

1984

LEGISLATIVE

REPORT

**COALITION OF CALIFORNIA
WELFARE RIGHTS ORGANIZATIONS**

An Independent Grass Roots Organization
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LEGISLATIVE REPORT FOR THE YEAR OF 1984

This is a final report of CCWRO's legislative activities for the year of 1984.

Our legislative action for this year was targeted on two (2) fronts: (a) introduction of legislation; and (b) budget actions during the development of the 1984-1985 fiscal year state budget.

Of the 24 AFDC bill introduced during this legislative session 11 were introduced by CCWRO. (Two (2) of the bills were lobbied by the Western Center on Law and Poverty)

CCWRO successfully lobbied all of the bills through the Legislature and four (4) of the bills were signed by the Governor. Five (5) of our bills were vetoed by the Governor. Four (4) of the bills vetoed by the Governor were bills which were not opposed by the administration in that they were amended with language drafted by the Department of Social Services in response to their objections. We did not expect these (4) bills to be vetoed, but when you have an administration in disarray, anything could happen.

Because we anticipated these kinds of vetoes by the Governor, even when the bills reflected language proposed by Deukmejian's own administration, we targeted certain issues for the trailer bill, which is also known as the budget implementation bill.

The trailer bill represents numerous changes in state law to implement the state budget. The changes in this bill are permanent, whereas the budget bill is only a one year bill.

We targeted six (6) issues to be included in the budget implementation bill. Out of the six three of the issues were in the final trailer bill which was signed by the Governor. He did blue-pencil one of them, which relates to the beginning date of aid, which is in Court today attacking the ability of the Governor to veto language which is not an item of appropriation.

In the budget we successfully lobbied with other concerned groups the Legislature to provide the full statutory cost-of-living adjustment for AFDC and SSI recipients.

The foregoing is a more detailed analysis of the various bill, the budget actions and their destiny.

Senate Bill 1596-Senator Rosenthal

BILL AS INTRODUCED

This bill was introduced to reduce the costs of processing fair hearing decisions. Under current practice once the hearing officer writes the hearing decision, it is subject to several levels of reviews before it is adopted by the Director of the Department of Social Services or the Director of Health Services.

The bill would have made the hearing officers' decision final, thus eliminating the need for the various costly review processes included in the current system.

ADMINISTRATION'S OBJECTIONS

The administration opposed this bill because they wanted the Directors of the various departments to maintain the authority to overturn the decision of the hearing officer. We felt that in light of the fact that a hearing decision of the hearing officer in the Unemployment Insurance process is not subject to the approval of the Director of EDD, there is no reason why this efficiency should not be adopted by DSS or DHS.

COMPROMISE BILL

Given the objections of the administration and their unwillingness to make the fair hearing process more cost effective, we agreed to amend the bill to reflect two (2) provisions:

1. Current regulations require that the county make the position statement by the county available two (2) days prior to the hearing for the recipients' review. This requirement does not apply to the Department of Health Services in Medi-Cal hearings or to the WIC sponsors. The bill would require that DHS and the WIC sponsors also make this position statement available to the recipient at the hearing.
2. Under current law when a hearing decision is rendered, the county has 30 days to comply with the decision. This bill would have given the county 10 days to comply with the decision.

ADMINISTRATIONS' POSITION ON THE AMENDED BILL

The Department of Social Services removed their opposition to the bill as amended.

GOVERNORS' VETO MESSAGE

To the Members of the California Senate:

I am returning **Senate Bill 1596** without my signature.

Existing law permits an applicant or recipient to appeal to the State Department of Social Services an AFDC benefit determination made by the county. This bill would require the county to comply with that determination within ten days of its receipt. Additionally, this bill would extend to public and private agencies requirements pertaining to fair hearing position statements which are currently mandated on counties.

Existing regulations require counties to comply with hearing decisions "immediately." I have not received any information to indicate that the counties are not complying as soon as they possibly can. I am concerned that the ten-day time limit may, in some complicated cases, present an unrealistic administrative burden on the counties.

Moreover, the provisions regarding position statements would require the Department of Health Services to make available a fair hearing position statement to each applicant two days prior to a Medi-Cal hearing date. This presents a costly and unnecessary burden in Medi-Cal field operations, as many beneficiaries are unable to make an additional trip to the Medi-Cal office to review the statement.

Cordially,

GEORGE DEUKMEJIAN, Governor

Senate Bill 2269- Senator Bill Lockyer

BILL AS INTRODUCED

This bill would change the current practice of issuing two (2) checks a month and would allow the department to only issue one check a month thereby saving the costs associated with issuing an additional check each month.

The reason for this bill was the need of many recipients to have more than 50% of their AFDC benefits at the beginning of the month to pay their rent which is generally due on the first day of the month.

ADMINISTRATIONS' OBJECTIONS

The administration objected to this bill because it would not allow them to recover certain overpayments by stopping the midmonth check. The Welfare and Institutions Code Section 11455 provides that if a child is eligible at the beginning of the month, then they are eligible for the entire month. Thus terminating benefits mid-month is contrary to current state law.

