

California Immigrant Policy Center

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CIPC'S SUMMER LEGISLATIVE UPDATE

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Bills Affecting California Immigrants Move Through Legislature *Anti-immigrant Initiatives Defeated; Other Measures Pass the First House*

Last week, the California Legislature voted on hundreds of bills that affect California's immigrants and their families. Priority bills for California's low income and immigrant communities were approved on the Assembly and Senate Floors and sent to the second house for consideration. These include measures on health care, public benefits, education, workers' rights and language access that could benefit all Californians.

Besides moving forward some exciting legislation, immigrant advocates have helped stave off attempts to rollback immigrant rights in California. This year, a record number of anti-immigrant bills were introduced in the Legislature. CIPC worked alongside our allies and other advocates to successfully defeat each of these measures. 2008 has already resulted in some successes and promises to bring more challenges to advocates working to advance beneficial legislation for California's immigrant communities.

For more information, please visit www.leginfo.ca.gov/billinfo.html or call Layla Razavi at 916.448.6762, ext. 202.

The following bills are expected to see further action by the Legislature in the coming weeks:

EDUCATION

AB 2083 (NÚÑEZ) – STUDENT FINANCIAL AID: ELIGIBILITY - SUPPORT – This bill amends the Donahoe Higher Education Act, AB 540 (Firebaugh) 2001, to request and require the University of California, California State University, and California Community Colleges to enable persons who are exempt from paying out of state tuition under this provision to receive institutional financial aid awards, including grants, scholarships, work-study, and loans. *This bill was approved by the Assembly 46 to 31 with 3 abstentions and has been referred to the Senate.*

SB 1214 (CEDILLO) – PUPIL INSTRUCTION: ADOPTED COURSE OF STUDY – SUPPORT – This bill adds the unconstitutional deportations during the Great Depression to the human rights instruction that is required to be provided in grades 7 through 12. This bill also encourages the incorporation of survivor and witness testimony and professional development activities to provide teachers with content background and resources. *This bill was approved by the Senate 21 to 10 and has been referred to the Assembly.*

SB 1301 (CEDILLO) – STUDENT FINANCIAL AID: ELIGIBILITY - SUPPORT – This bill amends the Donahoe Higher Education Act, AB 540 (Firebaugh) 2001, to request and require the University of California, California State University, and California Community Colleges to enable persons who are exempt from paying out of state tuition under this provision to receive institutional financial aid awards, including grants, scholarships, work-study, and loans. *This bill was approved by the Senate 23 to 13 and will be heard on June 10th in the Assembly Committee on Higher Education.*

WORKERS RIGHTS

AB 2076 (FUENTES) – E-VERIFY - SUPPORT – CIPC is a co-sponsor of this legislation, which prohibits the State of California from using the E-Verify system and prohibits local governments from requiring employers to use this flawed system. *This bill was approved by the Assembly 43 to 31 and has been referred to the Senate.*

HUMAN SERVICES & LANGUAGE ACCESS

AB 1930 (TORRICO) – EMERGENCY SERVICES: POPULATIONS WITH LIMITED ENGLISH PROFICIENCY - SUPPORT – This bill has been amended and no longer requires the California Emergency Council to report on the state of emergency preparedness information for vulnerable populations or recommend improvements for persons with Limited English Proficiency. Instead, the bill now requires the Director of Emergency Services to consider the multiple languages and needs of populations with limited English proficiency and incorporate their needs in emergency preparedness. *This bill was approved by the Assembly 71 to 3 with 6 abstentions and has been referred to the Senate Committee on Governmental Organization.*

AB 2327 (CABALLERO) – EMERGENCY SERVICES: HUMANITARIAN AND RELIEF SERVICES - SUPPORT – This bill requires all entities providing disaster-related assistance and services to strive to ensure that victims receive assistance and requires public employees to provide assistance without eliciting information or documents that are not strictly necessary to determine eligibility under state or federal law. *This bill was approved by the Assembly 61 to 11 with 8 abstentions and will be heard on June 10th in the Senate Committee on Governmental Organization.*

AB 2844 (LAIRD) – PUBLIC SOCIAL SERVICES: CALWORKS AND THE FOOD STAMP PROGRAM - SUPPORT – This bill repeals quarterly redetermination and instead imposes semiannual redetermination. *This bill was approved by the Assembly 50 to 28 with 2 abstentions and has been referred to the Senate.*

