



California Immigrant Welfare Collaborative

1225 8th Street, Suite 590 ♦ Sacramento, CA 95814
Phone (916) 448-6762 ♦ Fax (916) 448-6774

CIWC UPDATE

OCTOBER 2, 2006 • PAGE 1 OF 4

GOVERNOR SCHWARZENEGGER SIGNS LEGISLATION TO IMPROVE IMMIGRANT ACCESS TO HEALTH CARE AND PUBLIC SERVICES, STEERS CLEAR OF CONTROVERSIAL MEASURES

Governor Schwarzenegger ended the 2006-2007 legislative session on September 30th after signing or vetoing hundreds of bills that passed across his desk during the month of September. The Governor signed a few bills that would improve access to health care and other vital services for some immigrants, while staying clear of controversial bills including proposals to grant driver's licenses and access to in-state tuition at colleges and universities for undocumented students.

LEGISLATION SIGNED BY THE GOVERNOR

SB 1569 (KUEHL) VICTIMS OF HUMAN TRAFFICKING AND DOMESTIC VIOLENCE - This bill, which ensures that immigrant victims of human trafficking, domestic violence and other serious crimes have access to state and local services, was signed into law on September 29, 2006. The new law will treat these survivors like refugees for purposes of determining eligibility for state and local benefits and services, provided that they meet the other program requirements. The new law will allow survivors of trafficking and other crimes to secure critical medical care, mental health, and basic assistance that will help them obtain safe housing, food, and supportive services (English as a Second Language programs, job training, etc.) and will help them feel safe in cooperating with law enforcement in the prosecution of a crime. The bill, as amended, provides services to immigrant trafficking victims for up to one year, or longer if they have filed an application for a T visa or if an application for continued presence has been filed on their behalf. The law also clarifies that individuals who have applied for a U visa or interim U relief are eligible for state and local services. The bill, authored by Senator Sheila Kuehl, and co-sponsored by CIWC and the San Francisco District Attorney's office, had broad bi-partisan support from California legislators, victim service providers, faith-based organizations and law enforcement officials. It becomes effective on January 1, 2007.

AB 2060 (DE LA TORRE) NATURALIZATION SERVICES PROGRAM – AB 2060, a bill that will help provide and develop naturalization services for California's immigrants, was signed into law on September 27, 2006. The new law makes the state's Naturalization Services Program (NSP) permanent while guaranteeing services for thousands of immigrants eligible to naturalize in California. Sponsors of AB 2060, authored by Assembly Member Hector De La Torre, include CIWC, the California Catholic Conference, and Jewish Family and Children's Services. The new law establishes the Naturalization Services Program (NSP) in statute and acknowledges the need for dedicated resources to continue to promote immigrant integration in California.¹ AB 2060 will ensure that citizenship services remain accessible to California's immigrant population by:

¹ Earlier in the year, Governor Schwarzenegger signed AB 1808, a budget trailer bill, also establishing the program in statute (see Welfare and Institutions Code Section 25200 and Government Code 12089.)

- Encouraging regional collaboration among grantees, including the Department of Education English as a Second Language and civic grantees
- Promoting the development of a referral system in an effort to ensure that immigrants are informed about adult education, English literacy, and citizenship services in their region and
- Requiring stakeholder input in designing the methodology for the distribution of funds appropriated for NSP.

SB 437 (ESCUTIA) ACCESS TO CHILDREN'S HEALTH CARE PROGRAMS – SB 437, which will streamline and simplify enrollment of eligible children into the Medi-Cal and Healthy Families programs, was signed on September 19, 2006. SB 437 expands "accelerated enrollment," for Healthy Families (HFP) eligible children applying at counties, and replaces the existing Medi-Cal to Healthy Families "Bridge" Program with a presumptive eligibility system for enrolling in HFP. The bill allows families who are renewing their children's HFP coverage statewide to self-certify their income, and establishes a pilot project in two counties, where parents and children seeking or renewing Medi-Cal can self-certify their income. It also calls for the creation of an electronic "gateway" to expedite Medi-Cal and HF enrollment for eligible children applying for Women, Infants and Children (WIC). SB 437 is expected to result in the enrollment of an additional 94,000 children and 13,000 parents who are already eligible for Medi-Cal and Healthy Families. The final version of the bill is significantly modified from the original version, which would have created the Healthy Kids Program to provide health coverage for all California children in families earning up to 300% of the federal poverty level. Advocates are now focusing their attention on Proposition 86, the tobacco tax initiative that would fund an expansion of children's health coverage similar to the expansion originally proposed in SB 437.

