



# Coalition for Humane Immigrant Rights of Los Angeles

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## Mid-Year Policy Review Prepared by CHIRLA Policy Unit

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The beginning of this legislative year started on a grim and bitter mood because of the failure of healthcare reform in the Senate, and negative revenue projections for the 2008-09 fiscal year. Legislative activity started negatively because Governor Schwarzenegger early in the year declared a "state of emergency" which triggered an extraordinary session in which the Legislature approved mid-year cuts for public programs in February. In addition, the Governor's proposed budget for 2008-9 only target public programs to balance our deficit. In addition, most of the Republicans introduced a significant number of unproductive legislation that would have jeopardized public health, threaten worker's and civil rights, as well as make our streets less safe by limiting health services to immigrants, forcing employers to utilize an untrustworthy program to verify the legal status of employees, and forcing local law enforcement to implement immigration laws. However productive and inclusive legislation was introduced and passed their house of origin. California also made history by electing the first African American woman, Assembly Member Karen Bass as Speaker of the Assembly.

This document provides a snap shot of the legislative activities that the Legislature has taken thus far. If you have any questions, please contact Joseph Villela CHIRLA's policy advocate at 213-353-1782.

### **STATE BUDGET RECAP**

This year's state budget generated a long and endless debate about how to solve the current fiscal deficit of approximately \$15 billion.<sup>1</sup> Unfortunately the 'solution' proposed by the Governor is deep funding cuts to public programs which add up to \$ 17.2 billion.<sup>2</sup> The budget that Governor Schwarzenegger proposed early in the year and in his May Revision, slashed funding for health and welfare programs to the point of placing the entire burden on the most vulnerable. California's deficit problem is also prevalent in states that have proposed funding cuts to their public programs.<sup>3</sup> Unlike the majority of these states, California requires a super majority -2/3 vote- to pass a budget given a small group of Republicans' leverage over budget discussion. In the past, the budget has been held hostage if demands to further cuts public programs weren't met.

During the debate over how to best balance the state budget, Republicans have blamed immigrant communities for the budget crisis. On the other hand, even Governor Schwarzenegger indicated that 'it is a mistake' to blame immigrant communities for our fiscal woes.<sup>4</sup> Immigrant communities over all received less public services than citizens, and their economic contributions are essential to our state.<sup>5</sup> Also, Republicans as well as the Governor continue to say that that our state has a spending, and not a revenue problem. However, the Governor has admitted that the state's deficit cannot be solved by cuts alone and new revenues are needed.<sup>6</sup> Furthermore, in his May Revision budget the Governor proposed to borrow from bonds and planned to advance \$15 billion over three years from future proceeds of the state lottery to bring 'new revenues.' With these proposals, it is evident that the Governor understands that new revenues are needed, yet on his May Revise budget insignificant efforts to bring new revenues are being proposed. The majority of California's likely voters are also dissatisfied

<sup>1</sup> Legislative Analyst Office. "Overview of May Revision 2008-09." Elizabeth Hill. May 19 2008.

<[http://www.lao.ca.gov/2008/bud/may\\_revise/may\\_revise\\_051908.pdf](http://www.lao.ca.gov/2008/bud/may_revise/may_revise_051908.pdf)>

<sup>2</sup> California Budget Project. "Governor's May Revision Borrow against future lottery revenues, makes deep cuts to health and human services." May 19, 2008 <[http://cbp.org/pdfs/2008/080514\\_May\\_Revision.pdf](http://cbp.org/pdfs/2008/080514_May_Revision.pdf)>

<sup>3</sup> Center on Budget and Policy Priorities. "Facing deficits many states are imposing cuts that hurt vulnerable residents" Iris J. Lav and Elizabeth Hudgins. June 2, 2008. <<http://www.cbpp.org/3-13-08sfp.htm>>

<sup>4</sup> Kevin Yamamura. "Governor refuses to blame illegal immigrants for budget problems" *Sacramento Bee*. March 27, 2008. <<http://www.sacbee.com/111/story/815068.html>>

<sup>5</sup> Coalition for Humane Immigrant Rights of Los Angeles. "A Closer Look: Portraits of Immigrants in Los Angeles County" May 2008.