AB 3050 (JONES) – LEGAL AID: COURT INTERPRETERS - SUPPORT – This bill creates a model pilot program that requires any civil action or proceeding, in a county determined by the Judicial Council, in which a party does not proficiently speak or understand the English language and the party is present to have present an interpreter to interpret the proceedings in a language that the party understands and to assist the party in communicating with his or her attorney and the court. The bill also provides that the fee for interpreters mandated by this requirement be paid by the court. The bill requires the Judicial Council to conduct a study of the need for court reporters in civil proceedings and the extent to which the need is being met by the above provisions and would require the Judicial Council to report its findings and recommendations to the Governor and the Legislature every 3 years. The bill also increases filing fees, the revenue from which would be used by courts providing civil interpreters. *This bill was approved by the Assembly 52 to 23 with 5 abstentions and has been referred to the Senate.*

HEALTHCARE

AB 2902 (SWANSON) – PUBLIC HEALTH OUTREACH : COMMUNITY HEALTH CARE WORKERS-SUPPORT – This bill creates a new duty for the Office of Multicultural Health, to encourage the use of community-based health care workers to provide better health outcomes for underserved communities through the various public health programs. *This bill was approved by the Assembly 45 to 31 with 4 abstentions and was referred to the Senate.*

Legislative action has also been taken on the following bills but they are now either inactive or being held on suspense because of their fiscal impact. These bills are stalled and CIPC will provide further updates:

Worker's Rights:

SB 1244 (ALQUIST) – EMPLOYMENT RETALIATION - SUPPORT – This bill prohibits an employer from discriminating against an employee or applicant because their coworker or immediate family member has filed a claim with the Labor Commissioner, testifies or will testify in that proceeding, or exercised, on behalf of himself, herself, or others, their rights. *This bill was approved by the Senate Committee on Judiciary 3 to 2 and is being held on the Suspense File in the Senate Committee on Appropriations.*

Immigrant Rights:

SB 60 (CEDILLO) – VEHICLES: DRIVER'S LICENSES – OPPOSE UNLESS AMENDED - This bill requires the Department of Motor Vehicles to issue driver's licenses and identification cards that are in compliance with specified requirements of the federal Real ID Act of 2005. This bill also requires the department to issue a driver's license that permits driving but is not acceptable for federal identification or for any official purpose to an applicant who does not provide valid documentary evidence of lawful status. Although CIPC has long supported access to driver's licenses for all Californians, regardless of immigration status, we are opposed to the federal Real ID Act because of its discriminatory effect on immigrants. We urge the Legislature to enact a driver's license policy that improves public safety by ensuring that all drivers on our streets are trained, tested, licensed and insured in a fair manner. *This bill was introduced last year and has already been approved by the full Senate and received policy and fiscal hearings in the Assembly. It is now being held on the Assembly Floor and may be taken up for consideration at the author's discretion.*

SB 552 (CEDILLO) – REPARATIONS FUND: UNCONSTITUTIONAL DEPORTATION OF AMERICANS DURING THE 1930s – SUPPORT - This bill creates the 1930s Reparations Fund to facilitate the payment of reparations to American citizens who were unconstitutionally deported to Mexico during the 1930s. *This bill was introduced last year and has already been approved by the full Senate and the Assembly Committee on Judiciary. It is now being held on the Suspense File in the Assembly Committee on Appropriations. Unless the bill is released from suspense before August 15th, it will not proceed to the Assembly Floor for consideration.*

SB 1094 (CEDILLO) – OFFICE OF IMMIGRANT AFFAIRS – SUPPORT - This bill establishes the Office of Immigrant Affairs (OIA) in order to ensure the integration and civic participation of new citizens in the state. The bill requires the OIA to enter into agreements with non-profit organizations that serve immigrants to ensure the success of the Naturalization Services Program (NSP) and provide reimbursement if funds are available. The bill also requires the OIA to submit a plan to the Legislature every other year detailing the goals of the office and results from its efforts. The bill requires the OIA to adjust the plan according to comments presented at legislative hearings and written comments submitted to the OIA. *This bill was approved by the Senate Committee on Human Services 3 to 2 and is being held on the Suspense File in the Senate Committee on Appropriations.*

Language Access:

SB 1523 (KUEHL) – DOMESTIC VIOLENCE VICTIMS: LIMITED ENGLISH PROFICIENCY PROCEDURES - SUPPORT – CIPC is a co-sponsor of this legislation, which improves services to victims of domestic violence with limited English proficiency. This bill requires the written notice given to victims of domestic violence at the scene of the crime, which includes information regarding the perpetrator, shelter services, community services, and restraining orders, to also be translated. This provision has been amended and, instead of requiring translation into the most prevalent languages spoken by local limited-English-proficient communities, the bill now requires notices be translated into languages which constitute 5% or 1000 of the population (whichever is less) in the law enforcement agency's jurisdiction. In addition, this bill has been amended and no longer requires domestic violence training to include timely procedures and techniques for persons who have limited English proficiency; instead the bill requires the training to include policy guidelines and best practices. *This bill was approved by the Senate Committee on Public Safety 3 to 2 and is being held on the Suspense File in the Senate Committee on Appropriations.*

