

TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 6. DIVISION OF LABOR STANDARDS ENFORCEMENT
(NEW) SUBCHAPTER 9

ADOPT SECTIONS 11770, 11771, 11771.1, 11771.2, 11772 & 11773
REGULATING CHILD PERFORMER SERVICES PERMITS

FINAL STATEMENT OF REASONS

The Labor Commissioner, Chief of the Division of Labor Standards Enforcement (DLSE) adopts the above regulatory sections pursuant to the Notice of Proposed Rulemaking and as amended following required notices to the public identifying modifications to the text and adding other related documents.

Following a prior submission of the rulemaking file to the Office of Administrative Law (OAL) in October 2017 for required review of the proposed rulemaking, OAL issued a Decision of Disapproval of Regulatory Action dated December 6, 2017. Pursuant to Government Code section 11349.4 and within 120 days of the notice of the disapproval, the Labor Commissioner proposed additional modifications to the proposed text of specified sections and added documents to the rulemaking file for resubmission of the rulemaking file to OAL for review.

DLSE has also prepared an Updated Informative Digest to retain in the rulemaking file, as required under Government Code section 11347.3(b)(2).

UPDATE OF INITIAL STATEMENT OF REASONS

DLSE issued a Notice of Regular Rulemaking, accompanied by an Initial Statement of Reasons and proposed regulatory text, on November 25, 2016. The agency did not receive any comment from the public during the 45-day comment period.

On June 5, 2017, DLSE amended the initial proposed text of regulations, including the fee amount for permit applicants, and made non-substantive clarifying and other minor changes to the regulatory text. The agency issued a Notice of Modifications to Text of Proposed Regulations and New Documents Added to Rulemaking File. The notice document included a Notice of Revision of Initial Statement of Reasons which provided additional statements regarding purpose and necessity for specified sections and described the reasons for the proposed text changes in a Summary of Proposed Text Changes, both included in the notice and incorporated herein, for which a 15-day comment period was provided pursuant to Government Code section 11347.1. DLSE did not receive any comments during this 15-day public comment period.

On March 16, 2018, to address the OAL's Decision of Disapproval of Regulatory Action dated December 6, 2017, DLSE amended the proposed text of the regulations to provide corrections and address or provide greater clarity regarding the standards in several proposed sections that apply to the permit program, and to establish separate and reduced fees for initial and renewal applications deemed necessary due to variation in costs charged to the Labor Commissioner by

the Department of Justice (DOJ) for performing state criminal history reports and federal criminal history reports for the two types of applications. DLSE issued a Supplement to Initial Statement of Reasons and a Notice of Modifications to Text of Proposed Regulations explaining the need, purpose, and other reasons for the text changes, and both identified documents are incorporated herein. DLSE did not receive any comments from the public during the subsequent 15-day public comment period that was provided pursuant to Government Code sections 11347.1 and 11346.8.

ADDITIONAL DOCUMENTS ADDED TO THE RULEMAKING FILE

The following documents were added to the rulemaking file on March 16, 2018 and interested parties were notified and afforded the opportunity to provide comments within the 15-day time period which ended on April 2, 2018, as specified in the notice:

Documents referenced in the proposed regulations:

- Online Application Screen Shots – “CPSP Application Screenshots Mar_2017rev”

Other Documents relied upon included:

- Amended Cost Sheet for Application Fee – “Adjusted Cost Summary for Registration Fee”

DLSE did not receive any public comments regarding the above additional documents during the 15-day comment period.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD FROM NOVEMBER 25, 2016 THROUGH JANUARY 9, 2017

DLSE did not receive any public comment during the initial 45-day notice period.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING 15-DAY PERIOD THE MODIFIED TEXT AND ADDITIONAL DOCUMENTS WERE AVAILABLE TO THE PUBLIC FROM JUNE 5, 2017 THROUGH JUNE 23, 2017

DLSE did not receive any comments from the public during the 15-day notice period pertaining to the proposed modifications to text or the additional documents added to the rulemaking file.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING
15-DAY PERIOD THE MODIFIED TEXT AND ADDITIONAL DOCUMENTS
WERE AVAILABLE TO THE PUBLIC FROM
MARCH 16, 2018 THROUGH APRIL 2, 2018**

DLSE did not receive any comments from the public during the 15-day notice period pertaining to the proposed modifications to text or the additional documents added to the rulemaking file.

**ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON
SMALL BUSINESS**

No alternatives were proposed that would lessen any adverse economic impact on small business. DLSE reduced the amount of the fees during the course of the rulemaking, which lessens the economic impact on all regulated parties.

ALTERNATIVES DETERMINATION

DLSE has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The new sections adopted by DLSE are the only regulatory provisions identified by the agency that accomplish the goal of regulating child performer services permits so that no person may represent or provide specified services to child performers unless certain conditions are met according to the statute, which is designed to protect the welfare and safety of child performers in the entertainment industry. No alternatives have been proposed or otherwise brought to the agency's attention.