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AB-1747 Food assistance: higher education students. (2015-2016)

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Assembly Bill No. 1747

CHAPTER 290

An act to add Section 66025.93 to the Education Code, and to amend Sections 18904.3 and 18995 of the Welfare and Institutions Code, relating to food assistance.

[Approved by Governor September 12, 2016. Filed with Secretary of State September 12, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, Weber. Food assistance: higher education students.

(1) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing state law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system. Existing federal law authorizes counties to participate in the Restaurant Meals Program.

This bill would require each public and private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for the program, if the institution operates any qualifying food facilities on campus, or to provide contracting food vendors with specified information about the program. By imposing these requirements on community colleges, this bill would impose a state-mandated local program.

(2) Existing law requires the State Department of Social Services, if private nonprofit organizations are successful in raising money for CalFresh outreach activities and have secured a local governmental agency to serve as the contracting agency, upon request and subject to approval by the United States Department of Agriculture, to act as their state entity for the receipt of matching funds.

This bill would additionally require the department to act as the state entity for the receipt of federal reimbursement for CalFresh outreach activities on behalf of state educational institutions or other state or local agencies, subject to certain conditions.

(3) Existing law requires the State Department of Social Services to establish and administer the State Emergency Food Assistance Program, to provide food and funding for the provision of emergency food to food banks, as provided. Existing law creates the State Emergency Food Assistance Program Account within the Emergency Food Assistance Program Fund and requires that moneys in the account, upon appropriation by the Legislature, be used by the program for the purchase, storage, and transportation of food grown or produced in California and for the department's administrative costs.

This bill would establish the Public Higher Education Pantry Assistance Program Account in the Emergency Food Assistance Program Fund, and would require that moneys in the account, upon appropriation by the Legislature, be allocated to the department for allocation to food banks that support on-campus pantry and hunger relief efforts serving low-income students, as specified.

(4) This bill would incorporate changes to Section 18995 of the Welfare and Institutions Code proposed by both this bill and AB 1577, which would become operative only if both bills are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

(5) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to increase the college graduation rates of low-income Californians and to reduce the incidence of economic hardship and hunger among low-income college students.

SEC. 2. Section 66025.93 is added to the Education Code, immediately following Section 66025.92, to read:

66025.93. (a) Each public or private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program established pursuant to Section 2020 of Title 7 of the United States Code shall do all of the following:

(1) Apply to become an approved food vendor for the Restaurant Meals Program, if the institution operates any qualifying food facility on campus.

(2) Annually provide all on-campus food vendors not operated by the institution with information regarding the Restaurant Meals Program and the manner in which to apply.

(3) If an on-campus food vendor has been approved to participate in the Restaurant Meals Program, annually inform students about the program using information provided by the State Department of Social Services.

(b) This section does not require an institution to create, operate, or maintain an EBT system on behalf of on-campus food vendors.

(c) An approved food vendor participating in the Restaurant Meals Program pursuant to this section, and a county in which the program is operated, shall meet the requirements of the Restaurant Meals Program.

SEC. 3. Section 18904.3 of the Welfare and Institutions Code is amended to read:

18904.3. (a) If a private nonprofit organization, public postsecondary educational institution, or other state or local agency secures funds for CalFresh outreach activities that are allowable for partial federal reimbursement, and complies with contracting requirements established in state and federal law, the department shall, subject to approval of the state's outreach plan by the United States Department of Agriculture, act as the state entity for receipt of federal reimbursement on behalf of the organization, institution, or agency.

(b) Any reduction in federal funding to the state that is due to the result of any audit of CalFresh outreach contracts or activities shall be applied to the appropriate local government that served as the contracting agency for CalFresh outreach activities.

SEC. 4. Section 18995 of the Welfare and Institutions Code is amended to read:

18995. (a) On and after January 1, 2012, the State Department of Social Services shall establish and administer the State Emergency Food Assistance Program (SEFAP). The SEFAP shall provide food and funding for the provision of emergency food to food banks established pursuant to the federal Emergency Food Assistance Program (7 C.F.R. Parts 250 and 251) whose ongoing primary function is to facilitate the distribution of food to low-income households.

