



Coalition for Humane Immigrant Rights of Los Angeles

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Quarterly Policy Review Prepared by CHIRLA Policy Unit

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This document provides a current update of state affairs and its impact on immigrants. The 2008 legislative year brought big challenges, including overcoming disappointment from the failure of health care reform bill which did not muster enough votes in the Senate health committee, and facing a \$16 billion dollar deficit, according to the Legislative Analyst's Office (LAO). But, big challenges bring big opportunities, especially on the budget process. The fiscal crisis that our state faces gives the Legislature an opportunity to seriously discuss new vehicles to bring new revenue including raising taxes to the wealthiest. For more information contact Joseph Villela CHIRLA's State Policy Advocate at 213-353-1782.

MID-YEAR CUTS FOR 2007-08 FISCAL YEAR

At the end of 2007, the Governor declared a fiscal emergency in California and called the legislature for a special session to start the process of eliminating and slashing funding for public programs for the current fiscal year by February 2008. On February 14, the Assembly passed mid-budget cuts, the following day the Senate approved identical proposals, and on February 16 the Governor signed these midyear cuts. The mid year cuts add to a total of \$1.4 billion dollars, the programs most negatively affected by these cuts included education, public programs and Medi-Cal services.¹ Below is a list of the highlights of these mid-year cuts (for a complete list go to www.cbp.org, www.ebudget.ca.gov, and www.caimmigrant.org)

- Medi-Cal payment reduction to services provider by 10%, which will be implemented at the beginning of July 2008. This would result in having less hospitals, community clinics, and health providers serving the most vulnerable.
- Reduction of Cost of Living Adjustment (COLAS) for Supplemental Security Income/State Supplementary Payment (SSI/SSP). This program provides cash grant to the elderly and the disabled. Suspension of the COLAs would result in forcing this population to choose between paying for their rent or medicines.
- Reduction to education programs, K-14. This will result in bigger classes and potentially fewer teachers.

On a positive note, the Legislature did not include policy changes to the **California Work Opportunity and Responsibility to Kids (CalWORKs)** for this year. This program provides cash assistance and services to low-income families with children CalWOKs ???, while promoting self-sufficiency. While, the Assembly did not approve to close a loophole to yacht owners, the Senate did and some Republicans voted in favor- this is a significant change in Republicans who are now looking into new ways to raise revenues.

GOVERNOR'S PROPOSED BUDGET FOR 2008-09 FISCAL YEAR

On January 10, the Governor released his proposed budget for the 2008-09 fiscal year. The Governor's approach to solve the state deficit is based on the premise that we are spending too much on public programs, therefore he proposed a \$ 17.3 billion reduction in funding for public programs. However, the Governor failed to realize that the suspension of the Vehicle License Fee tax cut that he signed into law has contributed vastly to this problem. Below is a summary of the highlights on the proposed budget.

Human and Health Services

¹ California Budget Project. "Legislature Approves Midyear Cuts." February 15, 2008.
<http://cbp.org/pdfs/2008/080214_Midyearcuts.pdf>

- **Emergency Housing Assistance Program** helps to fund local homeless shelters. This program would be cut in funding by ten percent which could result in 1,900 less beds for homeless shelters.
- **Medi-Cal** program is a public health insurance program which provides needed health care services for low-income individuals including families with children, seniors, persons with disabilities, foster care, pregnant women, and low income people with specific diseases such as tuberculosis, breast cancer or HIV/AIDS. The Governor's proposed budget would cut funding to the program and includes elimination of assistance to recipients that are currently enrolled in Medi-Cal part B, and eliminates several services offered by the program including optometry, dental care, and psychology.
- **CalWORKs** The Governor's proposal would eliminate cash assistance for children if their parents do not fully comply with work-participation requirements; reduce assistance to children if their parents have reached the time limit of 60 cumulative months; and terminate cash assistance after 60 months for certain children whose parents are ineligible for the program. This includes children of undocumented immigrants, and children of parents who have been convicted of drug-related offenses.

