

2001-2002 Immigrant Rights Scorecard

Have you ever wondered how your representatives voted on bills affecting immigrants? This scorecard will provide you with a tool for holding your elected officials accountable for their votes on issues affecting immigrants during the past legislative session. From the battle to make driver's licenses available to all California residents regardless of immigration status, to continuing efforts to protect immigrant workers; from the victory to improve access to higher education for immigrant students, to the constant struggle to provide health care coverage to all Californians, the highlighted bills in the Immigrant Rights Scorecard 2001-02 provide an insight into prominent immigrant rights issues being debated in California today.

AB 60 (Cedillo)-Driver's Licenses for Immigrants: SUPPORT

Introduced December 4, 2000. As introduced, the bill would have enabled immigrants who are in the process of legalizing their status to apply for a driver's license by repealing the lawful presence requirement. AB 60 would also allow applicants who do not possess a social security number (SSN) to sign a sworn affidavit and submit a tax



identification number. AB 60 would have given a three-year license to individuals who did not possess a valid SSN at the time of application. The bill was amended several times,¹ but the most significant amendments, made on May 31, 2000, would have prohibited the DMV from disclosing

information about an applicant's SSN to any other governmental agency unless permitted by state or federal law. Governor Davis vetoed this bill on September 30, 2002.

AB 116 (Nakano)-Commission on APIA Affairs: SUPPORT

Introduced January 18, 2001. The previous contents of AB 116 were gutted² and the bill was fully amended in Senate Committee on Governmental Organization on June 12, 2002. As amended, the bill would create a Commission on Asian and Pacific Islander American (APIA) Affairs, consisting of 13 members appointed by the Governor, Senate, and Assembly. The Commission would advise the Governor, the Legislature, state agencies, departments, and commissions on issues relating to the right, interests and social and economic development of APIA communities.

¹ This bill was amended on September 13, 2001, in the Senate to include an appeals process for wrongfully denied driver's licenses and to allow the DMV to develop procedures to verify documents submitted by applicants.

² When a bill is gutted and amended it means that the bill's original language was amended out and new bill language was inserted into the bill.

Further amendments in Senate Committee on Appropriations on August 22, 2002 made the bill operative only upon appropriation of funding in the annual Budget Act. A subsequent amendment on the Senate Floor allowed the Commission to apply for and accept public and private funding. The Governor signed this historic bill on September 20, 2002.

AB 540 (Firebaugh)-Higher Education for Immigrants: SUPPORT

Introduced February 21, 2001. As introduced, this bill would have allowed students who satisfied certain requirements, regardless of immigration status, to qualify for student aid programs and California resident tuition at California State Universities (CSU) or California Community Colleges (CCC). The final version of the bill required that a person, other than a nonimmigrant alien as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed an affidavit, be exempted from paying nonresident tuition at the CSU and CCC. The bill also required student information obtained in the implementation of the bill to be confidential. In a significant victory for immigrant students across California, Governor Davis signed AB 540 on October 12, 2001. The Governor approved subsequent legislation, **AB 1543 (Firebaugh)**, on April 8, 2002, which allowed the UC Regents to also comply with AB 540.

AB 698 (Wesson)-Office of Immigrant Assistance: SUPPORT

Introduced February 22, 2002. This bill would create the Office of Immigrant Assistance in the office of the Attorney General to provide education and outreach services, as defined, to California's resident immigrant community. The bill also required that the information



developed for these purposes be printed or broadcast in any language deemed necessary to reach immigrant communities. The Governor vetoed AB 698 bill on October 12, 2002.

AB 788 (Firebaugh)–Crime Prevention: SUPPORT

Introduced February 22, 2001. This bill would change the definition of racial profiling in connection with motor vehicle stops to mean, any consideration of the race or national or ethnic origin of drivers or passengers in deciding which vehicles to stop, or in deciding upon the scope or substance of any enforcement action or procedure during or in connection with a motor vehicle stop. AB 788 passed out of the Assembly Appropriations committee, but was placed on inactive file by the author, where it died on February 4, 2002.

AB 800 (Wesson)–Workplace Language Policies: SUPPORT

Introduced February 22, 2001. This bill would make it unlawful for an employer to adopt or enforce a policy prohibiting the use of any language in the workplace unless the policy is justified by business necessity and notice of that policy and the consequences for violation are given to employees. AB 800 was amended so that references to specific remedies or penal damages were omitted. The final version of the bill includes legislative intent language to statutorily implement the constitutional protections provided by Section 8 of Article I of the California Constitution stating that no person may be disqualified from entering or pursuing a business, profession, vocation, or employment because of national or ethnic origin. The bill also recognizes Section 6 of Article III of the California Constitution, that English is the official language of California. This bill was approved by the Governor on September 12, 2001.

