

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE MARCH 22, 2010

**SENATE BILL**

**No. 1322**

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**Introduced by Senator Liu**

February 19, 2010

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~~An act to amend Section 18926 of, and to add Section 18926.5 to,~~  
*An act to add Section 18926.5 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 3 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 *that elects to participate in the FSET program* to screen food stamp 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 food stamp 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, commencing October 1, 2011, would require a county that elects to participate in the FSET program to 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.*

~~This bill, commencing October 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 *elects to participate in the FSET program to demonstrate in its FSET plan how it is effectively using FSET funds, as specified, but would not be construed to require a county to offer a particular component as part of its FSET plan.* The bill would impose specified requirements on *these* counties with respect to the use of FSET and other federal funds and the implementation of FSET and other workfare programs.~~

This bill would provide that it would not require a county to provide for workers' compensation coverage for ~~an ABAWD or an FSET participant who elects to participate in self-initiated workfare, as specified.~~

This bill would require the department to adopt implementing regulations by October 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~~*no*.

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

1 SECTION 1. It is the intent of the Legislature in enacting this  
2 act to increase meaningful opportunities for employment and  
3 training in the Food Stamp Employment and Training (FSET)  
4 program *and assist food stamp recipients in meeting the work*  
5 *requirements of the Food Stamp program.*

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

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

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

18 ~~(c) Commencing October 1, 2011, a county that implements the~~  
19 ~~federal time limits for able-bodied adults without dependents~~  
20 ~~(ABAWD) to receive food stamps shall allow self-initiated~~  
21 ~~workfare as a means to satisfy the federally mandated work~~  
22 ~~requirement for ABAWDs, in addition to any other methods the~~  
23 ~~county provides, and shall inform an ABAWD of this option.~~  
24 ~~Nothing in this section shall be construed to require a county to~~  
25 ~~provide for workers' compensation coverage for an ABAWD who~~  
26 ~~elects to participate in self-initiated workfare, and a county shall~~  
27 ~~have no duty to provide workers' compensation coverage for an~~  
28 ~~ABAWD who elects to participate in self-initiated workfare,~~

1 notwithstanding Division 4 (commencing with Section 3200) of  
2 the Labor Code.

3 ~~(d) For purposes of this chapter, “self-initiated workfare” means~~  
4 ~~a public service placement in a public or a private nonprofit agency~~  
5 ~~that is initiated by the food stamp recipient, for which the food~~  
6 ~~stamp recipient is responsible for documentation of hours.~~  
7 ~~Self-initiated workfare shall be verified in the same manner as~~  
8 ~~other work activity verification and shall meet the requirements~~  
9 ~~established in Section 20 of the federal Food Stamp Act (7 U.S.C.~~  
10 ~~Sec. 2029) and its ensuing regulations and administrative notices,~~  
11 ~~including, but not limited to, Section 273.22 of Title 7 of the Code~~  
12 ~~of Federal Regulations and USDA Administrative Notices 97-40~~  
13 ~~and 97-58.~~

14 ~~(e) Notwithstanding the rulemaking provisions of the~~  
15 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
16 ~~Section 11340) of Part 1 of Division 2 of the Government Code),~~  
17 ~~the department may implement this section by all county letters~~  
18 ~~or similar instructions. Thereafter, the department shall adopt~~  
19 ~~regulations to implement this section by October 1, 2012.~~

20 ~~SEC. 3:~~

21 ~~SEC. 2.~~ Section 18926.5 is added to the Welfare and Institutions  
22 Code, to read:

23 18926.5. (a) *(a) For the purposes of this chapter, “Food*  
24 *Stamp Employment and Training Program” or “FSET” means*  
25 *the program established under Section 6(d)(4)(B) of the federal*  
26 *Food Stamp Act (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of*  
27 *the Code of Federal Regulations, and associated administrative*  
28 *notices published by the United States Department of Agriculture*  
29 *with the purpose of assisting members of food stamp households*  
30 *in gaining skills, training, work, or experience that will increase*  
31 *their ability to obtain regular employment.*

32 *(b) (1) A county that ~~participates~~ elects to participate in the*  
33 *Food Stamp Employment and Training (FSET) program , as*  
34 *authorized by the federal Food Stamp Act (7 U.S.C. Sec. 2029),*  
35 *shall screen food stamp work registrants to determine whether they*  
36 *will participate in, or be deferred from, the FSET program. If*  
37 *deferred, a food stamp work registrant may request to enroll in the*  
38 *FSET program as a voluntary participant. An individual shall be*  
39 *deferred from a Food Stamp program mandatory placement in the*  
40 *FSET program if he or she satisfies any of the criteria in Sections*

1 273.7 and 273.24 of Title 7 of the Code of Federal Regulations,  
2 or if he or she resides in a federally determined work surplus area.

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

5 (b)

6 (c) (1) A county that ~~participates~~ *elects to participate* in the  
7 FSET program shall be required to demonstrate in its FSET plan  
8 how it is effectively using FSET funds for ~~self-initiated workfare,  
9 work experience or training, education, job search, or the support  
10 services or client reimbursements needed to participate in these  
11 components, as allowed by federal law and guidance. each of the  
12 components that the county offers, including, but not limited to,  
13 any of the following:~~

14 (A) *Self-initiated workfare.*

15 (B) *Work experience or training.*

16 (C) *Education.*

17 (D) *Job search.*

18 (E) *The support services or client reimbursements needed to  
19 participate in subparagraphs (A) to (D), inclusive, as allowed by  
20 federal law and guidance.*

21 (2) *Nothing in this section shall be construed to require a county  
22 to offer a particular component as a part of its FSET plan.*

23 (e)

24 (d) Commencing October 1, 2011, a county that ~~participates~~  
25 *elects to participate* in the FSET program shall allow work  
26 registrants who are mandatorily placed in the program to meet the  
27 work requirements of the mandatory placement through  
28 self-initiated workfare, as defined in ~~subdivision (d) of Section  
29 18926 paragraph (2)~~, and shall inform the work registrant of this  
30 option. ~~Nothing~~

31 (1) *Nothing in this section shall be construed to require a county  
32 to provide for workers’ compensation coverage for an FSET  
33 participant who elects to participate in self-initiated workfare, and  
34 a county shall have no duty to provide workers’ compensation  
35 coverage for an FSET participant who elects to participate in  
36 self-initiated workfare, notwithstanding Division 4 (commencing  
37 with Section 3200) of the Labor Code.*

38 (2) *For purposes of this chapter, “self-initiated workfare” means  
39 a public service placement in a public or private nonprofit agency  
40 that is initiated by the food stamp recipient and 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 273.7 of Title 7 of the Code  
 7 of Federal Regulations and USDA Administrative Notices 97-40  
 8 and 97-58.

9 (d)

10 (e) Nothing in this section shall limit a county’s ability to  
 11 condition the receipt of nonmedical benefits under Section 17000  
 12 on an individual’s participation in an employment and training or  
 13 workfare program of the county’s choice, even if that program is  
 14 financed in whole or part with FSET funds or match funds.

15 (e)

16 (f) Nothing in this section shall restrict the use of federal funds  
 17 for the financing of FSET programs.

18 (f)

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

25 ~~SEC. 4. If the Commission on State Mandates determines that~~  
 26 ~~this act contains costs mandated by the state, reimbursement to~~  
 27 ~~local agencies and school districts for those costs shall be made~~  
 28 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
 29 ~~4 of Title 2 of the Government Code.~~