

1994

Illegal Aliens. Ineligibility for Public Services. Verification and Reporting.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

Illegal Aliens. Ineligibility for Public Services. Verification and Reporting. California Proposition 187 (1994).
http://repository.uchastings.edu/ca_ballot_props/1104

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.



Illegal Aliens. Ineligibility for Public Services. Verification and Reporting. Initiative Statute.

Official Title and Summary Prepared by the Attorney General ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING. INITIATIVE STATUTE.

- Makes illegal aliens ineligible for public social services, public health care services (unless emergency under federal law), and public school education at elementary, secondary, and post-secondary levels.
- Requires various state and local agencies to report persons who are suspected illegal aliens to the California Attorney General and the United States Immigration and Naturalization Service. Mandates California Attorney General to transmit reports to Immigration and Naturalization Service and maintain records of such reports.
- Makes it a felony to manufacture, distribute, sell or use false citizenship or residence documents.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Annual savings of roughly \$200 million to the state and local governments (primarily counties), due to reduced costs for public social services, health care and higher education.
- Annual administrative costs of tens of millions of dollars (potentially more than \$100 million in the first year) to the state and local governments (primarily counties and public schools) to verify citizenship or legal status of students and parents and persons seeking health care and/or social services.
- Places at possible risk billions of dollars annually in federal funding for state and local education, health and welfare programs due to conflicts between the measure's provisions and federal requirements.

Analysis by the Legislative Analyst

Background

According to the 1990 census, more than one in five Californians were born in another country. The number of California residents who are foreign-born now totals about 7 million. Currently, about 300,000 new residents enter the state each year from foreign countries. Federal law governs immigration, and the U.S. Immigration and Naturalization Service (INS) administers and enforces those laws.

Illegal Immigrants

The INS estimates that California's foreign-born population as of April 1994 included roughly 1.6 million unauthorized immigrants and that this number has been increasing by about 125,000 each year. Other terms applied to unauthorized immigrants include "illegal immigrants" and "illegal aliens."

Most illegal immigrants who come to California enter the country without any authorization. However, at least a third of illegal immigrants in California originally entered the country legally, but on a temporary basis—as a tourist or student, for example—and then remained after their departure date. An illegal immigrant may later become "legal" by receiving permission from the INS to remain in the country temporarily or as a permanent resident. The amnesty granted by the federal 1986 Immigration Reform and Control Act legalized

about 1.6 million former illegal immigrants in California. Illegal immigrants also may become legalized through regular immigration processes or by claiming asylum from persecution in their home country.

Health and Welfare Benefits. Illegal immigrants generally are not eligible for welfare grants. However, illegal immigrants do qualify for some social services and health care programs that are available to all Californians. For instance:

- Any child in need may receive child welfare services or foster care.
- Illegal immigrants may receive some of the health care services available to other poor people.

Public Education. Any child who lives in California may attend public schools through high school. The U.S. Supreme Court has determined (in the case of *Plyler versus Doe*) that excluding children who are illegal immigrants from public schools violates the federal constitution. This decision, however, does not apply to publicly funded higher education. Currently, illegal immigrants may attend public colleges and universities in California. However, the University of California (UC) and the California Community Colleges (CCC) generally require students who are identified as illegal immigrants to pay the higher tuition charged to nonresident students. The California State University (CSU) currently does not charge higher fees based on the legal status of the student.

Citizen Children. Under the U.S. Constitution, children born in this country to illegal immigrant parents are U.S. citizens—just like any other child born here. Many illegal immigrant families in California have citizen children, who have the same rights and are entitled to the same benefits as any other citizen.

Verifying a Person's Legal Status

The United States has no universal national identity card, so documenting citizenship or legal immigration status can be complex, even for native-born citizens. Generally, several documents are needed—for example, a U.S. birth certificate to establish the basis for citizenship and a driver's license with a photo to establish identity. However, many people (especially children) do not have a driver's license or other official photo identification. Documenting citizenship for these people may involve additional steps, such as verifying the identity of a child's parents.

Most legal immigrants have an identification from the INS to verify their status, such as a "green card" issued to immigrants granted permanent residence in the U.S. The INS has developed a computer system that government agencies and employers can use to check the validity of most types of immigration documents. No similar nationwide automated system exists to check the validity of birth certificates, which are issued by thousands of local agencies throughout the country.

Federal Program Requirements

State and local agencies must comply with a variety of federal laws in order to receive federal funds for many education, health and welfare programs. These laws often set out who is eligible for a program, procedures for granting or denying benefits or services, and requirements for keeping records confidential. For example, the Family Educational Rights and Privacy Act (FERPA) generally prohibits schools that receive federal funds from disclosing information in student records without parental consent.

Proposal

Generally, this initiative prohibits state and local government agencies from providing publicly funded education, health care, welfare benefits, or social services to any person that they do not verify as either a U.S. citizen or a person legally admitted to the U.S. The measure also requires state and local agencies to report suspected illegal immigrants to the INS and certain state officials. These changes are described below.

Verification Requirements

The measure does not set out any specific requirements as to how verification of citizenship or legal presence in the United States would be done. As a result, individual public agencies and institutions could choose a variety of verification methods. They might require only a birth certificate or INS document, or they also might require a driver's license or other official photo identification. A more thorough verification process would attempt to check the validity of immigration documents and possibly also birth certificates with the issuing agency.