(b) (1) The State Emergency Food Assistance Program Account is hereby established in the Emergency Food Assistance Program Fund established pursuant to Section 18852 of the Revenue and Taxation Code, and may receive federal funds and voluntary donations or contributions.

(2) Notwithstanding Section 18853 of the Revenue and Taxation Code, the following shall apply:

(A) All moneys received by the State Emergency Food Assistance Program Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to the SEFAP and, with the exception of those contributions made pursuant to Section 18851 of the Revenue and Taxation Code and funds received through Parts

250 and 251 of Title 7 of the Code of Federal Regulations, shall be used for the purchase, storage, and transportation of food grown or produced in California. Storage and transportation expenditures shall not exceed 10 percent of the SEFAP fund's annual budget.

(B) Notwithstanding subparagraph (A), funds received by the State Emergency Food Assistance Program Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to the SEFAP as described in subparagraph (A), and shall, in part, be used to pay for the department's administrative costs associated with the administration of the SEFAP.

(c) (1) The Public Higher Education Pantry Assistance Program Account is hereby established in the Emergency Food Assistance Program Fund established pursuant to Section 18852 of the Revenue and Taxation Code.

(2) Notwithstanding Section 18853 of the Revenue and Taxation Code, funds in the Public Higher Education Pantry Assistance Program Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to food banks established pursuant to Parts 250 and 251 of Title 7 of the Code of Federal Regulations that meet both of the following criteria:

(A) The primary function of the food bank is the distribution of food to low-income households.

(B) The food bank has identified specific costs associated with supporting on-campus pantry and hunger relief efforts serving low-income students.

SEC. 4.5. Section 18995 of the Welfare and Institutions Code is amended to read:

18995. (a) On and after January 1, 2017, the State Emergency Food Assistance Program (SEFAP), administered by the State Department of Social Services, shall be renamed as the "CalFood Program." The CalFood Program shall provide food and funding for the provision of emergency food to food banks established pursuant to the federal Emergency Food Assistance Program (7 C.F.R. Parts 250 and 251) whose ongoing primary function is to facilitate the distribution of food to low-income households.

(b) (1) The CalFood Account is hereby established in the Emergency Food Assistance Program Fund established pursuant to Section 18852 of the Revenue and Taxation Code, and may receive federal funds and voluntary donations or contributions.

(2) Notwithstanding Section 18853 of the Revenue and Taxation Code, the following shall apply:

(A) All moneys received by the CalFood Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to the CalFood Program and, with the exception of those contributions made pursuant to Section 18851 of the Revenue and Taxation Code and funds received through Parts 250 and 251 of Title 7 of the Code of Federal Regulations, shall be used for the purchase, storage, and transportation of food grown or produced in California. Storage and transportation expenditures shall not exceed 10 percent of the CalFood Program fund's annual budget.

(B) Notwithstanding subparagraph (A), funds received by the CalFood Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to the CalFood Program as described in subparagraph (A), and shall, in part, be used to pay for the department's administrative costs associated with the administration of the CalFood Program.

(c) (1) The Public Higher Education Pantry Assistance Program Account is hereby established in the Emergency Food Assistance Program Fund established pursuant to Section 18852 of the Revenue and Taxation Code.

(2) Notwithstanding Section 18853 of the Revenue and Taxation Code, funds in the Public Higher Education Pantry Assistance Program Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to food banks established pursuant to Parts 250 and 251 of Title 7 of the Code of Federal Regulations that meet both of the following criteria:

(A) The primary function of the food bank is the distribution of food to low-income households.

(B) The food bank has identified specific costs associated with supporting on-campus pantry and hunger relief efforts serving low-income students.

SEC. 5. Section 4.5 of this bill incorporates amendments to Section 18995 of the Welfare and Institutions Code proposed by both this bill and AB 1577. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 18995 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1577, in which case Section 4 of this bill shall not become operative.

SEC. 6. 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.