

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN SENATE JUNE 2, 2015

SENATE BILL

No. 10

Introduced by Senator Lara

December 1, 2014

An act to add ~~Chapter 1.7 (commencing with Section 12100.10) to Part 2 of Division 3 of Title 2 of the Government Code, relating to immigration. Section 14102.1 to the Welfare and Institutions Code, relating to health care coverage.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Lara. ~~Immigration: Governor's Office of New Americans. Health care coverage: immigration status.~~

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. The federal Medicaid Program provisions prohibit payment to a state for medical assistance furnished to an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

This bill would extend eligibility for full-scope Medi-Cal benefits to individuals 19 years of age and older who are otherwise eligible for those benefits but for their immigration status if the department determines that sufficient funding is available, or for limited scope Medi-Cal benefits if funding for full-scope benefits is not available. The bill would require these individuals to enroll into Medi-Cal managed care health plans, and to pay copayments and premium contributions, to the extent required of otherwise eligible Medi-Cal recipients who

are similarly situated. The bill would require that benefits for those services be provided with state-only funds only if federal financial participation is not available. Because counties are required to make Medi-Cal eligibility determinations and this bill would expand Medi-Cal eligibility, the bill would impose 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.

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.

~~Existing law establishes the Naturalization Services Program, administered within the Department of Community Services and Development, to fund community-based organizations in assisting legal permanent residents in obtaining citizenship.~~

~~This bill would establish the Office of New Americans in the Governor's office, administered by a director appointed by the Governor, for the purpose of, among other things, coordinating an ongoing multiagency, multisector public and private effort to provide information and services to new Americans, overseeing the creation of a statewide strategic plan for the coordination and implementation of any presidential executive action on immigration reform or federal comprehensive immigration reform, and providing outreach, education, and fraud prevention services to the new American population. The bill would require the office to develop and report a comprehensive statewide assessment of integration programs, services, and funding, and a statewide strategic plan for integration of California's new Americans, to the Governor and Legislature, on or before July 1, 2016. The bill would also require the office to develop an online clearinghouse of immigrant integration information, including services, resources, and programs. The bill would also create the Office of New Americans Fund, would authorize the office to receive private donations, and would require those donations to be deposited into the fund, which, upon appropriation, would fund the cost of establishing the office and performing the duties described above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. (a) The Legislature finds and declares all of the*
2 *following:*

3 *(1) The Legislature and the Governor, through the enactment*
4 *of the Budget Act of 2015 (Chapter 11 of the Statutes of 2015),*
5 *expanded Medi-Cal eligibility for children to ensure that no child*
6 *in California who is income eligible will be denied access to health*
7 *care coverage on the basis of immigration status.*

8 *(2) Expanding access and increasing enrollment in*
9 *comprehensive health care coverage is of benefit to the health and*
10 *welfare of all Californians.*

11 *(3) Longstanding California law provides full-scope Medi-Cal*
12 *benefits to United States citizens, lawful permanent residents, and*
13 *individuals permanently residing in the United States under color*
14 *of law, including those granted deferred action.*

15 *(b) It is the intent of the Legislature in enacting this act to*
16 *increase opportunities for enrollment in comprehensive health*
17 *care coverage for adults, regardless of immigration status.*

18 *(c) It is further the intent of the Legislature that all Californians*
19 *who are otherwise eligible for Medi-Cal, a qualified health plan*
20 *offered through the California Health Benefit Exchange, or*
21 *affordable employer-based health coverage, enroll in that*
22 *coverage, and obtain the care that they need.*

23 *SEC. 2. Section 14102.1 is added to the Welfare and Institutions*
24 *Code, to read:*

25 *14102.1. (a) (1) Notwithstanding any other law, an individual*
26 *19 years of age or older who meets all of the eligibility*
27 *requirements for full-scope Medi-Cal benefits under this chapter,*
28 *but for his or her immigration status, may be enrolled for full-scope*
29 *Medi-Cal benefits, pursuant to paragraph (2).*

