

**HB**

**128**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 02 2002  
 SENATE FINANCE  
 COMMITTEE

DATE: 4/12/02

FURTHER:

DATE TURNED  
IN TO OFFICE:

*3*  
2 May 2002

Finance Committee considered **CS FOR HOUSE BILL NO. 128(L&C)(efd add)**  
**HB 128 APPROVAL FOR EMPLOYMENT OF MINORS**

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

and recommends:

- be replaced with S CS CSHB 128 (FIN)
- adopt previous CS forthcoming
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Labor	7/02	22.5		#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR:	✓			
COCHAIR:	✓			

# FISCAL NOTE

REPORTED CITY

MAY 11 2 2002

LEGISLATIVE COUNCIL

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
Bill Version: CSHB 128(L&C)  
(H) Publish Date: 3/6/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
Title: Employment of Minors in Agriculture BRU: Labor Standards and Safety  
Sponsor: Representative Ogan Component: Wage and Hour  
Requester: House Labor and Commerce Component Number: 345

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	22.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>22.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	22.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>22.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 23.10.332 by eliminating some of the protective standards in the child labor law. The bill removes the pre-approval requirement for work permits and allows the employee to notify the department after employment has begun.

The department anticipates the need to draft new regulations to implement these changes, advertise and hold public hearings on regulatory changes, and revise and reprint current informational Wage and Hour posters and pamphlets.

Prepared by: Richard Mastriano, Director Phone: 269-4919  
Division: Labor Standards and Safety Date/Time: 3/5/02 2:36 PM  
Approved by: Ed Flanagan, Commissioner Date: 03/05/02  
Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

COMMITTEE COPY

SENATE FINANCE  
COMMITTEE

adopted

Amendment Number: #1

Bill Number: HB 128

Sponsor: Flusterman Date: 5/2/02

Logged In By: Mindy

22-LS0373\PA.1

Craver

5/2/02

AMENDMENT

Senator Flusterman

OFFERED IN THE SENATE

TO: CSHB 128(L&C)(efd add)

- 1 Page 2, line 16, following "minor":
- 2 Insert "before the date the minor begins working the job specified in the consent"



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 2 May 2002 TIME: 5:20 pm

TO: Legal

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please

SCS CS HB 128 (FIN)

22-LS0873 \ P.A

+ amendment: \ P.A. 1 Crater 5/2/02

\_\_\_\_\_

Thx

Mindy

\_\_\_\_\_

SENATE CS FOR CS FOR HOUSE BILL NO. 128(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES OGAN, Kohring, Hudson, Coghill, Bunde, Dyson, Rokeberg, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the required approval of the commissioner of labor and workforce  
2 development for the employment of certain minors; and providing for an effective date."

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

4 \* Section 1. AS 23.10.332 is amended to read:

5 Sec. 23.10.332. Authorization for children under 17 to work. (a) Except  
6 for employment exempted under AS 23.10.330 and other employment specifically  
7 exempted by regulations adopted by the department, a minor under 17 years of age  
8 may not be employed or allowed to work without the written authorization of the  
9 commissioner unless authorized under AS 23.10.360 or under (c) of this section.

10 (b) The department shall adopt regulations necessary to implement this  
11 section.

12 \* Sec. 2. AS 23.10.332 is amended by adding new subsections to read:

13 (c) An employer may employ a minor who is at least 14 years of age to  
14 perform a specific job consisting of listed duties without the written authorization of

1 the commissioner under (a) of this section if the employer has, in advance, secured the  
 2 approval of the commissioner for a minor to perform that job and the employer files  
 3 the written consent from the minor's parent or guardian described in (d) of this section.  
 4 The employer may not change any of the listed duties of a job to be performed by a  
 5 minor without prior approval of the commissioner.

6 (d) A written consent from a parent or guardian filed under (c) of this section

7 (1) is valid only for the job and listed duties specified on the consent;

8 (2) must be filed with the commissioner within seven calendar days  
 9 after the minor begins working the job specified in the consent;

10 (3) is valid for the calendar year in which it is executed or, in the case  
 11 of a written consent executed in December, for that calendar year, the next calendar  
 12 year, or both, depending on the terms of the written consent;

13 (4) shall be on a form provided by the department; the department may  
 14 use the same form that it uses to issue work permits under (a) of this section to secure  
 15 parental signatures under this subsection; and

16 (5) must be signed by a parent or legal guardian of the minor before  
 17 the date the minor begins working the job specified in the consent. #1

18 \* Sec. 3. AS 23.10.360(c) is amended to read:

19 (c) The department shall, after notice and hearing, adopt regulations  
 20 authorizing the employment of minors under 18 years of age and exempting  
 21 appropriate employers from the requirement to secure the commissioner's written  
 22 authorization under AS 23.10.332(a) [REPORTING REQUIREMENTS OF  
 23 AS 23.10.332].

24 \* Sec 4. This Act takes effect immediately under AS 01.10.070(c).



**Sponsor Statement for HB 128**

**Employment of Minors**

*An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors.*

A local Valley farmer informed me that there were lots of kids who wanted to work on his farm but because it took so long to get permission from the state they declined or missed a substantial part of the harvest season.

