

AMENDED IN SENATE MAY 4, 2011
AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 892

Introduced by Senator Lieu

February 18, 2011

~~An act to amend Section 1393.5 of the Labor Code, relating to employment.~~ *An act to amend Section 12800 of, and to add Chapter 2 (commencing with Section 15910) to Part 12 of Division 3 of Title 2 of, the Government Code, relating to economic development.*

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Lieu. ~~Employment of minors: agricultural packing plants.~~ *Economic development: Economic Development, Job Creation, and Competitiveness Agency.*

Existing law provides for various economic development, job creation, and economic competitiveness programs in the state.

This bill would create the Economic Development, Job Creation, and Competitiveness Agency in state government, under the supervision of a Secretary of Economic Development, Job Creation, and Competitiveness, and set forth their respective duties generally. It would also require the agency to develop a statewide strategy that identifies goals and objectives for job creation and competitiveness for the state's top economic sectors, and make recommendations to the Governor and Legislature in that regard.

~~Existing law prescribes limits on the hours of employment of minors, but authorizes the Labor Commissioner to grant an exemption to employers operating agricultural packing plants for employment of minors 16 and 17 years of age for up to 10 hours on days when school is not in session, during the peak harvest season. Under existing law,~~

which will be repealed January 1, 2012, that exemption may additionally authorize employment of a minor who is enrolled in a school in Lake County to be employed for more than 48, but not more than 60, hours a week upon prior written approval by the Lake County Board of Education. Existing law requires the Labor Commissioner to report annually to the Legislature regarding the working conditions of minors employed in the agricultural packing industry.

This bill would extend the operation of the Lake County exemption and the requirement that the Labor Commissioner report annually until January 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12800 of the Government Code is
2 amended to read:

3 12800. There are in the state government the following
4 agencies: State and Consumer Services; Business, Transportation
5 and Housing; California Emergency Management; California
6 Environmental Protection; California Health and Human Services;
7 *Economic Development, Job Creation, and Competitiveness*
8 *Agency*; Labor and Workforce Development; Natural Resources;
9 and Youth and Adult Correctional.

10 Whenever the term “Agriculture and Services Agency” appears
11 in any law, it means the “State and Consumer Services Agency,”
12 and whenever the term “Secretary of Agriculture and Services
13 Agency” appears in any law, it means the “Secretary of State and
14 Consumer Services.”

15 Whenever the term “Business and Transportation Agency”
16 appears in any law, it means the “Business, Transportation and
17 Housing Agency,” and whenever the term “Secretary of the
18 Business and Transportation Agency” appears in any law, it means
19 the “Secretary of Business, Transportation and Housing.”

20 Whenever the term “Health and Welfare Agency” appears in
21 any law, it means the “California Health and Human Services
22 Agency,” and whenever the term “Secretary of the Health and
23 Welfare Agency” appears in any law, it means the “Secretary of
24 California Health and Human Services.”

1 Whenever the term “Resources Agency” appears in any law, it
2 means the “Natural Resources Agency,” and whenever the term
3 “Secretary of the Resources Agency” appears in any law, it means
4 the “Secretary of the Natural Resources Agency.”

5 *SEC. 2. Chapter 2 (commencing with Section 15910) is added*
6 *to Part 12 of Division 3 of Title 2 of the Government Code, to*
7 *read:*

8
9 *CHAPTER 2. ECONOMIC DEVELOPMENT, JOB CREATION, AND*
10 *COMPETITIVENESS AGENCY*

11
12 *15910. (a) The Economic Development, Job Creation, and*
13 *Competitiveness Agency is hereby created in state government.*

14 *(b) The agency shall be under the supervision of an executive*
15 *officer known as the Secretary of Economic Development, Job*
16 *Creation, and Competitiveness. The secretary shall be appointed*
17 *by, and hold office at the pleasure of, the Governor. The*
18 *appointment of the secretary shall be subject to confirmation by*
19 *the Senate.*

