

HB

634

COMMITTEE REPORT

2/6/76

HOUSE

Mr. Speaker:

Date

April 6, 1976

The Committee on JUDICIARY has had HB 634

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR HB 634 AND THAT

CS FOR HB 634 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members NOT concurring in the Majority report:

Tommy Davidson recommends: no

Bob Brown recommends: no

Bill ... recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Tommy Davidson Chairman

# STATE OF ALASKA

## DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

BOX 1149 - JUNEAU 99811

April 16, 1976

Representative Terry Gardiner  
Chairman, Judiciary Committee  
Pouch V  
Juneau, Alaska 99811


Dear Representative Gardiner:

I have recently completed a review of the committee substitute for House Bill No. 634 and have determined that its affect on the Department of Labor would be as follows:

1. In order for minors under the age of 18 to go to work they would need only to notify the Department in writing (\*Sec. 3) rather than seeking to determine from the Department if the work is in a permissible occupation.
2. Between \*Sections 4 and 5, the Department's jurisdiction in granting exemptions would be further limited in that exemptions may only be granted to 16 year olds in potentially dangerous occupations or for long hours and to 16 - 18 year olds seeking employment in restaurants on licensed premises.
3. With the exception of No. 2, above, the bill would remove Child Labor from State control, thus invoking Federal jurisdiction.

Since this bill would effectively remove Child Labor from State control I would recommend that if this is the desire of the Legislature, the entire Child Labor Law be repealed. Otherwise, I would recommend the enclosed draft.

Sincerely,

  
Edmund N. Orbeck  
Commissioner

Enclosure

file 634

Original sponsor: Rules Committee by  
request of the Governor

*Draft*

*Walker*

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 634

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the employment of minors; and pro  
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 04.15.020(d) is amended to read:

10 (d) Presence of minors on premises. It is unlawful for a person  
11 under the age of 19 years to enter or remain upon licensed premises  
12 unless he is accompanied by his parent, guardian or spouse who has  
13 attained the age of 19 years. A [HOWEVER, A PERSON 18 YEARS OF AGE OR  
14 OLDER MAY ENTER AND REMAIN UPON LICENSED PREMISES IN THE COURSE OF HIS  
15 EMPLOYMENT AS A MUSICIAN, ENTERTAINER OR BUSBOY. IN ADDITION, A] pers  
16 under the age of 19 years may enter and remain upon licensed premises  
17 ~~which~~ ~~are~~ ~~also~~ ~~recognized~~ as a restaurant for the purpose of dining or  
18 dancing if accompanied by his parent, guardian, or spouse who has  
19 attained the age of 19 years, or by the parent or guardian of any other  
20 minor also present, or by any other adult with the consent of the  
21 minor's parent or guardian. The Alcoholic Beverage Control Board, with  
22 the approval of the city council if the premises are within the city or  
23 with the approval of the borough assembly if the premises are outside  
24 the city but within a borough, shall designate which premises are  
25 restaurants for the purposes of this section. Licensed premises are  
26 premises holding licenses under AS 04.10.020(a) - 04.10.020(d). The  
27 Alcoholic Beverage Control Board shall promulgate regulations for the  
28 designation of restaurants and the continuation or withdrawal of the  
29 designation. No establishment may be designated as a restaurant for

1 purposes of dining without the consent of the licensee.

2 \* Sec. 2. AS 04.15.020 is amended by adding a new subsection to read:

3 (h) Employment of minors on premises. A person 16 - 18 years of  
4 age may enter and remain upon the licensed premises of a hotel or  
5 restaurant in the course of his or her employment if the employment do  
6 not require or involve the serving, mixing, delivering or dispensing o  
7 alcoholic beverages and if the person has the written consent of a  
8 parent or guardian and an exemption by the Department of Labor for the  
9 employment.