Health Care:

AB 1472 (LENO) – PUBLIC HEALTH: CALIFORNIA HEALTHY PLACES ACT OF 2008 - SUPPORT – This bill provides knowledge, guidance, and resources for public health assessments of land use and transportation system planning in order to support childhood development, environmental health, reducing health disparities, and preventing injury, illness, and chronic disease. This bill also requires the State Public Health Officer to form an interagency working group (IWG) to identify, evaluate, and disseminate available evidence, information, programs, and best practices on environmental health, and establish environmental health goals. *This bill was introduced last year and has already been approved by the full Assembly. Last summer, this bill was approved by the Senate Committee on Health 7 to 4 and was referred to the Assembly Committee on Appropriations where it was held on the suspense file. Unless the bill is released from suspense before August 15th, it will not proceed to the Senate Floor for consideration.*

SB 32 (STEINBERG) – HEALTH CARE COVERAGE: CHILDREN - SUPPORT – This bill expands eligibility for Healthy Families and Medi-Cal to 300 percent of the federal poverty level (FPL) and deletes citizenship and immigration status requirements. This bill maximizes federal matching funds for these programs, takes steps to improve and coordinate their application and enrollment processes, and facilitates the transition from local children's health initiatives into these programs. This bill also creates the Healthy Families Buy-In program for children whose household income exceeds 300 percent FPL; the Buy-In program would include services provided under the California Children's Services Program (CCSP) and require an additional payment to the existing family contribution level for CCSP. *This bill was introduced last year and has already been approved by the full Senate. Last summer, this bill was approved by the Assembly Committee on Health 12 to 5 and the Assembly Committee on Appropriations 12 to 5. It is now being held on the Inactive File and may be taken up for consideration on the Assembly Floor at the author's discretion.*

SB 840 (KUEHL) – SINGLE-PAYER HEALTH CARE COVERAGE - SUPPORT – This bill creates the California Universal Healthcare System, a state-run, "single-payer" program that provides health coverage to all California residents regardless of income or employment status. This program folds in existing programs such as Healthy Families and Medi-Cal and receives funding through state income and payroll taxes. *This bill was introduced last year and has already been approved by the full Senate. Last summer, this bill was approved by the Assembly Committee on Health 12 to 5 and was referred to the Assembly Committee on Appropriations where it was held on the suspense file. Unless the bill is released from suspense before August 15th, it will not proceed to the Senate Floor for consideration.*

SB 1622 (SIMITIAN) – CALIFORNIA HEALTH BENEFITS SERVICE PROGRAM - SUPPORT – This bill creates the California Health Benefits Services Program, which would create joint ventures between certain county-organized health plans and various other entities and require these ventures to be licensed as health care service plans. *This bill was approved by the Senate Committee on Health 7 to 3 with 1 abstention and is currently being held on the Suspense File in the Senate Committee on Appropriations.*

This year, a record number of anti-immigrant proposals were introduced by legislators in California. The following bills were either rejected by a vote in committee, or were never heard in committee and will no longer proceed through the legislative process.

AB 1882 (GARRICK) – VEHICLES: DUI - This bill requires an arresting agency to notify the appropriate federal agency if the arresting agency has reason to believe that a person arrested for driving while under the influence of an alcoholic beverage and/or drug is an undocumented immigrant. *This bill was considered and rejected by the Assembly Committee on Public Safety.*

AB 2089 (DEVORE) – STATE CONTRACTS: UNAUTHORIZED IMMIGRANTS - This bill, among other provisions, requires all state agencies to verify that all of the employees of a bidder or contractor that is awarded a public contract have been subject to E-Verify. *This bill was considered by the Assembly Committee on Elections and Redistricting and rejected 2 to 7 with 1 abstention.*

AB 2102 (WALTERS) – STATE EMPLOYMENT: ELIGIBILITY VERIFICATION - This bill requires every state agency to use E-Verify. *This bill was considered by the Assembly Committee on Business and Professions and rejected 2 to 7 with 1 abstention.*

AB 2141 (TRAN) – FOREIGN INMATES - This bill requires the department to verify the immigration status of any new prisoner under the custody of the department. *This bill was considered and rejected by the Assembly Committee on Public Safety.*

