

Assembly Bill No. 2111

Passed the Assembly August 29, 2018

Chief Clerk of the Assembly

Passed the Senate August 28, 2018

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2018, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 11008.135 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2111, Quirk. CalWORKs: sponsored noncitizen: indigence exception.

Existing law provides for various public social services programs, including, among others, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals, CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county, and the Medi-Cal program, under which qualified low-income individuals receive health care services. Existing federal and state law provide that in determining the eligibility and amount of aid for an alien, the income and resources of an alien shall be deemed to include the income and resources of any person who has executed an affidavit of support on behalf of the alien and the spouse of that person, as specified, and requires the sponsored applicant or recipient to provide information regarding the income and resources of those persons. Existing federal law and state regulations provide that if a sponsored alien is determined to be indigent, as specified, the sponsored alien shall be exempt from the sponsor deeming requirements for a period beginning on the date of that indigency determination and ending 12 months after that date.

This bill would, to the extent permitted by federal law, waivers, and directives, require a county to renew the 12-month exception period for additional 12-month periods for a sponsored applicant for, or recipient of, CalWORKs benefits who is deemed to meet the indigence requirement, as specified. The bill would require the department to implement this provision between April 1, 2019, and July 1, 2019, authorize the department to implement and administer this provision through all-county letters or similar instructions until regulations are adopted, and require the

department to adopt emergency regulations no later than January 1, 2021. The bill would exempt the department from specific provisions of the Administrative Procedure Act relating to the adoption of emergency regulations, including the requirement for regulations to be reviewed by the Office of Administrative Law. By increasing county duties, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would provide that the continuous appropriation would not be made for purposes of implementing the bill.

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 the statutory provisions noted above.

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

SECTION 1. Section 11008.135 of the Welfare and Institutions Code is amended to read:

11008.135. (a) Notwithstanding any other law, in determining the eligibility and amount of aid for a noncitizen under this division, the income and resources of the noncitizen shall be deemed to include the income and resources of any person who has executed an affidavit of support on behalf of the noncitizen and the spouse of that person, as provided in Subtitle C (commencing with Section 421) of Title IV of Public Law 104-193, as amended by Public Law 104-208, and any subsequent amendments thereto, and subject to any exceptions allowed by those provisions, including exceptions for indigents and battered spouses.

(b) As a condition of eligibility, the sponsored applicant or recipient shall provide information regarding the income and resources of any person, and the spouse of that person, who has executed an affidavit of support on behalf of the noncitizen.

(c) (1) To the extent permitted by federal law, waivers, and directives, a county shall renew the 12-month exception period for additional 12-month periods for a sponsored applicant for, or recipient of, benefits under the California Work Opportunity and Responsibility to Kids (CalWORKs) program (Chapter 2 (commencing with Section 11200) of Part 3) who is deemed to meet the indigence exception specified in Section 1631 of Title 8 of the United States Code.

(2) The department shall implement this subdivision between April 1, 2019, and July 1, 2019.

(d) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer the act that added this subdivision through all-county letters or similar instructions until regulations are adopted.

(2) The department shall adopt emergency regulations implementing this section no later than January 1, 2021. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

SEC. 2. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of this act.

SEC. 3. 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.

Approved _____, 2018

Governor