

AMENDED IN ASSEMBLY MARCH 16, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 52

Introduced by Assembly Member Cedillo

December 7, 1998

An act to add Section 7560.5 to the Government Code, to add Sections 123831, 125176, and 125276 to the Health and Safety Code, and to add Sections 4357.5, 4367.5, 4384, 4505.5, 5600.8, 5812, ~~and 5856.5~~ 5856.5, and 14007.65 to the Welfare and Institutions Code, relating to noncitizens.

LEGISLATIVE COUNSEL'S DIGEST

AB 52, as amended, Cedillo. Noncitizens.

Existing law provides for the California Children's Services Program and the Genetically Handicapped Person's Program, both of which provide services to disabled children, and both of which are administered by the State Department of Health Services.

Existing law establishes a grant program, administered by the State Department of Health Services, for Alzheimer's disease diagnostic and treatment centers.

Existing law provides for various mental health programs, administered by the State Department of Mental Health and the counties.

Existing law provides for services to be provided to persons with developmental disabilities through the State Department of Developmental Services and regional centers

with whom the department contracts to provide, or arrange for the provision of, services.

Under existing law, federal funding is received to assist in the provision of special education services and other services for children with disabilities.

Existing federal law precludes the provision of federally funded benefits, with specified exceptions, to certain aliens. Federal law also precludes, with specified exceptions, these aliens from being provided with benefits funded exclusively from state or local funds unless pursuant to legislation enacted after August 22, 1996.

This bill would provide that any person who would have been eligible for services under ~~various mental health and developmental services programs, as well as for special education and other services for children with disabilities~~ any of the above-described programs, as of July 16, 1996, shall continue to be eligible for these services regardless of immigration status, as long as the person meets all other applicable requirements.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

Under existing state law, certain aliens ineligible for the full scope of Medi-Cal benefits are eligible to receive long-term care benefits.

This bill would provide that any alien who is otherwise eligible for Medi-Cal services, but who does not meet the requirements to receive the full scope of Medi-Cal benefits due to his or her alien status, shall be eligible for long-term care services.

Since the bill would affect the eligibility of persons for programs administered by local agencies and school districts, it would constitute 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do



not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

1 SECTION 1. Section 7560.5 is added to the
2 Government Code, to read:

3 7560.5. (a) Any person who would have been eligible
4 for benefits under the provisions of this chapter in effect
5 on July 16, 1996, shall continue to be eligible regardless of
6 immigration status, as long as he or she meets all other
7 applicable requirements.

8 (b) Subdivision (a) is declarative of, and confirms,
9 existing law.

10 SEC. 2. *Section 123831 is added to the Health and*
11 *Safety Code, to read:*

12 123831. (a) Any person who would have been
13 eligible for benefits under this article in effect on July 16,
14 1996, shall continue to be eligible regardless of
15 immigration status, as long as he or she meets all other
16 applicable requirements.

17 (b) Subdivision (a) is declaratory of, and confirms,
18 existing law.

19 SEC. 3. *Section 125176 is added to the Health and*
20 *Safety Code, to read:*

21 125176. (a) Any person who would have been
22 eligible for benefits under this article in effect on July 16,
23 1996, shall continue to be eligible regardless of
24 immigration status, as long as he or she meets all other
25 applicable requirements.

26 (b) Subdivision (a) is declaratory of, and confirms,
27 existing law.

28 SEC. 4. *Section 125276 is added to the Health and*
29 *Safety Code, to read:*



1 125276. (a) Any person who would have been
2 eligible for benefits under this article in effect on July 16,
3 1996, shall continue to be eligible regardless of
4 immigration status, as long as he or she meets all other
5 applicable requirements.

6 (b) Subdivision (a) is declaratory of, and confirms,
7 existing law.

8 SEC. 5. Section 4357.5 is added to the Welfare and
9 Institutions Code, to read:

10 4357.5. (a) Any person who would have been eligible
11 for benefits under the provisions of this chapter in effect
12 on July 16, 1996, shall continue to be eligible regardless of
13 immigration status, as long as he or she meets all other
14 applicable requirements.

15 (b) Subdivision (a) is declarative of, and confirms,
16 existing law.

