

*CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE*  
**California Update**

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## **In the Last Days of His Administration, Governor Davis Signs Key Bills Affecting Immigrants in California**

*As his administration neared its end, Gov. Gray Davis signed several bills intended to protect the rights of immigrant workers and their families in the areas of health and economic security, language access, and immigrants' and workers' rights. Davis also vetoed some measures that would have benefited thousands of working, taxpaying immigrants across California—including a bill that would have made financial aid*

available to undocumented students attending community colleges, as well as one that would have required every city and county officer or employee in California to accept, for purposes of personal identification the *matricula consular* card that is issued by Mexican consulates.

These are some of the bills that Davis either signed or vetoed during the waning days of his administration:

### **HEALTH CARE & ECONOMIC SECURITY**

**SB 2 (Burton): Employer-based Health Coverage (SIGNED).** SB 2 requires employers with 20 or more employees to either provide health insurance to their employees or pay a fee to the state, which will in turn purchase health insurance for eligible employees. Employees will be required to contribute a portion (up to 20 percent) of their wages towards the fee the employer is required to pay. Low-income workers would contribute no more than 5 percent of their wages.

SB 2 promises to make essential health coverage available to over one million uninsured workers and represents an important step toward insuring all Californians. The bill does not resolve certain issues affecting low-wage workers, however. Under SB 2, workers who are eligible for free health services under Medi-Cal and Healthy Families could still be required to pay up to 5 percent of their wages (plus copayments and deductibles). Services provided under SB 2 may be narrower than those available through Medi-Cal and Healthy Families. Although these low-income workers ultimately would be reimbursed for their contributions and would be ensured access to a full range of services, the process could be costly and difficult for them to navigate. CIWC and other advocates hope to ensure that these concerns and other issues affecting immigrant families and seasonal workers are addressed through subsequent legislation or in the implementation phase, which is scheduled for 2006 and 2007. Davis

signed SB 2 on Oct. 5, 2003.

**SB 24 (Figueroa): Accelerated Enrollment for Pregnant Women and Infants (SIGNED).** SB 24 would facilitate the enrollment of pregnant women and infants into the Medi-Cal program. Under the "Prenatal Gateway," pregnant women would be able to enroll in Medi-Cal by using an electronic application form at their doctor's office and keep coverage via their "presumptive eligibility" until a final decision on their application is made. Under the "Newborn Hospital Gateway," infants born to mothers receiving Medi-Cal would be enrolled electronically at the hospital to secure coverage for their first year. Reducing the paperwork would ensure that mothers and their babies would receive timely preventive services and medical treatment. Funding for these Gateway programs would have to come from nonstate sources

*Continued on page 2*

### **REGISTER NOW FOR CIWC'S NORTHERN CALIF. TRAINING**

The California Immigrant Welfare Collaborative's annual regional training for northern California will be held on **Oct. 30, 2003**, in Oakland. Plan to attend the training to get a **full overview of state and federal issues that impact immigrants.**

"Access to Services for Immigrant Children and Their Families" will feature plenary sessions on state and federal policy issues as well as workshops on immigrant eligibility for public services, nutrition, language access, domestic violence, health care for seniors and children, public charge, and CalWORKS. **For a registration form, e-mail [alegria@nilc.org](mailto:alegria@nilc.org) or [munoz@nilc.org](mailto:munoz@nilc.org).**

#### **THE CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE IS A JOINT PROJECT OF**

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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*Continued from page 1*

such as foundation grants or Proposition 10 funds. Davis signed SB 24 on Oct. 12, 2003.

**AB 231 (Steinberg): Food Stamps (SIGNED).** AB 231 will update the auto resource value rule and allow certain individuals experiencing hardships to be exempted from face-to-face interviews in order to receive food stamps. The bill will simplify the application process, increasing participation in the food stamp program. AB 231 takes advantage of federal resources to provide critical nutrition assistance to the state's low-income residents. Davis signed AB 231 on Oct. 9, 2003. The transitional food stamps benefit to individuals leaving CalWORKs, which initially was included in AB 231, was incorporated into a larger budget bill passed by the legislature.