COMPROMISE BILL

Given the objections of the Deukmejian Administration to our efforts to make the AFDC system more effecient, the author accepted proposed language from the Department of Social Services which would allow the recipient to receive 90% of their AFDC funds on the first of the month and 10% on the 15th. The bill was further amended to limit this option to those families whose monthly rent was due prior to the 15th day of the month and exceeded 50% of the AFDC benefits.

ADMINISTRATIONS' POSITION ON THE AMENDED BILL

The Department of Social Services removed their opposition to the bill as amended.

GOVERNORS' VETO MESSAGE

To the Members of the California Senate:

I am returning **Senate Bill 2269** without my signature.

This bill would require the State to allow Aid to Families with Dependent Children (AFDC) recipients to choose whether to receive 90 percent of their monthly grant in the first installment under specified circumstances.

SB 2269 would mandate what is now a county option to provide varied AFDC payments to reflect cash flow requirements of recipients. Existing law, therefore, appropriately allows local discretion in this matter in order to compensate for workload and resource differences that exist among counties. I believe such discretion is necessary and its abrogation by SB 2269 would be inappropriate and unjustified.

Furthermore, I am concerned that this legislation would have the unintended affect of limiting a county's ability to fully recoup AFDC overpayments. Existing practice where overpayment has occurred in a first installment calls for withholding the second payment. If, as provided under SB 2269 the first installment can amount to 90 percent of the monthly allowance, subsequent recoupment of overpayments may be made more difficult.

Cordially,

GEORGE DEUKMEJIAN, Governor

Assembly Bill 3282- Assemblywomen Maxine Waters

BILL AS INTRODUCED

This bill was introduced to streamline the application processing standards and it represented an attempt to make the application process more equitable in California.

Under current practice a family applying for AFDC faces a radically different application processing system depending on the county they apply at. Given the fact that the AFDC program is required to be administered uniformly throughout the state, and the failure of California to do so, we felt there was a need for legislative action on this issue.

ADMINISTRATIONS' OBJECTIONS

The administration objected to imposing administrative standards in statute and agreed to make certain changes administratively.

COMPROMISE BILL

The author accepted a compromise proposed by the department to remove most of the various provisions in the bill and include a section drafted by the department which would require the county to issue an AFDC payment within 10 days, after the AFDC family had submitted all of the requested verification and the county had determined that they were eligible.

The department also proposed language, which was accepted by the author, which would require the counties to make their rules and regulations available to the public in response to the authors' language to do the same.

ADMINISTRATIONS' POSITION ON THE AMENDED BILL

The Department of Social Services removed their opposition to the bill as amended reflecting their own language.

GOVERNORS' VETO

Veto Message—Assembly Bill No. 3282
Governor's Office, Sacramento
September 29, 1984

To the Members of the California Assembly:

I am returning Assembly Bill No. 3282 without my signature.

This bill would provide that all documents related to the administration of social service programs must be available for public inspection. In addition, the bill requires that Aid to Families with Dependent Children benefits must be authorized with ten working days subsequent to the county receiving all information and verification necessary to establish eligibility.

It appears that the requirement to make documents related to social service programs open to public inspection constitutes a State-mandated local program.

Although I am informed current county practice is to make documents available for public inspection, requiring this in statute may result in an unnecessary increase in State expenditures.

Furthermore, the provision providing the authorization of AFDC benefits be made within ten days if the county has received all eligibility information is inappropriate since this determination could require more than ten days to complete.

Cordially,

GEORGE DEUKMEJIAN, Governor

Assembly Bill 3937- Assemblywomen Gwen Moore

BILL AS INTRODUCED

This bill was introduced in response to complaints from many families who when moving from one county to another do not receive their benefits from the first county for a month or more in many cases. The bill would have required the county where the family had moved to to issue the AFDC benefits and then bill the first county for the benefits they issued to the family until the intercounty transfer had been completed.

The author believed the a family moving from Los Angeles County to Sacramento County would be better served by Sacramento County, rather than Los Angeles County until the intercounty transfer had been completed.

ADMINISTRATIONS' OBJECTIONS

The administration presented several objections to the bill relating to the problems of having one county billing another county, but accepted the fact that this could be a problem for AFDC families.

COMPROMISE BILL

The Department of Social Services drafted an amendment to require the county to which the family had moved to, to accept an affidavit of lost warrant, which would be forwarded to the second county by the first county, and then require the first county to replace the lost warrant within four (4) working days. The author accepted the department proposed language.

ADMINISTRATIONS' POSITION ON THE AMENDED BILL

The Department of Social Services removed their opposition to AB 3937 which reflected language drafted by the Department.

GOVERNORS' VETO MESSAGE

Veto Message—Assembly Bill No. 3937

Governor's Office, Sacramento
September 21, 1984

To the Members of the California Assembly:

I am returning Assembly Bill No. 3937 without my signature.

