

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 25, 2018

TO: Honorable Members of the Rules, Elections & Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 18-0002-S55
Assignment No: 18-05-0436

SUBJECT: Resolution to Support AB 1913 (Kalra)

CLA RECOMMENDATION: Adopt Resolution (Martinez - Wesson) to include in the City's 2017-2018 State Legislative Program, SUPPORT to AB 1913.

SUMMARY

The Resolution (Martinez – Wesson), introduced May 2, 2018, advises that the State of California implemented a licensing and oversight program for foreign labor contractors through SB 477 (Steinberg) in 2014. SB 477 was adopted to address abusive practices by foreign labor contractors. The Resolution states that SB 477 was intended to include agricultural labor contractors but was applied only to non-agricultural labor contractors. Agricultural labor contractors should be included in the licensing program created by SB 477 to prevent continued abusive behavior by agricultural labor contractors.

The Resolution further advises that pending before the California State Legislature is AB 1913 (Kalra), which would clarify existing State law by adding foreign agricultural labor contractors to the existing foreign labor contractor registration program. AB 1913 will help safeguard the safety of agricultural workers and prevent illicit activities by foreign labor contractors.

The Resolution recommends that the City support AB 1913.

BACKGROUND

AB 1913 (Kalra) would remove the exception of agricultural workers to the provisions of SB 477 (Steinberg) which regulates foreign labor contractors, thereby extending the same protections to temporary agricultural workers (H-2A visa holders) that currently regulate temporary non-agricultural workers (H-2B visa holders).

The protections and regulations provided by SB 477 include requiring foreign labor contractors to register with the State Labor Commissioner, making specified disclosures to workers, and refraining from certain exploitive and discriminatory practices. State protections are not currently provided to temporary agricultural workers because the provisions of SB 477 were added to a chapter in the State code that expressly exempts agricultural workers. AB 1913 would remove that exemption from the State code. The author and supporters of the bill claim that AB 1913 provides a technical fix to SB 477 which was originally intended to include agricultural workers.

Agricultural foreign labor contractors are regulated by a state program separate to that of non-agricultural foreign labor contractors. Furthermore, agricultural labor contractors are required to comply with federal regulations, including the Migrant and Seasonal Agricultural Protection Act (MSAP). MSAP provides protections by establishing standards relating to wages, housing, transportation, disclosures, and

recordkeeping. These programs provide some protections, but not all, that are currently provided to non-agricultural workers by SB 477.

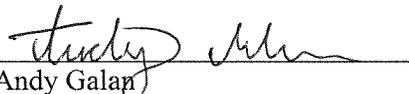
Support for AB 1912 (Kalra) is consistent with City efforts to protect the safety of workers and prevent illicit employment practices.

DEPARTMENTS NOTIFIED

None

BILL STATUS

01/23/18	Introduced
02/05/18	Referred to Judiciary and Labor & Employment Committee
03/14/18	Approved by Labor and Employment Committee
04/10/18	Approved and referred to Committee on Appropriations
05/25/18	Approved by the Committee on Appropriations
05/31/18	Read third time, refused passage (32-18)



Andy Galan
Analyst

Attachments: 1. Resolution (Martinez - Wesson)

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the State of California implemented a licensing and oversight program for foreign labor contractors by adopting SB 477 (Steinberg) in 2014; and

WHEREAS, this bill was adopted to address the fact that some foreign labor contractors mistreat their workers, charge unfair fees for their services, deceive workers about the terms and conditions of their employment, and engage in human trafficking; and

WHEREAS, despite the clear intent of the Legislature at the time SB 477 was adopted to include agricultural contract workers, a provision in SB 477 states that it applies to nonagricultural contract workers only; and

WHEREAS, SB 477 should also include agricultural contractors, whose licensing program is governed under a different section of State Law; and

WHEREAS, unscrupulous agricultural labor contractors will continue to engage in human trafficking and other abuses if SB 477 is not clarified; and

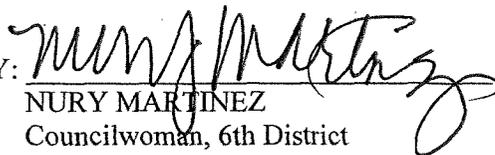
WHEREAS, currently pending before the legislature is AB 1913 (Kalra) which would clarify existing State law by adding foreign agricultural labor contractors to the existing foreign labor contractor registration program; and

WHEREAS, AB 1913 will help safeguard the safety of agricultural workers and should be supported; and

WHEREAS, we must do everything possible to ensure that labor contractors do not engage in human trafficking and other abuses;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-18 State Legislative Program SUPPORT for AB 1913 (Kalra), which would clarify existing State law by adding foreign agricultural labor contractors to the existing foreign labor contractor registration program.

PRESENTED BY:


NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:



BMR

MAY 02 2010