



The Coalition for Humane Immigrant Rights of Los Angeles

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2006 STATE LEGISLATIVE YEAR END REVIEW

The 2006 California State Legislative session was the most productive session in years¹, in part because it was an election year, forcing Democrats and the Governor to compromise on several issues, from state budget, labor, education, health to immigrant-related legislation. However, under CHIRLA's analysis this year had the potential to be more productive in advancing the rights and integration of immigrants in California.

STATE BUDGET

Governor Schwarzenegger released his Proposed 2006-2007 Budget on January 10. Despite higher than expected revenues and stronger projections for growth, the Governor proposed to reduce or eliminate funding for programs that are essential to low-income immigrant families.

The Governor proposed to cut funding for CalWorks, which assists low-income families with job training, childcare costs, adult English as a Second Language courses, and counseling helping families to become self-sufficient. The Governor also intended to continue to suspend the Cost of Living Adjustments (COLAs) for Supplemental Security Income (SSI), which provides vital assistance to many of our poorest seniors and persons with disabilities. The Governor also targeted immigrant programs such as the Cash Assistance Program for Immigrants (CAPI). He proposed to add five years of sponsor deeming to the ten-year waiting period already required by the program. This program was established in 1998 to assist elderly and disabled immigrants that are Legal Permanent Residents who were no longer eligible for federal assistance as a result of the 1996 Welfare Reform Act. Finally, in the area of higher education, the Governor also proposed to eliminate funds for student academic preparation and education programs, which focus on preparing disadvantaged K-12 students for college.

The Governor signed the Budget Act of 2006 on June 30. The final budget had some significant improvements from earlier versions, particularly in the areas of human services and education. The Legislature rejected the Governor's proposals to: cut funding for CalWorks, continue the suspension of the COLAs for SSI, extend to five years the sponsor deeming period for CAPI recipients, and discarded the proposal to cut funding for student academic preparation and education programs. Instead, the Legislature funded all of these programs, and increased funding for other programs such as the Naturalization Service Program (NSP). NSP provides funding to local government and community based organization to assist immigrants to naturalize. All of these proposals by the Legislature made it into the final Budget Act.

However, several essential proposals were not included in the final budget. Early in the budget process the Legislature allocated extra funding (\$1.8 million dollars) to begin the process of expanding Healthy Families to children in households up to 300% of the federal poverty level, regardless of immigration status. Republicans fought furiously against this proposal and forced the deletion of that funding as well as that of an additional \$23 million for county "Healthy Kids" programs to fund children's health coverage. The Legislature also opted to allocate funds for Civil Court Interpreters (interpreters are provided in criminal proceedings, but not in civil cases) but the Governor vetoed the funding.

¹ Lucas, Greg and Yi, Matthews. "Governor and unions win big in Legislature, Schwarzenegger hails incredibly productive session." San Francisco Chronicle. September 2, 2006
<http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2006/09/02/MNG5HKUCSH1.DTL>

NEW LAWS TAKE EFFECT AS OF JANUARY 1, 2007

The Governor signed several bills into law that will improve the health, rights, and access to education of immigrants. In the area of health the Governor signed SB 1534 (Ortiz) affirming the ability of counties, cities, and hospital districts, at their own discretion, to provide health care and other services to all of their residents, regardless of immigration status. Also, SB 1569 (Keuhl) became law ensuring that human trafficking victims in California have access to state and local services while the federal Government certifies them.

On the area of labor, both the Legislature and the Governor compromised on raising the minimum wage. Effective on and after January 1, 2007, the minimum wage will increase to \$7.50 per hour, and after January 2008 it will increase to \$8.00 per hour. The Governor also committed to extending the sunset date established for the “Car Wash Worker Law” from January 2007-2010, which provides basic worker rights to car wash employees. Hence, he signed into law AB 1468 (Alarcon).

