfy the federally mandated work requirement for
24 ABAWDs, in addition to any other methods the county provides,
25 and shall inform an ABAWD of this option.

26 (d) For purposes of this chapter, “self-initiated workfare” means
27 a public service placement in a public or a private nonprofit agency
28 that is initiated by the food stamp recipient, for which the food

1 stamp recipient is responsible for documentation of hours.
2 Self-initiated workfare shall be verified in the same manner as
3 other work activity verification and shall meet the requirements
4 established in Section 20 of the federal Food Stamp Act (7 U.S.C.
5 Sec. 2029) and its ensuing regulations and administrative notices,
6 including, but not limited to, Section 273.22 of Title 7 of the Code
7 of Federal Regulations and USDA Administrative Notices 97-40
8 and 97-58.

9 If deferred, a work registrant may request to enroll in the FSET
10 program as a voluntary participant.

11 (d) An individual shall be deferred from mandatory placement
12 in the FSET program if he or she satisfies any of the federally
13 mandated criteria, or if he or she resides in a federally determined
14 work surplus area.

15 (e) To the extent permitted by federal law, when an individual
16 is sanctioned for failing to comply with the work requirements of
17 the CalWORKs program, unemployment compensation, substitute
18 programs, general assistance, or CalWORKs unpaid community
19 service and work experience, the individual shall not receive a
20 food stamp sanction.

21 (f)
22 (e) Notwithstanding the rulemaking provisions of the
23 Administrative Procedure Act (Chapter 3.5 (commencing with
24 Section 11340) of Part 1 of Division 2 of the Government Code)
25 the department may implement this section by all county letters
26 or similar instructions. *Thereafter, the department shall adopt*
27 *regulations to implement this section by July 1, 2012.*

28 SEC. 3. Section 18926.5 is added to the Welfare and
29 Institutions Code, to read:

30 18926.5. ~~(a) A county that implements the federal time limits~~
31 ~~for able-bodied adults without dependents (ABAWD) to receive~~
32 ~~food stamps shall offer self-initiated workfare, as defined in Section~~
33 ~~273 of Title 7 of the Code of Federal Regulations, as a means to~~
34 ~~satisfy the federally mandated work requirement for ABAWDs,~~
35 ~~in addition to any other methods the county provides.~~

36 ~~(b) A county that participates in the Food Stamp Employment~~
37 ~~and Training (FSET)~~

38 18926.5. (a) (1) A county that participates in the Food Stamp
39 Employment and Training (FSET) program shall screen work
40 registrants to determine whether they will participate in, or be

1 *deferred from, the FSET program. If deferred, a work registrant*
2 *may request to enroll in the FSET program as a voluntary*
3 *participant. An individual shall be deferred from mandatory*
4 *placement in the FSET program if he or she satisfies any of the*
5 *criteria in Sections 273.7 and 273.24 of the Code of Federal*
6 *Regulations, or if he or she resides in a federally determined work*
7 *surplus area.*

8 *(2) For purposes of this section, “deferred” has the same*
9 *meaning as exempt.*

10 *(b) A county that participates in the FSET program shall be*
11 *required to demonstrate that it is prioritizing the use of FSET funds*
12 *for self-initiated workfare, work experience or training, education,*
13 *and the support services or client reimbursements needed to*
14 *participate in these components, as allowed by federal law and*
15 *guidance.*

16 ~~(c) The department shall assign staff to assist counties in the~~
17 ~~development of vocational, educational, and job training programs~~
18 ~~allowed under federal guidance for the Supplemental Nutrition~~
19 ~~Assistance Program (SNAP), and to assist in the identification of~~
20 ~~private, third-party, in-kind, state, and other funds that are able to~~
21 ~~be used to draw down federal funding.~~

22 ~~(d) The department shall assign staff to coordinate with other~~
23 ~~workfare programs in the state that are serving the state population,~~
24 ~~including CalWORKs, the California Community College~~
25 ~~Chancellor’s Office Extended Opportunity Programs and Services,~~
26 ~~and the federal Workforce Investment Act of 1998.~~

27 ~~(e) (1) The department shall convene a stakeholder task force~~
28 ~~to develop a plan to improve and expand FSET educational~~
29 ~~components and, as allowed by federal administrators, to expand~~
30 ~~the Cal Success Program beyond the original pilot counties.~~

31 ~~(2) The task force shall report on its progress to the Legislature~~
32 ~~on or before January 15, 2011.~~

33 ~~(f) The department may retain FSET funds in an amount not to~~
34 ~~exceed the amount necessary to administer this section. The~~
35 ~~department shall annually report to the Legislature the amount~~
36 ~~expended on administration.~~

37 ~~(g) (1) The requirement for submitting a report imposed under~~
38 ~~subdivision (e) is inoperative on January 1, 2015, pursuant to~~
39 ~~Section 10231.5 of the Government Code.~~

~~(2) A report to be submitted pursuant to subdivision (e) shall be submitted in compliance with Section 9795 of the Government Code.~~

(c) Commencing July 1, 2011, a county that participates in the FSET program shall allow work registrants who are mandatorily placed in the program to meet the work requirements of the mandatory placement through self initiated workfare, as defined in subdivision (d) of Section 18926, and shall inform the work registrant of this option.

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of the Government Code) the department may implement this section by all-county letters or similar instructions. Thereafter, the department shall adopt regulations to implement this section by July 1, 2012.

SEC. 4. Section 18926.7 is added to the Welfare and Institutions Code, to read:

18926.7. (a) The department shall assign a staff person who shall be responsible to do both of the following:

(1) Assist counties in the development of vocational, educational, and job training programs allowed under federal guidance for the FSET program, and in the identification of private, third-party, in-kind, state, and other funds that can be used to receive federal financial participation.

(2) Coordinate with other workfare programs in the state that are serving the same population, including CalWORKs, the California Community College Chancellor's Office Extended Opportunity Programs and Services, and the federal Workforce Investment Act of 1998.

(b) (1) The department shall convene a stakeholder task force to develop a plan to improve and expand FSET educational components and, as allowed by federal administrators, to expand the Cal Success Program, or a similar model, beyond the original pilot counties.

(2) The task force shall report on its progress to the Legislature by January 15, 2011.

(c) The department may retain a portion of the FSET allocation to fund one additional position to administer this section, and Sections 18926 and 18926.5. The department shall annually report

1 *to the Legislature the amount expended on administration of these*
2 *sections.*

3 *(d) (1) The requirement for submitting a report imposed under*
4 *subdivision (c) is inoperative on January 1, 2015, pursuant to*
5 *Section 10231.5 of the Government Code.*

6 *(2) A report to be submitted pursuant to subdivision (c) shall*
7 *be submitted in compliance with Section 9795 of the Government*
8 *Code.*

9 ~~SEC. 4.~~

10 SEC. 5. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.