This bill would revise the procedures to obtain a replacement of a lost or destroyed public assistance check in situations where an AFDC beneficiary has relocated in another county.

Although I greatly appreciate the need to standardize and expedite the process, I am concerned that the time limits imposed by this bill would require counties to reissue a warrant without adequate verification that the original check has been lost.

The bill would permit a lost check to be reported in a county other than the issuing county. Because the notified county must report the loss to the issuing county within one day, the notification process must be by telephone. Since the issuing county then only has four days to reissue a check, it is unlikely that documentary verification will have been received by the issuing county.

Thus, the mechanism set forth in this bill increases the opportunity for fraudulent abuse and would further complicate the administration of issuing public service warrants. I would, however, be willing to sign a workable bill that standardizes the lost warrant procedures.

Cordially,

GEORGE DEUKMEJIAN, Governor

LEGISLATIVE HISTORY OF THE BILLS

VETOED BY THE GOVERNOR

S.B. No. 1596—Rosenthal.

An act to amend Section 10952.5, 10961, and 10963 of the Welfare and Institutions Code, relating to public social services.

1984

- Feb. 7—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 8—From print. May be acted upon on or after March 9.
- Feb. 16—To Com. on H. & W.
- Mar. 6—Set for hearing March 21.
- Mar. 12—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- Mar. 15—Set, first hearing. Hearing canceled at the request of author.
- Mar. 19—Set for hearing April 11.
- April 9—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- April 12—From committee: Do pass, but first be re-referred to Com. on FIN. (Ayes 5. Noes 0. Page 9546.) Re-referred to Com. on FIN.
- April 19—Set for hearing April 30.
- April 30—Set for hearing May 21.
- April 30—Set, first hearing. Hearing canceled at the request of author.
- May 1—Set for hearing May 21.
- May 10—Hearing postponed by committee. Set for hearing May 24.
- May 25—From committee: Do pass. (Ayes 8. Noes 2. Page 11150.)
- May 29—Read second time. To third reading.
- May 31—Read third time. Amended. To third reading.
- June 7—Read third time. Passed. (Ayes 21. Noes 12. Page 11423.) To Assembly.
- June 11—In Assembly. Read first time. Held at Desk.
- June 19—To Com. on HUMAN S.
- July 6—From committee: Do pass, but first be re-referred to Com. on W. & M. (Ayes 6. Noes 1.) Re-referred to Com. on W. & M.
- Aug. 9—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- Aug. 15—From committee: Do pass. (Ayes 15. Noes 7.) Read second time. To third reading.
- Aug. 16—Read third time. Passed. (Ayes 44. Noes 25. Page 19060.) To Senate.
- Aug. 17—In Senate. To unfinished business.
- Aug. 29—Senate concurs in Assembly amendments. (Ayes 21. Noes 19. Page 14108.) To enrollment.
- Sept. 13—Enrolled. To Governor at 3 p.m.
- Sept. 28—Vetoed by Governor.
- Oct. 1—In Senate. To unfinished business.

S.B. No. 2269—Lockyer.

An act to amend Section 11006.3 of the Welfare and Institutions Code, relating to public social services.

1984

- Feb. 17—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 22—From print. May be acted upon on or after March 23.
- Mar. 1—To Com. on H. & H.S.
- Mar. 26—Set for hearing April 25.
- April 9—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- April 26—From committee: Do pass, but first be re-referred to Com. on FIN. (Ayes 8. Noes 0. Page 9945.) Re-referred to Com. on FIN.
- April 30—Set for hearing May 21.
- May 10—Hearing postponed by committee. Set for hearing May 24.
- May 24—Set, first hearing. Hearing canceled at the request of author.
- May 25—Set for hearing May 30.
- May 30—Set, second hearing. Hearing canceled at the request of author.
- May 31—From committee with author's amendments. Read second time. Amended. Re-referred to committee. Set for hearing June 6.
- June 7—From committee: Do pass. (Ayes 8. Noes 1. Page 11550.)
- June 8—Read second time. To third reading.
- June 12—Read third time. Passed. (Ayes 21. Noes 10. Page 11662.) To Assembly.
- June 12—In Assembly. Read first time. Held at Desk.
- June 19—To Com. on HUMAN S.
- June 26—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- July 6—From committee: Do pass, but first be re-referred to Com. on W. & M. (Ayes 9. Noes 0.) Re-referred to Com. on W. & M.
- Aug. 16—From committee: Do pass. (Ayes 14. Noes 8.) Read second time. To third reading.
- Aug. 27—Read third time. Passed. (Ayes 42. Noes 33. Page 19619.) To Senate.
- Aug. 27—In Senate. To unfinished business.
- Aug. 31—Senate concurs in Assembly amendments. (Ayes 22. Noes 9. Page 14211.) To enrollment.
- Sept. 14—Enrolled. To Governor at 1 p.m.
- Sept. 28—Vetoed by Governor.
- Oct. 1—In Senate. To unfinished business.