AB 989 (Chan & Cedillo)-Food and Cash Aid for Immigrants: SUPPORT

Introduced February 23, 2001. This bill would delete the sunset dates from and maintain the California Food Assistance Program (CFAP) and Cash Assistance Program for Immigrants (CAPI) for eligible immigrants. Without new legislation, immigrants who entered the U.S. on or after August 22, 1996 would have lost essential benefits on September 30, 2001. Due to a compromise reached in the Budget (July 26, 2001), this bill was not pursued. The 2001-2002 Budget contained trailer language that deleted the sunset dates for CFAP and CAPI and maintained funding for the programs regardless of the date of entry for eligible immigrants. This bill was subsequently amended to deal

with an entirely separate issue relating to holocaust survivors.

AB 2739 (Chan)–Linguistic Access in Health Care: SUPPORT

Introduced February 22, 2002. This bill would have ensured that the diverse beneficiaries of the Healthy Families Program (HFP) and Medi-Cal Managed Care program (MMC) were provided linguistically accessible and culturally appropriate medical care by codifying and making more uniform the language assistance and cultural competency requirements in private contracts between the health plans and the state agencies responsible for HFP and MMC, MRMIB and DHS, respectively. The final version of the bill specified which languages AB 2739 would cover. The Governor vetoed this bill on September 22, 2002.

SB 59 (Escutia)–Healthy Families Program: SUPPORT

Introduced January 4, 2001. This bill took several amendments and was temporarily placed in suspense file in Senate Appropriations. Originally, the bill called for the creation of several new projects and grants to clinics and organizations serving migrant children. In its final form, SB 59 requires the Managed Risk Medical Insurance Board (MRMIB) to report to the legislature on or before January 30, 2004 with a list of categories of vulnerable children who should be targets of public health initiatives in California, including immigrant and homeless children in urban and rural areas. Under the bill, MRMIB must also seek input from the Healthy Families Advisory panel and other stakeholder organizations into the development of its recommendations. The bill is limited by the availability of federal funds to implement it. The Governor signed SB 59 on September 22, 2002.



SB 804 (Polanco)- AB 60 Companion Bill: OPPOSE

Introduced on February 23, 2001. The bill initially contained language regarding redistricting requirements, however, SB 804 was gutted and amended and instead included additional licensing requirements for immigrants. Under SB 804, immigrants would be required to submit a full set of fingerprints to the DMV, who would send the fingerprints to State Department of Justice (DOJ) for a criminal background check. The bill would also have required that immigrants prove that they had lived and



worked in California for the past 15 months and would have denied a driver's license for immigrants with certain convictions, arrests pending adjudication and "wants and warrants." The bill also required immigrants to submit two forms of identification to apply for a driver's license. Governor Davis vetoed this bill on September 30, 2002.

SB 987 (Escutia)–Language Access: SUPPORT

Introduced February 23, 2001. SB 987 would have strengthened the implementation, monitoring, and enforcement of the Dymally-Alatorre Bilingual Services Act, which requires bilingual staffing and services at each state agency where five percent or more of its consumers speak a language other than English. The bill was passed by the State Senate in the 2001 legislative session and was amended in the Assembly on June 11, 2002 and August 24, 2002. As amended, SB 987 would 1) require state departments to assess their implementation of the 30 year old act and develop long term plans that prioritize specific goals; 2) create an enforcement mechanism that requires the State Personnel Board (SPB) to monitor compliance and 3) allow state agencies to implement the Act to the extent that state and federal funds are available. The Governor vetoed SB 987 on September 30, 2002, maintaining that funds were not available to absorb the implementation costs of this bill. The Governor, however, signed trailer bill language that strengthens the Dymally Alatorre Bilingual Services Act. Although SB 987 would have gone farther, the trailer bill requires each state department to conduct an assessment of its current capacity to serve people with limited English proficiency and develop an implementation plan addressing how the department intends to bring itself into compliance with the Act.

SB 1156 (Burton)–Agricultural Employer-Employee Collective Bargaining and Mediation: SUPPORT

Introduced February 23, 2001. This bill mandates binding mediation between specified agricultural employers and labor unions that have won certification elections (i.e. the

right to represent workers) in cases where the employer and union fail to agree to a collective bargaining agreement or in cases involving unresolved labor disputes. Disputes would be mediated by the Agricultural Labor Relations Board (ALRB). This bill was approved by the Governor on September 30, 2002.

SB 1818 (Romero)-Employment Protections: SUPPORT

Introduced February 22, 2002. This bill as originally introduced dealt with the specific issues of safety protections and awards of back pay for individuals, regardless of immigration status, in cases where employers violate an employee's right to organize. On July 3, 2002 AB 1818 was amended into its current form. AB 1818 would ensure that existing employment protections, rights, and remedies pursuant to State laws under the Civil, Government, Health and Safety and Labor Codes apply to individuals regardless of immigration status. The bill finds and declares that a person's immigration status is irrelevant to the issues of liability and no inquiry shall be permitted into a person's immigration status except when necessary to comply with federal immigration law. This bill would add these provisions to the Civil Code, the Government Code, the Labor Code, and the Health and Safety Code relative to enforcement actions relating to the rights of employees. This bill was approved by the Governor on September 29, 2002.