8 \* Section 1. AS 23.10 is amended by adding a new section to read:

9 Sec. 23.10.332. AUTHORIZATION FOR CHILDREN UNDER ~~17~~<sup>18</sup> TO WORK.

10 Except for employment exempted under sec. 330 of this chapter and  
11 other employment specifically exempted by regulations adopted by the  
12 department, no minor under ~~17~~<sup>18</sup> years of age may be employed or allowed  
13 to work without the written authorization of the commissioner. The  
14 department shall adopt regulations necessary to implement this section.

15 \* Sec. 2. AS 23.10.340 is repealed and re-enacted to read:

16 Sec. 23.10.340. EMPLOYMENT OF CHILDREN UNDER 16. Employment of  
17 a minor under 16 in any occupations allowed under secs. 325 - 370 of  
18 t 3 chapter shall be limited to:

- 19 (1) time outside of school hours;  
20 (2) 40 hours a week when school is not in session;  
21 (3) 18 hours a week when school is in session;  
22 (4) eight hours a day on non-school days;  
23 (5) three hours a day on school days;  
24 (6) the hours between 7:00 a.m. and 7:00 p.m. on any day,  
25 except from June 1 through Labor Day when the permissible hours are  
26 7:00 a.m. to 9:00 p.m.

27 \* Sec. 3. AS 23.10.345 is repealed.

28 \* Sec. 4. AS 23.10.350 is repealed and re-enacted to read:

29 Sec. 23.10.350. EMPLOYMENT OF CHILDREN UNDER ~~17~~<sup>18</sup>. (a) No minor

100  
1 under ~~17~~ years of age may be employed or allowed to work

2 (1) more than six days a week;

3 (2) in excavation, or in surface mining, or underground in  
4 mines; or as hoisting engineer in mines; or in the operation of cranes,  
5 derricks or hoists; or

6 (3) in an occupation dangerous to life or limb or injurious  
7 to his health or morals.

8 (b) If the commissioner determines that the duties to be performed  
9 by the minor would not unduly endanger the life, limb, health or  
10 morals of the minor and if the employment meets the conditions of  
11 wages and hours prevailing for the majority of the employees in the  
12 industry at the time of employment, the commissioner may grant an  
13 exemption in writing from (a) of this section for a minor 16 *OR 17*  
14 years of age to work at those duties

15 (1) outside school hours, or while on school vacation,  
16 if the minor is attending school; or

17 (2) if the minor is no longer attending school.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

House Judiciary Committee  
March 30, 1976

The meeting was called to order by Chairman Gardiner at 1:15 p.m.  
Members present were Specking, Bradley, Parr, Gardiner and Cotten.

HB 604                    UNIFORM LAND SALES PRACTICES ACT

235  
HB  
604

Larry Carrol, Commerce  
John Tillinghast, AG:

Subdivisions of 50 or more lots must register with the department and submit for verification a public offering statement which accurately describes the land for sale. Directed at Boom towns as Valdez where land is being sold sight unseen to unsuspecting buyers. This will require full disclosure so buyer knows what he is getting into. An on sight inspection will be performed by department of commerce to see that public offering statement is accurate.

HB 634                    EMPLOYMENT OF MINORS

HB  
634

Lee Leland, Labor, Wage and Hour division:

Would like an exemption for licensed premises so that young people can work in kitchens, gift shops, and as maids. Also want exemption for those over 16 who are drop outs so they can work steadily. Mr. Leland offered the attached amendment by the ABC Board.

Ron Lorensen, AG's office:

Minors may work on licensed premises with written permission of commissioner and parents. Problem has been with hotels and restaurants who cannot find people willing to work for lower wages, so like young people. But most of these are licensed premises. Department of Labor would like to be notified when a minor is being hired so they can check conditions, hours, wages etc.

HB 713                    STUDENT REGENT

HB  
713

Student regent must actually be a student, if drops out, governor must choose a replacement.

The meeting was adjourned at 2:45 p.m.