Parents were surprised to learn that granting their permission was not good enough for the state. The Commissioner of Labor had to grant his approval so that their kids could pick vegetables or gather up some hay.

In my opinion requiring the Commissioner to grant permission if parents have already signed off is not necessary.

I cannot think of a better place for young people to learn basic life lessons and come to understand the value of hard work than on a farm. How unfortunate that government has created so many barriers to those experiences with bureaucracy and senseless red tape. The result has been too much non-productive time for many of our teens. We all know what that can translate into.

With the changes made during the committee process House Bill 128 moves beyond farm labor and would allow any employer seeking to hire minors for any job, whether on a farm, in a fast-food store or at a retail shop, to apply for and obtain advance approval from the Department of Labor. The skills learned in a job will help young people later in life when a work ethic learned on the farm or in a store makes them a valued employee as an adult.

###



## REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

### House Bill 128 Talking Points

- House Bill 128 streamlines the approval process between the Department of Labor and workforce Development and employers wanting to hire minors.
- The protection of minors remains paramount with this proposal.
- Employers may secure pre-approval from the department to hire a minor, who is at least 14 years of age, to perform a specific set of job duties in advance of an actual job offer to a minor.
- The amendment benefits any employer – from farming, fishing to fast food restaurants.
- The department work permit request form, must be signed by a parent or legal guardian of the minor, and filed with the commissioner within seven calendar days after the minor begins working.
- The work permit is valid only for the job and listed duties specified on the pre-approved consent.
- The work permit is valid for the calendar year in which it is executed, in the case of a written consent executed in December; the permit can be valid through the end of the next calendar year.
- A minor cannot begin any changed or new job duties until the department approves the changes.
- This amendment does not remove the current work permit process for those employers who wish to use it.
- The department supports this legislation.



## Sectional Analysis

### CS for HB 128

**Sec. 1** Adds section (c) to AS 23.10.332(a), Authorization for children under 17 to work..

**Sec. 2** Section (c) provides that:

Prospective employers can apply to the Department of Labor (DOL) for prior approval to hire a minor for specific job descriptions.

Written consent by the parent of guardian must be filed with the department within 7 calendar days from when the minor begins work.

Once employed, any change in job duties of an employed minor requires a new approval of the revised job duties by the department before the minor can begin work under the revised job duties.

DOL preapproval of job duties is valid only for that calendar year. However, an approval issued in December is valid through the next calendar year.

Written parental or guardian consent must be on a form approved by the department.

**Sec. 3** This section amends AS 23.10.360(c), which would provide authority for the employer to preapprove certain job descriptions with DOL.

#### **Article 4. Employment of Children**

##### **AS 23.10.325. Purpose.**

It is the purpose of AS 23.10.325 - 23.10.370 to establish protective standards for child labor to the end that their health, morals, education, and future welfare will be protected during the formative years and to the further end that any abuses or unjust exploitation of this labor will be effectively prohibited.

##### **AS 23.10.330. Exempted Employment.**

(a) AS 23.10.325 - 23.10.370 do not prohibit employment of a child under the direct supervision of a parent in a business owned and operated by the parent or the work of a child on a boat owned and operated by the parent of the child.

(b) Notwithstanding AS 23.10.335 - 23.10.350, a minor of any age may be employed as a performer in the entertainment industry. The provisions of AS 23.10.335 - 23.10.350 and AS 23.10.360 (a) and 23.10.360(c) concerning times, hours, or days of work do not apply to the employment of a minor as a performer in the entertainment industry. The department may adopt regulations to implement this subsection. In this subsection, a "performer in the entertainment industry" means a performer in advertisements and television, film, radio, and theater productions but does not include employment on the premises of a business offering any form of adult entertainment under AS 23.10.350 (f) regardless of the nature of the work performed by the minor.

##### **AS 23.10.332. Authorization For Children Under 17 to Work.**

Except for employment exempted under AS 23.10.330 and other employment specifically exempted by regulations adopted by the department, a minor under 17 years of age may not be employed or allowed to work without the written authorization of the commissioner unless authorized under AS 23.10.360 . The department shall adopt regulations necessary to implement this section.

##### **AS 23.10.335. Employment of Children Under 14.**

A minor under 14 years of age may not be employed or allowed to work in an occupation outside school hours except in domestic employment, baby-sitting, and handiwork in and about private homes; newspaper delivery or sales; or canneries in warehouse work casing cans under competent supervision.

##### **AS 23.10.340. Children Under 16.**

(a) A minor under 16 years of age may not be employed for more than a combined total of nine hours school attendance and employment in one day. If employed, the minor's work may be performed only between 5 a.m. and 9 p.m. Employment outside school hours may not exceed 23 hours in one week, domestic work and baby-sitting excepted.

(b) [Repealed. Sec. 7 ch 112 SLA 1976].

**AS 23.10.345. Exemptions For Minors Over 16 or Who Have Graduated From High School.**

[Repealed, Sec. 7 Ch 112 SLA 1976].