Exclusion of Suspected Illegal Immigrants from Public Schools

Starting on January 1, 1995, the initiative requires every school district to verify the legal status of every child enrolling in the district for the first time. By

January 1, 1996, each school district must also verify the legal status of children already enrolled in the district and of the parents or guardians of all students. The measure requires school districts to take the following steps if they "reasonably suspect" that a student, parent, or guardian is not legally in the U.S.:

- Within 45 days, report the person to the INS, the State Superintendent of Public Instruction, the California Attorney General, and to the affected parent or guardian.
- Provide 90 days of additional instruction to a suspected illegal immigrant student in order to accomplish an orderly transition to a school in the student's country of origin. After this 90-day period the student no longer could attend public school in California.

The exclusion of suspected illegal immigrant children from public schools would be in direct conflict with the U.S. Supreme Court's ruling in *Plyler versus Doe* that guarantees access to public education for all children in the United States. Consequently, this provision of the initiative would not be effective. Under the *Plyler* decision the measure still might require school districts to verify citizenship and legal status and to report suspected illegal immigrants, even though districts could not exclude any students from schools. Alternatively, the courts might decide that the verification and reporting requirements have an unacceptable "chilling effect" on school attendance and therefore invalidate these requirements.

Exclusion of Suspected Illegal Immigrants from Public Colleges and Universities

The initiative prohibits public colleges and universities from allowing students to attend who are not legally authorized to be in the United States. The affected institutions include the UC, the CSU, and the CCC. The measure requires public colleges and universities to verify the citizenship or legal status of each student at the beginning of every term or semester after January 1, 1995. If the college or university reasonably suspects that a student or applicant for admission is an illegal immigrant, then it must report its findings within 45 days to the INS, the State Superintendent of Public Instruction, the California Attorney General, and to the affected student or applicant.

Restrictions on Health Care and Social Services for Suspected Illegal Immigrants

The measure requires public agencies and publicly funded health care facilities to verify that a person is a U.S. citizen or is legally authorized to be in the United States before providing that person with social services (including welfare benefits) or health care services, except for emergency health care required by federal law. If an agency or health care facility reasonably suspects that an applicant for benefits or services is an illegal immigrant, then it must report its finding to the INS, the California Attorney General, the State Department of Social Services, or the Department of Health Services, as appropriate, and to the affected person. The reporting agency or facility also must provide any additional information that the other agencies request.

Reporting Arrests Involving Suspected Illegal Immigrants

The measure requires every state and local law enforcement agency to attempt to verify the legal status of every arrestee who is suspected of being in the United States illegally. The agencies would have to report

anyone they arrest who they suspect is an illegal immigrant to the INS and to the State Attorney General. The initiative also requires the Attorney General to maintain records of these reports.

New Crimes for Making or Using False Documents

The initiative creates two new state felonies for manufacture or use of false documents to conceal true immigration or citizenship status. The penalties for these crimes would be prison terms of five years or fines of up to \$75,000 (for manufacturing) or up to \$25,000 (for use). The manufacture or use of false immigration or citizenship documents currently are federal crimes. Forgery of state documents, such as driver's licenses, or obtaining them by fraud is currently a state crime.

Fiscal Effect

The most significant fiscal effects of this initiative fall into the following three categories:

- **Program Savings.** The state and local governments (primarily counties) would realize savings from denying certain benefits and services to persons who cannot document their citizenship or legal immigration status. These savings could be in the range of \$200 million annually, based on the current estimated use of these benefits and services by illegal immigrants.
- **Verification Costs.** The state, local governments, and schools would incur significant costs to verify citizenship or immigration status of students, parents, persons seeking health care or social services, and persons who are arrested. Ongoing annual costs could be in the tens of millions of dollars, with first-year costs considerably higher (potentially in excess of \$100 million).
- **Potential Losses of Federal Funds.** The measure places at risk up to \$15 billion annually in federal funding for education, health and welfare programs due to conflicts with federal requirements.

All of these fiscal effects are subject to a great deal of uncertainty. The use of services by illegal immigrants can only be roughly estimated. In addition, the measure's fiscal effects could depend on legal interpretations of the measure.

Below, we discuss the significant fiscal impacts of the measure.

Health Care Savings

Federal law requires health facilities to provide necessary emergency care to any person in need regardless of income or legal status. This measure would not restrict this care. The measure, however, would place restrictions on nonemergency care provided with public funds.

Medi-Cal. The Medi-Cal program provides a full range of medical services to poor families with children, as well as to poor elderly and disabled people. The program is funded jointly by the state and the federal government. Generally, illegal immigrants are eligible only for emergency Medi-Cal services. However, California chooses to provide (using only state funds) prenatal care to pregnant women and nursing home care to elderly or disabled persons who are illegal immigrants. The measure would eliminate these services, which would result in an annual state savings of about \$100 million.