A M E N D M E N T

OFFERED IN THE HOUSE

Y:

TO: HOUSE BILL NO. 634

AMENDMENT: Page 1 Line 6:

Before the period, insert: "; and providing for an effective date"

AMENDMENT: Page 2, Line 18:

Insert the following:

Sec. 5. AS 04.15.020(d) is amended to read:

(d) Presence of minors on premises. It is unlawful for a person under the age of 19 years to enter or remain upon licensed premises unless he is accompanied by his parent, guardian or spouse who has attained the age of 19 years. [HOWEVER, A PERSON 18 YEARS OF AGE OR OLDER MAY ENTER AND REMAIN UPON LICENSED PREMISES IN THE COURSE OF HIS EMPLOYMENT AS A MUSICIAN, ENTERTAINER OR BUSBOY.] In addition, a person under the age of 19 years may enter and remain upon licensed premises which are also recognized as a restaurant for the purpose of dining or dancing if accompanied by his parent, guardian, or spouse who has attained the age of 19 years, or by the parent or guardian of any other minor also present, or by any other adult with the consent of the minor's parent or guardian. The Alcoholic Beverage Control Board, with the approval of the city council if the premises are within the city or with the approval of the borough assembly if the premises are outside the city but within a borough, shall designate which premises are restaurants for the purposes of this section. Licensed premises are premises holding licenses under

AS 04.10.020(a)--04.10.020(d). The Alcoholic Beverage Control Board shall promulgate regulations for the designation of restaurants and the continuation or withdrawal of the designation. No establishment may be designated as a restaurant for purposes of dining without the consent of the licensee.

Sec. 6. AS 04.15.020 is amended by adding a new subsection to read:

(h) Employment of minors on premises. A person 16--18 years of age may enter and remain upon the licensed premises of a hotel or restaurant in the course of his or her employment if the employment does not require or involve the serving, mixing, delivering or dispensing of alcoholic beverages and if the person has the written consent of a parent or guardian and an exemption by the Department of Labor for the employment.

Sec. 7. AS 23.10.355 is amended to read:

Sec. 23.10.355. PERSONS UNDER 19. No person under 19 may be employed or allowed to sell or serve intoxicating liquors or to work in any room or other place where intoxicating liquors are sold for consumption on the premises, except as provided in AS 04.15.020(h) [(d)].

Sec. 8. This Act takes effect immediately in accordance with AS 01.10.070(c).

3/30 Milton

Introduced: 1/20/76  
Referred: Labor & Management and  
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 634

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the employment of minors."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 23.10 is amended by adding a new section to read:

9 Sec. 23.10.332. AUTHORIZATION FOR CHILDREN UNDER <sup>18</sup> 17 TO WORK.

10 Except for employment exempted under sec. 330 of this chapter and  
11 other employment specifically exempted by regulations adopted by the  
12 department, <sup>employer may employ a 18</sup> no minor under 17 years of age [may be employed or allowed]  
13 <sup>unless the employer has</sup> [to work without] the written authorization of the commissioner. The  
14 department shall adopt regulations necessary to implement this section.

15 \* Sec. 2. AS 23.10.340 is repealed and re-enacted to read:

16 Sec. 23.10.340. EMPLOYMENT OF CHILDREN UNDER 16. Employment of  
17 a minor under 16 in any occupations allowed under secs. 325 - 370 of  
18 this chapter shall be limited to:

- 19 (1) time outside of school hours;
- 20 (2) 40 hours a week when school is not in session;
- 21 (3) 18 hours a week when school is in session;
- 22 (4) eight hours a day on non-school days;
- 23 (5) three hours a day on school days;
- 24 (6) the hours between 7:00 a.m. and 7:00 p.m. on any day,

25 except from June 1 through Labor Day when the permissible hours are  
26 7:00 a.m. to 9:00 p.m.