Repealed or Renumbered

**AS 23.10.350. Employment of Person Under 18.**

(a) A minor under 18 years of age may not be employed or allowed to work

- (1) more than six days a week;
- (2) in hazardous excavation, or underground in mines, or as hoisting engineer in mines; or
- (3) in an occupation dangerous to life or limb or injurious to the health of the minor.

(b) If the commissioner determines that the duties to be performed by the minor would not unduly endanger the life, limb, or health of the minor and if the employment meets the conditions of wages and hours prevailing for the majority of the employees in the industry at the time of employment, the commissioner may grant an exemption in writing from (a) of this section for a minor 16 - 18 years of age to work at those duties

- (1) outside school hours, or while on school vacation, if the minor is attending school; or
- (2) if the minor is no longer attending school.

(c) Except as provided in (e) of this section, a person under 18 years of age who is scheduled to work for six consecutive hours or more is entitled to a break of at least 30 minutes during the course of the work shift. The break required by this subsection may be scheduled at the convenience of the employer but must occur after the first hour and a half of work and before the beginning of the last hour of work. A person under 18 years of age who works for five consecutive hours without a break is entitled to a break of at least 30 minutes before continuing to work. This subsection may be modified by the terms of a collective bargaining agreement that covers the employment of the person under 18. This subsection may be modified on occasion by mutual agreement between the employer and the employee.

(d) Notwithstanding AS 23.10.055 (11), failure to provide the unpaid break periods required by (c) of this section creates a minimum wage liability under AS 23.10.065 for the break that the employee did not receive or received late. A claim for minimum wage in lieu of the unpaid break is enforceable under AS 23.10.110 .

(e) The provisions of (c) of this section do not apply to

- (1) an individual employed in the catching, trapping, cultivating or farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(2) an individual employed by a member of the individual's family; in this paragraph, "member of the individual's family" means the individual's spouse, parent, step-parent, grandparent, step-grandparent, great grandparent, step-great grandparent, brother, sister, uncle, aunt, great-uncle, or great-aunt, whether of the whole or half blood or by adoption or by marriage.

(f) A minor under the age of 18 may not be employed or allowed to work in any capacity on the premises of a business that offers adult entertainment. In this subsection, "business that offers adult entertainment" means a business in which one or more individuals are employed or contracted to, wholly or in part, or permitted to entertain others by

(1) removing clothes or other items that clothe or hide the person's body;

(2) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;

(3) participating in an actual or simulated illegal, indecent, or lewd exhibition, act, or practice including

(A) sexual penetration;

(B) the lewd exhibition or touching of a person's genitals, anus, or breast; or

(C) bestiality.

#### **AS 23.10.355. Persons Under 21.**

A person under 21 may not be employed or allowed to sell or serve alcoholic beverages or to work on a licensed premises, except as provided in AS 04.16.049 .

#### **AS 23.10.360. Regulations For Minimum Standards and Work Opportunities.**

(a) The department may, from time to time after public notice and hearing, adopt regulations and issue orders establishing minimum standards for safety, working conditions, kind and extent of work in various phases of the respective fields of employment, maximum hours for the day and week, and minimum rates of pay, and other reasonable safeguards compatible with the welfare of all minors covered by AS 23.10.325 - 23.10.370.

(b) The department shall make cooperative arrangements with other state and federal agencies and shall adopt the regulations that are necessary to provide opportunities for work experience in safe and healthful occupations for minors.

(c) The department shall, after notice and hearing, adopt regulations authorizing the employment of minors under 18 years of age and exempting appropriate employers from the reporting requirements of AS 23.10.332.

**AS 23.10.365. Enforcement.**

The department shall enforce AS 23.10.325 - 23.10.370.

**AS 23.10.370. Penalty.**

(a) Except as provided in (b) of this section, a person who violates a provision of AS 23.10.325 - 23.10.370 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both.

(b) A person who employs a minor in violation of AS 23.10.350 (f) is guilty of a class A misdemeanor for the first offense and a class C felony for the second and each subsequent offense.

# SENATE COMMITTEE REPORT

DATE: 4/2/02

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 4/11/02

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 128(L&C)(efd add)

*HB 128 EMPLOYMENT OF MINORS IN AGRICULTURE*

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Labor	3/5/02	✓		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>W. Custer</i>	✓			
<i>Betty Davis</i>	✓			
<i>Tom D. Jensen</i>	✓			
CHAIR: <i>Tom Jensen</i>	✓			

HB 128-APPROVAL FOR EMPLOYMENT OF MINORS  
SENATE FINANCE COMMITTEE

SIGN - IN

NAME: REBECCA NAUCE GAMBE Subject/Bill No: HB128  
Co./Dept./Title: DEPT OF LABOR Phone: 465-2700  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions



HB 128-APPROVAL FOR EMPLOYMENT OF MINORS  
SENATE FINANCE COMMITTEE

SIGN - IN

✓  
NAME: Rebecca Vance Gentry Subject/Bill No: HB 128  
Co./Dept./Title: Dept. of Labor Phone: 465-2700  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify? \_\_\_Yes \_\_\_No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
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