County Indigent Health Care. Counties provide basic medical services to poor residents who have no insurance and are not covered by another program (such as Medi-Cal). This measure would prohibit counties from

providing nonemergency medical care to anyone whose citizenship or legal presence in the United States could not be verified. Denying these services to illegal immigrants would result in savings to counties and the state. However, reductions in special federal payments to hospitals would offset a significant portion of the county savings—possibly half. Hospitals receive these federal payments for serving large numbers of poor people without compensation. The net annual savings, after taking into account the reduced federal payments, would be in the tens of millions of dollars to counties and several million dollars to the state.

Denying Some Services May Increase Future Costs. Denying some medical services to illegal immigrants could result in future increased state and local health care costs. For example, eliminating prenatal services to illegal immigrant women could result in higher Medi-Cal costs for their infants, who would be citizens. In addition, failure to treat and control serious contagious diseases, such as tuberculosis, among illegal immigrants could increase future costs to treat the disease in the general population.

Social Services

Currently, any child in need may receive child welfare services or foster care benefits under Aid to Families with Dependent Children (AFDC). These programs are supported by federal, state, and county funds. Initially, counties provide foster care for illegal immigrant children at their own expense. After the INS indicates that a child in foster care will not be deported, the state and the federal government share in the cost.

This measure would prohibit counties and the state from providing these services and benefits to children whose citizenship or legal status has not been verified. Withholding these services would result in annual savings of roughly \$50 million to the counties and the state.

Public Schools

Based on the INS estimate of the total illegal immigrant population in California, we estimate that roughly 300,000 students in California public schools, out of a total of 5.3 million, are illegal immigrants. Excluding all of these students from public schools could save the state up to \$1.2 billion annually. However, the U.S. Supreme Court decision in *Plyler versus Doe* held that illegal immigrants could not be denied a public education, so these savings would not be realized.

Public Colleges and Universities

The UC charges identified illegal immigrant students nonresident tuition. The CCC charges these students nonresident tuition if they are taking courses for credit. This tuition generally covers the state's cost of educating these students. Consequently, there would not be any net savings from excluding these already-identified students from those institutions. However, there would be savings from this measure if more students who are currently paying resident tuition are identified as illegal immigrants and excluded as a result of more frequent and/or thorough verification.

The CSU and the CCC (for noncredit courses) do not charge students nonresident tuition on the basis of the student's legal status. The CSU's annual cost per student is about \$3,000 higher than the amount of resident fees. The CCC's annual net cost per noncredit student is \$1,500. Consequently, excluding illegal immigrant students from the CSU and from noncredit courses at the CCC would result in savings.

Overall, this measure would result in savings to public colleges and universities that could be up to tens of millions of dollars annually.

Potential Risk of Losing Federal Funds

The measure requires school districts to report students who are suspected illegal immigrants to the INS and the state Attorney General. Making these reports without parental consent appears to violate the FERPA. Compliance with FERPA is a condition of receiving federal education funds, which total about \$2.3 billion annually to school districts in California. The Secretary of the U.S. Department of Education has indicated that the reporting requirement in this measure could jeopardize the ability of California school districts to receive these funds.

Public colleges and universities in California receive at least \$1.1 billion in federal funds subject to FERPA requirements. For these institutions, FERPA prohibits release of student information without the student's consent. The measure's reporting requirements also would put these funds in jeopardy.

Federal matching funds for the AFDC program and the Medi-Cal program also would be put at risk by the measure's reporting requirements. Existing federal and state law require verification of legal status in order for persons to qualify for most benefits and services provided by these programs. However, federal regulations require the state and counties to keep confidential the information provided by applicants in order to continue receiving federal matching funds. The total amount of federal funds at stake is about \$3 billion in the AFDC program, and more than \$9 billion in the Medi-Cal program.

Other provisions in the measure may conflict with federal laws that (1) establish procedures agencies must follow before they can deny health or welfare benefits to anyone and (2) make some immigrants who do not have formal legal status eligible for benefits.

In total, the measure places at risk about \$15 billion of federal funds. Given the magnitude of this potential loss, the state and federal governments would likely seek ways to avoid, or at least minimize, the loss. A solution, however, would likely require changes in state and/or federal laws.

Verification and Reporting Costs

This measure would impose significant administrative costs on the state and local governments to meet its verification provisions. These costs could vary considerably, depending on the verification methods used.

Public Schools. School districts could incur large costs in 1995 in order to meet the measure's deadline of January 1, 1996 to verify all students and their parents. These one-time costs could range anywhere from tens of millions of dollars to in excess of \$100 million. Ongoing costs for verification would be less, potentially in the tens of millions of dollars annually statewide.

Public Colleges and Universities. These institutions currently review the legal status of many students, primarily to determine whether they qualify for resident tuition. The measure, however, requires these institutions to verify the legal status of all of their students (1.9 million statewide) at the beginning of each semester or term. This requirement probably would cost public colleges and universities a total of at least several million dollars annually.

Social Service Agencies. County welfare offices currently must verify the legal status of persons applying for welfare benefits in the AFDC or county general assistance programs. There would be some additional costs, possibly several million dollars annually statewide, to verify legal status in a variety of smaller programs, such as child welfare services.

Publicly Funded Health Care Facilities. The legal status of Medi-Cal recipients must be verified under current law (generally by the county welfare office or the Social Security Administration). This measure also requires verification of persons seeking other publicly funded health services, such as county indigent health care and various public health services. The cost of this verification process to counties and UC hospitals could be up to several million dollars annually.