AJR 57 (Diaz)–Immigration Enforcement: SUPPORT

Introduced June 28, 2002. Assembly Joint Resolution 57 expressed concerns of the Legislature about the use of state and local law enforcement agents to enforce immigration law. It included legislative findings that state and local law enforcement agencies lack authority to stop, arrest, or detain persons based upon suspected or alleged violations of the civil provisions of the federal immigration laws, as specified. This AJR was enrolled and chaptered with the Secretary of State on September 16, 2002.



Percentile Rankings

California State Senators

100% (0)

None

90-100% (12)

Alpert (D) – 92%
Bowen (D) – 92%
Burton (D) – 92%
Dunn (D) – 92%
Figueroa (D) – 92%
Kuehl (D) – 92%
Machado (D) – 92%
Ortiz (D) – 92%
Romero (D) – 92%
Soto (D) – 92%
Speier (D) – 92%
Torlakson (D) – 92%

80-90% (6)

Alarcón (D) – 83%
Chesbro (D) – 85%

80-90% (cont'd)

Murray (D) – 83%
O'Connell (D) – 83%
Perata (D) – 83%
Scott (D) – 83%

70-80% (4)

Escutia (D) – 77%
Karnette (D) – 75%
Polanco (D) – 77%
Sher (D) – 75%

50-70% (2)

Vasconcellos (D) – 69%
Vincent (D) – 54%

40-50% (3)

Costa (D) – 42%
McPherson (R) – 42%
Peace (D) – 42%

10-40% (1)

Margett (R) – 17%

0-10% (8)

Ackerman (R) – 8%
Battin (R) – 8%
Haynes (R) – 8%
McClintock (R) – 8%
Monteith (R) – 8%
Morrow (R) – 8%
Oller (R) – 8%
Poochigian (R) – 8%

0% (4)

Brulte (R)
Johannessen (R)
Johnson (R)
Knight (R)

KEY TO VOTING RECORDS

- “Y” Voted in favor of the bill
- “N” Voted against the bill
- “NV” Not voting, absent, or excused
- “ - ” No opportunity to vote on the bill

Notes:

- ✳ Votes recorded in the chart reflect the most recent vote. Endnotes reflect significant vote changes.
- ✳ Voting percentages reflect the number of times members' votes matched CIWC's positions. Bills on which members had no opportunity to vote (indicated by “-”) were not used to calculate percentages.

California State Assembly Members

100% (0)

None

90-100% (36)

Alquist (D) – 93%
Aroner (D) – 93%
Chan (D) – 92%
Chavez (D) – 92%
Chu (D) – 92%
Cohn (D) – 92%
Corbett (D) – 93%
Correa (D) – 93%
Diaz (D) – 92%
Dutra (D) – 92%
Firebaugh (D) – 92%
Florez (D) – 92%
Frommer (D) – 92%
Goldberg (D) – 93%
Hertzberg (D) – 92%
Horton (D) – 92%
Jackson (D) – 92%
Keeley (D) – 93%
Kehoe (D) – 92%
Koretz (D) – 93%
Liu (D) – 92%
Longville (D) – 92%
Lowenthal (D) – 92%

(90-100% Cont'd.)

Migden (D) – 93%
Nation (D) – 92%
Negrete McLeod (D) – 92%
Pavley (D) – 93%
Reyes (D) – 92%
Salinas (D) – 92%
Shelley (D) – 92%
Simitian (D) – 93%
Steinberg (D) – 92%
Strom-Martin (D) – 92%
Thomson (D) – 93%
Washington (D) – 92%
Wesson (D) – 93%

80-90% (9)

Calderon (D) – 85%
Canciamilla (D) – 85%
Cardoza (D) – 85%
Cedillo (D) – 86%
Havice (D) – 85%
Matthews (D) – 85%
Nakano (D) – 85%
Wiggins (D) – 86%
Wright (D) – 86%

70-80% (5)

Cardenas (D) – 77%
Maldonado (R) – 71%
Oropeza (D) – 77%
Vargas (D) – 77%
Wayne (D) – 77%

60-70% (2)

Kelley (R) – 62%
Papan (D) – 64%

40-60% (1)

Pacheco, Rob (R) – 50%

30-40% (5)

Cogdill (R) – 38%
Daucher (R) – 36%
Maddox (R) – 31%
Richman (R) – 31%
Strickland (R) – 38%

20-30% (4)

Cox (R) – 23%
Dickerson (R) – 29%
Harman (R) – 23%
Leslie (R) – 23%

10-20% (8)

Briggs (R) – 15%
Campbell, Bill (R) – 15%
Campbell, John (R) – 15%
Leach (R) – 15%
Leonard (R) – 15%
Pescetti (R) – 15%
Wyman (R) – 15%
Zettel (R) – 14%

0-10% (8)

Aanestad (R) – 8%
Ashburn (R) – 7%
Bates (R) – 7%
Bogh (R) – 8%
Hollingsworth (R) – 8%
La Suer (R) – 7%
Mountjoy (R) – 8%
Wyland (R) – 8%

0% (2)

Pacheco, Rod (R)
Runner (R)