30 *(2) When a county completes the Medi-Cal eligibility*
31 *determination process for an individual 19 years of age or older*
32 *who meets all of the eligibility requirements for full-scope*
33 *Medi-Cal benefits under this chapter, but for his or her*
34 *immigration status, the county shall transmit this information to*
35 *the department to determine if sufficient funding is available for*
36 *this individual to receive full-scope Medi-Cal benefits. If sufficient*
37 *funding is available, the individual shall be eligible for full-scope*

1 *benefits. If sufficient funding is not available, the individual shall*
2 *be eligible for limited scope Medi-Cal benefits.*

3 *(b) This section shall not apply to individuals eligible for*
4 *coverage pursuant to Section 14102.*

5 *(c) An individual who is eligible for coverage under subdivision*
6 *(a) shall be required to enroll into Medi-Cal managed care health*
7 *plans to the extent required of otherwise eligible Medi-Cal*
8 *recipients who are similarly situated.*

9 *(d) An individual who is eligible for coverage under subdivision*
10 *(a) shall pay copayments and premium contributions to the extent*
11 *required of otherwise eligible Medi-Cal recipients who are*
12 *similarly situated.*

13 *(e) Benefits for services under this section shall be provided*
14 *with state-only funds only if federal financial participation is not*
15 *available for those services. The department shall maximize federal*
16 *financial participation in implementing this section to the extent*
17 *allowable.*

18 *(f) Eligibility for full-scope Medi-Cal benefits for an individual*
19 *19 years of age or older pursuant to subdivision (a) shall not be*
20 *an entitlement. The department shall have the authority to*
21 *determine eligibility, determine the number of individuals who*
22 *may be enrolled, establish limits on the number enrolled, and*
23 *establish processes for waiting lists needed to maintain program*
24 *expenditures within available funds.*

25 *(g) Notwithstanding Chapter 3.5 (commencing with Section*
26 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
27 *the department, without taking any further regulatory action, shall*
28 *implement, interpret, or make specific this section by means of*
29 *all-county letters, plan letters, plan or provider bulletins, or similar*
30 *instructions until the time regulations are adopted. The department*
31 *shall adopt regulations by July 1, 2018, in accordance with the*
32 *requirements of Chapter 3.5 (commencing with Section 11340) of*
33 *Part 1 of Division 3 of Title 2 of the Government Code.*
34 *Commencing July 1, 2016, and notwithstanding Section 10231.5*
35 *of the Government Code, the department shall provide a status*
36 *report to the Legislature on a semiannual basis, in compliance*
37 *with Section 9795 of the Government Code, until regulations have*
38 *been adopted.*

39 *SEC. 3. If the Commission on State Mandates determines that*
40 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. The Legislature finds and declares all of the~~
5 ~~following:~~

6 ~~(a) An estimated 2.6 million Californians are undocumented~~
7 ~~immigrants. One in six children lives with an undocumented parent.~~
8 ~~Eighty percent of these children are native born United States~~
9 ~~citizens who stand to benefit from increased family stability and~~
10 ~~economic security.~~

11 ~~(b) Last year, President Obama implemented an executive action~~
12 ~~to expand deferred action on millions of Americans. This~~
13 ~~population will need assistance with understanding eligibility,~~
14 ~~accessing resources, and completing the requisite applications for~~
15 ~~deferred action.~~

16 ~~(c) Unfortunately, even with this expanded relief, half of~~
17 ~~California's undocumented residents, more than one million people,~~
18 ~~are still excluded. Those Californians excluded from relief are an~~
19 ~~integral part of California's communities and workforce, and share~~
20 ~~households with citizens, lawful permanent residents, and~~
21 ~~immigrants who are eligible to apply for deportation protection.~~
22 ~~Yet, those community members who are left behind will continue~~
23 ~~to face the threat of family separation and deportation. Any~~
24 ~~statewide immigrant integration strategy must reflect and protect~~
25 ~~the needs of this important population.~~