20 *(c) The secretary shall serve as a cabinet-level official in the*
21 *Governor’s administration, responsible for presenting and*
22 *addressing economic development, job creation, and*
23 *competitiveness issues in the state.*

24 *(d) The agency shall do all of the following:*

25 *(1) (A) Develop a statewide strategy that identifies the goals*
26 *and objectives for job creation and competitiveness for California’s*
27 *top economic sectors, including a focus on California’s competitive*
28 *advantages over other states and countries. The statewide strategy*
29 *shall include at least the following components:*

30 *(i) Ways to build on the state’s educational, workforce, and*
31 *geographic assets to seed innovation around the state’s top*
32 *economic sectors.*

33 *(ii) Ways to eliminate duplicative duties, achieve cost*
34 *efficiencies, and promote accountability for the attainment of*
35 *economic development goals and objectives.*

36 *(iii) Performance measures to assess the state’s progress*
37 *towards attaining the goals and objectives identified pursuant to*
38 *this paragraph.*

1 (B) The process for developing the statewide strategy shall
2 include input by members of the public, including, but not limited
3 to, labor and management representatives.

4 (2) Recommend to the Governor and the Legislature new state
5 policies, programs, and actions, or changes to existing programs,
6 to advance the goals and objectives of the statewide strategy
7 developed pursuant to paragraph (1).

8 (3) In cooperation with the federal government, foster
9 relationships with foreign entities to improve the state's image as
10 a destination for business investment and expansion.

11 (4) Create a clearinghouse of accurate data on the state's
12 economic development activities and their effectiveness.

13 SECTION 1. ~~Section 1393.5 of the Labor Code is amended to~~
14 ~~read:~~

15 ~~1393.5. (a) Notwithstanding any other provision of this article~~
16 ~~or Article 2 (commencing with Section 49110) of Chapter 7 of~~
17 ~~Part 27 of Division 4 of Title 2 of the Education Code, an~~
18 ~~exemption issued pursuant to Section 1393 may authorize the~~
19 ~~employment during the peak harvest season of a minor, 16 or 17~~
20 ~~years of age who resides in Lake County, during any day in which~~
21 ~~school is not in session for up to 10 hours per day and more than~~
22 ~~48 hours but not more than 60 hours in any one week, only upon~~
23 ~~the prior written approval of the Lake County Office of Education.~~

24 ~~(b) Each year, the Labor Commissioner, prior to issuing or~~
25 ~~renewing an exemption under this section, shall inspect the affected~~
26 ~~agricultural packing plant.~~

27 ~~(c) As a condition of receiving an exemption or a renewal of an~~
28 ~~exemption under this section, an affected employer shall, on or~~
29 ~~before March 1 of each year, file a written report to the Labor~~
30 ~~Commissioner that contains the following employment information~~
31 ~~regarding the employer's prior year's payroll:~~

32 ~~(1) The number of minors employed by that employer.~~

33 ~~(2) A list of the age and hours worked on a weekly basis of each~~
34 ~~minor employed.~~

35 ~~(d) Notwithstanding Chapter 24 (commencing with Section~~
36 ~~7550) of Division 7 of Title 1 of the Government Code, the Labor~~
37 ~~Commissioner shall submit a written report to the Legislature, on~~
38 ~~or before March 1 of each year, that describes the general working~~
39 ~~conditions of minors employed in the agricultural packing industry~~

1 during the past year, and that includes all of the following
2 information:

3 (1) The number of minors employed in the agricultural packing
4 industry.

5 (2) The number of exemptions issued, renewed, or denied
6 pursuant to this section.

7 (3) A summary of the inspections conducted by the Labor
8 Commissioner pursuant to this section.

9 (4) The number of workplace injuries that occurred to minors
10 at agricultural packing plants.

11 (5) The number of violations of labor laws and regulations that
12 occurred at agricultural packing plants.

13 (e) This section shall remain in effect only until January 1, 2016,
14 and as of that date is repealed.

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