<sup>6</sup> Kevin Yamamura. "Schwarzenegger urges 'creative' revenue increase without tax hikes." *Sacramento Bee*. April 9, 2008. <<http://www.sacbee.com/111/story/847684.html>>

with the Governor's approach,<sup>7</sup> and the majority of likely voters are in favor of raising taxes for corporations and the wealthy to close our state deficit gap.<sup>8</sup> The current budget crisis has had an impact on the attitudes of Californians. According to a poll, only 23% of residents believe that California is headed in the right direction,<sup>9</sup> and approval rating for both the Legislature and the Governor also dropped dramatically, 57% and 48% disapproval respectively.<sup>10</sup>

At the beginning of this year, the Governor released his proposed budget with cuts across the board by 10%, but some programs were hit harder than others and on the May Revise, he continued to propose further to cuts to programs specifically health services programs. Below are some highlights of the May revise and funding cuts approved by the legislature on February. For more information about state, budget, please visit [www.caimmigrant.org](http://www.caimmigrant.org), [www.cbp.org](http://www.cbp.org), and [www.ebudget.ca.gov](http://www.ebudget.ca.gov).

### **Mid Year Cuts**

#### **Health and Human Services**

- Reduce payments by 10 percent beginning July 1, 2008 to Medi-Cal providers – including doctors, hospitals, clinics, and managed care plans.
- Eliminate "Pay for Performance" incentive allocations to counties in 2007-08. This helps counties to encourage participants to become self-sufficient by offering cash incentives.
- Delay \$2.5 billion in payments to Regional Centers, counties, and Medi-Cal providers.
- Delay SSI/SSP COLAs until October 2008.
- Delay the July 2008 COLA for California Work Opportunity and Responsibility to Kids (CalWORKs) cash assistance grants to October 2008.

#### **Education**

- Delay \$1.1 billion in payments to K-12 schools from July 2008 to September 2008.
- Reduce funding for Community Colleges by 506.8 million

On the positive side the **Legislature rejected the Governor's proposal to:**

- Eliminate assistance to children in the CalWORKs program;
- Decrease of benefits to Medi-Cal recipients, including dental services.

In addition, on May 5, a coalition of healthcare providers announced a lawsuit to prevent the 10% cuts to Medi-Cal providers approved by the Legislature and the Governor in February.

### **May Revise Proposal & Recent Actions by the Legislature**

#### **Human Services**

- Proposes to cut CalWORKs grants by 5%. **(Rejected by Legislature)**
- Suspend CalWORKs COLAs for this year. **(Approved by Legislature)**
- Proposes to eliminate the Cash Assistance Program for Immigrants (CAPI). This program provides cash grants to legal permanent residents who are elderly and disable. This Program was enacted by former Governor Pete Wilson. **(This was rejected by the Legislature)**
- Eliminate SSI federal COLA for this year. **(Rejected by the Legislature, but delay of state COLAs)**
- Continues to punish children whose parents aren't able to meet the federal work participation requirements. **(This was rejected by the Legislature)**

#### **Health Services**

- Deny full-scopes Medi-Cal services to legal permanent residents, and drop them to Emergency-Medical only. **(Rejected by the Legislature)**

<sup>7</sup> Public Policy Institute of California. "California and their Government" May 2008. pg 10. <[http://www.ppic.org/content/pubs/survey/S\\_508MBS.pdf](http://www.ppic.org/content/pubs/survey/S_508MBS.pdf)>

<sup>8</sup> Ibid., pg 13

<sup>9</sup> Peter Hetch. "Voters cranky as economy sour." *Sacramento Bee*. June 3, 2008. <<http://www.sacbee.com/111/story/983795.html>>

<sup>10</sup> The Field Poll. "Big decline in government and legislature's job ratings. Corresponding in voters belief that state is heading in right direction" June 3, 2008 <<http://www.field.com/fieldpollonline/subscribers/RIs2272.pdf>>

- Require those who receive Medi-Cal emergency services to reapply every month to receive those services. **(Rejected by the Legislature)**
- Increase Medi-Cal premiums to recipients 150% above the federal poverty line. **(Approved by Legislature)**
- **Medi-Cal reporting:** The Governor in January proposed to require all families under Medi-Cal to renew their health coverage every 3 months. The Assembly rejected this proposal. However, the Senate modified the Governor's proposal to semi annual reporting. This would have the same negative impact as quarterly reporting because it would lead to the drop of health coverage to children.