Consumer protection proposals were also signed into law: AB 630 (Chu) will protect immigrants from fraudulent immigration consultants by increasing both fines and criminal penalties for those consultants who take advantage of immigrants; AB 1169 (Torrico) reenacts provisions for owners of residential property to provide at least 60 days' notice of the intent to terminate a periodic tenancy when the tenant has resided in the dwelling for one year or more. In the area of education, SB 361 (Scott) became law, establishing a new funding mechanism to California Community Colleges (CCC). The immediate impact will be the reduction of educational fees per unit. Starting January 1, 2007 the cost per unit will be \$20.00 instead of \$26.00.

In California, about 3.1 million immigrants are eligible for naturalization. Prior to this year there was not a permanent program to assist immigrants to naturalize, but AB 2060 (De La Torre) was signed into law, placing California as the first state to establish a permanent program to assist immigrants to obtain their citizenship.

GOVERNOR'S VETOES

This legislative year was bittersweet. While the Governor signed several positive immigrant-related proposals into law, he also vetoed several bills, considered to be hot issues. In the area of workers rights he vetoed AB 2536 (Montañez), the “Household Worker Bill” which would have allowed household workers to be paid overtime compensation and to recover unpaid wage through liquidated damages. He also denied undocumented students the opportunity to participate and qualify for state aid by vetoing SB 160 (Cedillo) “The California Dream Act.” The Governor has repeatedly opposed any legislation that will provide driver’s licenses to undocumented immigrants. While CHIRLA opposed SB 1160 (Cedillo) “California Real ID Act” because it did not have adequate protections against racial profiling, we strongly support legislation that would provide driver’s licenses to unauthorized immigrants. The Governor also denied Californians access to health care by not signing into law SB 840 (Kuehl), which would have ensured access to health coverage for all Californians through a state-sponsored single-payer plan. Lastly the Governor vetoed AB 2302 (Assembly Judiciary Committee), which allow civil courts provide court interpreters to those who need them.

LEGISLATION THAT FAILED TO PASS THE ASSEMBLY OR SENATE IN 2006

The Governor was not alone when he steered away from controversial issues. For instance, during the peak of the immigration debate at the Federal level, the Speaker of the Assembly, Fabian Nuñez, introduced AJR 54 urging the President and the Congress to reject any legislation seeking to criminalize an individual because of his or her immigration status and any enforcement-only approach, while

recommending a comprehensive, and well-reasoned approach to the immigration debate. As expected, all of the Republicans voted against or did not vote, however some Democrats showed a lack of conviction to move this resolution forward, hence the debate at the State Capitol around the issue became unconstructive and as a result the author no longer pursued the resolution. This was a missed opportunity for California to place itself at the forefront of the immigration debate by urging the Federal government to pass comprehensive immigration reform and by making California a pro-immigrant state in the eyes of the public. Furthermore, the Legislature also failed to pass legislation that would have ensured the integration of immigrants into the fabric of the state by not supporting SB 1267 (Cedillo) which would have established an Office of Immigrant Affairs (OIA) within the Community Services and Development Department, to ensure the success of the Naturalization Services Program (NSP), and to work toward ensuring the successful integration of California's immigrants². The Legislature also failed to further protect undocumented immigrants by not supporting SB 626 (Soto), an attempt to repeal the mandatory 30-day impoundment of a vehicle that has been seized due to its driver being unlicensed, and AB 425 (Negrete-McLeod), which would have prohibited immigration consultants from engaging in frivolous behavior.

ANTI-IMMIGRANT PROPOSALS INTRODUCED IN 2006

Despite the good number of positive bills introduced to improve the lives of immigrants, several anti-immigrant proposals were introduced by the Legislature. For instance, in spite of the fact that unauthorized immigrants contribute to the state economy, Assemblymember Harman introduced AB 2680, which attempted to deny deductions under the Personal Tax Law and Corporation Tax Law for wages of persons who are defined as unauthorized, and he also introduced AB 2679 which would prohibit attorneys or law firms to provide legal aid, with state funds, to undocumented immigrants.