#### LANGUAGE ACCESS

**AB 309 (Chu): Retail Contracts and Loan Applications (SIGNED).** This law extends important consumer protections that are currently available to Spanish speakers. AB 309 requires that when personal loan contracts, installment agreements, residential leases, and legal services contracts are negotiated in Vietnamese, Tagalog, Korean, or Chinese, the contract must be translated into the language used during the negotiation. Davis signed AB 309 on Sept. 6, 2003.

**SB 146 (Escutia): Retail Contracts and Loan Applications (SIGNED).** SB 146 clarifies that the contract translations provided for by AB 309 must contain all of the terms of the original agreement. Davis signed this companion measure to AB 309 on Sept. 28, 2003.

**SB 853 (Escutia): Cultural and Linguistic Requirements for Commercial HMOs (SIGNED).** This law will help ensure that enrollees in managed care organizations (MCOs) and other insurance plans in California are provided language assistance when they receive health care services. Under SB 853, the Dept. of Managed Care and the insurance commissioner will be required to develop regulations that, among other things, would require MCOs and insurance plans to assess the number of limited English proficient persons they have enrolled and to translate vital documents. The regulations would establish requirements for timely access to interpreter services and ensure competency of interpreters and translators. SB 853 also requires MCOs and insurance plans to report to the legislature annually on several cultural competence measures. Davis signed SB 853 on Oct. 8, 2003.

#### IMMIGRANTS' RIGHTS

**SB 60 (Cedillo): Driver's Licenses for All California Residents (SIGNED).** SB 60 provides access to driver's licenses for eligible California residents, regardless of their immigration status, ensuring that all drivers can be properly trained, tested, and insured. Effective Jan. 1, 2004, the new law deletes the current "lawful presence" requirement for obtaining a license, but maintains the requirement that applicants submit a valid Social Security number (SSN). However, the law allows those who are not

eligible for an SSN to provide an individual taxpayer identification number (ITIN) instead. Applicants also must submit specific identification documents and proof of California residency.

Under SB 60, the state will conduct a study to determine the cost, feasibility, and technological and privacy implications of creating a database derived from thumb- or fingerprints (i.e., a biometrics system) which would be designed to ensure that each driver's license applicant is issued only one license. The findings will be presented to the legislature no later than Jan. 1, 2005. For more information on this new law, visit CIWC's Web site at [www.nilc.org](http://www.nilc.org) or the California Dept. of Motor Vehicles' Web site at [www.dmv.ca.gov](http://www.dmv.ca.gov).

**SB 328 (Escutia): Student Financial Aid (VETOED).** SB 328 would have required the Board of Governors of the California Community Colleges to establish procedures to assist students who qualify for in-state tuition under AB 540 in applying for and participating in all state-administered student aid programs to the full extent permitted by federal law.

**AB 522 (Diaz): Matrícula Consular (VETOED).** This bill would have required every city and county officer or employee in California to accept, for purposes of personal identification, the *matrícula consular*.

#### WORKER'S RIGHTS

**AB 1688 (Goldberg): Employment Rights for Car Wash Employees (SIGNED).** This law regulates the industry of car washing and polishing until 2007, unless the law is extended by the legislature. Persons who work in California as car washers or polishers often are paid below the minimum wage or they work solely for tips. The law requires employers to maintain proper records of wages paid, hours worked, and working conditions. It requires employers to register with the labor commissioner, pay into a "car wash workers restitution fund," and purchase a \$15,000 insurance bond that would benefit any employee damaged by his or her employer's failure to pay wages or benefits, or by other specified employer violations. The law also imposes civil penalties on employers who do not register with the labor commissioner. Davis signed AB 1688 on Oct. 10, 2003.

**SB 578 (Alarcon): Sweatshop Labor (SIGNED).** This law requires that businesses—i.e., private bidders, vendors, and contractors—who enter into contracts with the state to launder garments and uniforms, or to provide equipment, materials, and supplies to the state be free from sweatshop working conditions for their employees. The law defines "sweatshop conditions" in great detail, such that workplaces that use child labor, or violate recognized wage standards, or fail to protect workers' rights to assemble and bargain collectively are considered to have sweatshop conditions. The law also imposes a civil penalty on contractors who violate provisions of the bill. Davis signed SB 578 on Oct. 8, 2003.

For more information on the bills described above, see [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Questions about these bills can be directed to CIWC's Jeannette Zanipatin at 916-448-6762.