

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE
California Update

Volume 7

Issue 3

July 15, 2003

Immigrants' Rights Bills Move through the Legislature

Against the backdrop of an unprecedented budget crisis unfolding in Sacramento, several bills affecting immigrants are making their way through the California legislature. Although many bills have failed to pass through committees in the Assembly and Senate, a number of important measures are nearing the governor's desk. The following is a summary of key bills that

could affect immigrants' access to health and human services programs, language and labor protections, and immigrants' rights. Also indicated is the California Immigrant Welfare Collaborative's positions on these bills.

HEALTH & HUMAN SERVICES

Employer-Based Healthcare Coverage – SB 2 (Burton). The current version of this bill states the legislature's intent to establish health care coverage for eligible employees and their dependents. SB 2 will be amended to require employers to provide health insurance coverage to their employees or allow employers to pay a user fee, which would purchase health insurance for eligible employees. A version of this bill passed the Senate floor on June 4, 2003, by a vote of 25 to 14. SB 2 was heard in the Assembly Health Committee on July 1, 2003, and passed out of the committee. SB 2 was heard on the Assembly floor on July 7, 2003, and passed by a vote of 45 to 30. CIWC supports passage of this bill.

Single Payer Health Care Coverage – SB 921 (Kuehl). The current version of this bill states the legislature's intent to establish a single payer universal health care delivery system in California. A version of this bill passed the Senate on June 4, 2003, by a vote of 23 to 14. SB 921 did not have a hearing date scheduled at the time this issue of CALIFORNIA UPDATE went to press. It appears to be a two-year bill. CIWC supports passage of SB 921.

Statewide Fingerprint Imaging System – AB 231 (Steinberg). This legislation is an omnibus food stamp bill that would eliminate the Statewide Fingerprint Imaging System, create transitional food stamp benefits for individuals leaving CalWORKs, update the auto resource value rule, and allow certain individuals experiencing hardships to be exempted from face-to-face interviews that are required under current regulations. This bill would also simplify the application process and thus enhance participation in the Food Stamp Program. In June, AB 231 passed the Assembly by a 43 to 30 vote. The bill was heard in the Senate Human

and Health Services Committee on June 18, 2003, and passed by a vote of 8 to 3. AB 231 will head for the Senate Appropriations Committee. Meanwhile, the Assembly Subcommittee No. 1 on Health and Human Services has adopted language to incorporate AB 231 into the Assembly budget bill. CIWC supports passage of this bill.

Domestic Violence Services for CalWORKs Recipients – SB 664 (Kuehl). This bill would require the State Dept. of Social Services to allocate a portion of the marriage promotion moneys in the Temporary Assistance for Needy Families (TANF) fund to county welfare agencies to provide domestic violence services for CalWORKs recipients. This bill would also allocate money for the development and implementation of a public education campaign to raise awareness about the health consequences of domestic violence. The Senate Committee on Health and Human Services passed SB 664 by a 9 to 1 vote on Mar. 27, 2003. The bill was referred to the Senate Appropriations Committee and placed in the suspense file on Apr. 28, 2003. CIWC supports passage of this bill.

IMMIGRANTS' RIGHTS

Driver's Licenses for All California Residents – SB 60 (Cedillo). This bill would modify the lawful presence and Social Security number (SSN) requirements to ensure that all drivers on California highways can be properly trained, licensed, and insured. SB 60 would maintain current requirements that applicants submit a valid SSN, but would allow those who do not have an SSN to provide an individual taxpayer identification number (ITIN). SB 60 passed the Senate floor on June 4, 2003, by a vote of 24 to 14. This bill was heard in the Assembly Transportation Committee on June 30, 2003, and passed by a 13 to 7 vote, strictly along party lines, with Democrats in favor and Republicans opposed. SB 60 now makes its way to the Assembly Appropriations Com-

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mittee. CIWC supports passage of this bill.

Student Financial Aid – AB 153 (Calderon). This bill would require the Trustees of the California State University and the Board of Governors of the California Community Colleges to establish procedures to assist students exempt from paying non-resident tuition under AB 540 to apply for and participate in all state-administered student aid programs to the full extent permitted by federal law. AB 153 would also request that the Regents of the University of California follow suit. This bill was heard on the Assembly floor on June 3, 2003, and passed by a vote of 45 to 29. AB 153 will be heard in the Senate Education Committee on July 9, 2003. CIWC supports passage of this bill.

