

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE  
**California Update**

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## Immigrants' Rights Bills Move to Governor's Desk

*In the final days of California's 2001-02 legislative session, lawmakers passed a number of immigrants' rights bills, which now await Governor Gray Davis's signature or veto. As the governor ponders*

his election year choices, advocates are gearing up for the last leg of a long and drawn-out battle to secure legislative gains in the areas of language access, workers' rights, and health and welfare. In the case of drivers' licenses for immigrants, they have had to ward off the harmful effects of legislative proposals. Governor Davis has until Sept. 30, 2002, to sign or veto all bills sent to his desk.

**Drivers' Licenses for Immigrants.** Immigrant eligibility for drivers' licenses was the subject of long and difficult negotiations as advocates and lawmakers attempted to hammer out companion legislation to AB 60 (Cedillo). Passed last year with bipartisan support, AB 60 had been held up by the governor in the wake of security concerns stemming from the Sept. 11 events. AB 60, which would allow immigrants who have applied for a lawful immigration status to obtain licenses, was resent to the governor's desk.

Advocates and community members successfully held up the first attempt at a companion measure (AB 1206) in the Senate Public Safety Committee. Apart from work and residency requirements, this bill allowed for unfettered communication between the Dept. of Motor Vehicles and the Immigration and Naturalization Service. It also failed to identify specifically the crimes or offenses that would render an applicant ineligible for a license, and failed to provide even the most basic confidentiality protections. Though this measure died in committee, legislators who supported it were able to come up with an eleventh-hour replacement and skirt the committee process entirely.

The resulting companion bill, SB 804 (Polanco), calls for background checks into criminal records as well as residency and work requirements targeting immigrants. Thanks to the efforts of immigrants' rights advocates, the bill also includes privacy protections and allows applicants to choose from a wide range of identity documents in applying for a license. The California Immigrant Welfare Collaborative is urging the governor to sign AB 60 without the discriminatory and burdensome provisions of SB 804.

**Language Access.** Among the most significant legislative gains for immigrants this year was the passage by both legislative

houses of SB 987 (Escutia), which would ensure proper implementation and enforcement of the Dymally-Alatorre Bilingual Services Act. This law requires state agencies to provide translations of documents and bilingual personnel when a substantial number of the clients they serve are limited English-proficient (LEP). Sen. Escutia's bill would lower the population threshold at which provisions of the bill would take effect. It would also require state agencies (including their local offices) to develop long-term plans to address the language needs of the populations they serve and assess their current capacity to serve LEP clients. SB 987 also will require agencies to conduct an assessment of their current capacity to serve LEP clients and creates an enforcement mechanism for Dymally-Alatorre by authorizing the State Personnel Board to monitor compliance with the law. This bill currently awaits the governor's signature.

In a related development, language was included in the package of budget bills currently before the governor that would require each state agency to designate a staff person to oversee implementation of the Dymally Alatorre Bilingual Services Act, identify deficiencies in the implementation of the law, and develop a plan to address those deficiencies. State agencies will also have to develop procedures for receiving complaints from LEP individuals. Finally, the budget language also authorizes the State Personnel Board to review these plans and order corrective action if necessary. The governor is expected to sign these measures into law.

Also awaiting the governor's signature are two other language access-related bills, AB 2739 (Chan) and AB 2837 (Koretz) (see "Immigrants' Rights and Workers' Rights," below). AB 2739 would codify and make more uniform existing cultural and linguistic requirements currently written into contracts between health plans and Medi-Cal managed care and the Healthy Families program. AB 2837 is designed to help address some of the needs of LEP workers under Cal OSHA, the state's occupational safety and health agency.

**Health and Human Services.** In January 2003, an estimated

*Continued on page 2*

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*Continued from page 1*

100,000 families in California will reach their time limit on the use of CalWORKS, the state's Temporary Assistance for Needy Families (TANF) program. Advocates and others concerned about the devastating impact of this deadline are urging the governor to sign AB 2386 (Keeley), which would extend the time limits for some CalWORKS participants engaged in education or training programs.

Other health and human services bills awaiting the governor's signature include AB 1947 (Washington), which would exempt individuals enrolled in drug treatment programs under Proposition 36 from a lifetime ban on food stamps. Also sitting on the governor's desk are SB 59 (Escutia), which would help address the needs of homeless immigrant children in need of healthcare, and SB 1654 (Burton), which establishes an Office of Homelessness within the governor's office to collaborate with state agencies and others on meeting the housing and mental health and other health needs of the homeless.

One bill recently signed by the governor was AB 3035. Among other things, this bill amends Government Code Section 11135 to clarify that any program funded or operated by the state is prohibited from discriminating on the basis of national origin.

***Immigrants' Rights and Workers' Rights.*** One important workers' rights bill now on the governor's desk is AB 2837 (Koretz). The bill would require CalOSHA to provide bilingual services during a worksite investigation, prepare written materials in lan-

guages other than English, investigate a death within 24 hours, and impose civil and criminal penalties in cases where there is reasonable suspicion that a crime occurred. Another bill, SB 1736 (Burton), would allow thousands of California farm workers to use binding arbitration to negotiate contracts with their employers. SB 1818 (Romero) is designed to mitigate the impact of the U.S. Supreme Court's recent decision in *Hoffman Plastic Compounds* by imposing meaningful penalties on employers who are found to have violated the rights of immigrant workers, regardless of the immigration status of the exploited worker.

Advocates are applauding the legislature's passage of two measures that would protect immigrant workers and immigrants subject to discrimination in the aftermath of the Sept. 11 events. ACR 229 (Firebaugh & Diaz) urges cities and counties throughout California and their respective agencies to accept the Mexican Consular identification (known as the "Matrícula Consular") as an official form of identification. Several cities, a number of law enforcement agencies, and financial institutions have already begun accepting the Matrículas as a form of I.D. AJR 57 (Firebaugh & Diaz) formally expresses the legislature's concern about the use of state and local law enforcement agencies to enforce immigration laws. This measure outlines the legislature's determination that state and local law enforcement agencies lack the authority to stop, arrest, or detain persons based on suspected or alleged violation of federal immigration laws.

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*Address correction requested*