A.B. No. 3282—Maxine Waters.

An act to add Sections 10803.1 and 11056.3 to the Welfare and Institutions Code, relating to public assistance.

1984

- Feb. 16—Read first time. To print.
Feb. 17—From printer. May be heard in committee March 18.
Feb. 28—Referred to Com. on HUMAN S.
Mar. 20—In committee: Set, first hearing. Hearing canceled at the request of author.
April 3—In committee: Hearing postponed by committee.
April 4—From committee chairman, with author's amendments: Amend, and re-refer to Com. on HUMAN S. Read second time and amended.
April 5—Re-referred to Com. on HUMAN S.
April 25—From committee: Do pass, and re-refer to Com. on W. & M. Re-referred. (Ayes 7. Noes 2.) (April 24).
May 25—From committee chairman, with author's amendments: Amend, and re-refer to Com. on W. & M. Read second time and amended.
May 29—Re-referred to Com. on W. & M.
May 31—From committee: Do pass. (Ayes 14. Noes 1.) (May 30).
June 4—Read second time. To third reading.
June 13—Read third time, passed, and to Senate. (Ayes 47. Noes 27. Page 16643.)
June 14—In Senate. Read first time. To Com. on RLS. for assignment.
June 18—Referred to Com. on H. & H.S.
June 28—From committee: Amend, do pass as amended, and re-refer to Com. on FIN. (Ayes 7. Noes 0.).
June 29—Read second time, amended, and re-referred to Com. on FIN.
Aug. 14—From committee: Amend, and do pass as amended. To Consent Calendar.
Aug. 15—Read second time, amended, and to Consent Calendar.
Aug. 17—From Consent Calendar. To third reading.
Aug. 21—Read third time, passed, and to Assembly. (Ayes 22. Noes 2. Page 13686.)
Aug. 21—In Assembly. Concurrence in Senate amendments pending.
Aug. 29—Senate amendments concurred in. To enrollment. (Ayes 45. Noes 32. Page 20000.)
Sept. 6—Enrolled and to the Governor at 2 p.m.
Sept. 29—Vetoed by Governor.

A.B. No. 3937—Moore.

An act to amend Sections 29850, 29851, and 29853.5 of the Government Code, relating to public social services.

1984

- Feb. 17—Read first time. To print.
Feb. 24—From printer. May be heard in committee March 25.
Mar. 6—Referred to Com. on HUMAN S.
April 30—From committee: Amend, and do pass as amended, and re-refer to Com. on W. & M. (Ayes 6. Noes 0.) (April 3).
May 1—Read second time and amended.
May 3—Re-referred to Com. on W. & M.
May 23—From committee chairman, with author's amendments: Amend, and re-refer to Com. on W. & M. Read second time and amended.
May 24—Re-referred to Com. on W. & M.
May 31—From committee: Do pass. To Consent Calendar. (May 30).
June 4—Read second time. To Consent Calendar.
June 7—From Consent Calendar. To third reading.
June 12—Read third time, passed, and to Senate. (Ayes 54. Noes 18. Page 16493.)
June 13—In Senate. Read first time. To Com. on RLS. for assignment.
June 18—Referred to Com. on H. & H.S.
June 21—From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on H. & H.S.
July 6—From committee: Amend, do pass as amended, and re-refer to Com. on FIN. (Ayes 5. Noes 0.).
Aug. 6—Read second time, amended, and re-referred to Com. on FIN.
Aug. 14—From committee: Be placed on second reading file pursuant to Senate Rule 28.8.
Aug. 15—Read second time. To third reading.
Aug. 16—Read third time, amended, and returned to third reading.
Aug. 22—Read third time, amended, and returned to third reading.
Aug. 27—Read third time, passed, and to Assembly. (Ayes 37. Noes 0. Page 13820.)
Aug. 27—In Assembly. Concurrence in Senate amendments pending.
Aug. 29—Senate amendments concurred in. To enrollment. (Ayes 70. Noes 1. Page 20064.)
Sept. 6—Enrolled and to the Governor at 11 a.m.
Sept. 21—Vetoed by Governor.

BILLS APPROVED BY THE GOVERNOR

S.B. 487- Senator Bill Greene- Chapter 1259

This bill would require anyone contracting with the State of California to give AFDC recipients priority when hiring new people for the performance of the contract services.

S.B. 1123-Senator Diane Watson-Chapter 1248

This bill would prohibit the county from requesting verification from applicants who have been terminated from AFDC less than 30 days which are already on file with the county.

A.B. 2466- Assemblyman Peter Chacon- Chapter 1315

This bill would deem any single parent attending college full time to be unsuitable for participation in the WIN program, if they have a child under the age of six (6) years old.

A.B. 3281- Assemblywomen Maxine Waters- Chapter 613

This bill would bar counties from requiring general assistance applicants to participate in county general assistance workfare programs in order to be found to be eligible for general assistance. It would also require that any workfare program for general assistance recipients be for the purpose of rehabilitation and would not allow the counties to have a county workfare program for the purpose of preventing general assistance recipients from being "idle".

