

AMENDED IN SENATE AUGUST 31, 2009

AMENDED IN SENATE AUGUST 24, 2009

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JULY 13, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 402

Introduced by Assembly Member Davis

February 23, 2009

An act to add Section 1308.10 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 402, as amended, Davis. Employment: entertainment work permits.

Existing law requires the written consent of the Labor Commissioner for the employment of a minor, as specified, in entertainment productions or as an advertising or photographic model or as a participant or player in a sport. Under existing law, a minor is required to obtain an entertainment work permit from the Labor Commissioner in order to be employed in those capacities.

This bill, ~~which would be known as the Michael Jackson Child Performers Workplace Protection Act~~, would require that a fee be submitted at the time the minor applies for the work permit. The bill would specify that the fee be deposited into the Entertainment Work Permit Fund, which would be created by the bill, and would make this

fee revenue available to the Labor Commissioner, upon appropriation, for the costs of issuing the permit, enforcing the provisions regulating a minor's employment in fields requiring issuance of an entertainment work permit, and administering the entertainment work permit program. The bill would provide that the fee to be submitted to the Labor Commissioner pursuant to these provisions would be \$50 until January 1, 2012, and, on and after January 1, 2012, the fee would be set by the Labor Commissioner in an amount, not to exceed \$50, sufficient to pay for the costs set forth above.

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. This act shall be known and may be cited as the~~
2 ~~Michael Jackson Child Performers Workplace Protection Act.~~

3 ~~SEC. 2.~~

4 SECTION 1. Section 1308.10 is added to the Labor Code, to
5 read:

6 1308.10. (a) To obtain an Entertainment Work Permit pursuant
7 to Section 11753 of Title 8 of the California Code of Regulations,
8 an applicant shall submit to the Labor Commissioner an application
9 and an application fee. The Labor Commissioner shall deposit the
10 fee into the Entertainment Work Permit Fund, which is hereby
11 created in the State Treasury. Revenue in the Entertainment Work
12 Permit Fund shall be available to the Labor Commissioner, upon
13 appropriation by the Legislature, to pay for the costs of all of the
14 following:

15 (1) Issuing Entertainment Work Permits.

16 (2) Enforcing the provisions of Section 1308.5, including making
17 at least one unannounced site visit per quarter to a randomly
18 selected set or production facility where one or more children are
19 working under Entertainment Work Permits.

20 (3) Administering the Entertainment Work Permit program,
21 including developing and enhancing an Internet Web site,
22 developing and updating informational materials, and providing
23 training to studio teachers, as defined in Section 11755 of Title 8
24 of the California Code of Regulations, regarding their role in
25 enforcing the requirements of Section 1308.5 and the regulations
26 adopted pursuant thereto.

1 (b) Until January 1, 2012, the fee submitted to the Labor
2 Commissioner pursuant to subdivision (a) is fifty dollars (\$50).
3 On and after January 1, 2012, the fee shall be set by the Labor
4 Commissioner in order to collect sufficient revenue to pay for the
5 costs set forth in paragraphs (1) to (3), inclusive, of subdivision
6 (a), but shall not exceed fifty dollars (\$50).

O