



CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE

California Update

Volume 8

Issue 6

November 8, 2004

2004 Immigrant Rights Legislation: The Final Picture

Gov. Schwarzenegger ended the 2004–05 legislative session on Sept. 30 after signing or vetoing the thousands of bills that passed across his desk during the month of September. In the following legislative analysis, we highlight two pieces of legislation that the governor signed as well as several others that he vetoed. The vetoed legislation includes a number of bills that would have improved immigrants' access to health care and provided California's immigrant residents with other critical services.

LEGISLATION SIGNED BY THE GOVERNOR

SB 1639 (Alarcon): CalWORKs. Promotes education and training opportunities for CalWORKs participants who are immigrants or foster youth. Specifically, SB 1639 authorizes community colleges to include vocational English-as-a-second-language (VESL) instruction in the curricula provided to CalWORKs students; stipulates that intensive English language immersion programs are within the scope of allowable activities for which community colleges can be funded; and expands the Foster Care Bill of Rights to ensure that foster youth have access to existing information pertaining to their educational options, including postsecondary education and financial aid.

AB 1796 (Leno): Food Stamps. Restores food stamp eligibility to individuals with prior felony convictions for drug possession (but not for selling or trafficking drugs). The current ban, which prohibits persons with drug felonies from receiving federal food stamps, unjustly penalizes persons in recovery who are working hard to rebuild their lives and provide for their families. Under this bill, individuals must complete, participate, or enroll in a government-recognized treatment program to be eligible for nutritional assistance. Thirty-two other states have opted to restore food stamps to such individuals. AB 1796 passed the Senate floor by a vote of 21 to 12 and the Assembly floor by a vote of 43 to 32, with Senator McPherson and Assembly Member Richman being the only Republicans to vote in favor of the bill and Assembly Members Correa, Matthews, and Parra the only Democrats to vote against it. The California Police Chiefs Association, California State Sheriffs Association, and California Narcotics Officers Association supported AB 1796.

LEGISLATION VETOED BY THE GOVERNOR

AB 1895 (Nation): Immigrant Children. Would have required

the appointment of an immigration attorney for a dependent child or ward of the court who is not a lawful permanent resident or U.S. citizen. This bill would have authorized the attorney to help the child secure special juvenile immigrant status, which protects abused and abandoned children in the custody of the court system from immediate deportation by providing a streamlined process for obtaining lawful permanent residence. Since juvenile courts generally are unaware of this remedy, these vulnerable children often lose the narrow window of opportunity to file for special status.

AB 1963 (Salinas): Promotores. Would have encouraged the Office of Multicultural Health (OMH) to utilize *promotores de salud*, or community health workers, to improve the overall health of underserved communities, particularly agricultural workers in rural areas. *Promotores de salud* are trained community members who provide linguistically and culturally appropriate outreach, education, and access to health services, and effectively improve health outcomes for traditionally underserved communities.

AB 2408 (Yee): Bilingual Staffing. Would have required state departments to hire bilingual staff for vacant public contact positions in order to address bilingual staffing deficiencies identified by the department or State Personnel Board and to fulfill existing obligations under the Dymally-Alatorre Bilingual Services Act. In California, one in five individuals is limited-English proficient (LEP), including over 4.3 million LEP Spanish-speakers and 1.5 million LEP Asian language speakers.

AB 2832 (Lieber): Minimum Wage. Would have raised California's minimum hourly wage from \$6.75 to \$7.25 as of Jan. 1, 2005, and to \$7.75 as of Jan. 1, 2006. A modest increase in the minimum wage would have dramatically improved the lives of millions of Californians, including immigrant workers who make

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Asian Pacific American Legal Center of Southern California • Coalition for Humane Immigrant Rights of Los Angeles
National Immigration Law Center • Services, Immigrant Rights, and Education Network

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up 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).

AB 2895 (Nuñez and Cedillo): Driver's License. Would have allowed California residents, regardless of their immigration status, to apply for a state driver's license and become trained, tested, and insured drivers. Under this bill, immigrants alone would have been subjected to a multitude of new requirements—including criminal background checks by the FBI.

SB 37 (Dunn): Mexican Repatriation. Would have extended the statute of limitations to Dec. 31, 2006, for victims to sue the government for damages resulting from the illegal deportation of over two million persons of Mexican descent between 1929 and 1944. During the Great Depression, government authorities and certain businesses undertook an aggressive program to forcibly remove persons of Mexican descent from the U.S. based solely on their national origin. More than 1 million individuals were forcibly removed from California alone—400,000 of whom were citizens or lawful residents of the U.S. Families were separated and individuals were deprived of their livelihood, educational opportunities, and civil rights solely based on their Mexican descent.

SB 301 (Alarcon): Commission on Latino/Latina Affairs. Would have created a 15-member Commission on Latino/Latina Affairs to act as a resource for state and local government and to ensure greater participation and representation by Latinos in the public sector. Latinos comprise over 33 percent of California's population, yet comprise less than six percent of individuals making public policy decisions across the state.

SB 379 (Ortiz): Consumer Protections for the Uninsured. Would have provided landmark consumer protections for self-pay hospital patients and prohibited hospitals from overcharging the uninsured. Specifically, SB 379 would have required hospitals to (1) develop and make available charity care and reduced payment policies, (2) allow public and private coverage options to be exhausted before referring unpaid bills to collections, and (3) make reasonable attempts to negotiate a payment plan with patients prior to referring the patient's account to a collection agency.

AB 2387 (Firebaugh): Higher Education. Would have authorized the University of California and the California State University systems to consider culture, race, gender, ethnicity, national origin, geographic origin, and class along with other relevant factors for undergraduate and graduate admissions until Jan. 1, 2015, as long as no preference is given.

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Address correction requested