SB 1534 (ORTIZ) – PUBLIC HEALTH - SB 1534 affirms existing law, confirming that local governments are entitled to protect public health by providing care and services to all of their residents. The bill was signed into law on September 30, 2006.

AB 1948 (MONTANEZ)- STREAMLINED ENROLLMENT OF CHILDREN INTO HEALTHY FAMILIES AND MEDI-CAL - This bill, which requires the State Department of Health Services to conduct or oversee a study on the feasibility of a one step electronic application process for children enrolling in Medi-Cal or Healthy Families through the CHDP "Gateway," was signed into law on September 19, 2006. The findings of the study must be submitted to the fiscal and health policy committees of the Legislature on or before March 1, 2008.

AB 2384 (LENO) HEALTHY FOODS PURCHASE PROGRAM -This bill would create the "Healthy Food Purchase" pilot program to increase the sale and purchase of fresh food and vegetables in low-income communities contingent on state and federal funding. The pilot program will stimulate supply as well as demand for fresh fruit and vegetables in low-income communities by providing technical assistance and alternative financing methods to grocers and financial incentives for food stamp recipients. The bill was signed into law on September 13, 2006. The program is expected to sunset on January 1, 2011.

AB 630 (CHU)- REGULATION OF IMMIGRATION CONSULTANTS - This bill, which will help regulate immigration consultants in California, was signed into law on September 29, 2006. AB 630 revises bond requirements for immigration consultants and requires immigration consultants to pass a background check. AB 630 would prohibit the Secretary of State from filing a bond for a consultant who has failed to pass a background check and authorize the Secretary of State to issue a "cease and desist" letter to immigration consultants for who fail to maintain a valid bond.

AB 1835 (LIEBER)- MINIMUM WAGE – AB 1835 will raise the minimum wage from \$6.75 per hour to \$7.50 per hour, effective January 1, 2007, and to \$8.00 per hour, effective January 1, 2008. This modest increase will dramatically improve the lives of millions of Californians, including

immigrant workers who comprise a large percentage of the low-wage workforce. In California, more than half (54.1 percent) of all low-wage workers who earn at or near the minimum wage, are Latino (California Budget Project, June 2004). The bill was signed into law on September 12, 2006.

LEGISLATION VETOED BY THE GOVERNOR:

AB 2536 (MONTANEZ)- HOUSEHOLD WORKERS RIGHTS BILL- This bill would have extended overtime provisions to household workers who care for children and the elderly. The bill would have allowed those workers to recover unlawfully withheld wages or unpaid overtime wages and to recover liquidated damages equal to the wages withheld plus interest. AB 2536 would have improved the lives of thousands of household workers, many of whom are immigrants. A survey of household workers conducted by the California Household Workers Rights Coalition found that these workers routinely experience exploitative labor conditions and that the average weekly wage for household workers working 50 hours or more per week was \$200. The Governor vetoed AB 2536 on September 30, 2006 citing concerns about the negative impact of higher wages on low-wage employers and on the industry in general. The bill, authored by Assembly member Montanez, was developed through a community process by the statewide California Household Worker Rights Coalition made up of household workers belonging to the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Mujeres Unidas y Activas (San Francisco), Pilipino Workers Center (Los Angeles), and the San Francisco Day Laborer Program Women's Collective of La Raza Centro Legal.

SB 1160/SB 1162 (CEDILLO) DRIVER'S LICENSES FOR IMMIGRANTS - SB 1160 was held in the Assembly Appropriations committee and a new bill on driver's licenses **SB 1162 (Cedillo)** was introduced in August. Once again, Governor Schwarzenegger vetoed the high-profile driver's license bill on September 28, 2006, citing the lack of regulations to implement the federal REAL ID Act of 2005, as well as the lack of comprehensive immigration reform. This bill would have required the Department of Motor Vehicles, upon receipt of federal funding, to implement the REAL ID Act, including the provision of marked licenses for drivers who cannot produce the documents required for a regular or temporary license under the federal law, and who undergo criminal background checks. CIWC strongly supports providing licenses to all California drivers to make our roads and communities safer but opposes attempts to implement the REAL ID Act prematurely, or to create marked driver's licenses for individuals based on their immigration status, or to allow information sharing between state and federal agencies without adequate privacy protections. CIWC and other advocates have concerns about the lack of privacy provisions under the Federal Real ID Act and the potential harm to U.S. citizens as well as to immigrants.

