

**ASSEMBLY BILL**

**No. 1138**

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**Introduced by Assembly Member Chau**

February 22, 2013

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An act to amend Section 106 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1138, as introduced, Chau. Joint Enforcement Strike Force on the Underground Economy.

Existing law establishes the Joint Enforcement Strike Force on the Underground Economy to combat tax violations and cash-pay employment. Existing law authorizes the Labor Commissioner to authorize an employee of any of the agencies that participate in the strike force to issue citations and issue and serve a penalty assessment order. Existing law prohibits an employee from issuing citations or penalty assessment orders unless the employee has been specifically designated, authorized, and trained by the Labor Commissioner for this purpose.

This bill would make nonsubstantive changes to that prohibition.

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

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

- 1 SECTION 1. Section 106 of the Labor Code is amended to
- 2 read:
- 3 106. (a) The Labor Commissioner may authorize an employee
- 4 of any of the agencies that participate in the Joint Enforcement

1 Strike Force on the Underground Economy, as defined in Section  
2 329 of the Unemployment Insurance Code, to issue citations  
3 pursuant to Sections 226.4 and 1022 and issue and serve a penalty  
4 assessment order pursuant to subdivision (a) of Section 3722.  
5 (b) ~~No employees~~*An employee shall not issue citations a citation*  
6 *or penalty assessment orders order* pursuant to this section unless  
7 ~~they have~~*the employee has* been specifically designated,  
8 authorized, and trained by the Labor Commissioner for this  
9 purpose. Appeals of all citations or penalty assessment orders shall  
10 follow the procedures prescribed in Section 226.5, 1023, or 3725,  
11 ~~whichever is~~*as* applicable.