LEGISLATIVE HISTORY OF THE BILLS

SIGNED BY THE GOVERNOR

S.B. No. 487—Bill Greene.

An act to add Section 10353 of the Public Contract Code, and to add Article 3.9 (commencing with Section 11349) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to employment.

1983

- Feb. 22—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 23—From print. May be acted upon on or after March 23.
- Mar. 4—To Com. on I.R.
- Dec. 27—Set for hearing January 11.

1984

- Jan. 9—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- Jan. 12—From committee: Do pass, but first be re-referred to Com. on FIN. (Ayes 6. Noes 1. Page 7359.) Re-referred to Com. on FIN.
- Jan. 13—Set for hearing January 18.
- Jan. 23—From committee: Do pass as amended. (Ayes 8. Noes 2. Page 7494.) Read second time. Amended. To third reading.
- Jan. 26—Read third time. Amended. To third reading.
- Jan. 30—Read third time. Passed. (Ayes 26. Noes 5. Page 7663.) To Assembly.
- Jan. 30—In Assembly. Read first time. Held at Desk.
- Feb. 7—To Com. on HUMAN S.
- Mar. 1—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- May 23—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- May 31—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- July 6—From committee: Do pass, but first be re-referred to Com. on W. & M. (Ayes 6. Noes 0.) Re-referred to Com. on W. & M.
- Aug. 15—Do pass. To Consent Calendar. Read second time. To Consent Calendar.
- Aug. 16—Read third time. Passed. (Ayes 79. Noes 0. Page 19028.) To Senate.
- Aug. 16—In Senate. To unfinished business.
- Aug. 29—Senate concurs in Assembly amendments. (Ayes 25. Noes 7. Page 14050.) To enrollment.
- Sept. 11—Enrolled. To Governor at 4 p.m.
- Sept. 18—Approved by Governor.
- Sept. 19—Chaptered by Secretary of State. Chapter 1259, Statutes of 1984.

S.B. No. 1123—Watson.

An act to amend Section 11051 of the Welfare and Institutions Code, relating to aid to families with dependent children.

1983

- Mar. 4—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Mar. 7—From print. May be acted upon on or after April 6.
- Mar. 24—To Com. on H. & W.
- April 11—Set for hearing April 20.
- April 14—Set, first hearing. Hearing canceled at the request of author. Set for hearing April 27.
- April 28—From committee: Do pass as amended, but first amend, and re-refer to Com. on FIN. (Ayes 5. Noes 0. Page 2152.)
- May 2—Read second time. Amended. Re-referred to Com. on FIN.
- May 3—Set for hearing May 23.
- May 19—Set, first hearing. Hearing canceled at the request of author. Set for hearing June 13.
- June 8—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- June 13—From committee: Be placed on second reading file pursuant to Senate Rule 28.8.
- June 14—Read second time. To third reading.
- June 20—To Special Consent Calendar.
- June 23—Read third time. Passed. (Ayes 39. Noes 0. Page 3961.) To Assembly.
- June 27—In Assembly. Read first time. Held at Desk.
- June 28—To Com. on HUMAN S.
- July 12—From committee: Do pass as amended, but first amend, and re-refer to Com. on W. & M. with recommendation: To Consent Calendar. (Ayes 6. Noes 0.)
- July 13—Read second time. Amended. Re-referred to Com. on W. & M.

1984

- Aug. 15—Do pass. To Consent Calendar. Read second time. To Consent Calendar.
- Aug. 16—Read third time. Passed. Action rescinded whereby bill passed.
- Aug. 27—Joint Rule 61 suspended. From committee: Do pass as amended. To Consent Calendar. Read second time. Amended. To Consent Calendar.
- Aug. 28—Read third time. Passed. (Ayes 77. Noes 0. Page 19835.) To Senate.
- Aug. 29—In Senate. To unfinished business.
- Aug. 30—To Special Consent Calendar.
- Aug. 31—Senate concurs in Assembly amendments. (Ayes 35. Noes 0. Page 14205.) To enrollment.
- Sept. 12—Enrolled. To Governor at 3 p.m.
- Sept. 18—Approved by Governor.
- Sept. 19—Chaptered by Secretary of State. Chapter 1248, Statutes of 1984.

A.B. No. 2466—Chacon, Bates, Cortess, Davis, Moore, and Maxine Waters (Senators Bill Greene, Marks, McCorquodale, Presley, Rosenthal, and Petris, coauthors).

An act to amend Sections 5001 and 5007 of the Unemployment Insurance Code, relating to employment.