Law Enforcement

The costs to local law enforcement agencies to report suspected illegal immigrants to the Attorney General could be up to \$5 million annually. The state costs to process the information from local law enforcement and other reporting agencies (such as school districts) would be at least several millions of dollars annually.

New Crimes

By creating new state crimes for making or using false documents to conceal legal status, this measure could increase state and local costs to arrest, prosecute, and incarcerate violators. However, these activities already constitute federal crimes and also may be covered under existing state laws. The state and local governments would incur additional costs only to the extent that more persons are apprehended for these crimes and prosecuted under state law. However, the state cost would be about \$2 million annually for every hundred persons incarcerated. These costs could be offset in part by revenue from fines.

For the text of Proposition 187 see page 91

Illegal Aliens. Ineligibility for Public Services. Verification and Reporting. Initiative Statute.

Argument in Favor of Proposition 187

California can strike a blow for the taxpayer that will be heard across America; in Arizona, in Texas and in Florida in the same way Proposition 13 was heard across the land.

Proposition 187 will go down in history as the voice of the people against an arrogant bureaucracy.

WE CAN STOP ILLEGAL ALIENS.

If the citizens and the taxpayers of our state wait for the politicians in Washington and Sacramento to stop the incredible flow of ILLEGAL ALIENS, California will be in economic and social bankruptcy.

We have to act and ACT NOW! On our ballot, Proposition 187 will be the first giant stride in ultimately ending the ILLEGAL ALIEN invasion.

It has been estimated that ILLEGAL ALIENS are costing taxpayers in excess of 5 billion dollars a year.

While our own citizens and legal residents go wanting, those who choose to enter our country ILLEGALLY get royal treatment at the expense of the California taxpayer.

IT IS TIME THIS STOPS!

Welfare, medical and educational benefits are the magnets that draw these ILLEGAL ALIENS across our borders.

Senator Robert Byrd (D-West Virginia), who voted against federal reimbursement for state funds spent on ILLEGAL ALIENS, said "states must do what they can for themselves".

PROPOSITION 187 IS CALIFORNIA'S WAY.

Should those ILLEGALLY here receive taxpayer subsidized education including college?

Should our children's classrooms be over-crowded by those who are ILLEGALLY in our country?

Should our Senior Citizens be denied full service under Medi-Cal to subsidize the cost of ILLEGAL ALIENS?

Should those ILLEGALLY here be able to buy and sell forged documents without penalty?

Should tax paid bureaucrats be able to give sanctuary to those ILLEGALLY in our country?

If your answer to these questions is NO, then you should support Proposition 187.

The federal government and the state government have been derelict in their duty to control our borders. It is the role of our government to end the benefits that draw people from around the world who ILLEGALLY enter our country. Our government actually entices them.

Passage of Proposition 187 will send a strong message that California will no longer tolerate the dereliction of the duty by our politicians.

Vote YES on Proposition 187.

The Save Our State Coalition is comprised of Democrats, Republicans and Independents. It includes all races, colors and creeds with the same common denominator. We are American, by birth or naturalization; we are Americans!

We were outraged when our State Legislature voted on July 5th to remove dental care as a medical option and force the increase of the cost of prescription drugs for Senior Citizens. Then, as a final slap in the face, they voted to continue free pre-natal care for ILLEGAL ALIENS!

Vote YES ON PROPOSITION 187. ENOUGH IS ENOUGH!

ASSEMBLYMAN DICK MOUNTJOY

Author of Proposition 187

RONALD PRINCE

Chairman of the "Save Our State" Committee

MAYOR BARBARA KILEY

Co-Chair of the "Save Our State" Committee

Rebuttal to Argument in Favor of Proposition 187

Proposition 187 promoters claim their initiative would go down in history. We agree.

- **PROPOSITION 187 IS ONE OF THE MOST POORLY DRAFTED INITIATIVES IN CALIFORNIA'S HISTORY.**

"The initiative is filled with provisions that collide with state and federal laws, state and U.S. constitutional protections and with state and federal court rulings."

—California Senate Office of Research

- **PROPOSITION 187 ALSO MAY SET A RECORD FOR COSTING TAXPAYERS \$10 BILLION!**

"Because the requirements of the S.O.S. initiative (187) violate federal Medicaid law, the state's entire Medi-Cal program would be in jeopardy of losing all regular Medicaid funding. . ."

"To make up for the upwards of \$7 billion in lost federal funds, state spending on Medi-Cal would have to double."

—National Health Law Program

". . . school districts will most likely be required to disclose information from education records in violation of FERPA (Family Educational Rights and Privacy Act) in order to comply with the proposed State law (Proposition 187)."

As a result, "schools would no longer be able to receive Federal education funds."

—U.S. Secretary of Education Richard Riley

California's Senate Office of Research estimates the loss to our public schools and colleges could exceed \$3 billion.