These are the same impractical policy changes proposed by our Governor last year, which was rejected by the Legislature. **The Assembly subcommittee on health and human services could debate this proposal on April 9.**

The Governor is not only targeting the children of immigrants, but also low income legal residents by cutting funding for the **California Food Assistance Program (CFAP)** leading into a reduction of the amount of food stamps that they will receive from \$ 91 to \$82 dollars. In addition, the Governor is also reducing funding for the **Naturalization Service Program (NSP)** by 10% to its already under-funded budget, this program provides funding for non-profit organizations to assist eligible immigrants to naturalize, and according to recent data, there are approximately 3.1 million eligible immigrants, yet on average, our state is spending about \$1 dollar per eligible immigrant. **The Assembly subcommittee on health and human services could debate this proposal by the Governor on April 19, and April 2 respectively.**

HIGHER EDUCATION

- **California Community Colleges (CCC):** would receive less funding for both the Career Technical Education Initiative and Community College Student Success Initiative by 10 percent. The Career Technical Education Initiative is aimed at improving and expanding vocationally oriented career preparation programs. The goal of the Community College Student Success Initiative is to improve outcomes for at-risk students.
- **Universities of California (UCS):** the Governor is recommending increased fees for undergraduate, graduate, and professional students by 7.4 percent, and recommends that the UC system may consider higher fee increases in response to the proposed funding reductions. One-third of the undergraduate fee increases would be set aside for financial aid.
- **California State Universities (CSU):** Increase fees for undergraduates, credential candidates, and other graduate students by 10 percent. One-third of fees increase would be set aside for financial aid. Most likely CSU system may impose greater fees increase in response to the proposed budget reductions.
- **Adult Education** would eliminate the cost of living adjustments of 4.94% which translates in \$88.3 millions.

We call on the Legislature and the Governor to pass a budget that reflects our values and provides opportunities for low-income families to achieve self-sufficiency.

LEGISLATIVE ACTIVITY

We are pleased that reasonable and sound legislative initiatives to advance the labor and civil rights of immigrants, while integrating them into our state, were introduced by the Legislature. However, a small number of legislators introduced a record number of legislation with an anti-immigrant sentiment that would jeopardize 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 use an untrustworthy program to verify the legal status of employees, and forcing local law enforcement to implement immigration laws.

The success of California is inextricably tied to the success of immigrant communities and their integration into the state's economic and civic mainstream. Despite California's distinction as the state with the highest immigrant population, little has been done to create a set of coordinated policy responses to serve the needs of our newcomer population.

While immigration policy is determined at the federal level, the actual benefits, consequences and challenges of immigration laws are felt at the state and local levels, therefore, the state is left with the task of developing mechanisms to integrate newcomers. California must take proactive steps towards working to ensure the best possible future for all of its residents. CHIRLA will monitor and work on some of the following proposed legislation.

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, scholarships, work-study, and loan programs for talented future and currently enroll students in institutions of higher education who do not qualify for federal financial aid including those who are undocumented.

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 enrolled students in institutions of higher education.

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.

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.

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 pass comprehensive immigration reform. **(Neutral Position)**

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.

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.

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- based groups.

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

SUPPORT

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

AJR 42 (Garcia) "Victims of Domestic Violence"-It urges Congress not to change the current policy to allow victims of domestic violence to continue to seek protection regardless of immigration and if eligible apply for legal status.

WORKERS' RIGHTS

AB 2075 (Fuentes) "California Workers Protection Act"- Seeks declare that the E-verify program is plague with flaws and prohibits counties from requiring employers to use E-verify program including as a condition to obtain 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.

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.

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

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

SB 1583 (Corbett) "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.

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

OPPOSE

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

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.

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.

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.

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

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 online system know as E-verify.

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.

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.

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.

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.

HEALTH

AB 1 (Laird) "Health Coverage for Children"-Would provide health coverage to all children at or below 300% of the poverty line.

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.

SB 840 (Khuel) "Single Payer Health coverage"- Would create a single-payer plan managed by the state; to cover all Californians regardless of income and residency status this bill was vetoed by the Governor last year.

OPPOSE

VOTERS RIGHTS

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

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.