27 \* Sec. 3. AS 23.10.345 is repealed. <sup>23.10.340(b) repealed</sup>

28 \* Sec. 4. AS 23.10.350 is repealed and re-enacted to read:

29 Sec. 23.10.350. EMPLOYMENT OF CHILDREN UNDER 17. (a) No minor

Measure that  
employer report he  
to hiring a minor

Fair labor  
standards Act  
conforms to  
Fed. Law

23.10.335  
Exempt  
Newspaper  
Corp.

18  
1 under 17 years of age may be employed or allowed to work

2 (1) more than six days a week;

3 (2) in excavation, or in surface mining, or underground in  
4 mines; or as hoisting engineer in mines; or in the operation of cranes,  
5 derricks or hoists; or

6 (3) in an occupation dangerous to life or limb or injurious  
7 to his health or morals.

8 (b) If the commissioner determines that the duties to be performed  
9 by the minor would not unduly endanger the life, limb, health or  
10 morals of the minor and if the employment meets the conditions of  
11 wages and hours prevailing for the majority of the employees in the  
12 industry at the time of employment, the commissioner may grant an  
13 exemption in writing from (a) of this section for a minor 16  
14 years of age to work at those duties

15 (1) outside school hours, or while on school vacation,  
16 if the minor is attending school; or

17 (2) if the minor is no longer attending school.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

*determined  
by Dept. Labor*

*McKeland - Wage & Hour Division*

*335 - exempt paper boys*

Introduced: 1/20/76  
Referred: Labor & Management and  
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 634

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the employment of minors."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 23.10 is amended by adding a new section to read:

9 Sec. 23.10.332. AUTHORIZATION FOR CHILDREN UNDER 17 TO WORK.

10 Except for employment exempted under sec. 330 of this chapter and  
11 other employment specifically exempted by regulations adopted by the  
12 department, no minor under 17 years of age <sup>18</sup> may be employed or allowed  
13 to work without <sup>19</sup> written authorization <sup>notice to</sup> the commissioner. The  
14 department shall <sup>unless the commissioner has</sup> adopt regulations necessary to implement this section.

15 \* Sec. 2. AS 23.10.340 is repealed and re-enacted to read:

16 Sec. 23.10.340. EMPLOYMENT OF CHILDREN UNDER 16. Employment of  
17 a minor under 16 in any occupations allowed under secs. 325 - 370 of  
18 this chapter shall be limited to:

- 19 (1) time outside of school hours;
- 20 (2) 40 hours a week when school is not in session;
- 21 (23) (3) 18 hours a week when school is in session;
- 22 (4) eight hours a day on non-school days;
- 23 (5) three hours a day on school days;
- 24 (6) the hours between 7:00 a.m. and 7:00 p.m. on any day,  
25 except from June 1 through Labor Day when the permissible hours are  
26 7:00 a.m. to 9:00 p.m. *Repeal 23.10.340 (6)*

27 \* Sec. 3. AS 23.10.345 is repealed.

28 \* Sec. 4. AS 23.10.350 is repealed and re-enacted to read:

29 Sec. 23.10.350. EMPLOYMENT OF CHILDREN UNDER 17. (a) No minor

*Actually only  
need to have  
employer report*

*stay*

1 under 17 years of age may be employed or allowed to work

2 (1) more than six days a week;

3 (2) in excavation, or in surface mining, or underground in  
4 mines; or as hoisting engineer in mines; or in the operation of cranes,  
5 derricks or hoists; or

6 (3) in an occupation dangerous to life or limb or injurious  
7 to his health or morals.

8 (b) If the commissioner determines that the duties to be performed  
9 by the minor would not unduly endanger the life, limb, health or  
10 morals of the minor and if the employment meets the conditions of  
11 wages and hours prevailing for the majority of the employees in the  
12 industry at the time of employment, the commissioner may grant an  
13 exemption in writing from (a) of this section for a minor 16  
14 years of age to work at those duties

15 (1) outside school hours, or while on school vacation,  
16 if the minor is attending school; or

17 (2) if the minor is no longer attending school.