Proposition 187 would go down in history, all right. If approved, 187 would be long remembered as the initiative that **TOOK A BAD SITUATION AND MADE IT MUCH WORSE—\$10 BILLION WORSE!**

Meanwhile, **PROPOSITION 187 DOES ABSOLUTELY NOTHING TO BEEF UP ENFORCEMENT AT THE BORDER or CRACK DOWN on EMPLOYERS WHO HIRE UNDOCUMENTED WORKERS.**

VOTE NO on PROPOSITION 187!

PAT DINGSDALE

President, California State PTA

MICHAEL B. HILL, M.D.

President, American College of Emergency Physicians, California Chapter

HOWARD L. OWENS

Legislative Director, Congress of California Seniors

Illegal Aliens. Ineligibility for Public Services. Verification and Reporting. Initiative Statute.

187

Argument Against Proposition 187

Something must be done to stop the flow of illegal immigrants coming across the border.

Unfortunately, PROPOSITION 187 DOESN'T DO A THING TO BEEF UP ENFORCEMENT AT THE BORDER. It doesn't even crack down on employers who hire illegal immigrants.

Illegal immigration is a REAL problem, but Proposition 187 is NOT A REAL SOLUTION. It's not even a start in the right direction.

Proposition 187 would only COMPOUND EXISTING PROBLEMS and cause a host of new ones—EXPENSIVE ones! PROPOSITION 187 COULD END UP COSTING TAXPAYERS \$10 BILLION.

Education, health care and legal analysts all come to the same conclusion. Because Proposition 187 is POORLY DRAFTED, it directly conflicts with several important federal laws. As a result, CALIFORNIA COULD LOSE BILLIONS in FEDERAL FUNDING.

Even the U.S. Secretary of Education has concluded Proposition 187 could cause California schools to lose federal funds. Our schools could lose more than \$3 BILLION.

Health care experts have further determined Proposition 187 could cost California \$7 BILLION in lost federal funding for Medi-Cal for seniors and other legal residents.

PROPOSITION 187 WOULD TURN OUR SCHOOLS INTO IMMIGRATION OFFICES.

It requires public school officials to thoroughly verify the citizenship of EVERY child and EVERY parent—more than 10 MILLION people.

The costs and time involved in undertaking this PAPERWORK NIGHTMARE is impossible to calculate. Schools already are hurting from budget cuts. Proposition 187 would divert even more funds away from classrooms.

PROPOSITION 187 WOULD KICK 400,000 KIDS OUT OF SCHOOL AND ONTO THE STREETS.

An estimated 400,000 KIDS would be kicked out of school, but Proposition 187 WON'T result in their deportation. Just what we need—400,000 kids hanging out on street corners. We all know what happens to kids who don't finish school.

Is this supposed to reduce CRIME and GRAFFITI? PROPOSITION 187 CREATES A POLICE STATE MENTALITY.

It forces public officials to deny vital services to anyone they SUSPECT might not be a legal resident. But Proposition 187 doesn't define the basis for such suspicion. Is it the way you speak? The sound of your last name? The shade of your skin?

PROPOSITION 187 THREATENS THE HEALTH OF ALL CALIFORNIANS.

It would forbid doctors and nurses from giving immunizations or basic medical care to anyone SUSPECTED of being an illegal immigrant.

Every day, hundreds of thousands of undocumented workers HANDLE OUR FOOD SUPPLY in the fields and restaurants. Denying them basic health care would only SPREAD COMMUNICABLE DISEASES THROUGHOUT OUR COMMUNITIES and place us ALL at risk.

PROPOSITION 187 COULD COST TAXPAYERS \$10 BILLION, BUT IT WON'T STOP THE FLOW OF ILLEGAL IMMIGRANTS OVER THE BORDER.

Illegal immigration is ILLEGAL. Isn't it time we enforce the law?

Proposition 187 doesn't beef up enforcement at the border or crack down on the employers who continue to hire illegal immigrants.

Send the politicians a message. Tell them to start enforcing the law. VOTE NO on PROPOSITION 187.

SHERMAN BLOCK
Sheriff, Los Angeles County

D. A. ("DEL") WEBER
President, California Teachers Association

RALPH R. OCAMPO, M.D.
President, California Medical Association

Rebuttal to Argument Against Proposition 187

The argument against Proposition 187 is emotional, thoughtless and pure mindless babble.

The real opponents of Proposition 187, the special interests who have pledged millions of dollars to defeat our initiative, have a deep financial interest in continuing the present policy. Remember. Illegal aliens are a big business for public unions and well connected medical clinics. You pay the bills, they reap the benefits.

These monied interests have the unmitigated gall to tell the California voter that by ending illegal immigration the cost to the taxpayer will skyrocket! Are they out of their minds?

Their argument states that passage of Proposition 187:

"doesn't crack down on employers."

FEDERAL LAW ALREADY PROHIBITS HIRING ILLEGALS.

"187 could end up costing taxpayers \$10 billion."

NONSENSE. HOW CAN GETTING RID OF THE PRESENT COSTS END UP COSTING MORE?

they say, "187 is badly written." NONSENSE.

THE SPECIAL INTERESTS ATTACKING PROPOSITION 187 INCLUDE THE CALIFORNIA TEACHERS ASSOCIATION AND THE CALIFORNIA MEDICAL ASSOCIATION. BOTH CONSTITUTE THE STATE'S BIGGEST LOBBYING GROUPS WHO OPPOSE US. THEY PROTECT THEIR OWN INTERESTS—NOT YOURS.