## **Education**

### **UC system**

- On May 15, UC system approved to increase students fees by 7.4%
- The May Revision essentially would leave UC's state-funded budget for 2008-09 at the same level as in 2007-08, without providing funding for enrollment growth, inflationary cost increases or investment in high-priority needs such as expanded student mental health services.

### **CSU system**

- On May 14, the CSU system approved to increase students by \$276; this is a 10% increase.
- The May Revision essentially would leave CSU's state-funded budget for 2008-09 at the same level as in 2007-08, without providing funding for enrollment growth, inflationary cost increases or investment in high-priority needs such as expanded student mental health services.

### **Immigrant Integration Programs**

- **Naturalization Service Program (NSP):** which provides assistance to CBOs to help eligible immigrants to become citizens would most likely be reduced in funding by 10%. **(Legislature approved this cut)**

### **Adult Education**

- The budget proposes \$722 million for the adult education program in 2008-09. Adult education provides education courses in ten instructional areas including basic skills, English as a second language (ESL), vocational education, home economics, and parent education.

The reaction by Democrats on the May Revision and the different approach taken by Senate and Assembly on both revenue enhancement and budget cuts proposals is a good indication that California will not have a budget on time. The Senate rejected Governor's proposal to borrow money from the state lottery and the Assembly modifying this proposal it will be up to conference committees to resolve the current differences. However, the biggest challenge the legislature is facing are differences in philosophy: Democrats on one hand want to bring new revenues whereas Republicans only want to balance the budget onto the shoulders of the most vulnerable. Given these major differences it is very unlikely that the Legislature will approve a budget by June 15. This will place more pressure on state funded programs as projections suggest that they will run out of resources by the end of July triggering negative effects as hospitals, clinics, and public programs run out of resources.

## **LEGISLATIVE ACTIVITY**

This year about more than twenty anti-immigrant bill proposals were introduced in the legislature all of them defeated in policy committees, but this reflects a steady increase of discussion by state legislatures to address the challenges as a result of the absent of humane and just immigration reform legislation to fix immigration laws. It is estimated that on the first quarter of this year, approximately 1,110 bills related to immigration were introduced by state legislatures. California is one the states that have introduced the most legislation as it relates to immigrants. Unfortunately, the most popular bills are on enforcement of immigration laws by states.<sup>11</sup>

We are pleased that the majority of reasonable and sound legislative initiatives to advance the labor and civil rights of immigrants passed their house of origin. However, many of them still face serious

<sup>11</sup> National Conference of State Legislatures. "Overview of state legislation related to immigrants and immigration." April 2008. <<http://www.ncsl.org/print/immig/immigreportapril2008.pdf>>

challenges especially if they have a fiscal impact. For instance, the Assembly appropriation passed only 66% of bills that went through that committee; the Senate Appropriation committee approximately only passed 33% of their bill that went through. The following is a list of bills that CHIRLA is monitoring.

## SUPPORT

### IMMIGRANT RIGHTS

**AB 2083 (Nunez) "Access to Higher Education" Sponsored by CHIRLA-** Would strengthen California's institutions of higher education by opening access to limited state financial aid including grants, fellowships, scholarships, work-study, and loan programs for talented future and currently enroll students in institutions of higher education including CSU, CCC, and urge UC system to comply with this proposal who do not qualify for federal financial aid including those who are undocumented.

**Status:** Passed Assembly floor. Referred to Senate.

**SB 1301 (Cedillo) "California Dream Act"** Would strengthen California's institutions of higher education by opening access to limited state financial aid including grants, scholarships, work-study, and loan programs for talented future and currently enroll students in institutions of higher education. It excludes the governors fee waiver for community colleges.

**SB 1094 (Cedillo) "Office of Immigrant Affairs"**- Seeks to create an office of immigrant affairs to develop efficient mechanisms to integrate new citizens and immigrants into the fabric of our state.

**Status:** Held in Senate Appropriation Committee. Failed to pass.

**AB 3050 (Judiciary Committee) "Court Interpreters"**- Seeks to provide an interpreter in any civil action to individuals that do not proficiency speak or understand English.