18  
19  
20 4, 15, 020  
21  
22  
23  
24  
25  
26  
27  
28  
29

HOUSE BILL NO. 634

AMENDED

Sec. 23.10.332 (New)

This section permits employment of minors in occupations not prohibited by statute or regulations without the requirement of obtaining an exemption from the Department of Labor, however, it requires the employer to have written authorization for such employment from the Commissioner. The purpose of this section is to provide the Department a handle on employers who hire minors which will give the Department the opportunity to inspect the premises and occupations performed to insure that such occupations are in fact non-hazardous or otherwise prohibited and that the employer employs such minors only during permissible hours of work.

Sec. 23.10.340

Brings Alaska Law into conformity with Federal Statutory permissible hours of work for minors under 16 and repeals sub sec. (b) which prohibits minors under 16 from employment in restaurants.

Sec. 23.10.345 (Repealed)

Repeals the very rigid restrictions of this section which denies authorization for employment to many youths who have dropped out of school though have not graduated but have attained 16 years of age.

Sec. 23.10.350 (Repealed and Reenacted)

The new language of this section broadens employment opportunity for minors 16 and over by deleting certain existing constraints as follows:

- a) Removes the 8 hour per day limitation placed on the employment of minors who are 16 but under 18.

b) This hour limitation denies many minors from employment opportunities with employers engaged in industries that traditionally require longer shifts in the conduct of their business, for example: service stations, fish processors and canners who must operate when the fish are delivered until processed, some supermarkets and others. This limitation is particularly restrictive during summer vacation season.

c) Repeals the prohibition denying minors 16 to 18 years of age from employment in housekeeping occupations in Hotels or Lodging Houses.

d) It provides the Commissioner authority to grant exemptions to those 16 and over who have dropped out of school.

These amendments are twofold in value:

- 1) Expands the opportunity for minors to enter the workforce and engage in gainful occupations, and
- 2) Provides employers an expanded workforce from which to fill positions that are sometimes difficult to fill with persons who are over 18, particularly in lower paid crafts such as many service trades positions, i.e., dishwashers, kitchen helpers, service station attendants, box or bag boys, etc.

ETL/ltr

SEC. <sup>04</sup>05.15.020. (Amended)

Amends the language of this section to permit the Commissioner of Labor to grant exemption for certain occupations in Hotel and Restaurants that are licensed premises covered by this section. Exempting occupations of the type such as dishwashers, kitchen helpers, clerical employees, gift shop employees, maids, busboys, etc. Will expand employment opportunities for young people.

Further adoption of this amendment will protect the jobs of several hundred youths presently employed in these occupations without benefit of exemption who will have to be terminated by the Department of Labor's obligation to enforce the <sup>present</sup>~~present~~ statutory restriction mandated in the present language covering licensed premises, for example the Westward Hotel in Anchorage where the entire building is designated as a licensed premise. The new amendment however retains the prohibition from employing minors on such premises in any occupation that requires serving, mixing, delivery or dispensing of Alcoholic Beverages.

ETL/ltr

AMENDMENT #1

OFFERED IN THE HOUSE:

BY: Labor & Management Comm.

To: \_\_\_\_\_ HOUSE BILL No. 634

SENATE BILL No. \_\_\_\_\_

PAGE: one

LINE: 9

delete 17

insert 18

Page: one

Line: 12

delete 17

insert 18

Page: one

Line: 12

after "no" insert "employer may employ a"

delete "may be employed or allowed"

Page: one

Line: 13

delete "to work without"

and substitute "unless the employer has"

Page: one

Line: 29

delete 17

insert 18

Page: two

Line: 1

delete 17

insert 18

AMENDMENT #1

OFFERED IN THE HOUSE:

By: Labor & Management Comm.

To: \_\_\_\_\_ HOUSE BILL No. 634

SENATE BILL No. \_\_\_\_\_

PAGE: one

LINE: 9

delete 17

insert 18

Page: one

Line: 12

delete 17

insert 18

Page: one

Line: 12

after "no" insert "employer may employ a"

delete "may be employed or allowed"

Page: one

Line: 13

delete "to work without"

and substitute "unless the employer has"

Page: one

Line: 29

delete 17

insert 18

Page: two

Line: 1

delete 17

insert 18