1984

- Jan. 24—Read first time. To print.
Jan. 25—From printer. May be heard in committee February 24.
Jan. 31—Referred to Com. on HUMAN S.
Mar. 29—From committee chairman, with author's amendments: Amend, and re-refer to Com. on HUMAN S. Read second time and amended.
April 2—Re-referred to Com. on HUMAN S.
April 3—In committee: Hearing postponed by committee.
April 25—From committee: Amend, and do pass as amended, and re-refer to Com. on W. & M. (Ayes 6. Noes 4.) (April 24).
April 26—Read second time and amended.
April 30—Re-referred to Com. on W. & M.
May 31—From committee: Do pass. (Ayes 14. Noes 7.) (May 30).
June 4—Read second time. To third reading.
June 13—Read third time, passed, and to Senate. (Ayes 45. Noes 34. Page 16683.)
June 14—In Senate. Read first time. To Com. on RLS. for assignment.
June 20—Referred to Com. on H. & H.S.
Aug. 6—From committee: Amend, do pass as amended, and re-refer to Com. on FIN. (Ayes 6. Noes 0.).
Aug. 7—Read second time, amended, and re-referred to Com. on FIN.
Aug. 21—From committee: Amend, and do pass as amended. (Ayes 9. Noes 0.).
Aug. 22—Read second time, amended, and to third reading.
Aug. 27—Read third time, passed, and to Assembly. (Ayes 40. Noes 0. Page 13873.)
Aug. 28—In Assembly. Concurrence in Senate amendments pending.
Aug. 29—Senate amendments concurred in. To enrollment. (Ayes 47. Noes 26. Page 20104.)
Sept. 10—Enrolled and to the Governor at 4 p.m.
Sept. 21—Approved by the Governor.
Sept. 21—Chaptered by Secretary of State - Chapter 1315, Statutes of 1984.

A.B. No. 3281—Maxine Waters.

An act to amend Section 17200 of the Welfare and Institutions Code, relating to public social services.

1984

- Feb. 16—Read first time. To print.
Feb. 17—From printer. May be heard in committee March 18.
Feb. 28—Referred to Com. on HUMAN S.
Mar. 21—From committee: Amend, and do pass as amended, and re-refer to Com. on W. & M. (Ayes 6. Noes 2.) (March 20).
Mar. 22—Read second time and amended.
Mar. 26—Re-referred to Com. on W. & M.
May 31—From committee chairman, with author's amendments: Amend, and re-refer to Com. on W. & M. Read second time and amended.
June 4—Re-referred to Com. on W. & M.
June 7—From committee: Do pass. (Ayes 12. Noes 8.) (June 6).
June 11—Read second time. To third reading.
June 13—Read third time, passed, and to Senate. (Ayes 41. Noes 35. Page 16683.)
June 14—In Senate. Read first time. To Com. on RLS. for assignment.
June 18—Referred to Com. on H. & H.S.
June 28—From committee: Do pass. To Consent Calendar.
June 29—Read second time. To Consent Calendar.
July 6—Read third time, passed, and to Assembly. (Ayes 38. Noes 0. Page 13015.)
July 6—In Assembly. To enrollment.
July 9—Enrolled and to the Governor at 3 p.m.
July 18—Approved by the Governor.
July 19—Chaptered by Secretary of State - Chapter 613, Statutes of 1984.

1984-1985 STATE BUDGET REPORT

1. AFDC & SSI COLA

AFDC recipients will receive a 5.6% COLA effective July 1, 1984. SSI recipients will receive their 5.6% COLA effective January 1, 1985.

2. BEGINNING DATE OF AID

The budget's trailer bill had language restoring the beginning date of aid back to the way it was prior to April 1, 1984, but the Governor blue-penciled that. At this time, several attorneys are considering a legal challenge to the Governor's action.

3. E.D.D. REGULATION AVAILABLE TO THE PUBLIC

E.D.D. has long practiced publishing regulations without complying with the Administrative Procedures Act, has often refused to make these rules and regulations available to the public. Unemployment Code Section 307 requires that they be made available to the public for a charge. If you are interested in getting them, contact me and I'll see if I get your office free copies.

4. WIN CONCILIATION

Under federal regulations, a WIN participant is entitled to a "conciliation period" prior to being sanctioned. Although state law provided for this process, it has really never worked.

Section 5302 of the Unemployment Insurance Code has been amended to provide that all WIN participants, prior to being sanctioned, receive a letter with the following information:

- a statement of what may constitute "good cause" for cooperation;
- a statement of exactly what caused the alleged non-cooperation;
- a proposed conciliation plan by the WIN office;
- a statement of the participant's right to propose a counter conciliation plan;
- the names and addresses of the local legal aid and welfare rights office.

5. CONTINUATION OF THE SAN DIEGO WORKFARE PROGRAM FOR ONE YEAR

This program was continued for another year through the budget's trailer bill, with a number of significant protections:

- sanctions are limited to the parent who failed to cooperate, and can't be imposed on the entire family;
- college students are exempted from the program.

6. CONTINUATION OF THE EARLY WELFARE FRAUD PREVENTION PROGRAM

The early welfare fraud prevention program was extended another year. The budget provides for an Advisory Committee to monitor the program and hold hearings about it around the state, if the committee deems it appropriate.