**Status:** Passed Assembly floor. Referred to Senate.

**AB 2826 (Mendoza) "Immigration Reform"** – Calls for an election for the purpose of placing before the voters on the general elections of the state an advisory question asking whether the President and the Congress of the United States shall passed comprehensive immigration reform. **(Neutral Position)**

**Status:** Hearing postponed by author. Failed to pass.

## OPPOSE

### ANTI- IMMIGRATION PROPOSALS

**AB 2199 (Plescia): "Burden on Police Departments"**-Seeks to force the Attorney General to enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security forcing local police departments to apprehend unauthorized immigrants.

**Status:** Failed to pass.

**AB 2141 (Tran) "Burden on Prison Guards"** - Would require the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with the Department of Homeland Security to train personnel to identify and start the deportation process of an inmate believed to be an unauthorized immigrant.

**Status:** Failed to pass.

**AB 2200 (Plescia)"Criminalizing unauthorized immigrants"**-Seeks to penalize anyone that is in indirect or direct contact with unauthorized immigrants including family members, friends, and faith base groups.

**Status:** Failed to pass.

**AB 1882 (Gariick/Huff): "Increase penalties for undocumented drivers"**- Would force local police officers to report individuals who are suspects of driving under the influence of alcoholic beverages and of being unauthorized immigrants to federal authorities.

**Status:** Failed to pass.

**SB 1566 (Ashburn) "Criminal Pleas"** –Would place a time limit of 5 years to the process by which an individual can withdraw the plea of guilty or *nolo contendere* and enter a plea of not guilty of charges of misdemeanor or felony if the court failed to advised him/her about the negative consequences to his/her immigration status including deportation process, exclusion from admission to the United States, or denial of naturalization of the defendant. In addition, the burden will be on the individual to bring about a complaint within 5 years, which would lead to a potential change of plea.

**Status:** Failed to pass.

## SUPPORT

**ACR 108 (Eng) "Hate Crimes"** - Seeks to institute the month of June 2008 designated as Hate Crimes Awareness Month.

**Status:** Assembly floor vote scheduled on June 6.

### WORKERS' RIGHTS

**AB 2075 (Fuentes) "California Workers Protection Act"**- Seeks to declare that the E-verify program is plagued with flaws and prohibits counties from requiring employers to use E-verify program including as a condition obtaining a contract or business license, and California as an employer would opt out of this voluntary program and urge private business to not to use it.

**Status:** Passed Assembly floor. Referred to Senate.

**SB 1244 (Alquist) "Employer Retaliation"**-Seeks to prohibit an employer from discriminating against an employee or applicant for employment because a coworker or immediate family member has exercised his/her rights or filed complain with the Labor Commissioner.

**Status:** Held in Senate Appropriation committee. Failed to pass.

**AB 2075 (Fuentes) "Coercion of workers"** -Would prohibit employers from requiring employees from as a condition of being paid, to execute a false statement of the hours he or she worked during a pay period. -Spot bill

**Status:** Hearing scheduled on June 11 in Senate Labor & Industrial Relations.

**SB 1490 (Padilla) "Independent Contractors"**- It seeks to prohibit willful misclassification of employees as independent contractors.

**Status:** Held in Assembly Appropriation committee. Failed to pass.

**SB 1583 (Cobert) "Independent Contractors"** Establishes that a person who advises another person to treat an individual as an independent contractor to avoid employee status for the individual shall be jointly and severally liable with the employer if the individual is not found to be an independent contractor.

**Status:** Hearing scheduled on June 10 in Senate Judiciary committee.

## OPPOSE

**AB 2418 (Huff) "Denying Due Process"**- Seeks to discriminate against unauthorized immigrants who are suspected of a crime by denying bail or release pending trial.

**Status:** Failed to pass.

**AJR 44 (Huff) "Citizenship"** -Urges the U.S. Congress and the President to amend U.S. Constitution to deny citizenship to children whose parents are unauthorized immigrants.

**Status:** Failed to pass.

**AB 1882 (Garrick) "DUI"**- Seek to force enforcement agencies to notify federal authorities if an arrested person driving under the influence of alcohol or drugs is believe to be undocumented.