26 ~~(d) California, which has the largest undocumented population~~
27 ~~in the nation, has more to gain from immigration reform than any~~
28 ~~other state. California's future depends on our ability to~~
29 ~~successfully integrate immigrants, regardless of their immigration~~
30 ~~status, into the state's economic, social, and political fabric.~~

31 ~~(e) One in 11 workers is an undocumented immigrant.~~
32 ~~Legalization will allow undocumented immigrants to join the~~
33 ~~formal economy and increase their economic contributions. Studies~~
34 ~~show that immigrants are better off, by almost any economic~~
35 ~~measure, after gaining legal status and citizenship. And what is~~
36 ~~good for California's undocumented residents is good for the state.~~

37 ~~(f) Immigrant workers are important to our state's economy.~~
38 ~~Studies show that immigrant workers contribute about 31 percent~~
39 ~~of California's gross domestic product (GDP). Undocumented~~
40 ~~immigrants in our state contribute about \$130 billion of California's~~

1 GDP, which is a figure greater than the entire GDP of the state of
2 Nevada, and contribute more than \$3.2 billion in state and local
3 taxes.

4 (g) Immigrant households also make up 27 percent of the total
5 household income in California, representing a substantial share
6 of all spending power in this state.

7 (h) There are 1,214,000 undocumented immigrants in California
8 who are potentially eligible for deferred action under President
9 Obama's recent executive actions on immigration. If those
10 immigrants are able to receive a temporary work permit, it would
11 lead to a \$940 million increase in tax revenues for California over
12 five years.

13 (i) Expanding deferred action will significantly strengthen
14 California's economy. When undocumented immigrants can work
15 legally, they are able to shield themselves against workplace
16 exploitation and move freely across the labor market to find jobs,
17 leading to an 8.5 percent increase in their earnings. For the average
18 undocumented immigrant, that means that he or she is taking home
19 an additional \$1,872 each year. As these extra earnings are spent
20 throughout the economy, demand for goods and services rises,
21 spurring job creation and raising the wages of all American
22 workers.

23 (j) Currently, five states, New York, Maryland, Maine,
24 Massachusetts, and Illinois have some form of statewide immigrant
25 integration office. Yet, despite California's historic,
26 forward-looking reforms and significant investment in new
27 Americans, to date, our state still lacks a proactive, statewide
28 immigrant integration effort and the most basic infrastructure for
29 assessment, planning, and coordination of programs, policies, and
30 budget efforts for ongoing new American integration. Absent this
31 coordination, undocumented Californians and the state's economy
32 will not see the largest possible return on investment, both in terms
33 of social integration and economic potential.

34 (k) The success of a large-scale administrative relief
35 implementation program and effective implementation of current
36 and future state immigrant integration policies will depend
37 significantly upon the coordination of a multiagency, multisector,
38 statewide, public and private effort led by an experienced director.
39 The state must also apply a coordinated effort that leverages private
40 and public local, state, and federal resources to help fund the key

1 programs and services that provide accurate, accessible information
2 and services, including education, naturalization services, fraud
3 prevention services, application assistance, legal services, and
4 outreach about immigrant integration opportunities to immigrants.

5 SEC. 2. Chapter 1.7 (commencing with Section 12100.10) is
6 added to Part 2 of Division 3 of Title 2 of the Government Code,
7 to read:

8
9 CHAPTER 1.7. THE GOVERNOR'S OFFICE OF NEW AMERICANS

10
11 12100.10. There is within the Governor's office an Office of
12 New Americans. The Governor shall appoint a director to
13 administer the office.

14 12100.11. The duties of the office shall include, but are not
15 limited to, all of the following:

16 (a) Develop a comprehensive statewide assessment of integration
17 programs, services, and funding that serve immigrants, regardless
18 of status. The assessment shall include, but is not limited to, an
19 evaluation of all of the following:

20 (1) Federal, state, and local laws and regulations that create
21 programs or authorize the access of participation of immigrants,
22 regardless of legal status.