Copies of the language of all of these items are attached hereto for your review.

SEC. 46.5. Section 11311 of the Welfare and Institutions Code is amended to read:

11311. The Employment Development Department, in consultation with the State Department of Social Services, shall contract with San Diego County, at the county's option, to provide experimental work experience assignments for unemployed parents receiving aid under this chapter who have completed job search assistance workshops and are still unemployed and for whom such work experience assignments are appropriate based upon an assessment by the county under contract with the Employment Development

Department. Primary participants will be the designated unemployed parent from two-parent AFDC families.

A work experience assignment shall provide all of the following:

(a) Appropriate standards for health, safety, and other conditions applicable to the performance of work.

(b) Assignments which do not result in displacement of persons currently employed; *or (including reduction in overtime pay), the filling of established unfilled position vacancies, or infringement upon promotional opportunities, which would otherwise be available to currently employed regular employees by any actions taken on behalf of a participant in other than an entry-level position, prior to compliance with applicable personnel procedures and collective bargaining agreements.*

(c) Reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants.

(d) Participants shall not be required to travel an unreasonable distance from their homes or remain away from their homes overnight.

(e) The maximum number of hours in any month that a participant may be required to work is that number which equals the amount of aid payable with respect to the family of which the individual is a member divided by the greater of the federal or the applicable minimum wage. In no event shall the hours of required work exceed 32 hours in four days of any given workweek, the fifth day of the workweek remaining for job search.

(f) *Transportation and other costs reasonably necessary and directly related to participation in the assignment.*

(g) *An assignment shall not be developed in response to, or be associated with, the existence of a strike, lockout, or other bona fide labor dispute, or be in violation of any existing collective bargaining agreement between employees and employers.*

(h) *An assignment shall not be developed through replacement of a person in a position that has been*

created by termination or layoff of a person for purposes of this section.

(i) A person shall not be required to accept a work experience assignment if the assignment would result in the removal of the individual from an accredited educational institution, if the individual is enrolled in nine or more semester units toward the attainment of a degree or a certification.

The purpose of the work experience experiment shall be to determine the usefulness of such an approach in achieving the eventual employment of the unemployed parent.

The work experience assignment shall be in public and private nonprofit agencies which meet the requirements of subdivision (e) of Section 5007.5 of the Unemployment Insurance Code.

The County of San Diego shall be responsible for the nonfederal costs of all work-related expenses; work incentives; and the administrative costs of operating the work experience assignments which are not funded under the Work Incentive Program or any other federal program. Any unemployed parent who refuses to participate in the work experience assignment without good cause as specified in Section 5007 and Chapter 4 (commencing with Section 5300) of the Unemployment Insurance Code shall be sanctioned consistent with the provisions of federal law for the Work Incentive Program.

Notwithstanding Section 11308, if a principal wage earner is sanctioned due to failure to meet the requirements of this section, failure to meet these requirements shall not affect the eligibility for aid of any other member of the family unit. This paragraph shall not be operative if it is found to jeopardize federal financial participation for the remaining portions of the program authorized by this section provided that the federal government issues a final order and the state has exhausted all available remedies.

From whatever state or federal funds are appropriated to support community work experience programs, funds shall be allocated sufficient to meet the child care needs of eligible participants, including those participants with school age children who are in need of care before or after school hours.

This section shall be operative after December 31, 1984, only if the State Department of Social Services uses its best efforts to secure the necessary federal waivers to implement the demonstration program authorized by Article 3.8 (commencing with Section 11347) of this chapter and the director so certifies to the Joint Legislative Budget Committee and the fiscal committee of each house of the Legislature by that date.

This section shall remain in effect only until July 1, 1984 1985, and on that date is repealed.

WIN CONCILIATION LANGUAGE

SEC. 31.95. Section 5302 of the Unemployment Insurance Code is amended to read:

5302. (a) Whenever a registrant fails or refuses to appear for appraisal, or a certified registrant fails or refuses to accept employment or to otherwise participate in a work incentive or employment preparation program, the department shall determine whether the individual had good cause for ~~such~~ *the* failure or refusal.

(b) The department shall exhaust efforts toward conciliatory resolution of disputes before it issues a notice of intended deregistration. *The department shall inform the individual what may constitute good cause in writing on the same notice which informed him or her that an issue exists concerning his or her failure or refusal to cooperate or participate. The notice of unresolved issues, which are issues prior to the potential issuance of a notice of intended deregistration, shall clearly specify the action or actions that resulted in the unresolved issue, the proposed steps that the registrant may take towards conciliatory resolution, and the right to offer a counter proposal towards conciliatory resolution, including the names and addresses of the local legal services office and welfare right office, if any, who can assist him or her with conciliation.* The purpose of this effort is to encourage the participant to continue in the Work Incentive Program or Employment Preparation Program. The conciliatory effort shall begin no later than 10 days following the date of failure or refusal to participate as determined in subdivision (a). The conciliation effort may continue for a period not to exceed 30 days. However, ~~either~~ the department or registrant, upon written request, may terminate this period sooner when ~~either~~ *he or she* believes *that* conciliation will not resolve the dispute. ~~The department shall advise the registrant of the right to terminate the conciliation effort and, when necessary, assist the registrant in preparing a written request to do so.~~ *If the registrant refuses to meet the conditions of the conciliation plan, the department may terminate the plan earlier. Upon meeting the agreed upon conciliation plan, the department shall inform the registrant of his or her successful completion of the plan in writing.*