**Status:** Failed to pass.

**AB 2422 (Huff): "Denying Due Process"** Would require the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with the Department of Homeland Security to train personnel to identify and start the deportation process of inmates that are undocumented.

### WORKERS' RIGHTS

**AB 2201 (Plescia) "Implantation of the Erroneous Basic Pilot Program"** Would mandate every public entity to utilize an inherently flaw online system know as E-verify to after hiring a new employees.

**Status:** Failed to pass.

**AB 2102 (Walters) "Implantation of the Erroneous Basic Pilot Program"**- Would mandate every state agency to utilize an inherently flawed online system known as E-verify after hiring a new employee.

**Status:** Failed to pass.

**AB 2089 (DeVore) "Implantation of the Erroneous Basic Pilot Program"**- contractor that applies for a state contract to sign under penalty of perjury that he/she will verify the legal status of his/her workers via an inherently flawed online system known as E-verify.

**Status:** Failed to pass.

## SUPPORT

**AB 2716 (Ma): "Paid Sick Days"**-Seeks to provide employees with paid sick days, except those who are covered by a collective bargaining agreement. This will apply to employees who work for 7 or more days in a calendar year, is entitled to paid sick time, which shall be accrued at a rate of no less than one hour of paid sick time for every 30 hours worked. An employee would be entitled to use accrued sick time beginning on the 90th calendar day of employment.

**Status:** Passed Assembly floor. Referred to Senate.

**AB 2879 (Leno) "Employer Accountability" –** Would require the Labor and Workforce Development Agency, in consultation with the Franchise Tax Board and the Joint Enforcement Strike Force on the Underground Economy, to develop and implement a set of standards that would trigger a recommendation for an audit or investigation by appropriate state tax authorities of employers in violation of statutes relating to employee wages, hours, and working conditions

**Status:** Passed Assembly floor. Referred to Senate.

### PUBLIC SAFETY

**AB 2327 (Caballero) "Disaster Response"**- Would ensure that our emergency response is effective and compassionate and focuses on the safety and well-being of all Californians.

**Status:** Hearing scheduled on June 10 in the Senate Governmental Organization committee.

### HEALTH

**SB 32 (Staingerg)-"Health Coverage for Children"**-Would provide health coverage to all children at or below 300% of the poverty line.

Status: Inactive file.

**SB 1440 (Khuel) "Health Plans"**- Seeks to limit the amount a health care service plan may expend for administrative costs in a fiscal year to a specific percentage depending on their profits.

**Status:** Passed Senate floor. Referred to Assembly.

## OPPOSE

### ACCESS TO EDUCATION AND HEALTH SERVICES

**AB 1758 (DeVore) "Limiting Access to Higher Education"**- Would repeal the exemption from paying in-state tuition at the California Community Colleges, the California State University, and University of California system, given to students that have attended high school in California for 3 or more years, and who have graduated from a California high school or attained the equivalent, including undocumented students.

**Status:** Failed to pass.

**ACA 14 (Strikeland) "Limiting Access to Health Services"**- Seeks to amend California's constitution to require that all persons requesting non-emergency services to provide proof of citizenship.

**Status:** Failed to pass.

### VOTERS RIGHTS

**AB 2317 (Walters) "Voter ID"**- Would force voters to prove citizenship 15<sup>th</sup> days prior to elections.

**Status:** Failed to pass.

**SJR 18 (Wyland) "English Only Ballots"**- Urges U.S Congress and President to amend Voting Rights Act of 1965 to mandate that all election materials are in English and prohibiting eligible legal permanent residents from becoming citizens if they do not renounce the citizenship of their native country.

**Status:** Failed to pass.

### DRIVER'S LICENSES

**SB 60 (Cedillo): -Oppose Unless Amended-**Would allow undocumented immigrants to obtain driver's licenses, while implementing the federal REAL ID Act, whose main goal is to make state driver's licenses a badge of immigration status. The driver's licenses that would be given to undocumented immigrants would be marked differently than those given to citizens. In CHIRLA's analysis, this bill does not contain adequate protections against discrimination and racial profiling. Therefore we are opposing this bill unless is amended

**Status:** Passed Senate floor. Schedule for Assembly floor vote on June 16.