Don't be deceived by greedy, special interests that benefit from the failures in our immigration policies.

Why should we give more comfort and consideration to illegal aliens than to *our* needy American citizens? Many aged and mentally impaired Americans go without government largesse. Isn't it time to consider our citizens?

The groups spending millions to maintain the failures of the status quo only do so for their own selfishness. VOTE YES ON PROPOSITION 187.

ASSEMBLYMAN DICK MOUNTJOY
Author, Proposition 187/S.O.S.

CONGRESSMAN JAY KIM
Advisor, Proposition 187/S.O.S.

JESSE LAGUNA
Chairman, Border Solution Task Force

investigation of the department is required to use, submit or maintain such forms, reports or records.

Welfare and Institutions Code Section 10726 is hereby repealed.

10726. All regulations heretofore adopted by the Director of the State Department of Benefit Payments which relate to payment, accounting, auditing and collection functions vested in the State Department of Health Services, or by the State Department of Health or any predecessor department which relate to health care services or medical assistance functions vested in the State Department of Health Services, and which are in effect immediately preceding the operative date of this section, shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the State Director of Health Services.

Health and Safety Code Section 443.20 is hereby repealed.

443.20. There is hereby created the California Health Policy and Data Advisory Commission to be composed of 11 members.

The Governor shall appoint seven members, one of whom shall be a hospital chief executive officer, one of whom shall be a long-term care facility chief executive officer, one of whom shall be a representative of the health insurance industry involved in establishing premiums or underwriting, one of whom shall be a representative of a group prepayment health care service plan, one of whom shall be a representative of a business coalition concerned with health, and two of whom shall be general members. The Speaker of the Assembly shall appoint two members, one of whom shall be a physician and surgeon and one of whom shall be a general member. The Senate Rules Committee shall appoint two members, one of whom shall be a representative of a labor coalition concerned with health, and one of whom shall be a general member.

The chairperson shall be designated by the Governor. The Governor shall designate four original appointments which will be for four-year terms. The Governor shall designate three original appointments which shall be for two-year terms. The Speaker of the Assembly shall designate one original appointment which will be for two years and one original appointment which will be for four years. The Senate Rules Committee shall designate one original appointment which will be for two years and one original appointment which will be four years. Thereafter, all appointments shall be for four-year terms.

In addition to the 11 original appointees to the commission, the chairperson of the Advisory Health Council on December 31, 1985, and the chairperson of the California Health Facilities Commission on December 31, 1985, shall also serve four-year terms. During their terms when the commission shall have 13 members, they shall be full voting representatives.

Health and Safety Code Section 443.21 is hereby repealed.

443.21. As used in this part, the following terms mean:

(a) "Commission" means the California Health Policy and Data Advisory Commission.

(b) "Health facility" or "health facilities" means all health facilities required to

be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2.

(c) "Hospital" means all health facilities except skilled nursing, intermediate care, and congregate living health facilities.

(d) "Office" means the Office of Statewide Health Planning and Development.

(e) "Risk-adjusted outcomes" means the clinical outcomes of patients grouped by diagnoses or procedures which have been adjusted for demographic and clinical factors.

Health and Safety Code Section 446 is hereby repealed.

446. There is in the state government, in the Health and Welfare Agency, an Office of Statewide Health Planning and Development.

Health and Safety Code Section 446.1 is hereby repealed.

446.1. The Office of Statewide Health Planning and Development is under the control of an executive officer known as the Director of Statewide Health Planning and Development, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. He shall receive the annual salary provided by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

Health and Safety Code Section 446.2 is hereby repealed.

446.2. The Director of Statewide Health Planning and Development shall have the powers of a head of the department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

Health and Safety Code Section 446.3 is hereby repealed.

446.3. The Office of Statewide Health Planning and Development succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the State Department of Health relating to health planning and research development. The office shall assume the functions and responsibilities of the Facilities Construction Unit of the former State Department of Health, including, but not limited to, those functions and responsibilities performed pursuant to the following provisions of law:

Article 5.5 (commencing with Section 380) of Chapter 2 of Part 1 of Division 1; Article 18 (commencing with Section 429.70) and Article 19 (commencing with Section 429.94) of Chapter 2.5 of Part 1 of Division 1; Chapter 3 (commencing with Section 430) and Chapter 4 (commencing with Section 436) of Part 1 of Division 1; Part 1.5 (commencing with Section 437) of Division 1; Section 1260; Chapter 10 (commencing with Section 1770) of Division 2; Section 13113; and Division 12.5 (commencing with Section 15000).

Health and Safety Code Section 446.35 is hereby repealed.

446.35. All regulations heretofore adopted by the State Department of Health which relate to functions vested in the Office of Statewide Health Planning and Development and which are in effect immediately preceding the operative date of this section, shall remain in effect and shall be fully enforceable unless and until readopted, amended, or repealed by the Office of Statewide Health Planning and Development.

Proposition 187: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds sections to various codes; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Findings and Declaration.

The People of California find and declare as follows:

That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state.

That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state.

That they have a right to the protection of their government from any person or persons entering this country unlawfully.