SEC. 32.2. Section 1504 of the Vehicle Code is amended to read:

AVAILABILITY OF E.D.D. REGULATIONS

SEC. 31.7. Section 307 is added to the Unemployment Insurance Code, to read:

307. The department shall provide, upon the request of any person or entity, any or all of the department's rules, regulations, guidelines, bulletins, manuals, standards of general application, or the departmental responsibilities under any state or federal law, along with any subscription service necessary to assure prompt receipt of additional amendments to any of the above materials. The department shall charge a fee to cover (1) the costs of reproducing the materials and (2) postage associated with a subscription service; however, one free copy of the materials shall be provided to each state legislator, upon request.

Any documents properly classified as confidential shall be exempt from the requirements of this section.

BEGINNING DATE OF AID AND DISCLAIMER OF HAVING THE REGULATIONS
REVIEWED BY THE OFFICE OF ADMINISTRATIVE LAW.

SEC. 45.5. Section 11056 of the Welfare and Institutions Code is amended to read:

11056. If the applicant is determined to be eligible, aid shall be granted from the date of application if authorizing action by the eligibility worker is taken in that month; or the beginning date of aid is the first of the month following the date of application only if the authorizing action is taken by the eligibility worker at a later date.

The county at the time of receiving an application for public assistance shall determine and verify whether the applicant needs immediate assistance. If it is determined that the applicant is eligible for public assistance, and a signed affirmation is on file to this effect, aid shall be granted immediately. If subsequent investigation establishes ineligibility, the cost of such assistance shall be shared by the state and county in accordance with the applicable sharing ratio after federal contributions are deducted.

The director shall, within 30 days after the enactment of SB 1379 of the 1983-84 Regular Session, adopt regulations implementing this section as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. Notwithstanding the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted by the director in order to implement this section shall not be subject to the review and approval of the Office of Administrative Law. These regulations shall become effective immediately upon filing with the Secretary of State.

BUDGET CONTROL LANGUAGE RELATING TO THE EARLY
WELFARE FRAUD PREVENTION PROGRAM FOR 1984-1985

All counties with State Department of Social Services approved Early Fraud Prevention/Detection Programs shall refer to a fraud investigation only after applicants have completed and signed the application for aid. If eligibility for assistance is established, such referral and investigation shall not delay the receipt of aid, including immediate need payments.

It is the intent of the Legislature that no intimidation based on fraud allegations shall occur whether by referral, or threat of referral, prior to the completion of the application for aid. Whenever an application is withdrawn because of a fraud referral, such withdrawal shall be documented by a caseworker and the county shall keep records of all such withdrawals.

For those applicants withdrawing, the caseworker shall give the applicant a complaint form that may be mailed to the county by the applicant. The county shall keep copies of all complaints.

The department shall approve county proposals which provide satisfactory results regardless of the personnel classifications utilized. No proposal shall be approved that includes the employment of uniformed investigators. Counties shall give first priority for hiring additional fraud detection specialists to those county employees who have been laid off as a result of funding cuts and shall provide the necessary training to these individuals in order for them to carry out the duties of the position.

The department shall submit by January 1, 1985, a report to the Joint Legislative Budget Committee and the fiscal committees describing the methodology used to calculate the savings by this project.

The department shall also submit a report to the Joint Legislative Budget Committee by April 15, 1985, describing the following: summaries of county programs; the costs of the program in each county; the number of applications in each county; the number of cases referred in each county; the number of investigations; the number of cases denied or withdrawn; the number of cases referred to the District Attorney's Office for prosecution; the actual savings generated by this program since its implementation. Additionally, any complaints received by the county regarding the county programs shall be included in the report.

The department shall have an Early Welfare Fraud Detection Advisory Committee that shall

~~review all plans submitted to the department prior to approval by the department, and the department shall take into consideration the comments of the committee prior to approving or rejecting the county plan.~~ The committee shall be composed of two persons appointed by the California Welfare Fraud Investigators Association, two persons appointed by the California Welfare Directors Association, two persons appointed by social services labor unions, and two persons appointed by the Coalition of California Welfare Rights Organizations. The committee shall meet not more than quarterly and make such reports as it deems appropriate to the Legislature and the director of the department. The committee may also hold hearings regarding the effectiveness of the program, including for the purposes of receiving views of persons wishing to express their opinions about the program.

The department shall reimburse members for their travel and per diem expenses.