Use of Matrícula Consular – AB 522 (Díaz). This bill would require every city and county officer or employee to accept for purposes of personal identification a *matrícula consular* (consular registration) card issued by a Mexican consulate office, to the extent permitted by federal law. CIWC is working with the author's office to include privacy protections for immigrants. This bill made its way to the Assembly floor and passed by a vote of 56 to 9 on Apr. 28, 2003. AB 522 was heard in the Senate Public Transportation Committee on July 8, 2003, and passed by a vote of 4 to 2. AB 522 now makes its way to the Senate floor. CIWC supports passage of this bill if it is modified to address immigrant privacy concerns.

Use of Foreign Identification Cards – AB 25 (Nunez). This bill would require state agencies to accept the *matrícula consular* from Mexico and identification cards issued by other countries as valid forms of identification. AB 25 would also require that before a foreign identification card can be accepted by a state agency it must at a minimum meet the same anti-fraud standards that apply to issuance of the California state identification card. CIWC has significant concerns with the bill as currently drafted, since it requires foreign identification cards to have biometric features such as a digitized thumbprint, allows the State Dept. of Justice to create a storage medium for these biometric identifiers, and does not contain any privacy protections for immigrants. CIWC's support for the bill is contingent on the elimination of these burdensome provisions and inclusion of privacy language. AB 25 was heard in the Senate Public Safety Committee on June 17, 2003, and passed by a vote of 4 to 1. AB 25 has been referred to the Senate Appropriations Committee. CIWC supports passage of this bill if it is modified in the manner described above.

LANGUAGE ACCESS

Linguistically and Culturally Appropriate Services for Medi-Cal and Healthy Families Enrollees – AB 154 (Chan). This bill would require Medi-Cal and Healthy Families health management organizations (HMOs) to submit reports on how they are providing culturally and linguistically competent care. Although federal and state laws and regulations, as well as HMO contracts, currently require that such care be provided, evidence demonstrates that these requirements are often ignored. The bill passed the Assembly Health Committee by a vote of 13 to 9 on Mar. 4, 2003. It was referred to the Assembly Appropriations Committee on

Apr. 2, 2003, and was placed in suspense. CIWC supports passage of this bill.

Prohibition on Use of Children As Interpreters – AB 292 (Yee). This bill would prohibit the use of children as interpreters by government agencies and recipients of state funds. Several advocates have raised concerns that since the bill does not address the lack of interpretive services generally, it could further isolate immigrant families from critical services, because they often have little choice but to use children as interpreters. Another concern with the bill is the potential impact on small organizations that may lose state funding because they do not have the resources to comply with the interpreter requirement. AB 292 was heard on the Assembly floor on June 3, 2003, and passed by a vote of 42 to 30. It was referred to the Senate Judiciary Committee on July 1, 2003, and passed by a vote of 4 to 2. AB 292 now heads to Senate Appropriations Committee. CIWC supports passage of the bill if it is amended to address the concerns described above.

Extending Consumer Protections: Retail Contracts and Loan Applications – AB 309 (Chu) SB 146 (Escutia). AB 309 would close an existing loophole by extending California Code Section 1632 consumer protections currently available to Spanish-speaking individuals to the following languages: Chinese, Vietnamese, Tagalog, and Korean. According to the 2000 Census, these four languages are the most commonly spoken in California, after English and Spanish. AB 309 requires that where the terms of certain contracts (e.g., personal loans, installment agreements, residential leases, legal service contracts) are negotiated in one of the five languages, the contract must be provided in that language. SB 146 clarifies that the translated contracts must contain all of the terms of the agreement. AB 309 went to the Assembly floor on May 19, 2003, and passed by a vote of 49 to 30. AB 309 was heard in the Senate Judiciary Committee on July 1, 2003 and passed by a vote of 4 to 1. SB 146 was sent to the Senate floor on May 8, 2003, and passed by a vote of 22 to 15. SB 146 was heard in the Assembly Banking and Finance on July 8, 2003, and passed by a vote of 8 to 2. CIWC supports passage of this bill.