SB 160 (CEDILLO) CALIFORNIA DREAM ACT – Existing law exempts students from paying nonresident tuition at the California Community Colleges and the California State University if they attend high school in California for three or more years, graduate from a California high school or pass the GED and file an affidavit with the college or university stating that they have applied or will apply for lawful status as soon as they are eligible. This bill would establish procedures and forms that enable AB 540 students to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. SB 160 passed the Assembly floor with a vote of 45 to 31 on August 29 and the Senate floor with a vote of 24 to 15 on August 31. The bill was vetoed on September 30, 2006 by the Governor who stated in his veto message that SB 160 would unfairly penalize students here legally by reducing the financial aid they rely on to allow them to go to college.

SB 840 (Kuehl) UNIVERSAL HEALTH CARE – SB 840 would have improved access to health care for millions of Californians through the creation of a universal, publicly-financed, single-payer health care system, similar to Medicare. 3 out of 4 uninsured Californians come from working families, a trend that is consistent with national trends in the decline of employer based health care (UCLA Center for Health Policy Research 2005). Because immigrants are disproportionately represented in the low-wage workforce, lack of insurance is a persistent problem for them. The high cost of health insurance impedes their ability to obtain individual coverage (Urban Institute, 2006). SB 840 would have created the California Health Insurance System (CHIS) that would be

administered by the California Health Insurance Agency, to provide health insurance coverage to all California residents. Passage of this bill would have improved the lives of California's 6.5 million residents who are currently uninsured. The Governor vetoed SB 840 on September 5, 2006 likening the proposal to socialized medicine and reiterating his vague commitment to "shared responsibility of individuals" rather than expanded access to health care.

AB 2302 (JONES) INTERPRETATION SERVICES IN CIVIL COURTS - This bill would have ensured that civil courts provide interpreters for people needing language assistance in critical cases such as elder abuse, child custody, domestic violence, and child support. AB 2302 passed the Senate floor with a vote of 25 to 13 on August 30th and the Assembly floor with a vote of 53 to 26 on August 31st. The bill was vetoed by the Governor on September 30th, 2006.

OTHER LEGISLATION:

SB 1267 (CEDILLO) – OFFICE OF IMMIGRANT AFFAIRS - This bill would have established the Office of Immigrant Affairs (OIA) within the Community Services and Development Department. The OIA would work with organizations to ensure the success of the Naturalization Services Program (NSP), and work toward ensuring the successful integration of California's immigrants. SB 1267 failed to make it out of Assembly Appropriations. The bill's author, Senator Cedillo, has stated that he plans to reintroduce the bill next year.

AB 3029 (LAIRD) FOOD STAMP SIMPLIFICATION ACT - This bill would have made several changes to the Food Stamp Program including to repeal quarterly status reporting and replace it with a semi-annual reporting requirement.² The bill would have also required the Department of Social Services (DSS) to seek a federal waiver to exempt recipients from face-to-face interviews for food stamp re-certification, which are often difficult for recipients to attend because of work schedules or lack of day care. AB 3029 passed the Senate floor with a vote of 24 to 13 on August 28 and passed the Assembly floor with a vote of 47 to 29 on August 30th. The bill was held at the desk and not enrolled to the Governor.

SB 1405 (SOTO) FEDERAL REIMBURSEMENT FOR INTERPRETATION AND TRANSLATION SERVICES - This bill would have established the Task Force on Reimbursement for Language Services to explore funding mechanisms to provide language services to Medi-Cal fee for services patients, including interpretation and translation of documents. While SB 1405 successfully passed the Senate and Assembly floor, the bill was held back by the author and did not head to the governor's desk. Advocates are working with various administrative officials to address this issue administratively.

AJR 51 (NUÑEZ) – RESOLUTION IN SUPPORT OF COMPREHENSIVE FEDERAL IMMIGRATION REFORM – This resolution calls on the President and Congress of the United States to pass comprehensive immigration reform based on a respect for human rights and a path towards citizenship. AJR 51 passed the Senate floor on August 16th with a vote of 24 to 15 and was heard on the Assembly floor but was pulled before the Assembly floor vote.

SB 1622 (ESCUTIA)-EMPLOYEE NOTIFICATION OF ELIGIBILITY FOR MEDI-CAL AND HEALTHY FAMILIES PROGRAM - This bill would have required the Department of Health Services and the Managed Risk Medical Insurance Board (MRMIB) to create an informational pamphlet to advise employees of their potential eligibility for the Medi-Cal and Healthy Families Programs. SB 1622 was held in the suspense file in the Assembly Appropriation's Committee.

² AB 3029 distinguishes when a recipient is mandatorily required to report changes in income and when the recipient shall voluntarily report changes in income.