Therefore, the People of California declare their intention to provide for cooperation between their agencies of state and local government with the federal government, and to establish a system of required notification by and between such agencies to prevent illegal aliens in the United States from receiving benefits or public services in the State of California.

SECTION 2. Manufacture, Distribution or Sale of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 113 is added to the Penal Code, to read:

113. Any person who manufactures, distributes or sells false documents to conceal the true citizenship or resident alien status of another person is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of seventy-five thousand dollars (\$75,000).

SECTION 3. Use of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 114 is added to the Penal Code, to read:

114. Any person who uses false documents to conceal his or her true citizenship or resident alien status is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of twenty-five thousand dollars (\$25,000).

SECTION 4. Law Enforcement Cooperation with INS.

Section 834b is added to the Penal Code, to read:

834b. (a) Every law enforcement agency in California shall fully cooperate with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws.

(b) With respect to any such person who is arrested, and suspected of being present in the United States in violation of federal immigration laws, every law enforcement agency shall do the following:

(1) Attempt to verify the legal status of such person as a citizen of the United States, an alien lawfully admitted as a permanent resident, an alien lawfully admitted for a temporary period of time or as an alien who is present in the United States in violation of immigration laws. The verification process may include, but shall not be limited to, questioning the person regarding his or her date and place of birth, and entry into the United States, and demanding documentation to indicate his or her legal status.

(2) Notify the person of his or her apparent status as an alien who is present in the United States in violation of federal immigration laws and inform him or her that, apart from any criminal justice proceedings, he or she must either obtain legal status or leave the United States.

(3) Notify the Attorney General of California and the United States Immigration and Naturalization Service of the apparent illegal status and provide any additional information that may be requested by any other public entity.

(c) Any legislative, administrative, or other action by a city, county, or other legally authorized local governmental entity with jurisdictional boundaries, or by a law enforcement agency, to prevent or limit the cooperation required by subdivision (a) is expressly prohibited.

SECTION 5. Exclusion of Illegal Aliens from Public Social Services.

Section 10001.5 is added to the Welfare and Institutions Code, to read:

10001.5. (a) In order to carry out the intention of the People of California that only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of public social services and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted.

(b) A person shall not receive any public social services to which he or she may be otherwise entitled until the legal status of that person has been verified as one of the following:

(1) A citizen of the United States.

(2) An alien lawfully admitted as a permanent resident.

(3) An alien lawfully admitted for a temporary period of time.

(c) If any public entity in this state to whom a person has applied for public social services determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following procedures shall be followed by the public entity:

(1) The entity shall not provide the person with benefits or services.

(2) The entity shall, in writing, notify the person of his or her apparent illegal

immigration status, and that the person must either obtain legal status or leave the United States.

(3) The entity shall also notify the State Director of Social Services, the Attorney General of California, and the United States Immigration and Naturalization Service of the apparent illegal status, and shall provide any additional information that may be requested by any other public entity.

SECTION 6. Exclusion of Illegal Aliens from Publicly Funded Health Care. Chapter 1.3 (commencing with Section 130) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

CHAPTER 1.3. PUBLICLY-FUNDED HEALTH CARE SERVICES

130. (a) In order to carry out the intention of the People of California that, excepting emergency medical care as required by federal law, only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of publicly-funded health care, and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted.

(b) A person shall not receive any health care services from a publicly-funded health care facility, to which he or she is otherwise entitled until the legal status of that person has been verified as one of the following:

- (1) A citizen of the United States.
- (2) An alien lawfully admitted as a permanent resident.
- (3) An alien lawfully admitted for a temporary period of time.

(c) If any publicly-funded health care facility in this state from whom a person seeks health care services, other than emergency medical care as required by federal law, determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following procedures shall be followed by the facility:

- (1) The facility shall not provide the person with services.
- (2) The facility shall, in writing, notify the person of his or her apparent illegal immigration status, and that the person must either obtain legal status or leave the United States.
- (3) The facility shall also notify the State Director of Health Services, the Attorney General of California, and the United States Immigration and Naturalization Service of the apparent illegal status, and shall provide any additional information that may be requested by any other public entity.

(d) For purposes of this section "publicly-funded health care facility" shall be defined as specified in Sections 1200 and 1250 of this code as of January 1, 1993.

SECTION 7. Exclusion of Illegal Aliens from Public Elementary and Secondary Schools.

Section 48215 is added to the Education Code, to read:

48215. (a) No public elementary or secondary school shall admit, or permit the attendance of, any child who is not a citizen of the United States, an alien lawfully admitted as a permanent resident, or a person who is otherwise authorized under federal law to be present in the United States.

(b) Commencing January 1, 1995, each school district shall verify the legal status of each child enrolling in the school district for the first time in order to ensure the enrollment or attendance only of citizens, aliens lawfully admitted as permanent residents, or persons who are otherwise authorized to be present in the United States.

(c) By January 1, 1996, each school district shall have verified the legal status of each child already enrolled and in attendance in the school district in order to ensure the enrollment or attendance only of citizens, aliens lawfully admitted as permanent residents, or persons who are otherwise authorized under federal law to be present in the United States.