23 (2) Programs and services currently managed by a state agency
24 or department, local governmental agency, including local offices
25 of immigrant affairs established by the County of Los Angeles,
26 the City and County of San Francisco, and the County of Santa
27 Clara, and nonprofit organizations to support California immigrant
28 integration, such as naturalization services and other immigrant
29 assistance programs, including their funding levels, source of
30 funding, and the agency or department responsible for
31 administering the funding or implementing the program.

32 (b) On or before July 1, 2016, report the findings of the
33 assessment described in subdivision (a) and a statewide strategic
34 plan for integration of California's new Americans to the Governor
35 and Legislature, including a strategy for monitoring and
36 coordinating implementation of immigrant integration policy and
37 programs.

38 (1) The plan shall include, but not be limited to, all of the
39 following:

1 (A) The steps necessary for, and the feasibility of, interoffice
2 and interagency coordination of programs, services, and resources.

3 (B) Recommendations for shifting or consolidating programs
4 and services, if any.

5 (C) Recommendations for tracking implementation of federal,
6 state, and local immigrant integration laws, programs, and services,
7 including policy recommendations, if any.

8 (D) Recommendations for the coordination of outreach,
9 education, and fraud prevention services by other public agencies
10 and private organizations to ensure that the new American
11 population has accurate information relating to eligibility
12 requirements with regard to presidential executive action,
13 comprehensive immigration reform (CIR), federal Deferred Action
14 for Childhood Arrivals (DACA), federal Deferred Action for
15 Parental Accountability (DAPA), programs for unaccompanied
16 minors, and other policies, and where to obtain reputable
17 application assistance and legal services.

18 (2) The requirement for submitting a report imposed by this
19 subdivision is inoperative on January 1, 2020, pursuant to Section
20 10231.5.

21 (3) A report to be submitted pursuant to this subdivision shall
22 be submitted in compliance with Section 9795.

23 (e) On or after July 1, 2016, develop an online clearinghouse
24 of immigrant integration information, including services, resources,
25 and programs.

26 (d) Monitor the implementation of state laws and regulations,
27 including, but not limited to, all of the following:

28 (1) Federal Deferred Action for Childhood Arrivals, federal
29 Deferred Action for Parental Accountability, and any other
30 presidential executive action on immigration reform or
31 comprehensive immigration reform.

32 (2) Unaccompanied Minors Program.

33 (3) Chapter 524 of the Statutes of 2013 (Assembly Bill 60 of
34 the 2013–14 Regular Session).

35 (4) Chapter 17.1 (commencing with Section 7282) of Division
36 7 of Title 1, commonly referred to as the TRUST Act.

37 (5) Chapter 752 of the Statutes of 2014 (Senate Bill 1159 of the
38 2013–14 Regular Session).

39 (6) Chapter 814 of the Statues of 2001 (Assembly Bill 540 of
40 the 2001–02 Regular Session).

1 ~~(7) Chapters 93 and 604 of the Statutes of 2011 (Assembly Bills~~
2 ~~130 and 131 of the 2011–12 Regular Session), commonly referred~~
3 ~~to as the Dream Act.~~

4 ~~(8) Chapter 754 of the Statutes of 2014 (Senate Bill 1210 of the~~
5 ~~2013–14 Regular Session), commonly referred to as the DREAM~~
6 ~~Loan.~~

7 ~~(e) Create neighborhood-based connections between new~~
8 ~~Americans and their communities through civic engagement and~~
9 ~~other opportunities.~~

10 ~~(f) Marshal resources to fund these efforts.~~

11 ~~12100.12. (a) The Office of New Americans Fund is hereby~~
12 ~~created in the State Treasury. Moneys in the fund shall be used to~~
13 ~~pay the cost of establishing the office, and any other purpose~~
14 ~~authorized by this chapter.~~

15 ~~(b) The Office of New Americans Fund may be funded by both~~
16 ~~private and public funds. The office may accept private cash~~
17 ~~donations to be used for the purposes described in this chapter.~~
18 ~~Cash donations received pursuant to this subdivision shall be~~
19 ~~deposited into the fund and shall be made available upon~~
20 ~~appropriation by the Legislature.~~