17 ~~SEC. 3.—~~

18 SEC. 6. Section 4367.5 is added to the Welfare and
19 Institutions Code, to read:

20 4367.5. (a) Any person who would have been eligible
21 for benefits under the provisions of this chapter in effect
22 on July 16, 1996, shall continue to be eligible regardless of
23 immigration status, as long as he or she meets all other
24 applicable requirements.

25 (b) Subdivision (a) is declarative of, and confirms,
26 existing law.

27 ~~SEC. 4.—~~

28 SEC. 7. Section 4384 is added to the Welfare and
29 Institutions Code, to read:

30 4384. (a) Any person who would have been eligible
31 for benefits under the provisions of this part in effect on
32 July 16, 1996, shall continue to be eligible regardless of
33 immigration status, as long as he or she meets all other
34 applicable requirements.

35 (b) Subdivision (a) is declarative of, and confirms,
36 existing law.

37 ~~SEC. 5.—~~

38 SEC. 8. Section 4505.5 is added to the Welfare and
39 Institutions Code, to read:



1 4505.5. (a) Any person who would have been eligible
2 for benefits under the provisions of this division in effect
3 on July 16, 1996, shall continue to be eligible regardless of
4 immigration status, as long as he or she meets all other
5 applicable requirements.

6 (b) Subdivision (a) is declarative of, and confirms,
7 existing law.

8 ~~SEC. 6.—~~

9 *SEC. 9.* Section 5600.8 is added to the Welfare and
10 Institutions Code, to read:

11 5600.8. (a) Any person who would have been eligible
12 for benefits under the provisions of this division in effect
13 on July 16, 1996, shall continue to be eligible regardless of
14 immigration status, as long as he or she meets all other
15 applicable requirements.

16 (b) Subdivision (a) is declarative of, and confirms,
17 existing law.

18 ~~SEC. 7.—~~

19 *SEC. 10.* Section 5812 is added to the Welfare and
20 Institutions Code, to read:

21 5812. (a) Any person who would have been eligible
22 for benefits under the provisions of this part in effect on
23 July 16, 1996, shall continue to be eligible regardless of
24 immigration status, as long as he or she meets all other
25 applicable requirements.

26 (b) Subdivision (a) is declarative of, and confirms,
27 existing law.

28 ~~SEC. 8.—~~

29 *SEC. 11.* Section 5856.5 is added to the Welfare and
30 Institutions Code, to read:

31 5856.5. (a) Any person who would have been eligible
32 for benefits under the provisions of this part in effect on
33 July 16, 1996, shall continue to be eligible regardless of
34 immigration status, as long as he or she meets all other
35 applicable requirements.

36 (b) Subdivision (a) is declarative of, and confirms,
37 existing law.

38 ~~SEC. 9. Notwithstanding Section 17610 of the~~
39 ~~Government Code, if the Commission on State Mandates~~
40 ~~determines that this act contains costs mandated by the~~



1 state, reimbursement to local agencies and school
 2 districts for those costs shall be made pursuant to Part 7
 3 (commencing with Section 17500) of Division 4 of Title
 4 2 of the Government Code. If the statewide cost of the
 5 claim for reimbursement does not exceed one million
 6 dollars (\$1,000,000), reimbursement shall be made from
 7 the State Mandates Claims Fund.

8 Notwithstanding Section 17580 of the Government
 9 Code, unless otherwise specified, the provisions of this act
 10 shall become operative on the same date that the act
 11 takes effect pursuant to the California Constitution.

12 *SEC. 12. Section 14007.65 is added to the Welfare and*
 13 *Institutions Code, to read:*

14 *14007.65. (a) Any alien who is otherwise eligible for*
 15 *Medi-Cal services, but who does not meet the*
 16 *requirements under subdivision (b) or (c) of Section*
 17 *14007.5, shall be eligible for long-term care services.*

18 *(b) Subdivision (a) is intended to reconfirm, and be*
 19 *declaratory of, existing law.*

20 *SEC. 13. Notwithstanding Section 17610 of the*
 21 *Government Code, if the Commission on State Mandates*
 22 *determines that this act contains costs mandated by the*
 23 *state, reimbursement to local agencies and school*
 24 *districts for those costs shall be made pursuant to Part 7*
 25 *(commencing with Section 17500) of Division 4 of Title*
 26 *2 of the Government Code. If the statewide cost of the*
 27 *claim for reimbursement does not exceed one million*
 28 *dollars (\$1,000,000), reimbursement shall be made from*
 29 *the State Mandates Claims Fund.*

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