

**ASSEMBLY BILL**

**No. 52**

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**Introduced by Assembly Member Cedillo**

December 7, 1998

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An act to add Section 7560.5 to the Government Code, and to add Sections 4357.5, 4367.5, 4384, 4505.5, 5600.8, 5812, and 5856.5 to the Welfare and Institutions Code, relating to noncitizens.

LEGISLATIVE COUNSEL'S DIGEST

AB 52, as introduced, Cedillo. Noncitizens.

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, 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.

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 4357.5 is added to the Welfare and  
11 Institutions Code, to read:

12 4357.5. (a) Any person who would have been eligible  
13 for benefits under the provisions of this chapter in effect  
14 on July 16, 1996, shall continue to be eligible regardless of



1 immigration status, as long as he or she meets all other  
2 applicable requirements.

3 (b) Subdivision (a) is declarative of, and confirms,  
4 existing law.

5 SEC. 3. Section 4367.5 is added to the Welfare and  
6 Institutions Code, to read:

7 4367.5. (a) Any person who would have been eligible  
8 for benefits under the provisions of this chapter in effect  
9 on July 16, 1996, shall continue to be eligible regardless of  
10 immigration status, as long as he or she meets all other  
11 applicable requirements.

12 (b) Subdivision (a) is declarative of, and confirms,  
13 existing law.

14 SEC. 4. Section 4384 is added to the Welfare and  
15 Institutions Code, to read:

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

21 (b) Subdivision (a) is declarative of, and confirms,  
22 existing law.

23 SEC. 5. Section 4505.5 is added to the Welfare and  
24 Institutions Code, to read:

25 4505.5. (a) Any person who would have been eligible  
26 for benefits under the provisions of this division in effect  
27 on July 16, 1996, shall continue to be eligible regardless of  
28 immigration status, as long as he or she meets all other  
29 applicable requirements.

30 (b) Subdivision (a) is declarative of, and confirms,  
31 existing law.

32 SEC. 6. Section 5600.8 is added to the Welfare and  
33 Institutions Code, to read:

34 5600.8. (a) Any person who would have been eligible  
35 for benefits under the provisions of this division in effect  
36 on July 16, 1996, shall continue to be eligible regardless of  
37 immigration status, as long as he or she meets all other  
38 applicable requirements.

39 (b) Subdivision (a) is declarative of, and confirms,  
40 existing law.

1 SEC. 7. Section 5812 is added to the Welfare and  
2 Institutions Code, to read:

3 5812. (a) Any person who would have been eligible  
4 for benefits under the provisions of this part in effect on  
5 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. 8. Section 5856.5 is added to the Welfare and  
11 Institutions Code, to read:

12 5856.5. (a) Any person who would have been eligible  
13 for benefits under the provisions of this part in effect on  
14 July 16, 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 declarative of, and confirms,  
18 existing law.

19 SEC. 9. Notwithstanding Section 17610 of the  
20 Government Code, if the Commission on State Mandates  
21 determines that this act contains costs mandated by the  
22 state, reimbursement to local agencies and school  
23 districts for those costs shall be made pursuant to Part 7  
24 (commencing with Section 17500) of Division 4 of Title  
25 2 of the Government Code. If the statewide cost of the  
26 claim for reimbursement does not exceed one million  
27 dollars (\$1,000,000), reimbursement shall be made from  
28 the State Mandates Claims Fund.

29 Notwithstanding Section 17580 of the Government  
30 Code, unless otherwise specified, the provisions of this act  
31 shall become operative on the same date that the act  
32 takes effect pursuant to the California Constitution.

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