AB 2199 (PLESCIA) – ATTORNEY GENERAL: MEMORANDUM OF UNDERSTANDING - This bill requires the State of California to enter into a Memorandum of Understanding with the federal government concerning the investigation, apprehension, or detention of immigrants in California by state or local employees. *This bill was considered by the Assembly Committee on Judiciary and rejected 3 to 7.*

AB 2201 (PLESCIA) – PUBLIC CONTRACTS: HIRING - This bill requires every state agency to use E-Verify. This bill also requires all state agencies to award public contracts to contractors or bidders that use E-Verify. *This bill never received a hearing by the Assembly Committee on Business & Professions and will not receive further consideration by the Legislature this year.*

AB 2317 (WALTERS) – VOTER REGISTRATION: PROOF OF CITIZENSHIP - This bill prohibits a person from being registered a voter unless he or she can provide proof of citizenship in a prescribed form at the time of registration. *This bill was considered by the Assembly Committee on Elections and Redistricting and rejected 2 to 3 with 2 abstentions.*

AB 2418 (HUFF) – BAIL - This bill, among other provisions, provides that no person charged with certain violent or gang-related felonies shall be eligible for bail or released pending trial if, at the time of the alleged offense, the person was in the United States illegally. *This bill was considered and rejected by the Assembly Committee on Public Safety.*

AB 2419 (HUFF) – ARRESTS: NONCITIZENS - This bill requires an arresting agency to notify the appropriate federal agency if a peace officer has reason to believe that a person arrested for any one of several specified driving under the influence (DUI) offenses may not be a citizen of the

United States. *This bill never received a hearing by the Assembly Committee on Public Safety and will not receive further consideration by the Legislature this year.*

AB 2420 (HUFF) – ARRESTS: IMMIGRATION - This bill provides that no law enforcement entity or any local governing body may adopt an ordinance, or otherwise implement a policy, that prohibits law enforcement officers from discovering a person's immigration status or prohibiting a law enforcement officer from arresting or booking a person for entering the United States of America illegally. *This bill was considered and rejected by the Assembly Committee on Public Safety.*

AB 2421 (HUFF) – EMPLOYMENT OF UNAUTHORIZED PERSONS - This bill, among other provisions targeting employers mandates all employers to use the E-Verify system of employment verification. *This bill never received a hearing and will not receive further consideration by the Legislature this year.*

AB 2422 (HUFF) – CORRECTIONS: UNDOCUMENTED FELONS - This bill requires the Department of Corrections to identify state prison inmates or wards of juvenile facilities who are undocumented felons subject to deportation and refer them to immigration authorities. *This bill was considered and rejected by the Assembly Committee on Public Safety.*

AB 2601 (BENOIT) – LOCAL GOVERNMENT FINANCE: VEHICLE LICENSE FEE REVENUES - This bill, among other provisions would have required that vehicle license fee revenues not to be allocated to any city that does not require its employees to federal officials immigrants who be illegally present in the city or by not requiring an applicant who applies for a municipal identification card to provide verification of their immigration status. *This bill was considered by the Assembly Committee on Local Government and rejected 2 to 5.*

AB 2812 (SILVA) – EMERGENCIES: ILLEGAL IMMIGRATION - This bill adds illegal immigration to the list of conditions that constitute a state or local emergency for purposes of the above authorization. *This bill never received a hearing by the Assembly Committee on Governmental Organization and will not receive further consideration by the Legislature this year.*

ACA 14 (STRICKLAND) – STATE-FUNDED BENEFITS - This resolution proposes a constitutional amendment to the voters of California that would require an individual 18 years of age or older to provide evidence of his or her United States citizenship or right to lawfully reside in the United States when applying for a nonemergency state-funded public benefit. *This measure never received a hearing and will not receive further consideration by the Legislature this year.*

AJR 44 (HUFF) – ILLEGAL IMMIGRATION - This resolution urges an amendment to the United States Constitution to deny United States citizenship to individuals born in the United States to parents who are neither United States citizens nor persons who own permanent allegiance to the United States. *This resolution never received a hearing and will not receive further consideration by the Legislature this year.*

SJR 18 (WYLAND) – CITIZENSHIP AND VOTING - This measure called on the federal government to rescind key provisions of the Voting Rights Act of 1965 so that all election and ballot information would only be printed in English. *This resolution never received a hearing and will not receive further consideration by the Legislature this year.*

SB 1398 (MARGETT) – BIRTH AND DEATH RECORDS: IDENTIFICATION - This bill would have required proof of identity when individuals request birth certificates for purposes of identity theft claims and other circumstances. *This bill was considered and rejected by the Senate Committee on Health.*