Furthermore, several lawmakers introduced legislation to expedite the removal of undocumented immigrants, and urge local authorities to enforce immigration laws: SB 1444 (Escutia) sought to require the Department of Corrections and Rehabilitation to deliver foreign nationals to ICE if the individual is unauthorized; AB 1894 (Blakeslee) would have required the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with the United States Department of Homeland Security for the United States Immigration and Customs Enforcement to train and authorize certain Department of Corrections and Rehabilitation personnel to perform functions relating to the investigation and processing of inmates who are unauthorized; finally, AB 2678 (Harman) wanted to create a California ICE with grants of \$500,000 per year to law enforcement agencies who participate in the program.

Other bills sought to penalize undocumented inmates just on the merits of being undocumented: SB 1664 (Poochigan) called for an additional ten-year term of imprisonment for a person convicted of a felony who was previously convicted of a felony offense for which he or she was deported.

What to expect next year

Budget

The Legislative Analyst's Office, a non-partisan entity, indicates that policymakers will face a much more challenging budget in 2007 because California continues to have a structural deficit, expenditures will exceed revenues in the 2007-2008 fiscal year and, unlike last year, there are no signs that new revenues will come into the state. Therefore, it will be difficult to increase or maintain funding for social programs that benefit immigrants and low-income families. Furthermore, the Governor has a history of placing the burden on the most vulnerable of our population, the elderly, disabled, and poor.

² "Governor Schwarzenegger Signs Legislation to Improve Immigrant Access to Health Care and Public Services, Steer Clear of Controversial Measures" Oct. 2, 2006 California Immigrant Welfare Collaborative <http://www.caimmigrant.org/source/CIWC%20Bill%20Update%20100206.pdf>.

Legislation

The 2006 General Elections will affect the efforts to advance access to programs and rights for immigrants. The Democrats maintained strong majorities in the Assembly and the Senate, with 48 Democrats and 38 Republicans. Nearly half (36) of the Assemblymembers will be new to the Assembly. The Senate has the same breakdown as last session with 10 new members. Next year will be a challenge for immigrant rights advocates because they have to educate the new members about issues affecting immigrant communities and because a good number of new legislators are moderate Democrats, and replace more progressive legislators.

Next year it is likely that the same controversial bills that the Governor vetoed are going to be re-introduced (e.g. SB 160 AB 2301 and SB 1160). Both aides at the State Capitol and advocates have indicated that next year may be a year of health reform, extending coverage to as many Californians as possible regardless of immigration status. The Governor has also announced his intent to reform health care in California, but has not released a concrete plan.

Advocates, like every year, will face anti-immigrant legislation. However, next year we expect more of these bills because during the summer the State Republican Party created an Anti-Immigrant Task Force, which held town halls, and it is expected that this task force will push forward a package of anti-immigrant proposals next year.

State Role in Immigration Reform

The ability of states to influence the debate over immigration reform is being explored as states consider or enact laws concerning workplace requirements, access to social programs, voting requirements college tuition, identification and other areas. Border states have taken more strict measures against undocumented immigrants. For instance, New Mexico and Arizona declared state of the emergency over immigration issues, and have restricted unauthorized immigrants from accessing social programs. This approach is unproductive, and it is fueling anti-immigrant sentiments. States must play a constructive role in the immigration debate by sending a message to the Federal government that immigrants are welcome and that they are essential to the economy. Illinois has posed itself as a state that supports immigrants by enacting legislation that provides driver's licenses to undocumented immigrants and placing resources for the integration of newcomers into the fabric of that state.

California also considered the same anti-immigrant legislation as Border States, but advocates have defeated them. According to the U.S Census Bureau approximately 8.8 million immigrants live in California, yet proactive and meaningful legislation that could have an influence at the federal level has not been approved. Many cities in California have taken an irrational approach to the challenges of our broken immigration system. Escondido, San Bernardino, Costa Mesa, Redondo Beach, and Apple Valley all passed punitive ordinances towards undocumented immigrants that criminalize day laborers, and prohibit renting dwellings to undocumented immigrants. Furthermore, the Governor in his early tenure applauded the efforts by anti-immigrant groups such as the Minuteman and supported the idea of sending troops to the border. However, this election year, he posed a more moderate stance on the debate and it is unclear what position he will take next year on the matter. As the debate over immigration reform continues to unfold next year, the role of states such as California will be essential to achieve humane and rational solutions to our broken immigration system.