(d) By January 1, 1996, each school district shall also have verified the legal status of each parent or guardian of each child referred to in subdivisions (b) and (c), to determine whether such parent or guardian is one of the following:

- (1) A citizen of the United States.
- (2) An alien lawfully admitted as a permanent resident.

(3) An alien admitted lawfully for a temporary period of time.

(e) Each school district shall provide information to the State Superintendent of Public Instruction, the Attorney General of California, and the United States Immigration and Naturalization Service regarding any enrollee or pupil, or parent or guardian, attending a public elementary or secondary school in the school district determined or reasonably suspected to be in violation of federal immigration laws within forty-five days after becoming aware of an apparent violation. The notice shall also be provided to the parent or legal guardian of the enrollee or pupil, and shall state that an existing pupil may not continue to attend the school after ninety calendar days from the date of the notice, unless legal status is established.

(f) For each child who cannot establish legal status in the United States, each school district shall continue to provide education for a period of ninety days from the date of the notice. Such ninety day period shall be utilized to accomplish an orderly transition to a school in the child's country of origin. Each school district shall fully cooperate in this transition effort to ensure that the educational needs of the child are best served for that period of time.

SECTION 8. Exclusion of Illegal Aliens from Public Postsecondary Educational Institutions.

Section 66010.8 is added to the Education Code, to read:

66010.8. (a) No public institution of postsecondary education shall admit, enroll, or permit the attendance of any person who is not a citizen of the United States, an alien lawfully admitted as a permanent resident in the United States, or a person who is otherwise authorized under federal law to be present in the United States.

(b) Commencing with the first term or semester that begins after January 1, 1995, and at the commencement of each term or semester thereafter, each public postsecondary educational institution shall verify the status of each person enrolled or in attendance at that institution in order to ensure the enrollment or attendance only of United States citizens, aliens lawfully admitted as permanent residents in the United States, and persons who are otherwise authorized under federal law to be present in the United States.

(c) No later than 45 days after the admissions officer of a public postsecondary educational institution becomes aware of the application, enrollment, or attendance of a person determined to be, or who is under reasonable suspicion of being, in the United States in violation of federal immigration laws, that officer shall provide that information to the State Superintendent of Public Instruction, the Attorney General of California, and the United States Immigration and Naturalization Service. The information shall also be provided to the applicant, enrollee, or person admitted.

SECTION 9. Attorney General Cooperation with the INS.

Section 53069.65 is added to the Government Code, to read:

53069.65. Whenever the state or a city, or a county, or any other legally authorized local governmental entity with jurisdictional boundaries reports the presence of a person who is suspected of being present in the United States in violation of federal immigration laws to the Attorney General of California, that report shall be transmitted to the United States Immigration and Naturalization Service. The Attorney General shall be responsible for maintaining on-going and accurate records of such reports, and shall provide any additional information that may be requested by any other government entity.

SECTION 10. Amendment and Severability.

The statutory provisions contained in this measure may not be amended by the Legislature except to further its purposes by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the voters.

In the event that any portion of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the act, which can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

Proposition 188: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure amends, repeals, and adds sections to various codes; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. The People of the State of California find and declare that:

(a) The current regulation of smoking in public in California is inadequate in that there are insufficient statewide standards for regulating smoking in restaurants, office buildings, and other public places.

(b) There is a wide variance in the local regulation of smoking. Some localities provide little or no protection to those who wish to avoid secondhand smoke in such places, while others overregulate to the extent that in at least one city a person may be fined for smoking on the sidewalk or in the street.

(c) There is a clear need for uniform statewide regulation of smoking in public to assure those interested in avoiding secondhand tobacco smoke have the same protections wherever they go in the state and that those who do smoke have fair notice of where smoking is prohibited.

(d) There must be stricter statewide controls to curb the illegal sale of tobacco products to minors, including the regulation of tobacco products vending machines. Further, the advertisement of tobacco products near schools must be restricted.

SEC. 2. To accomplish the goals set forth in Section 1, the People enact this measure to provide for the statewide regulation of smoking in restaurants, other

public places and the workplace, and for statewide restrictions on the marketing and distribution of tobacco products through the regulation of sales to minors, tobacco products vending machines, and billboard advertising near school grounds.

SEC. 3. This act shall be known and may be cited as the California Uniform Tobacco Control Act.

SEC. 4. Division 10 (commencing with Section 25800) is added to the Business and Professions Code, to read:

DIVISION 10. REGULATION OF SMOKING

CHAPTER 1. GENERAL PROVISIONS

25800. For purposes of this division, the following definitions shall apply:

(a) "ASHRAE Standard 62-1989" means the standard approved by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. in 1989 as ASHRAE Standard 62-1989, "Ventilation for Acceptable Indoor Air Quality" and approved by the American National Standards Institute in 1991. The standard is also designated "ANSI/ASHRAE 62-1989."

(b) "Bar" means an area that is devoted to the service of alcoholic beverages for consumption on the premises and in which the serving of food, if any, is incidental to the consumption of alcoholic beverages. When a bar is located within a building in conjunction with another use, including, but not limited to, a restaurant, only the area used primarily for the consumption of alcoholic beverages shall constitute a bar. The dining area shall not constitute a bar, even though alcoholic beverages may be served therein.