Advertising and Language Access - SB 584 (Alarcon). This bill would require businesses that advertise, promote, or market a service or product in a language other than English to provide written materials in that language to the consumer upon request, or to notify consumers of this right. SB 584 would provide this protection to the following languages: Spanish, Chinese, Tagalog, Vietnamese, and Korean. SB 584 passed the Senate floor on June 2, 2003, by a vote of 23 to 15. SB 584 was heard in the Assembly Judiciary Committee on July 1, 2003, passed by a vote of 10 to 4, and has been referred to the Assembly Business and Professions Committee. CIWC supports passage of this bill.

Commercial HMO Enrollees Creating C & L Requirements - SB 853 (Escutia). This bill would require the Dept. of Managed Health Care (DMHC) to develop regulations that assure access to linguistically and culturally competent care for HMO enrollees. Although various language access requirements apply to Medi-Cal and Healthy Families HMO enrollees, they generally have

not applied to commercial enrollees. This bill was heard on the Senate floor and passed by a vote of 24 to 13. SB 853 was passed by the Assembly Health Committee on July 8, 2003. CIWC supports passage of this bill.

WORKER'S RIGHTS

Unpaid Garment Worker Fund - AB 570 (Chu). This bill would authorize the state labor commissioner to distribute the full amount of moneys that are annually deposited in the Garment Fund, to be made available to garment workers with outstanding wage claim awards. This bill would specifically allow garment workers to collect unpaid wages, benefits, interest penalties, damages, or any other monetary relief available to the garment worker from the Garment Fund. The fund is primarily funded through registration fees paid by manufacturers. AB 570 was heard in the Assembly Committee on Labor and Employment on Apr. 23, 2003, and passed by a vote of 7 to 1. AB 570 was referred to the Assembly Committee on Appropriations on May 7, 2003, and placed in the suspense file. CIWC supports passage of this bill.

Repeal of AB 2837 CalOSHA Language Access Requirements - AB 1471 (Haynes). This bill would repeal the language access requirements applicable to the Cal-OSHA bill (AB 2837 (Koretz)) chaptered into law in 2002. AB 2837 requires CalOSHA to provide bilingual services during an investigation; prepare written materials in languages other than English; investigate a death within 24 hours of notification; and impose higher civil and criminal penalties and communicate with prosecuting authorities in cases where there is reasonable suspicion that a crime occurred. AB 1471 was heard in the Assembly Labor Committee on Apr. 2, 2003. The bill failed to pass, but was granted reconsideration. CIWC opposes passage of this bill.

Sweatshop Labor - AB 1557 (Hancock). This bill would establish a "sweat-free code of conduct" ensuring that all apparel, garments, equipment, materials, and supplies purchased or laundered by the state or its agencies be produced in workplaces free

of "sweatshop conditions." The bill prohibits contracting between state agencies and any contractor that does not meet the 13 terms and conditions of employment outlined under the Sweat-Free Code of Conduct, including payment of nonpoverty wages. The bill also imposes liability on any contractor that knows or should have known they were not in compliance with the code. This bill made its way to the Assembly floor on June 4, 2003, and passed by a vote of 46 to 33. AB 1557 was heard in the Senate Governmental Organization Committee on July 8, 2003, and passed by a vote of 7 to 4. CIWC supports passage of this bill.

Employment Rights for Car Wash Employees - AB 1688 (Goldberg).

This bill would regulate the industry of car washing and polishing. California car washers/polishers often work below minimum wage or for tips. This bill would require employers to maintain proper records for wage, hour, and working conditions; require employers to register with the Labor Commissioner; require employers to post a bond; and create criminal and civil sanctions for employers who do not comply with this law. AB 1688 went to the Assembly floor on May 27, 2003, and passed by a vote of 46 to 29. AB 1688 will be heard in the Senate Labor and Industrial Relations Committee on July 9, 2003. CIWC supports passage of this bill.

Sweatshop Labor - SB 578 (Alarcon). This bill would require public work contracts to certify that the equipment, materials, or supplies to be used under the contract were not produced in sweatshop conditions. The types of contracts affected would include contracts for laundering, garments, corresponding accessories, equipment, or supplies furnished. This bill would also impose a civil penalty on contractors who violate provisions of this bill. This bill will be heard in the Assembly Committee on Labor and Employment on July 9, 2003.

Updated information on the status of these bills and bill texts can be found at www.leginfo.ca.gov/billinfo.html. Readers with additional questions, should contact Jeannette Zanipatin, CIWC's statewide policy analyst, at 916-448-6762.

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