

AMENDED IN SENATE AUGUST 21, 2002

SENATE BILL

No. 1836

Introduced by ~~Committee on Budget and Fiscal Review~~ *Senator Peace*

February 22, 2002

~~An act relating to electricity, and declaring the urgency thereof, to take effect immediately. An act to amend Section 14005.30 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1836, as amended, ~~Committee on Budget and Fiscal Review Peace. Electricity Oversight Board Medi-Cal: benefits.~~

Existing law requires the State Department of Health Services to exercise an option available under the federal medicaid program to disregard all changes in income or assets of a beneficiary until the beneficiary's next annual redetermination of eligibility for Medi-Cal benefits.

This bill would repeal that requirement.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides for the formation of the Electricity Oversight Board to oversee the Independent System Operator and to investigate any matter related to the wholesale market for electricity to ensure the interests of California citizens and consumers are represented concerning the availability of electric transmission and generation and related costs during periods of peak demand.~~

~~This bill would declare the intent of the Legislature to make the necessary changes to implement the Budget Act of 2002 relative to the board.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ²/₃. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

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

1 ~~SECTION 1. It is the intent of the Legislature in enacting the~~
2 ~~SECTION 1. Section 14005.30 of the Welfare and Institutions~~
3 ~~Code is amended to read:~~

4 14005.30. (a) (1) To the extent that federal financial
5 participation is available, Medi-Cal benefits under this chapter
6 shall be provided to individuals eligible for services under Section
7 1396u-1 of Title 42 of the United States Code, including any
8 options under Section 1396u-1(b)(2)(C) made available to and
9 exercised by the state.

10 (2) The department shall exercise its option under Section
11 1396u-1(b)(2)(C) of Title 42 of the United States Code to adopt
12 less restrictive income and resource eligibility standards and
13 methodologies to the extent necessary to allow all recipients of
14 benefits under Chapter 2 (commencing with Section 11200) to be
15 eligible for Medi-Cal under paragraph (1).

16 ~~(3) To the extent federal financial participation is available, the~~
17 ~~department shall exercise its option under Section~~
18 ~~1396u-1(b)(2)(C) of Title 42 of the United States Code authorizing~~
19 ~~the state to disregard all changes in income or assets of a~~
20 ~~beneficiary until the next annual redetermination under Section~~
21 ~~14012. The department shall implement this paragraph only if, and~~
22 ~~to the extent that the State Child Health Insurance Program waiver~~
23 ~~described in Section 12693.755 of the Insurance Code extending~~
24 ~~Healthy Families Program eligibility to parents and certain other~~
25 ~~adults is approved and implemented.~~

26 (b) To the extent that federal financial participation is
27 available, the department shall exercise its option under Section
28 1396u-1(b)(2)(C) of Title 42 of the United States Code as
29 necessary to expand eligibility for Medi-Cal under subdivision (a)
30 by establishing the amount of countable resources individuals or



1 families are allowed to retain at the same amount medically needy
2 individuals and families are allowed to retain, except that a family
3 of one shall be allowed to retain countable resources in the amount
4 of three thousand dollars (\$3,000).

5 (c) To the extent federal financial participation is available, the
6 department shall, commencing March 1, 2000, adopt an income
7 disregard for applicants equal to the difference between the
8 income standard under the program adopted pursuant to Section
9 1931(b) of the federal Social Security Act (42 U.S.C. Sec.
10 1396u-1) and the amount equal to 100 percent of the federal
11 poverty level applicable to the size of the family. A recipient shall
12 be entitled to the same disregard, but only to the extent it is more
13 beneficial than, and is substituted for, the earned income disregard
14 available to recipients.

15 (d) For purposes of calculating income under this section
16 during any calendar year, increases in social security benefit
17 payments under Title II of the federal Social Security Act (42
18 U.S.C. Sec. 401 and following) arising from cost-of-living
19 adjustments shall be disregarded commencing in the month that
20 these social security benefit payments are increased by the
21 cost-of-living adjustment through the month before the month in
22 which a change in the federal poverty level requires the department
23 to modify the income disregard pursuant to subdivision (c) and in
24 which new income limits for the program established by this
25 section are adopted by the department.

26 (e) Subdivision (b) shall be applied retroactively to January 1,
27 1998.

28 (f) Notwithstanding Chapter 3.5 (commencing with Section
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
30 the department shall implement, without taking regulatory action,
31 subdivisions (a) and (b) of this section by means of an all county
32 letter or similar instruction. Thereafter, the department shall adopt
33 regulations in accordance with the requirements of Chapter 3.5
34 (commencing with Section 11340) of Part 1 of Division 3 of Title
35 2 of the Government Code. Beginning six months after the
36 effective date of this section, the department shall provide a status
37 report to the Legislature on a semiannual basis until regulations
38 have been adopted.

39 *SEC. 2. This act is an urgency statute necessary for the*
40 *immediate preservation of the public peace, health, or safety*



1 *within the meaning of Article IV of the Constitution and shall go*
2 *into immediate effect. The facts constituting the necessity are:*

3 *In order to make the necessary statutory changes to implement*
4 *the Budget Act of 2002 at the earliest possible time, it is necessary*
5 *that this act take effect immediately.*

6 ~~act adding this section to make the necessary statutory changes to~~
7 ~~implement the Budget Act of 2002 relative to the Electricity~~
8 ~~Oversight Board.~~

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